

**PRODUCING THE LITIGANT: ADJUDICATION IN THE
NAGA HILLS, 1866-1947**

Thesis submitted to the Jawaharlal Nehru University in partial fulfilment
of the requirements for the award of the degree of

DOCTOR OF PHILOSOPHY

KHEKALI



**CENTRE FOR HISTORICAL STUDIES
SCHOOL OF SOCIAL SCIENCES
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI 110067**

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Declaration

I, Khekali hereby declare that this Thesis entitled 'Producing the Litigant: Adjudication in the Naga Hills, 1866-1947' submitted to the Centre for Historical Studies, School of Social Sciences, Jawaharlal Nehru University, in partial fulfilment of the requirements for the award of the degree of Doctor of Philosophy, has not been previously submitted for any other degree of this university or of any other university and is my original work.



Khekali

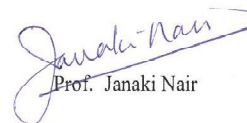
CERTIFICATE

We recommend that this thesis may be placed before the examiners for evaluation.



Prof. Vijaya Ramaswamy

(Chairperson)


CHAIRPERSON
Centre for Historical Studies
School of Social Sciences
Jawaharlal Nehru University
New Delhi - 110067, INDIA


Prof. Janaki Nair

(Supervisor)


Centre for Historical Studies
School of Social Sciences
Jawaharlal Nehru University
New Delhi - 110067, (India)

Ipu Iza

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Glossary

Akukau	Chief (Sema)
Anaqu	rice-mother (Sema)
Ang/Angh	Chief (Konyak)
Apotia	death caused by unnatural means
Barik	member of the village council who look after the guests, visitors, etc., among the Aos
Dak	letter/mail
Dao	machete
Dhan	paddy
Dobashi	interpreter
Ekyung	Chief (Lotha)
Gaonbura	village elder (man)
Genna	taboo/restriction/observance
Gurkhali	nepali
Jat	clan (Assamese word)
Kenna	see genna
Ketang	clan (Ao word)
Khang/kangs	basket made of bamboo/cane
Khel	colony/sector
Kheti	field (Assamese word)
Kohima	district headquarter of Naga Hills
Mithun	<i>bosfrontalis</i> - a semi-domesticated bovine found in North East India, Bangladesh, Burma and parts of China
Mokokchung	district sub-division
Morung	boy's dormitory
Panji	spiked bamboo
Path	1. Naga paths, traditional village paths that connected homes to fields and village to village. 2. Bridle paths were government roads made from impressed labour 3. Political path: The political path ran across Samaguting, Piphema, Nerhema, and Wokha. In 1878, Lieutenant H. Maxwell declared the path was 'sacred and dedicated to peace.'
Penna	a more serious form of <i>kenna</i>
Sepoy	army personnel
Tir	Leader (Ao)
Wokha	a sub-division for a short time before Mokokchung took over

Introduction

A litigant is a party to a lawsuit, an active party engaged in litigation who could be either a plaintiff or defendant. Litigants engage in claims or disputes which are decided legally. In litigation, any controversy must be decided upon evidence and therefore the purpose of litigation in a court of justice is to enforce a right.¹ Likewise to adjudicate is to settle the dispute through judicial authority and bring the case to a close. Adjudication has three functions; a) hearing by a court after notice, b) of legal evidence on the factual issue involved, c) contemplates that the claims of all parties have been considered and set at rest.² Whereas litigation is a process of making a civil claim in the court of law, the processes of litigation this work wishes to look at are not the formal courtroom proceedings where the Judges sits in the full regalia and pronounces verdict. The Naga Hills was brought to a regular administration in 1866 by establishing Samaguting as an outpost, with an administrative centre at Wokha from 1875. It was not until 1880 that a full-fledged permanent district headquarters was established in the Naga Hills, at Kohima after the great Anglo-Naga War 1879-80 when the Angamis were subjugated. With the establishment of Kohima as the permanent district headquarters of the Naga Hills, colonial government started to contemplate taking Naga Hills as a serious concern. The expansionist policy saw the establishment of Mokokchung as the sub-division of the district in 1890 after the subjugation of the Aos. Post 1890 saw the gradual conquest of the Semas and the neighbouring Sangtam villages. A large number of Naga communities could not be brought under colonial rule even as the colonials left the Naga soil. In all these process of colonisation, especially after the Anglo-Naga War of 1879-80, until the Totok-Chinglong expedition 1913, British policy was engaged in violent military expeditions, and thereafter establish a court of law, although the imposition of fines on the vanquished inhabitants played the part of justice.

Naga Hills was a district of the Assam Province but the High Court of Assam and its jurisdiction was never extended to the Naga Hills, for that matter to the hill districts of Assam. By the Scheduled District Act of 1874, all matters of organisation,

¹ Henry Campbell Black, *Black's law Dictionary*, St. Paul, Minn. West Publishing Co., 1891, Reprint, 1968, p. 1082.

² *Ibid.*, p. 63.

supervision, and control of all the different departments and branches of revenue and executive administration rested with the Deputy Commissioner.³

The year 1874 also saw the separation of Assam from Bengal and the consequent division of the hill districts and the valley districts of Assam by way of High Court operating in the valley districts and leaving the hill districts at the hands of the district officer, although the Province was called the Assam Province which included both hill and valley districts.⁴ By this arrangement, local village authorities were involved as chiefs, headmen, and interpreters, who became key to the functioning of the colonial governance.

How did the incorporation of village authorities into the government working system help colonial rule? What kind of negotiations and compromises did the colonial government, within the sanctity of the court, arrived at with the local authorities? What kind of litigation did it bring to the fore by the court – was it custom based or under imported laws? Under colonial rule, for those communities that were not governed by sacerdotal laws, codification of customary laws were done – why was it not the case with the Naga Hills? British were not the only one embarking on their expansionist mission there was also a very strong contender in the form of American Missionaries in the Naga Hills. What role did the American Missionaries played in the retention/breaking of customary practices of the Nagas? And most of all, how did the Nagas react to the new system of law? We shall try to understand these questions through a brief narrative based on different available sources.

‘Custom is the embodiment of those principles which have commended themselves to the national conscience as principles of truth, justice, and public utility.’⁵ Custom developed from the demand of people’s need for regulation in their daily activities. The involvement of the community in creating customary law according to T. W. Bennett and T. Vermeulen occurs on two levels. The first being that, ‘it is the simple repetition of a pattern of behaviour from which customary law springs’, and secondly,

³ Report on the Administration of the Province of Assam for the years 1874-75 and 1875-76, The Assam Secretariat Press, Shillong, 1977, para. 124, p. 56, <http://www.bodleian.ox.ac.uk/dbooks>, Aleph system no: 014660057 (hereafter Bodleian, ASN).

⁴ *Ibid.*, para. 269, p. 84.

⁵ Sir John Salmond quoted from, Brain E. McKnight ed., *Asian Studies At Hawaii: Law and the State in Traditional East Asia, Six Studies on the Sources of East Asian Law*, University of Hawaii Press, Honolulu, 1987, p. 37, Sir John Salmond is an English Legal Thinker and the author of ‘Jurisprudence, London, 1924.’

during the trial process where the case is freely debated and discussed by the people assembled to hear the matter. This articulation, the expressed will of the people, contributes to the changes and developments in their law.⁶

Thus customary practice emerges directly from relations of social interdependence in a society. Participation in communal activities, as well as the internal antagonisms were the twin processes by which individuality and community ideals were fostered. All members were called on to perform their duties – and uphold community honour and identity. The bonds forged by such performance of duties were built on naturally agreed codes of conduct and based on simple, informal and intelligible interpretation for community to understand thus making customary law a ‘universal knowledge among ordinary citizens.’⁷ Studies in Africa have shown that in customary procedure, ‘justice was popular, speedy and flexible’. Moreover, it had the advantage of being local and simple and so members of face to face groups could understand the process and participated directly in judicial proceedings.⁸

Customary procedure is viewed as community friendly because like other elements of social structure, customary practices/procedure or broadly, oral traditions were expressed cautiously and adjusted to other characteristics and changes in the society. Although there may not be accurate historical records, there is a strong memory among members of the group governed by the customary law, in ancestors’ history of ‘heroes whom a god or gods had placed on earth to conquer disorder and establish orderly human society.’⁹ This way, traditions become not of the past and forgotten, but ways of understanding historical processes and actions. It remains a non-stop

⁶ T. W. Bennett and T. Vermeulen, ‘Codification of Customary Law’, *Journal of African Law*, Vol. 24, No. 2 (Autumn, 1980), pp. 206-219, <http://www.jstor.org/stable/744883>, accessed: 07/02/2013, pp. 215-16.

⁷ A. N. Allott, ‘Native Tribunals in the Gold Coast 1844-1927. Prolegomena to a Study of Native Courts in Ghana’, *Journal of African Law*, Vol. 1, No. 3 (Autumn, 1957), pp. 163-171, accessed: 20/04/2013, p. 166. The same in terms of ‘universal knowledge about customary law’ is reflected on the Seminar Report of , ‘A one day seminar on the study and compilation of the customary laws of the Pochury Nagas with special reference to their land holding system’, where it states, ‘The villagers know the village boundaries very well which are traditionally demarcated by rivers, valleys, mountain range etc., land holding system is passed down through oral tradition and the area demarcation is virtually shown to the succeeding generation.’ Presented by, Athungo Ovung, Law Research Institute, Gauhati High Court, Meluri, 26 April 2005.

⁸ Robert A. Bush, ‘Modern Roles for Customary Justice: Integration of Civil Procedure in African Courts’, *Stanford Law Review*, Vol. 26, No. 5 (May, 1974), pp. 1123-1159, accessed on 07/02/2013, p. 1125.

⁹ Thomas Spear, ‘Oral Traditions: Whose History?’, *The Journal of Pacific History*, Vol. 16, No. 3 (Jul., 1981), pp. 133-148, Accessed: 07/02/2013, p. 134.

‘reinterpretation’ of what has been said in the past without losing its meaning and takes on existing norms generated by the collective response of the people.¹⁰ This direct participation in the interpretation and reinterpretation of custom in community life reinforces the interdependence between members of the group/society.

The colonial reliance on customary law was intimately linked to the notion of indirect rule. The assertion that customary law was shaped by colonial powers does not suggest that the pre-colonial societies had no traditions, practices and structures of authority. Colonial powers searched for specific locations of traditional power to buttress and ally with. For instance the chief was identified and recognized and endowed with despotic power in Africa, and was recognized as the single source and enforcer of customary law,¹¹ because the colonial authorities believed that ‘the heathen clan or tribe... can never move forward in mass order towards higher civilisation and the freedom of the individual.’¹² The colonial regimes’ interest in inquiring into the indigenous past was to disavow it or reshape it since it was problematic, unnecessary or potentially troublesome. Informal laws needed reconstruction because they could clash with imperial authority’s agendas and needed to be brought into alignment with ideas of the rule of law. Informal law here became that of ‘primitive’ or ‘savage’ peoples, a practice that was ‘qualitatively and temporally distinct from European people.’¹³ This categorisation was derived from evolutionary ideas dominant in the nineteenth and early twentieth centuries which were centered on the village community and supported by the functional school of anthropology.

Locating natives as ‘primitive’ or ‘savage’ societies in the present was only to separate them by time and to relocate them as survivals from a past. According to an emerging colonial scale, ‘the primitive in the present thus represented the lowest point in a comparative taxonomy of which European civilization represented the summit.’¹⁴ Another major yardstick that nineteenth and early twentieth century Europeans used

¹⁰ *Ibid*, p. 137.

¹¹ Julio Faundez, ed., *Law and Development: Critical Concepts in Law*, Volume 1, Routledge, New York, 2012, p. 12.

¹² Lord Lugard, ‘Colonial Administration’, *Economica*, No. 41 (Aug., 1933), pp. 248-263, accessed: 01/02/2013, p. 259.

¹³ H. Patrick Glenn, ‘The Capture, Reconstruction and Marginalisation of “Custom”’, in Julio Faundez, ed., *Law and Development: Critical Concepts in Law*, Volume 2, Routledge, New York, 2012, p.153.

¹⁴ Ajay Skaria, ‘Shades of Wildness Tribe, Caste, and Gender in Western India’, *The Journal of Asian Studies*, Vol. 56, No. 3 (Aug., 1997), pp. 726-745, accessed: 03/08/2010, p. 729.

to judge and rank societies was the question of literacy. Societies were ranked on the basis of 'how advanced a society was, or what its relationship with the time of modernity was the existence of literacy and writing.'¹⁵ When writing was introduced in the Naga Hills, Reverend Perriene reported, 'we have laid special stress on writing and the results have been pleasing, we procured some American copybooks with very simple plain round letters... a raw Naga at first knows no more than the modus operandi of writing than does the pencil he tries to hold in his dirty clumsy fingers.'¹⁶ The equivalent attitude can be found in the colonial characterisation of African natives as 'vicious': the viciousness was blamed on the absence of 'written or codified' law and also because the advent of colonial advent that 'hastened evolution [of Africans] unduly.'¹⁷

Karuna Mantena has vividly pointed out that in India after the 1857 rebellion there was a change in the colonial administration stance, 'to curtail the transformative ambition implied in the civilizing mission and reconstitute the imperial order on a more conservative basis, in line with the "traditional" imperatives of native society.' The new perspective of assessing the natives was distinct from the previous characterizing them as 'irredeemably savage' or 'child like figures' who were willing to be talked into education, conversion, and easily adaptable to things taught. In contrast, the native after the revolt was understood as deeply fastened to custom, who could only be won over by defending the traditional values of native society. Henry Maine's work of 'conceptualization of the Indian village-community' was considered to have laid methodological foundations - a contribution to ethnographic knowledge which established a distinct and important account of native society.¹⁸ The recognition of village communities and their institutions came to be known as '*indirect rule* - the rule through native institutions.'

According to the new colonial rulers, India held the keys to the past of Europe itself and they had the chance to observe for themselves the events that had shaped the historical transitions in Europe: 'the transition from *mark* to manor, from lordship to

¹⁵ *Ibid*, p. 731.

¹⁶ Karen Sema, 'Evangelization of Education in the Naga Hills 1895-1940', MPhil Dissertation, Jawaharlal Nehru University (hereafter JNU), New Delhi, 2003, pp. 43-44.

¹⁷ Martin Chanock, *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia*, Cambridge University Press, Melbourne, 1985, p. 78.

¹⁸ Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism*, Permanent Black, Ranikhet, 2010, p. 5.

kingship, from communal to private property, from custom to law, or, in Henry Maine's famous phrase, from status to contract.'¹⁹ Maine's concept of the village community and the increasing threat that modern imperial rule posed to it as another side or facet of colonial rule, as protecting and reviving the threatened native institution from the traumatic impact of modernity. Maine's new approach to the native institutions provided 'the intellectual grounds for the consolidation of a distinctive pattern of rule,' which resulted in the increasing expansion of European empires throughout the nineteenth century.²⁰

Indirect rule came to function as ideology in a more classic sense, as a way to conceal and justify the consolidation of imperial power. Thus, *indirect rule* became the foundational principle of late imperial administration and philosophy in Asia and Africa, expressed in different forms; Frank Swettenham's vision for Malaya, and, most importantly Frederick Lugard's account of the Dual Mandate for tropical Africa²¹ which held that 'civilised' peoples had the obligation to develop the resources of backward areas as well as to protect their indigenous inhabitants. Frederick Lugard's ferocity in taking imperial rule forward in Africa was shown in the way he urged officials and students alike about the need for knowledge of native customary law, economic organisation, land tenure and religion, and the effect on African communities as they came in contact with alien races. He urged them to understand the dynamics of native labour, taxation, and most importantly, the system, policy and methods adopted in regard to native education.²²

Implementation of indirect rule varied in different colonized regions. In India, the 'Residents' who were members of the Indian Political Service and who were responsible to report to the Government of India's Political Department, were assigned as 'advisers' to the princely states that covered a third of the Indian Empire. Malaya was modeled after the Indian princely states' 'Residents' system in the

¹⁹ John W. Cell, 'Colonial Rule' in Julio Faundez, ed., *Law and Development: Critical Concepts in Law*, Volume 1, Routledge, New York, 2012, p. 59.

²⁰ Mantena, *Alibis of Empire*, p. 7.

²¹ *Ibid.*

²² Lugard, 'Colonial Administration', p. 256.

sultan's courts. In Africa, the closest to the Malaya system was in the kingdoms of Buganda and Bunyoro in the East African Protectorate of Uganda.²³

The fundamental reason for British colonialism was economic exploitation and revenue collection was therefore an utmost priority. As a result, attempts were made to create administrative systems which would serve these ends. The colonial officials created compact villages, appointed chiefs and village headmen, used interpreters, and made alliances with the landlords. With colonialism, the traditional system changed to 'officially appointing' a chief/headman. In Africa, a 'chief' means an African appointed to exercise control over a tribe as chief, i.e., an appointed administrator.²⁴ In the Naga Hills, the 'mandatory election of a Headman of a village' was instituted after the attack of the British stockade at Kohima in 1879.²⁵ Traditionally, a Naga village was under two kinds of control, the system of hereditary chieftainship or a council of village elders who managed the village affairs as in other parts of what is today known as North East India, as well as in other tribal areas.²⁶ Similarly, recasting the existing leadership of the peasant community for economic as well as strategic support was tried with success elsewhere, as seen from the colonial reports that sought the help of the Chaudhris in Punjab to strengthen colonial rule. The anxiety of obtaining the support of the Chaudhris was clear when the Commissioner of the Lahore Division wrote in 1858, '...to a government of foreigners such as our own, such men are invaluable both in war and peace, for they are the means of

²³ Cell, 'Colonial Rule', p. 56.

²⁴ Robert B. Seidman, 'How a Bill Became a Law in Zimbabwe: On the Problem of Transforming the Colonial State, Customary', *Journal of the International African Institute*, Vol. 52, No. 3, Past and Present in Zimbabwe (1982), pp. 56-76, accessed: 01/02/2013, p. 57.

²⁵ Foreign Department, Political, A, August, Nos. 616/40, 1881, National Archive of India (hereafter NAI).

²⁶ K. S. Singh, ed., *Tribal Ethnography: Customary Law and Change*, Concept Publishing Company, New Delhi, 1993. Juang and Bathudi tribes in Orissa had a headman called *Sardar*, and a village council and caste council called *jati sabha* respectively, and Jatapu tribes had both *gram panchayat*, at village level and *mandali panchayat* at regional level. The head of the *gram panchayat* and the elders of the village look after petty cases and litigations, p. 60. In Madhya Pradesh in the district of Bastar the Dhurwa, who were previously known as Parja, had a traditional tribal council termed *panchayat* headed by the hereditary *setia* or *naik*, p. 195-6. In Andhra Pradesh, the Koya community organisation was called *kulam panchayat*, p. 220, Bagata community functioned under village council, p. 220, Yerkula community had village council called *kula*, and Sugali community had a chief called *naik* along with the village council called *gor*, p. 221. In Karnataka, the Malai Kudi village had a headman, p. 220, Kadar in Kerala had a headman called *mooppan*, p. 219.

communication and explanation to their more ignorant brethren, and they are repositories of all local traditions and local statistics.²⁷

The British customarily exaggerated their ‘manliness’ and specific forms of masculinity were discussed and identified among the people whom they had already conquered. Interest in exploration, feats that displayed bravery, a clear separation and distinction between males and females, associational cultures of men, through clubs, school and family relationships, were traits the colonial officials identified as appropriately masculine. The Nagas were considered as enjoying a patriarchal culture which shared some masculine attributes with the British, and were therefore admired.²⁸ Patriarchy was therefore reaffirmed in Naga Hills when the magistrate court gave orders endorsing the Father or Brother as guardian of a daughter/sister,²⁹ despite the fact that women found an outlet in the colonial court to settle their disputes although not always favourable.

Colonial courts passed judgments restricting women’s rights showing that women’s status was slowly beginning to be defined through ‘deliberately induced changes in customary law’ which Bruce L. Benson explains as, ‘a manner which is very analogous to one particular type of collective decision, that is, consensus rule.’³⁰ In Native Authority Courts, ‘women were perpetual minors... there is always an “owner of the woman”, whether it be the father, or mother’s brother, or husband.’ In Zambia and Malawi, apart from the British courts, the uneasiness of the Church is clearly projected by Bishop Weston when he wrote in 1910, ‘the most pressing problem... is that of the women and girls. An ideal of Christian womanhood is the overwhelming need of our young Church at present, and we must win it in the face of tribal custom, unholy rites, semi-Muhammeden influence and natural apathy.’³¹

²⁷ Neeladri Bhattacharya, ‘Agrarian Change in Punjab, 1880-1940’, PhD Thesis, JNU, New Delhi. 1985, p. 40.

²⁸ Andrew West, ‘Writing the Naga: A British Officers’ Ethnographic Tradition, History and Anthropology’, 1994, Vol, 8, Nos. 1-4, pp. 55-88, Harwood Academic Publishers GmbH, Malaysia, 1994, p. 82.

²⁹ *Longkhum Gaonburas v Yaphankala, Nariphola, Tsechonmola all from Longkhum*, dated, 4 March 1933. See Chapter 4.

³⁰ Bruce L. Benson, ‘An Evolutionary Contractarian View of Primitive Law: The Institutions and Incentives Arising Under Customary Indian Law’, *The Review of Austrian Economics*, Vol. 5, No. 1(1991): 41-65, p. 47.

³¹ Chanock, *Law, Custom and Social Order*, p. 150.

Unlike many other parts of India, where there was a move towards a formal codification of custom, there appears to have been no such effort in the Naga Hills. Among the Nagas, an important feature of the traditional law was the observance of the *gennas*.³² In her book *Customary Law and Women*, Adino Vitso has elaborately talked about the traditional society of the Nagas where custom ruled in the absence of written or scriptural law. Observance of *genna* was a pivotal duty that no one could evade. Those who violated the *genna* were ostracized from the village for a particular period of time and even faced the wrath of the supernatural being in the form of sickness for the wrong doer or natural calamities for the whole village according to the gravity of offence committed.³³ Milton Katz traced the development of the *kenna* and *penna*, which later came to be ordinarily called *Genna* by English writers, to the people inhabiting south eastern Asia who spoke the languages of the Mon-Khmer stock. Katz indicated that, people in the borderland between China, Tibet, and Burma, drove down in the western half of the peninsula, which consisted of the ancestral Burmese, Meitei, Naga, Chin and Lushai-Kuki, and Karen. These groups of people settled among the Mon-Khmer, scattered, suppressed, and absorbed the local inhabitants and took over *Kenna* and *Penna* practices and developed it further. *Kenna* and *penna* was thus developed to a point where it fitted properly into a religious culture that centered in the celebration of an annual cycle of festivals. However, the Burmese and the Meiteis lost the *kenna* and *penna* culture to Buddhism and Hinduism respectively. But among the remaining groups it grew to reach its highest intensity, especially in the area south of Mount Japvo where the Mao-Memi inhabit, and where the Angami came.³⁴ The role of *genna* playing the biding force in everyday life of the Naga is the evidence of how highly *genna* had been developed.

There was an attempt by the British not only to penetrate the area through a knowledge of customs, but also through the collection of material artifacts, as enduring signs of a culture which could be understood in solitary study and contemplation. What Pitt Rivers was lamenting in 'the death of every old man brings

³² *Genna* is generally understood as taboo/forbidden.

³³ Adino Vitso, *Customary Law and Women: The Chakhesang Nagas*, Regency Publications, Delhi, 2003, p. 31.

³⁴ Milton Katz, 'Genna in Southeastern Asia', *American Anthropologist, New Series*, Vol. 30, No. 4 (Oct. - Dec., 1928), pp. 580-601, p. 591.

with the loss of knowledge never to be replaced'³⁵ seemed to be salvaged in the Naga Hills. There are known to be well over 12000 Naga artifacts in Britain alone.³⁶ Each aspect of life became of intrinsic interest to the British and it resulted in the collection of a wide range of objects. It was the government that often financed the anthropologist as it was crucial to the colonial government's ability to rule. 'British universities traditionally rewarded the pure scholar rather than the technician, and they recognized the priorities of the scholars, and took the longer view that it would benefit the British to have a store of knowledge, and a body of teachers, who could help perhaps one day in refining policy.'³⁷ In the Naga Hills it was the administrators who took to writing, reports, notes, sketches, photographs, film, and collecting the objects. It is true that these activities enabled Nagas to be known in academic discussion in England, but one should not simply take the gesture to be of benevolence - there was a prospect of a prestigious career back in Britain after their retirement in the Hills

The colonial administration viewed the Hills as a boundary and as a frontier, but the lack of commercial possibilities made a large British presence economically unprofitable, and possibly British colonial officers posted were also seen as 'peripheral just like the Hills were considered on the edge of the empire.'³⁸ A letter to Major General James Johnstone would give a clear picture of what the colonial official posted to Naga Hills was thought of. The letter read: 'Don't be too disappointed at not receiving a better appointment than the Naga Hills. You will have plenty of good work to do, and you will increase your already very extensive knowledge of wild tribes.'³⁹ There was anxiety about the fact that a career in the area may not allow them in to reenter the mainstream of official life like most officers in other parts of India. One advantage the officials had in the Hills was that they were able to perform official duties as well as pursue anthropological/ethnographical labours within the limits of governmental rules. There was the dilemma that if one

³⁵ Adam Kuper, *'Anthropologists and Anthropology; The British School 1922-1972'*, Allen Lane The Penguin Press, UK, 1973, p. 18. Here is a full quote of Pitt Rivers, 'In many parts of the world', Rivers wrote in 1913, 'the death of every old man brings with the loss of knowledge never to be replaced.'

³⁶ Alan Macfarlane and Mark Turin, *The Digitization of Naga Collection in the West and the Return Culture*, p. 370, http://www.alanmacfarlane.com/FILES/Digitization_Naga_collections.pdf

³⁷ Kuper, *'Anthropologist and Anthropology'*, p. 139.

³⁸ Andrew West, 'Writing the Naga: A British Officers' Ethnographic Tradition', *History and Anthropology*, Harwood Academic Publishers GmbH, Vol, 8, Nos. 1-4, pp, 55-88, p. 59.

³⁹ James Johnstone, *Manipur and the Naga Hills*, Gyan Publishing House, New Delhi, 2002, p. 33. A letter written to Johnstone by an old friend called Wynne, then Acting Foreign Secretary.

wished to develop a career the officers needed to move away after a short period of service in the Naga Hills, but, if the officers prolonged their stay in the Naga Hills then the, 'consolation seemed to be that they were able to pursue ethnographic studies'⁴⁰ which was also about identifying the people, their villages and the regions thereby expanding the area of British understanding and control which was the underlying purpose of the imperial mission. Ethnographic studies made in a short period of time by the colonial officials in the Naga Hills were an important academic contribution in Britain⁴¹ and also for the Nagas because written tradition about them had then begun.

Equally crucial to the Naga Hills at this time was the arrival of the American Baptist Missionaries in the Naga Hills. In 1838, Miles Bronson visited a Namsang village, the first missionary to visit a Naga Village. However, on health grounds he had to abandon the place in 1839 only to return in 1840 but ill health forced him to leave for the second time in 1841. Bronson could not do much but what he worked for did not go in vain. In 1852, Reverend S. M. Whitting, had given Baptism to a man from Merangkong village of the Ao community at Sibsagar.⁴² By the 1860s the British officials were debating about the feasibility of bringing Naga Hills under direct administration, because they thought American Baptist Missionaries were already quite successful in their effort to befriend the Nagas. Till 1852 the conversion statistic of the Nagas was one person, who went to Sibsagar to get Baptism because there was no Christian centre in the Naga Hills. Therefore, taking the Missionaries as one of the major threat to re-occupy Naga Hills was either an excuse to subjugate the Nagas or the strategy of the missionaries were posing a challenge to the British. Also, British policy was based on revenue returns and hence saw so little coming from the Naga hills, the government felt hesitant to put forth an established administration policy in the Naga Hills. On the other hand, the American Baptist Missionary system had a different working idea, as Sidney Rievernburg, a missionary in the Naga Hills wrote, 'When I go out to preach, a scripture portion, hymn book, pills, quinine, chloroform and

⁴⁰ West, 'Writing the Naga', p. 59.

⁴¹ *Ibid.*, p. 77. Professor J. H. Hutton, 1914-1935, Professor Christoph von Fürer-Haimendorf, 1936-37, Reader J. P. Mills, 1918-1937, and Museum Curator W. G. Archer, 1947-48.

⁴² Ketholenuo Mepfhu-o, 'Body, Mind and Soul: Missionary Intervention in the Naga Hills', MPhil Dissertation, Delhi, JNU, 2011, pp. 10-11.

painkiller are my weapons of warfare.’⁴³ There was a striking difference between missionaries and the colonial officers in the colonial bureaucracy. Missionary activities thus generated a situation to hasten the occupation of Samaguting in 1866, which they established as an outpost until March 1851, but abandoned after they adopted the non-intervention policy in the Naga Hills. The significant differences that lasted as long as the imperial rule in the Naga Hills between the American Baptist Missionaries and the British is evident from many cases that reads, *Ancient v the Christians* or the *heathens v converts* lodged in the colonial courts in the Naga Hills.

The British identified the Nagas as people who practised animism as opposed to caste-Hindu and Islamic practices and finding the social structure starkly different became very vocal about Naga society being an egalitarian society. Colonial writers like Colonel R. G. Woodthorpe emphasised, ‘In fact, women’s rights are fully recognized’, while Hutton opined that ‘women are a very strong folk’ before admitting to the fact that Naga women had ‘low legal status.’⁴⁴ Christoph von Furer-Haimendorf went a step further and wrote in 1930s wrote about Naga women’s ‘high status and their free and happy life.’⁴⁵ Curiously, ‘most of the missionaries agreed that there was no degradation of women amongst the Nagas.’⁴⁶ The postcolonial period continued to replicate the colonial and missionaries assumptions of an equal Naga society with bureaucrats like B. P. Singh, writing; ‘...they have shown a tremendous love for freedom... men and women are accorded equal rights.’⁴⁷ And ironically researchers even in present times believed that, ‘The Naga society is casteless and classless. It has a marked sense of equality based on community participation irrespective of gender.’⁴⁸ While Naga men who enjoyed exclusive privileges and the British Victorian value driven men met it compounded into an all male sociability, in other words, women’s rights and equality was not as important as being a good wife and a mother. However, the complexity of placing Naga women enjoying equal rights with men was also to do with the Victorian idea of masculinity that wanted to project

⁴³ Richard M. Eaton, ‘Conversion to Christianity among the Nagas, 1876-1971’, *The Indian Economic and Social Review*, 21, 1, Jan-Mar 1984, Vol XXI, p. 31.

⁴⁴ ‘The Naga Tribes’, *The Times of India* (1861-current); Dec 28, 1921, ProQuest Historical Newspapers: The Times of India (1838-2001), pg. 11, accessed, JNU, February 2011.

⁴⁵ Quoted from U. A. Shimray’s, Equality as Tradition: Women’s Role in Naga Society’, *Economic and Political Weekly*, Vol. 37, No. 5, Money, Banking and Finance (Feb. 2-8, 2002), pp. 375-377, p. 376.

⁴⁶ Mepfhu-o, ‘Body, Mind and Soul’, p. 13.

⁴⁷ B. P. Singh, North-East India: Demography, Culture and Identity Crisis-, *Modern Asian Studies*, Vol. 21, No. 2 (1987), pp. 257-282, p. 258.

⁴⁸ Shimray, ‘Equality as Tradition’, p. 376.

the image of protecting and uplifting women's position. Naga women recognised this space and sought the help of the colonial court although the court rulings were not always favourable to them. Women taking their case to court also saw the colonial court reprimanding the Naga men in many cases. In fact, knowledge about the position/life of a Naga women are revealed the most, or rather more objectively, in the cases 'Case Records' which exceed other literary writings of the late nineteenth and twentieth centuries.

One very important matter regarding the court proceeding was the language: the *dobashis* were people who spoke Assamese which means the litigants spoke their tongue and the *dobashis* interpreted to the magistrate in Assamese, but, the case recordings are in English. The government made it compulsory for the colonial officials to learn the local languages but, ironically, it was never used as the medium of communication for schools neither did it became the court's language the obvious intention of depriving the local inhabitants to learn English even though they were subjected to an English rule. In the posthumously published paper of Guybon Henry Damant, the then Political Officer of the Naga Hills, identified the Angamis as 'the most important tribe, as they are not only the most numerous, but the most warlike and enterprising then any of the Naga tribes.' This was followed by classifying: a) the Lothas, whose country was well explored and hence the British was fairly acquainted with, b) the limited knowledge about the Semas and the Hatigoria (Aos) whose language the British knew nothing of although some European officers had visited parts of these regions, c) the Eastern Nagas where the 'greatest confusion exists' owing to the multiplicity of tribes, where each community spoke different dialects.⁴⁹ Damant believed that the numerous dialects were 'undoubtedly arisen from the isolation, in which each community is forced to dwell.' He was persistent in his argument that inter-village war made no Naga of these parts dare leave his tribe or territory for fear of his life. On the progress of the British intervention and the possibility of the replacing the dialect of these tribes dwelling in the 'small villages' in Eastern part of Naga Hills, Damant wrote:

no Naga of these parts dare leave the territory of his tribe without the probability, that his life will be the penalty, while the inner tribes look down longingly on the plains of

⁴⁹ G. H. Damant, 'Notes on the Locality and Population of the Tribes Dwelling between the Brahmaputra and Ningthi Rivers', *The Journal of the Royal Asiatic Society of Great Britain and Ireland*, New Series, Vol. 12, No. 2 (Apr., 1880), pp. 228-258, <http://www.jstor.org/stable/25196848>, accessed: 20-10-2015 14:36 UTC, p. 229.

Assam, where they would fain go to trade, but are kept back by a narrow line of villages hostile to them, and which they dare not cross. However, these feuds and murders have been effectually stopped by the interference of the British Government, a work which is now in progress, these insignificant dialects must disappear and be replaced either by Assamese or the language of one of the stronger tribes.⁵⁰

The confidence exuded by Damant must be understood by the fact that the British had to give up the ambition of capturing Naga Hills after 10 military expeditions. These expeditions were from the time they encountered the Nagas in 1832 to 1850 when they declared the non-intervention policy in the Naga Hills and because of strategic concerns had to re-occupy Samaguting in 1866 (See chapter 1). And Damant being the first Political Officer to have taken charge of Kohima as the district headquarter in November 1878, ready at the helm to take down the tribe that was the thorn in the flesh of the British power had the tendency to go a little overboard. The declaration that Angamis were the most important tribe and suggesting the possibility of the death of a dialect of the tribes he had not come in contact with speaks of what Captain James Johnstone, the Political Agent of Manipur, called of Damant as an earnest bright young officer with insufficient experience with the 'wild tribes.'⁵¹

Surely, the conquest of the Angamis in 1879-80, was the beginning of the conquest of the remaining Naga tribes that lived beyond the Angami country. It must be recalled that in 1875, an administrative headquarters was opened at Wokha, followed by retaining Kohima as the permanent district headquarters in 1881 and the moving of administrative headquarters from Wokha to Mokokchung in 1890. When the first monograph on the Angami Nagas by Hutton in 1915 was ready for publication but had to be put on hold because of World War 1,⁵² he had established a vast knowledge of various Naga communities and surely no community dialect was replaced by Assamese or any other strong tribe as Damant would have suggested. Instead the colonial power was strengthened by learning and writing about these hitherto unknown tribes thus producing a body of colonial literature that became the force behind the imperial invasion of the Naga Hills.

⁵⁰ *Ibid.*, p. 230.

⁵¹ J. Johnstone, 'The siege of Kohima' in Verrier Elwin ed., *The Nagas in the Nineteenth Century*, OUP, Bombay, 1969, pp. 554-55.

⁵² J. H. Hutton, *The Angami Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1921, Reprint, 2003, Preface, p. X.

In fact the attempt to get detailed information about the Nagas was predicated on knowledge on Naga languages and rewards were sanctioned for officers who learned these local tongues. It was way back in 1878 that allowances for learning Angami and Lotha Naga languages were sanctioned.⁵³ In 1885, the Kachha Naga (Zeliang) and Sema languages were added to the list of languages for which rewards could be obtained. By 1886, McCabe, Deputy Commissioner, Naga Hills was already granted an honorarium of Rs. 1000/- for writing a grammar of the Angami Naga language.⁵⁴ Damant was right in talking about the numerous Naga languages, because in spite of these government allowances, the language was a great problem which was led to administrative inefficiency. Language remained a barrier, especially in the villages across the Dikhu since, 'every third or fourth village have a language or dialect of their own.'⁵⁵ In 1907, to encourage more officers to learn frontier languages, revised rules gave a reward of rupees five hundred to any member of the Indian Civil Service whether European or Native, who passed the language that was spoken in the locality of their employment.⁵⁶ Language remained a problem throughout the period of British rule. In the annual report of 1916-17, the official said that, 'much assistance was given by a number of trans-frontier chiefs, and more volunteers (labour corps) might have been had from them but for the difficulty.'⁵⁷

It is true that the colonial policy and the missionaries entered Naga Hills with a different mission in mind. However, knowing the local inhabits intimately was what both tried to do and hence learning the local languages remained an essential requirement. In the case of the missionaries, as early as 1840, Bronson who by then had visited the Nagas for the second time had prepared a spelling book and a catechism in the Naga language.⁵⁸

⁵³ From the Chief Commissioner, Assam, dated, The 9th January 1889, Foreign Department, External, A, January, Nos. 76-88, 1889, Diary No. 37. In 1885, along with the Kachha Naga and Sema, the Kuki and Manipuri languages were added to the list of languages for which rewards could be gained. Angami and Lotha Naga were sanctioned by Government of India on 21 May 1878, NAI.

⁵⁴ Foreign Department, External, A, July, Nos. 69-70, 1886, NAI. Language remained a problem throughout the period of British rule. In the annual report of 1916-17, the official said that, 'much assistance was given by a number of trans-frontier chiefs, and more volunteers might have been had from them but for the difficulty', Annual Report on the Frontier Tribes of Assam for the year 1916-17, p. 3, para. 6, NAI.

⁵⁵ Foreign Department, External, A, May, Nos. 209-212, 1889, No. 210, p. 4, para. 8, NAI.

⁵⁶ Foreign Department, General, B, September, Nos. 116-127, 1907, Enclosure No. 124, NAI.

⁵⁷ Annual Report on the Frontier Tribes of Assam for the year 1916-17, p. 3, para. 6, NAI.

⁵⁸ Mepfhu-o, 'Body, Mind and Soul', p. 10.

Several steps were undertaken by the colonial government in order to bring the Nagas to submission. Side by side with indentifying the patriarchal practices of the Naga, where all policies and decisions were made by men, learning the language of the local inhabitant became very important for the officers. Efforts were made to learn the local language to meet the requirements, but it never was used as the medium of communication for schools neither did it become the court's language although the cases in the court were all recorded in English.

Local language was taught in schools with arithmetic being one major subject of concern. English was not taught as a subject, even though they were subjected to an English rule. The colonial government could have taught Assamese, even if they consider English to be out of reach, to students as an additional subject because the criteria for becoming a *dobashi* was knowing Assamese, but to teach the basics of maths and mother tongue only speaks of teaching the student to be a minimum wage earner who would be able to count his wage and not be fooled by the contractors. This can be analysed, for example, in Longsa, the Deputy Commissioner found out that both Ao (Longsa) and Sema (Sapotimi) students attended the same school and each was reading in their own language.⁵⁹ Whereas when Moiling applied for a school, the Deputy Commissioner was of the opinion that Moiling wanted to learn Assamese in preference to any other language, but the Deputy Commissioner would not have it and insisted in letting the students learn their own language, the Lotha language. The problem of denying the students of learning Assamese is also seen when a teacher is referred to as 'Pandit' which was Assamese language itself.⁶⁰ On one occasion, the Deputy Commissioner was inspecting a school in one Lotha village and in his own words, 'the School, started about five years ago, which without yet being able to read and write in Lhota is clamouring to learn English.'⁶¹ Contrary to the above instances, at Khezami, one of the *Goanbura* asked the Deputy Commissioner if they could learn their own language, 'the Khezami tongue and make school books in Khezami instead

⁵⁹ Tour Diary of J. H. Hutton, Esq., ICS, Deputy Commissioner, Naga Hills, for the months of June, July and August 1918, dated, 27 July 1918, camp: Longsa, Pitt Rivers Museum, Oxford, UK (hereafter PRM).

⁶⁰ *Ibid.*, during the month of April, 1921, dated, 8 April 1921, camp: Khorogha.

⁶¹ *Ibid.*, during the months of January and February, 1922, dated, 3 February 1922, camp: Phiro.

of Angami', which was not granted.⁶² All these examples show an uneven education system that prevailed in the Naga Hills.

On reflection, one can see that a mixed system of law and custom was working together in the Naga Hills. Firstly, indirect rule 'supposedly' lets the tribes alone by not interfering in their internal habits. As a Government order read, 'All disputes regarding rights in land, channel, canal, bridge, &c., and all questions of inheritance, were decided by the Deputy Commissioner as far as the general principles of equity permit *in accordance with Naga laws and customs* [emphasised]...experience has proved that this is the only system by which a satisfactory termination to disputes can be effected.'⁶³ Secondly, continuous ethnographic studies were undertaken alongside official tours and expeditions that the officer in-charge frequently made. These official tours and expeditions were overseen by the administrator-cum-ethnographer at work in one body, as one who settles disputes, inflicts punishment, imposes colonial rules and observes and inquires into the life style of the people he encountered. Thirdly, the American Baptist Missionaries and the change they introduced - separating the village communities into the ancient ones and the convert *khels* (colony/block), or old and new villages further altered the space for the operation of custom. Fourthly, by 'officially appointing' the village headman and 'recognizing' the chiefs⁶⁴, the colonial regime took away the traditional authority these personalities wielded over their community. The chiefs and village elders who were once the ones who held trials and dispensed justice were now seeking justice in the magistrate courts for their rights and privileges. Fifthly, the colonial court imbibing indigenous traditions and customs in their court ruling and pronouncing it back to the people.

The British authority believed that in India 'religion rather than economics or politics, was considered the prime mover of Indian society throughout history.'⁶⁵ Pundits and *maulvis* were appointed to assist the collectors/judges by the Supreme Court which gradually saw them being attached to the lower courts by the Code of 1793. In an effort to involve religious influence over their subjects more effectively, the British by

⁶² *Ibid.*, dated, 27 January 1923, camp: Khezakenoma.

⁶³ Foreign Department, External, A, September, 1885, Nos. 36-38, NAI.

⁶⁴ Sema, *British Policy and Administration in Nagaland 1881-1947*, Scholar Publishing House, New Delhi, 1991, p. 31.

⁶⁵ Janaki Nair, 'Women and Law in colonial India: Social History', Kali for Women, New Delhi, 1996, p. 21.

the Act of Settlement of 1781 made a provision relating to customary laws that accommodated Hindu and Muslim law on matters of “succession, inheritance, marriage, caste and all religious usages and institutions” which was applicable only to *mofussil* courts earlier, was extended to the Supreme Court of Bengal. By 1864 the British felt confident enough to handle Indian laws by themselves without the assistance of the pundits and *maulvis*, and therefore they were dismissed from the courts.⁶⁶ With the removal of the pundits and *maulvis* a new system of inquiry into Indian tradition commenced. From the pundits it moved to the village elders. In Punjab, village headmen and elders were now seen as ‘the custodians of village wisdom’, the ‘repositories of local knowledge.’⁶⁷ There were many agricultural tribes in Punjab who did not practice the rules of Hindu and Muhammadan Law with regard to inheritance and other matters. A judiciary was organised under the Chief Court in 1866 and all important judgments began to be published in the Punjab Record. Although Punjab was brought into regular province only in 1859, by 1880 ‘A Digest of Civil Law for the Punjab chiefly based on the Customary Law’ was published.⁶⁸

On a comparative note, while the administrators in the Naga Hills served as Magistrates from the time they arrived to the time they left,⁶⁹ there is no evidence that the British government had an intention to codify customary laws of the Nagas. The evidence that there is no precedent cases cited in the Deputy Commissioners and Sub-divisional Officers verdicts in spite of hundreds of cases tried and settled, and at the same time, the very fact that they were giving verdicts citing ‘according to custom’, interprets custom as something inherent that could not be taken for granted, but at the same time it looks like the imperial rule was taking a chance to see what turn it will take in the long run. The case verdict, ‘It was impossible to divide the disputed land without sowing the seeds of many future disputes,’⁷⁰ only stands out as a glaring

⁶⁶ *Ibid.*, p. 24.

⁶⁷ Neeladhri Bhattacharya, ‘Remaking Custom: The Discourses and Practice of Colonial Codification,’ in R. Champalakhsmi, S. Gopal, eds., *Traditions, Dissent and Ideology: Essays in Honour of Romila Thapar*, Oxford University Press, New Delhi, 1996, pp. 20-51, p. 30.

⁶⁸ <http://punjabrevenue.nic.in/cust1.htm>, ADDENDA, (1).

⁶⁹ W. G. Archer, who was deeply engaged in ethnographical work was still in active service of the government, serving as the Sub-divisional Officer in Mokokchung district in the Naga Hills when India got independence from the British rule in 1947.

⁷⁰ *Nangpungshang of Muger and his clan v Pandangkemba of Susu*, dated, 20 July 1918, Case Records, NSA.

example to the statement. Perhaps, past experiences in parts of India made the British realize that, ‘Codification was also a process of silencing and erasure.’⁷¹

Codification need not be the only way to understand custom. There is also judge made law which also speaks for and on behalf of upholding custom. The whole process of this discussion is to bring out how Litigation was produced in the Naga Hills. Were the administrators ‘creating’ the complainant and settling the cases using customary practices thereby working on their experiment on Nagas that was long ago Europe? Litigation reference to colonial courts was most common in those villages closest to the sub-division or the district headquarters where the Deputy Commissioner and Sub-divisional Officer held courts. After going through the case records of the Deputy Commissioners and Sub-divisional Officers one comes to conclusion that court cases contributed immensely into the making of the Monographs on the Nagas that were published in the 1920s and 1930s besides tour diaries and the obligatory administrative reports made to the government about the Nagas tribes. This was because an ethnographic account of a particular tribe was built on characteristics the members shared in common, which often emerged in the number of cases on similar issues by the same tribe. For example, many divorce cases relating to the Ao tribes can be found in the case records and the monograph of the Ao Nagas says, ‘Divorce is amazingly common.’⁷²

Like any other society, with the change of time, the previously Naga oral tradition started getting incorporated into documents of testament when the British administration used customary practices/law to pass the verdict in the court of the Deputy Commissioners and Sub-division Officers. This work wishes to look into the growth of the legal system, as it shifted from largely customary law, to a hybrid of custom (as adjudicated in the colonial courtroom) and statutory law, or rather appropriately, Regulations. Beginning with details of how the daily practices of the people became custom and then law, the work will examine the kinds of practices which were retained, and those which were reshaped or recast more deliberately by the colonial authorities. The period between 1866-1947 is the time frame of this study – the year 1866 being when the colonial district headquarters was established in the

⁷¹ Bhattacharya, ‘Remaking Custom’, p. 50.

⁷² J. P. Mills, *The Ao Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1926, Reprint, 2003, p. 212.

Naga Hills, and 1947 – when British rule came to an end and Indian independence began.

The work is comprised of five chapters. The first chapter, *Establishing Power: Chiefs and Headmen*, looks at the changing traditional village authority. In the Naga Village authority, each Naga village was governed with its own hereditary chief or a nominal chief with a select council of village male elders. Alternatively, a village had a select council of village male elders, according to different community practices. The chapter refers to events that brought about shifts in the system of native authority.

The second chapter is titled, *The Violence of law: Labour Extraction*. Village life in the Naga Hills underwent several changes with the colonial administration's need for labour which led to violent encounters of eviction of the Nagas from their own land, burning down villages and the imposition of endless labours. Every village that the colonial administration encountered was turned into a coolie, and the dissenting villages were brought to book through the order of the colonial court. All these are studied in the chapter two.

The third chapter, *The Travelling Court*, examines and attempts to provide an outline of the power that was vested in the Deputy Commissioner through various regulations. It focusses on the legal protocols which empowered the district officers, and the various regulations passed by the government which imposed convenient provisions for the valley and allowed the hills administration to exercise arbitrary power in the province of Assam. The chapter also looks at the Deputy Commissioner's tour and the sort of power it conveyed, and the consequences of his actions for the resolution of disputes in the area.

Chapter four entitled, *Upholding Women's Customary Right*, wishes to understand the life of women, in the colonial Naga Hills. Traditionally, Naga women played a crucial role in all the activities of the community whether performing domestic or agricultural labour and in a sphere outside the domestic, considered the 'bridge' in matters of dispute between two warring parties. Did the encounter with colonial legal systems bring about any change in Naga communities in general, especially for the status of women? What kind of awareness concerning rights could have developed among the Naga women? The chapter deals with some of these questions.

The fifth chapter, 'Heathens' and Converts: The remaking of Custom, studies the differences in approach and ideas of the British, on the one hand, and the American Baptist Mission, on the other. The chapter has made an attempt to analyse three complex themes that includes the period where early customary practices of the Nagas, were recorded by the missionaries and colonial authorities, the observances of *apotia* and *amungs*, that resulted in the conflict between the 'heathens' and Christians who came under the colonial courts, and the attempt to standardize custom on the part of the colonial court.

Chapter 1

Establishing Power: Chiefs and Headmen

Nineteenth century analyses of societies that lacked the use of mechanized tools were studied by societies that were technologically advanced, which brought about the hierarchical categorization of societies. These studies also theorized distinctions between societies founded on ‘status’ and those founded on ‘contract’, as propounded by Sir Henry Maine in his book *Ancient Law*, which became the ‘generic model of native society, newly defined as *traditional society* in opposition to modern society’.¹ As Maine put it, ‘The study of races in their primitive conditions affords us some clue to the point at which the development of certain societies has stopped.’² The study of ‘traditional societies’, particularly tribal societies in the sub-continent, were useful in restructuring aspects of a European past while placing European societies on a more dynamic historicized plane. By contrast, tribal societies were static and ‘timeless’, in addition to being ‘arrested’ in development. Therefore, as Ajay Skaria puts it, ‘the primitive in the present represented the lowest point in a comparative taxonomy of which European civilization represented the summit.’³ In India, the revolt of 1857 transformed colonial ambitions and the assumption that ‘native peoples [are] as intrinsically amenable to reform and civilization’ changed into a growing sense that subject peoples might be ‘irredeemably savage.’⁴ Drawing from the idea that natives are ‘best ruled through his/her own institutions and structures of authority’, Maine, for instance, launched the innovative concept of placing native societies as being threatened by modern imperial rule.⁵

¹ Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism*, Permanent Black, Ranikhet, 2010, p. 3.

² Henry Maine, *Ancient Law, Its Connection with the Early History of Society and its Relation to Modern Ideas*, London, January 1861, Reprint, 1986, p. 28.

³ Ajay Skaria, ‘Shades of Wildness Tribe, Caste, and Gender in Western India’, *The Journal of Asian Studies*, Vol. 56, No. 3 (Aug., 1997), pp. 726 – 745, p. 729.

⁴ Mantena, *Alibis of Empire*, p. 5.

⁵ *Ibid.*, p. 6.

On one level, it appears as though the colonial power was defending native institutions from the threat of modernization and therefore, dissolution. However, the records tell another side of story. Establishing, linking and citing references of suitable historic pasts became the weapon with which to subjugate the natives. Colonial officials were ready to talk about the demands in a very systematic study of the natives, about the 'extraordinary diversity of these dependencies, not only in race and language, tradition and custom, but also in their varying degrees of political evolution.'⁶ The intensive study of the natives was not to understand them as equal partners of the empire but to establish total control over them. To become the masters and dispensers of benevolence and justice, a grip over the native system was the key.

When the British took over India, they found out that laws of England could not be directly applied to India. Their scanty knowledge of Indian languages, particularly when Persian and Sanskrit were used as official languages in law, caused severe hurdles. The British in their scheme of dominance, earmarked 'legal texts' consisting of *shastras* which people rely on for matters of governance, because they realized that in India, 'religion rather than economics or politics, was considered the prime mover of Indian society throughout history.'⁷ Relying on scriptural texts for understanding Indian society became central, especially, in matters of succession, inheritance, marriage, caste and all religious affairs, and therefore, religious authorities such as the *pundits* and *maulvis* became indispensable assets for the British court. The necessity of these figures was proved by their appointment to the Supreme Court around 1777, and further by the Code of 1793 which appointed them to the District Courts, Provincial Courts and the *Sadr Dewani Adalat* to help the judges interpret religious texts. The arrangement with *pundits* and *maulvis* was ended in 1864 when the British officials thought they were already equipped enough to administer justice.⁸ This sense of self-confidence about their grip on Indian laws was boosted by the associated colonial discourse on the *pundits* and the *maulvis*' image as 'self-seeking, corrupt and greedy' figures who practised 'fraud and forgery.' The discourse only served to bring the entire idea of the *pundits* and the *maulvis*

⁶ Lord Lugard, 'Colonial Administration', *Economica*, No. 41 (Aug., 1933), pp. 248-263, p. 248.

⁷ Janaki Nair, *Women and Law in colonial India: Social History*, Kali for Women, New Delhi, 1996, p. 21.

⁸ *Ibid.*, p. 24.

working together with Englishmen to an end, even though the British ‘recognized the pundits’ claim to superior knowledge and their symbolic power in society.’⁹

The removal of the office of the *pundits* and the *maulvis* was a master stroke to salvage the post-mutiny ‘insecure colonial state’, in which different schemes of rule were delegated to different regions according to the suitability of the situation. British administration understood that Indians were closely tied to custom, and could only be won over by defending the traditional values of native society.¹⁰ And therefore in order to maximize control over the indigenous community through traditional practices, the British administration started identifying and segregating key categories – ‘sacred caste’ as being central to south India, the ‘valorization of religious communities as the fundamental organizing blocks of north Indian society’ and societies that thrived on customary practices of oral tradition such as those in Punjab. In Punjab, village headmen and elders were seen as ‘the custodians of village wisdom’ and the ‘repositories of local knowledge.’ This group of people was considered to be the sole chain that ‘held the community together, disciplined its members, preserved order, adjudicated disputes, sorted out conflicts over custom’, and all the customary practices of the community was preserved and ‘reproduced’ through them.¹¹ For the numerous agricultural tribes in Punjab who did not practice the rules of Hindu and Muhammadan Law, a judiciary was organized under the Chief Court in 1866 and all important judgments were subsequently published in the Punjab Record.¹²

The search for insights into the indigenous way of life, followed by categorization, selecting the ‘appropriate’ traditions and customs for a community’s usage, and taking into considerations of ‘tribal values’ was becoming compulsive wherever the British administration were based. The process then became what Eric Hobsbawm called ‘the invention of tradition.’ He wrote, ‘invented traditions are a set of practices, normally

⁹ Neeladri Bhattacharya, ‘Remaking Custom: The Discourses and Practice of Colonial Codification,’ in R. Champalakhsmi, S. Gopal, eds., *Traditions, Dissent and Ideology: Essays in Honour of Romila Thapar*, Oxford University Press, New Delhi, 1996, pp. 20 – 51, p. 28.

¹⁰ Mantena, *Alibis of Empire*, p. 5.

¹¹ Bhattacharya, ‘Remaking Custom,’ p. 30.

¹² <http://punjabrevenue.nic.in/cust1.htm>, ADDENDA, (1). Although Punjab was made a regular province only in 1859, by 1880 ‘A Digest of Civil Law for the Punjab chiefly based on the Customary Law’ was published.

governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past.’¹³ He further explained that, invented traditions comprise both traditions of yore and emerging traditions which may not be old practices but are ‘establishing themselves with great rapidity.’ This impulse to repeat the past was the mechanism that the British used either by acknowledging the person’s age or referring to the ‘customary practices’ whenever a dispute was settled.

In the Naga Hills, the British initially thrived with the help of certain people who acted as interpreters and conducted their relations with the Nagas. These were usually people who knew Assamese, besides their mother tongue, and were called *Dobashi* – those who were accomplished in two languages. The *Dobashi* system was instituted to promote Anglo-Naga relations in 1842.¹⁴ The *Dobashis* were paid colonial employees who were primarily used as a link between the native population and the administrative officers.¹⁵

This chapter will first refer to events that brought about shifts in the system of native authority. According to *Cambridge Essential Dictionary*, authority is defined as the ‘power to give orders and make people obey you, or, a person or organization that has official power.’ Authority in most cases comes with the duties and responsibilities entrusted to an individual or a collective leadership. In the case of the Naga Village authority, each Naga village was governed with its own hereditary chief or a nominal chief with a select council of village male elders. Alternatively, a village had a select council of village male elders, according to different community practices. This system was replaced by recognition of the chiefs in regions where the system of hereditary chieftainship was practised and officially appointed mandatory elected headmen in regions where a council of village elders (who may also have a nominal chief) looked after the affairs of the village. What were the challenges posed to traditional forms of authority? What consequences remained for existing rights and powers within and

¹³ Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition*, Cambridge University Press, Cambridge, 1983, Reprint, 2000, p. 1.

¹⁴ Piketo Sema, *British Policy and Administration in Nagaland 1881-1947*, Scholar Publishing House, New Delhi, 1991, p. 30.

¹⁵ *Ibid.*, p. 35.

between communities? What mechanisms were brought into being to adjudicate inter-tribe or clan disputes? In an attempt to answer some of these queries, the chapter will seek to look at the Naga people's understanding of how colonial power was exercised over them and how the process created the assumption that the colonial administration was salvaging the customs and practices of the Nagas. It will look at the applicability of customs that were changed according to the circumstances and needs of the colonial administration.

Since the Nagas were a patriarchal society, all policies and decisions were made by men. There were three main factors that gave men the privilege to village leadership. Belonging to the founding member of the village was compulsory: secular or religious, village leadership traced its roots to founding members of the village. In the hierarchy of male dominance, *Morung*, the bachelor's dormitory, played a crucial role. After a boy reached the age of four or five, he was put into the *morung* and all social skills were learned from this institution. It was the place where men of distinction such as great warriors, were made. Feasts of merit were occasions which deliberately showcased a man's success and influence. In all these different stages of belonging, participation and leadership, women had no authority, even if they were born into the most influential family of the community. Unlike the boys of their age group, women were also not provided with a specific dormitory in order to learn social skills, although particular sleeping arrangements for girls in specific houses were common among some tribes. There was more of a focus on celebrating and showcasing the man's prowess rather than that of the husband and the wife as a couple (all these will be examined in detail in chapter 4). Therefore, village leadership rested with select men, with no provision for women in general or for males who were to come of age. As much as the mention of *maulvis* and *pundits* projects an image of all-male law exponents, a majority of the writing that exists on Nagas and village elders has focussed on select men of the village and their influence in the community.¹⁶

¹⁶ For the purpose of easy referencing in this work, the phrase 'village elders' shall be used instead of 'select male village elders' and may therefore be understood as only a select group of male members and not all male elders.

Transforming the Authority of Chiefs

In one of Captain Jenkins' letters to the government, he details how Captain Pemberton was deputed to explore a route to the Naga country in 1831-32 with 1300 men, including an escort of 700 men from the Manipur Levy, and that they were attacked by the people of Popolongmai.¹⁷ This was the first meeting between the Nagas and the British. Captains Jenkins and Pemberton were crossing this route in order to open a road between Manipur and Assam.¹⁸ Powerful Naga villages entered into a coalition to oppose the opening of routes through their country.¹⁹ Starting in 1832, expeditions were carried out in the Naga Hills in an attempt to control the Nagas. During this period, an outpost was opened on an experimental basis at Samaguting, a stockade at Mezoma, and for a short time at Khonoma.²⁰ Since the East India Company's entry to the Naga Hills, when the region was the focus of explorations and expeditions, the company officials began to extract fines from the village chiefs by settling disputes. In 1842, Captain Brodie settled some disputes amongst the Konyak tribes and fixed for the chiefs to pay annually in cash and kind according to the degree of offence they committed, including those that had taken place in the past, with no specificity of a year(s) or the root of dispute discussed. Nevertheless, a fine was levied in cash of Rs.100/- per annum on a particular chief.²¹ A fine of buffalo and a gong was imposed on another chief, as well as the payment of an annual tribute of Rs. 10/- from all the villages dependent upon his authority.²² By 1844, the Naga villages were already being made to pay the British in cloth. The worth and use of the cloth used as payment has not been ascertained, it can only be understood as a token forced out of the Naga chiefs and village elders. The giving of cloth to the British was coerced, based on the data that out of ten villages, the paid amount was 45 pieces of

¹⁷ Political Department, Assam Commissioner's Papers, File No. 659, Serial No. 1, 1873, Nagaland State Archives (hereafter NSA).

¹⁸ Foreign Department, Political, A, December, Nos. 99-102, 1867, p. 11, National Archives of India (hereafter NAI). The British Officers and the Manipur government differed in opinion as to the policy to be carried out after the road was made. These factors led to the failure of the expedition. But exploration from Upper Assam to Manipur led to a new phase where the Naga area attained strategic importance.

¹⁹ These combined Naga villages were Angami Villages whose territory the British was encroaching.

²⁰ B. C. Allen, *Gazetteer of the Manipur and the Naga Hills*, Vol. IX, Assam Secretariat Press, Shillong, 1905, p. 10.

²¹ Foreign Department, Foreign Correspondence (hereafter F. C.), 17 August, Nos. 185-91, 1842, para. 8, NAI.

²² *Ibid.*, para. 9.

cloth, although the amount due was 242. Khonoma owed 190 pieces of cloth and Mezoma 45, although both villages were not recorded as having paid even once.²³ This extraction of fines and tributes from chiefs and village elders was soon to become the central feature of the colonial administration in the Naga Hills.

Strategic concerns along with material benefits led the East India Company to launch ten military expeditions against the Nagas between 1835 and 1851.²⁴ The government of India had to finally review the policy adopted towards the Nagas in 1851. During the review, it was found that for nearly twenty years the government had failed to influence the people and instead found that the record of British policy towards the Nagas was of 'fruitless military expeditions and civil negotiations equally ineffectual, of tributes imposed on chiefs who never paid, and of outposts pushed far into the Naga country, but only leading to more military expeditions to avenge the murder of the *sepoys* stationed at them.'²⁵ This introspection was made as soon as British forces subdued Kerima. On 8 February 1851, Kerima, an Angami village, challenged the British to a trial of strength by giving a spear, an exemplary Naga weapon, to Lieutenant Vincent. The importance of keeping intact British prestige and the necessity to teach the Nagas a lesson led Lieutenant Vincent to accept the challenge and on 11 February 1851 the British attacked Kekrima. It was a bloody battle and the Naga spears were no match against the sophisticated modern firearms of the Company. Hundreds of Nagas were killed. The war was won but the futility of these military expeditions led to the discontinuation of British policy among the Nagas, and accordingly in March 1851, the government withdrew its troops from Dimapur to an area in North Cachar.²⁶ This decision to withdraw from the Naga Hills is known as the non-intervention Policy in the Naga Hills.

However, even as the non-intervention policy of 1851 was declared in the start of the year, 22 villages were forced to request the government for protection against the

²³ Tokopheng, Lasanee, Gajobee, Kola, Tongaba, Cangkhia, Chemaka, Razaphema, Khonoma, Mezoma, were the villages that were made to pay cloth to the British.

²⁴ B. L. Kesav Narayan Dutt, *A Handbook to the Old Records of the Assam Secretariat*, Education Department, Government of Assam, Shillong, 1958, p. 30.

²⁵ Political Department, Bengal Government Papers, File No. 214/522, Sl. No. 1, Notes About The Angami And Other Naga Tribes, 1871, p. 3, Assam Secretariat Archive (hereafter ASA).

²⁶ Sema, *British Policy*, p. 7.

Manipur Forces²⁷ and the Kukis²⁸ by the Nagas of North Cachar (who suffered the most from this policy) and villagers against the Angami raids on the British protected villages.²⁹ The declaration of the non-intervention policy had no effect on the Nagas and the continued raids in the plains caused much disturbance to British subjects. The East India Company then took a firm stand against the Nagas and decided that the aggression upon 'their peaceful subjects' could not be ignored anymore. They believed that the presence of a European officer would stop the Naga raids and therefore, in 1852, they started a more 'pacific policy' by transferring the Junior Assistant Commissioner from Nowgong to North Cachar, where the administration station would be closer to the Nagas who 'made hostile incursion into the British territory.'³⁰ In all these arrangements, agreements were made between the British government and Nagas, in order that the latter stopped attacking British subjects or friendly British villages. But it was not long before the Nagas broke the agreement: because of their independent nature, and their community requiring submissiveness only to their chief or elders of the village, they did not take kindly to an outsider ordering them to comply with various demands and instead, they retaliated with new raids.³¹

In 1864-65, the newly appointed Agent to the Governor General, North East Frontier, and Commissioner of Assam, Lieutenant Colonel H. Hopkinson, understood that the non-intervention policy in the Naga Hills was posing a threat to the British empire both in terms of British prestige and the security of the frontier. Lieutenant Colonel H. Hopkinson suggested the appointment of a British Officer who could be posted in Samaguting. He emphasized that it was self-defeating to pursue the policy of excluding

²⁷ *Ibid.*, p. 8.

²⁸ The Kukis of North Cachar are described as 'a brave people bidding defiance to the Nagas' and because of their defiance towards the Nagas they were subsequently offered a complete remission of their house tax for 25 years, provided they settled in the Lungting River which flowed through the eastern portion of north Cachar. The object was to place a colony of Kukis between the inhabited half of that sub-division and the Nagas, so as to form a barrier of defense. Commissioner's Office, Assam, File No. 424, No. 77, 28 September, 1861, para. 5, ASA.

²⁹ Kesav, *A handbook*, p. 33.

³⁰ Political Department, Commissioner's Office, Assam, File No. 424, No. 77, 28 September, 1861, para. 4, ASA.

³¹ 'Every village seems to be an independent community owing submission to its own headmen.' Political Department, Commissioner's Office, To, Officiating Secretary to the Governor General of Bengal, From, Secretary, Government of Bengal, File No. 403, 1861-1863, ASA.

whole tribes from contact with areas protected by the British protected because of the misconduct of a few. He expressed concern over the fact that Assam was exposed on all sides and if the company withdrew after every ‘petty outrage’ committed by the natives, the East India Company would be driven out of the region in no time.³² Lieutenant Colonel H. Hopkinson also thought the non-compliance of the Nagas over the agreement of no raids was too small an issue for the British to stay silent and cower. He was determined to take control of the Hills, an issue which became particularly crucial because the prestige of the company was threatened, even writing to the Secretary to the Government of Bengal: ‘I have little doubt that by a free donation of money, arms and ammunition, and other evils, we might make some tribe so powerful as to be able to subjugate all the other tribes.’ This ‘power’ he intended to secretly implement without revealing the Company’s identity.³³ On the other hand, missionary activities in the Naga Hills were gaining ground and became equally threatening to East India Company policy. The Lieutenant Colonel made no secret of encouraging East India Company Officers to use missionary tactics to win the confidence of the Nagas ‘without incurring expenditure on such a scale as should alarm the government.’³⁴

There were other officers who also viewed non-intervention policy as a mockery of the Company’s ambitions. The Commissioner of Assam likened the military outpost in Assam to an ‘umbrella is against rain’, that ‘exercises the moral influence of a scarecrow,’ quite harmless when one drew near.³⁵ The situation in the region recognized as the Naga Hills of the North East Frontier became a question that needed urgent attention and the East India Company was pressed to push forth the forward policy. In 1866 the sub-divisional headquarters of Asalu in North Cachar was abolished and a new district with its headquarters at Samaguting – which formerly functioned as an outpost but was abandoned because of the non-intervention policy – was formed within an area lying west of Dhansiri and on both banks of Doyang. The East India Company’s policy of burning down villages and destroying crops led only to reprisal and perpetuated bad

³² Political Department, Assam Secretariat Proceedings, File No. 305, Bengal of 1866, Sl. 1, para. 10, ASA.

³³ *Ibid.*, Sl. 2, para. 22.

³⁴ *Ibid.*, Sl. 3, para. 24.

³⁵ *Ibid.*, Sl. 2, para. 17.

blood, while finding new areas of mutual agreement between the Nagas and the East India Company became imperative.³⁶ The new policy was formulated, with options for villages to pay a house tax of Rs. 2/- and thus become protected subjects. If they did not do this, they would remain outside the realm of the company, with whom they would have 'peaceful relations' as long as they maintained peace with the protected villages and the government. Captain Gregory was appointed to take charge of this new district and carry these policies forward.³⁷

There are a few stray records of fines being forced from the Naga villages after the arrival of the British, but prior to 1866 there were no formal taxes such as the house tax. As soon as Samaguting became the district headquarter, the Commissioner of Assam gave orders to the people of Samaguting to start paying the house tax from the first year at the rate of eight days work in the year for each house, the equivalent of Rs. 2/- per annum, the rate paid by the Nagas of North Cachar.³⁸ This labour was to be paid in winter, when Nagas were 'idle'.³⁹ In this project, village chiefs were located who could be induced to collect the house tax. They were offered 20 per cent of the amount collected for their service and also required to assign tasks to the members of their households.⁴⁰ The recognition of oral traditions by the colonial administration in communities that did not have written laws was common. In colonial Africa, a 'chief' means an African appointed to exercise control over a tribe as chief, namely, an appointed administrator and not a recognition of

³⁶ Foreign Department, Political, A, August, Nos. 136-150, 1866, No.136, para. 2, NAI.

³⁷ Sema, *British Policy*, p. 11.

³⁸ Foreign Department, Political, August, Nos. 273 -275, 1874, para. 6, NAI. A levy of rupees two as house tax per house on the Nagas who came under the British protectorate was according to the British official 'best suited to a semi-savage people living in a sparsely populated country.'

³⁹ Assam Secretariat Proceedings, File No. 305 Bengal of 1866, sl. 4, para. 119 & 122, ASA. On 27 June 1866, A. Eden, the Hon'ble Secretary to the Government of Bengal wrote to the Secretary to the Government of India, Foreign Department, that the proposed eight days labour 'should be paid in the cold weather immediately after their harvest.' The correspondence also added that lest the people do not pay the labour, 'the attachment of property to the value of Rs. 2/- should be enforced.' According to the colonial officials Nagas were 'idle after harvest,' whereas, in reality these winter months, namely, November, December and January were the only months in a year where people get to stay at home and do their personal work.

⁴⁰ Lipokmar Dzuvichu, 'Roads and Rule: Colonialism and the Politics of Access in the Naga Hills, 1826-1918', MPhil, Dissertation, JNU, New Delhi, 2005, p.78.

hereditary chieftainship.⁴¹ In the Naga Hills, the chief of a village held a different position because in several communities, chieftaindom followed a hereditary system. These hereditary chiefs enjoyed certain authorities which the British needed to influence and hence recognizing their status became imperative. The British administration formally recognized the village chiefs of the Naga Hills in 1874.⁴² This important administrative development can be, on a larger scale, traced to the Scheduled Districts Act XIV of 1874, which provided for all civil and criminal matters to be dealt with under a 'simple system of administration' for all the hill districts of Assam. According to this regulation, the village tribunals were included in the judicial administration and 'all petty civil and criminal cases' were meant to be settled by the presiding headmen who had been chosen by the people themselves.⁴³

In the Naga Hills, the existing system of village leadership was recognized and the headmen chosen by villagers were later instituted. The early years of experience gave the colonial administration the importance of keeping the chiefs on friendly terms. The first Revenue Settlement, concluded with the Rengma Nagas in the Nowgong Zillah in Assam on February 1848, shows 32 villages enlisted for revenue with the name of each respective chief at the rate of Rs. 1/- exempting old men, old women and widows. The assessment consisted of 689 houses, and with exemptions given to certain people in the village the gross assessment of revenue amounted to Rs. 525/-, out of which 12s 8d percent was deducted for the commission given to chiefs who collected the revenue for the government amounting to Rs. 65-10-0/-⁴⁴, that left the net revenue at an amount of Rs. 459-6-0/-. The first twelve Chiefs, according to the sequence entered in the office order were to pay their revenue into the Collector's Treasury at Nowgong, while the

⁴¹ Robert B. Seidman, 'How a Bill Became a Law in Zimbabwe: On the Problem of Transforming the Colonial State, Customary,' *Journal of the International African Institute*, Vol. 52, No. 3, Past and Present in Zimbabwe (1982), pp. 56-76, <http://www.jstor.org/stable/1160525>, accessed: 01/02/2013 02:59, p. 57.

⁴² Sema, *British Policy*, p. 32.

⁴³ 'North East India: Report on the Administration of North East India, 1921-22', Mittal Publication, Delhi, 1984. This simple form of administration was not applied to the towns of Shillong in the Khasis and Jaintia Hills district and Haflong in the North Cachar Hills subdivision because the Criminal Procedure Code had been extended in these administrative headquarters, para. 107, p. 52.

⁴⁴ A break up of a; rupee, anna and a pice.

remaining Chiefs was to pay their revenue into the Treasury at Golaghat.⁴⁵ Chiefs in the Konyak communities wielded huge authority. Each Konyak chief had several tributary villages to his name, namely, Tablungias which had 13 villages, Jaktoongias which had 8 villages, Mooloongs which had 5 villages, Changnois which had 8 villages, Joboka which had 4 villages, Banparas which had 4 villages, Muton or Kooloongs which had 4 villages, Panidwarias which had 10 villages, Bordoorias which had 8 villages and Namsangias which had 8 villages.⁴⁶ The recognition of the chiefs was a way of making the work of the colonial administration easy and profitable. This recognition automatically bound the chiefs to abide by the policy of the government in all matters regarding their relations with the tribes beyond British control. Knowing full well the commanding position enjoyed by the village chiefs in the tribal community, the authorities in Calcutta advised the political agents from the very beginning to first befriend and communicate directly with the chiefs when dealing with the tribes. In doing so, an agent was to make the chief feel that he esteemed him to be a man of the greatest importance in his community. However, the chief and his subjects could not participate in the process of formulating policies regarding their own affairs. The chiefs only received directions and paternalistic supervision from the district officers.⁴⁷ This recognition of the chiefs in the Naga Hills therefore had huge strategic implications, although chiefs continued to enjoy certain privileges within the colonial system.⁴⁸

When the British entered the Naga Hills they were surprised to find that people enjoyed the highest form of democracy without even a single set of written rules. John Butler wrote, 'their government is decidedly democratic... they do not collect any revenue, neither can they issue any orders with any chance of being disobeyed, if the measure or act is not popular.'⁴⁹ Not all Naga villages operated under the leadership of the same system, although leadership rested with men in all the villages. Some villages were under

⁴⁵ John Butler, *Travels in Assam*, Manas Publications, Delhi, 1855, Reprint, 1994, p. 123. In 1890 the commission for the *goanburas* was 12 ½ percent of the revenue collected. See chapter 3.

⁴⁶ Alexander Mackenzie, *History of the relations of the government with the Hill Tribes of the North-East Frontier of Bengal*, Calcutta, 1884, p. 86.

⁴⁷ Sema, *British Policy*, p. 32.

⁴⁸ Suits where the court upheld 'custom' in defense of the chiefs who were dragged to court by persons who had certain vested interest are shown in the sub-theme, shift of authority...

⁴⁹ Butler, *Travels in Assam*, pp. 146-47.

the leadership of hereditary chiefs, some were under the leadership of a nominal chief with the council of elders and in others there was only a council of elders. In the Chang, Konyak, Phom and Sema communities, amongst others, the hereditary chief was the leader. In the Ao village, the village council, variously called *Tatar Putu Menden/Samen Menchen/Susang*, acted as the executive and judicial authority who instilled discipline to ensure a peaceful life for residents and maintained order in all matters that concerned the village.⁵⁰ The village elders and a *Seki*⁵¹ looked after the welfare of the people in the Angami Village, and different communities had village elders or a council of elders who looked after the welfare of their respective communities.⁵²

This distinctive system of village governance practised by different communities changed completely after 1880 and this altered the dynamics of the existing social structure. In 1879, 13 Angami villages came together and besieged Kohima in a bid to oust the British from the Naga Hills. It was in this expedition on 15 October 1879, that the political agent Damant was killed. After Damant's death at Khonoma, the villages combined forces and besieged the British garrison at Kohima, hoping to wipe out the presence of Company from their Hills. The siege lasted from 16 to 27 October. Keeping Kohima under siege, the Nagas entered into negotiations and agreed to surrender if a free passage to Samaguting was allowed by the British. However, while negotiations were under way, Colonel James Johnstone, the political agent of Manipur, came to the rescue an hour or two before the agreement was made and the Nagas had to withdraw. Khonoma was razed to ground. On 27 March 1880, once Khonoma surrendered and withdrawn their guerilla warfare, the war came to a close. Following the end of the Anglo-Naga war the following year in February 1881, Kohima was retained as the permanent Administrative District to the Naga Hills.⁵³

⁵⁰ 'The Customary Laws and Practices of the Ao of Nagaland', Sponsored by the North Eastern Council, Guwahati, 1979, p. 168.

⁵¹ 'The Customary Laws and Practices of the Angami Nagas of Nagaland', Sponsored by the North Eastern Council, Shillong, 1985, 'Seki is a term used to this day among the Angami Nagas, it is a term which refers to the oldest man in the village who is respected by all the villagers,' p. 100.

⁵² *Ibid.*

⁵³ Sema, *British Policy*, pp. 19-20.

For the first time in the Naga Hills, villagers were forcefully commanded to abandon their villages, which were occupied and rebuilt wherever the colonial administration thought fit. All the villages that took part in attacking the British stockade at Kohima were punished relative to their degree of their involvement. In cases where the villages were not destroyed and the sites were not considered to be ‘dangerously strong’, a fine in rice and labour was exacted instead of removing the sites of the village.⁵⁴ Since the village of Khonoma took the lead in the attack on Guybon Henry Damant (political officer of the Naga Hills) and his party, which subsequently led to the attack of Kohima, the punishment inflicted was more severe than that exacted on other villages who were involved in the war. The punishment included a list of orders that were to be obeyed in degrees which reflected the extent and force of the participation of different villages and *khel* in these attacks.⁵⁵ The residents of Khonoma, the main leader of the attack, were ordered to evacuate the village, which was then followed by the destruction of Chakha Forts and its occupation by the British troops. The village site and all land belonging to Khonoma was confiscated and orders were given to never re-occupy the space. Following the order, the land was left fallow until further orders, and meant to be disposed of at the whim of the government. There was a proposal of erecting a monument in commemoration of the British victory on the summit of the Khonoma Hill. The Nagas of Mezuma were left in charge of monitoring the construction. Additionally, arrangements were made for British troops to occupy the upper fort of Chakha until the season of cultivation passed for the year 1879, and perhaps until the monument was completed, since the villagers were still on the run. Semama, which was formerly a *khel* of Khonoma, was made into a small village and re-located to the point where the political path crossed the Zubza river.⁵⁶ The site for the village was pointed out by Lieutenant H. Maxwell (the assistant political officer) to Lohetzo Goanbura of Semama *khel*, and its

⁵⁴ Foreign Department, Political, A, August, Nos. 616/40, 1881, NAI. All material on the Khonoma incident is taken from this file. Name of the thirteen Naga villages are: Jakhama, Jotsoma; *Khels* of Tolloma and Khoma, Choyama *Khel*, Khonoma, Kigwema, Kohima; *Khels* of Chutonoma of and Cheswejuma, Lakema, Merema, Phesama, Piphima, Puchama, Sachema, Sephama, Viswema. The resistance was led by Khonoma.

⁵⁵ A colony within a village, example, a village may have a number of *khels* according to the number of clans.

⁵⁶ Dzuwichu, ‘Roads and Rule’, ‘The political path ran across Samaguting, Piphema, Nerhema, and Wokha. In 1878, Lieutenant H. Maxwell declared the path was ‘sacred and dedicated to peace,’ p. 68.

name was changed to Zubzama. Merrima and Tebboma *khel* were built on the unoccupied lands of Phesama, a neighbouring village.⁵⁷

Sachema was erected on the site fixed by the political officer. Phesama remained unoccupied and was laid waste, with the new village erected on a spur below Phesama hill, which was close to the natural pond. Puchama was built as indicated by the political officer of the Naga Hills and the people deputed by him, while Piphima was erected on the site of the old police stockade, near the Piphima river, which was most convenient for villagers. Sephama was destroyed but allowed to be rebuilt, with a condition that all fortifications in the neighbourhood be removed. The *khels* of Jotsoma which took part in the war, Tolloma and Khoma, were 'permitted' to rebuild on the old site of the village, as they had surrendered first and had also provided assistance during the expedition. In the third *khel* from the same village, Choyama, the villagers were not permitted to rebuild the houses; instead, the village was directed to shift to the site below the north-east near the Zubza River.

Cheswejuma *khel* in Kohima was warned against providing shelter to the men of Chutonoma *khel*, failing which their village would have been liable to attack and burning. Chutonoma *khel* in Kohima was ordered to be vacated and rebuilt at the new spot indicated by the political agent. Even as the political agent was forcing the inhabitants of Chutonoma *khel* to evacuate the village, the order stated that this was carried out 'with the exception of certain relations of Vatake, who served as the *Dobashi* of the Political agent, Manipur.' This indicates that the colonial power and the native employed as a *Dobashi* had a particularly revealing influence over each other. The order further added that lands belonging to the Chutonoma *khel*, which were required by the political agent for the station at Kohima, should be confiscated or never restored. Merema, Lakema, Jakhama and Viswema were the only villages that were not ordered to be re-located. This relocating of village sites according to those which had rebelled and resisted the most against the British became the leading characteristic that defined which group was stronger and which weaker. During this whole affair where punishments were inflicted on

⁵⁷ Foreign Department, Political, A, April, File No. 219, 1880, Proceeding Nos. 218-229, para. 11, NAI. As Merima *Khel* of Khonoma killed C. H. Damant, that person who killed the officer and the interpreter (*dobashi*) who betrayed the slain officer were to be surrendered.

the 13 vanquished villages which had participated in the siege of Kohima, the British meted out two types of fines: a) an immediate fine and b) a long term fine. Under the immediate punishment, all fire arms were to be surrendered and contributions between one *maund*⁵⁸ to 600 *maunds* of rice had to be made, as well as the provision of 150-1200 coolies for conveying the troops' supplies, and a fine ranging from Rs. 200/- to Rs. 500/-. The long term punishment included the establishment of a permanent coolie corps, which entailed that each adult male would provide 15 days of free labour to the state and the political officer whenever he needed it. A house tax of Rs. 1/- and a *maund* of rice also had to be paid starting from the year 1880.

The Nagas eventually surrendered, the great Anglo-Naga War of 1879-80 came to an end and with it a new system of village authority was created. The British made the 'election of the village headmen' mandatory. This 'elected leader' now became the mediator between the people and the government for all the policies that the British intend to carry out relating to the Naga people. The Naga system of authority – which was vested either in hereditary chiefs or a nominal chief and a council of village elders, who were then subjected to certain practices regarding the position and tenure of their offices – was completely changed.

When the British introduced the system of electing the headmen of a village, the end purpose was that it would take time to convert the Nagas from their 'democratic and independent habits' into a state of 'subordination to a council of elders.' This is where they envisaged introducing what was called a 'village or tribal system' where the headmen would be paid 20 per cent of the revenue collected from the house tax. This plan was introduced in the anticipation that the headmen's authority would increase and they would be able to 'control and guide the villagers' with the assistance of the government when necessary, 'in support against disobedience and disrespect' that might be shown by the villagers.⁵⁹

⁵⁸ 'Maund', was an anglicized word in British India for measuring the traditional unit of mass; one *maund* equals 40 seers in most places in India during nineteenth century. Seers equals 1.25 kilograms.

⁵⁹ Peter Robb, *Empire, Identity, and India: Liberalism, Modernity, and the Nation*, Oxford University Press, New Delhi, 2007, pp. 141 - 42.

In the absence of codified legal norms, Nagas were left to take on the norms drawn up by the British. And to secure allegiance from the native leaders, the British attempted to prop up such local authorities by granting village chiefs red blankets as symbols of their recognized and legitimate authority.⁶⁰ The term chief, which was hereditary, and headman, which was an elected post, became synonymous, as the government covered them all with red blankets, imposing upon all the same powers and the same name, *Gaonbura*. Bringing the chiefs and headmen under the same structure was about formalizing and validating the authority of the British administration, where everyone was a mere subject without a distinction, custom or tradition of their own. Using the services of the village chief or headmen was not peculiar to Naga Hills alone. This system of appointing village chiefs and headmen for the convenience of tax collection and general control bears a strong resemblance to policies pursued in Malawi and Zambia, where ‘people were instructed, to build proper villages under their chiefs and headmen.’⁶¹ Although there were no instances where compact villages were created in the Naga Hills as in Africa, the main motive behind recognizing village chiefs and appointing village headmen was the collection of taxes and the assembling of porters and coolies who could supervise the orders of the colonial office. These colonial demands turned the *Gaonburas* into a regulatory man power machine which was ready to operate as soon as the Deputy Commissioner put out an order at the district headquarters.

The idea of taking over native systems of authority had taken root decades earlier, in the 1840s, when the British imposed a fine on the chiefs and villages which involved payments in cash and kind. Giving official recognition to village chiefs or making mandatory the election of headmen in villages were not the only ways in which the traditional office of leadership was restructured. Prior to intruding into the village authority system the British were using the service of the *Dobashis*. As mentioned earlier, *Dobashis* were first used as interpreters between the natives and the colonial officers but gradually the *Dobashis* was made a mandated office approved by the villagers. They were proposed by the people and selected by the Deputy Commissioner; the younger

⁶⁰ Richard Eaton, ‘Conversion to Christianity among the Nagas, 1876-1971’, *Indian Economic and Social Review*, Vol XXI. Number 1, Jan-Mar 1984, p. 21.

⁶¹ Martin Chanock, *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia*, Cambridge University Press, Melbourne, 1985, p. 21.

ones stayed at headquarters and the older ones in their respective areas, they heard and decided cases which the village would not settle. An appeal could always be brought against a *Dobashis* decisions to the district officers. A shift in the British policy of taking over the natives was clear at this stage and what was understood as indirect rule, a rule through native institutions in the colonial realm was operating in the Naga Hills. According to colonial rulers, Asia and Africa held the keys to the past of Europe where they had the chance to observe for themselves the events that had shaped the historical transitions in Europe: ‘the transition from *mark* to manor, from lordship to kingship, from communal to private property, from custom to law, or, in Henry Maine’s famous phrase, from status to contract.’⁶² Never short of paternalistic impulses, Maine’s concept of village community and the increasing threat that modern imperial rule posed to it was a plan for the imperial rule to protect the threatened native institution from the ‘traumatic impact of modernity.’⁶³ And all these elaborate schemes involving giving recognition to aspects of the village authority system was a formal initiation to indirect rule, in the guise of upholding and strengthening the existing traditional village system.

A remarkable variation in the case of the Naga Hills was that there was a three tier system, the chiefs, the headmen known as *Goanburas* and the *Dobashis*. Herein lies the difference in position between the *Goanburas*, which included both the chiefs and the headmen (chiefs who were within the tract of political control were called *Goanburas* along with elected headmen), and the *Dobashis*. The *Goanburas* were elected leaders of the communities where the Deputy Commissioner had no say in the process of the election of the *Goanbura*. This was so because in the case of *Goanburas*, the situation differed when it involved hereditary chiefs and in other cases headmen were inevitably chosen from the group of village elders who were the leaders of the village. In the case of the appointment of a *Dobashi*, since it was not a traditional leadership position, the Deputy Commissioner could hand-pick according to the circumstances even if the candidate was not nominated by the villagers. Gradually these positions, particularly those of *Goanburas*, were transformed according to governmental needs. The result was

⁶² John W. Cell, ‘Colonial Rule’ in Julio Faundez, ed., *Law and Development: Critical Concepts in Law*, Volume 1, Routledge, New York, 2012, p. 59.

⁶³ Mantena, *Alibis of Empire*, pp. 6-7.

that villages which used to be headed by a chief now had several *Goanburas*. The Deputy Commissioner's Court was thus a strategically established unit within the colonial system to keep the natives' practices at the level of symbolic authority. They favoured the idea of 'custom' in the dispensation of justice.

'Custom' as an idealized representation in colonial governance

Deploying the *Goanburas* (hereafter GB in referring to cases) and the *Dobashis* as the intermediaries between the public and the government was to effectively carry out the orders of the government in each villages. Thus, controlling these local authorities with constant reprimands, punishments and rewards, was a way of reducing the indigenous inhabitants to a child-like status. Contradictory to the colonial commitment that 'domestic institutions' of the tribes should not be interfered with when they were brought under political control unless 'absolutely necessary,'⁶⁴ the regime's blatant interference and imposition of authority over people even when not required was a strategy that was pivotal to colonial administration. As much as the village leaderships were recognized, territorial adjustments were increasingly made in order to classify a specific group under a specific category. According to administrative convenience, Naga Hills were divided into three tracts; the western tract, inhabited by tribes who paid house tax; the central tract, under political control but which did not pay house tax; and the most eastern tract, an area beyond political control.

Though these boundaries were laid down by the colonial administration, the delimitations created were disrespected by the same administration that created them. As permanent district headquarters were established, the march inside the area beyond political control became frequent and was marred by indecisive punishments directed against certain chiefs who belonged to these tracts or frontiers (official records use the term interchangeably). These random administrative actions defined how anomalies prevailed over reason and how elements of anxiety influenced the colonial attitude towards maintaining a relationship with the Naga system of leadership. The irregularities in the government's treatment towards those who lived along the boundaries categorized as

⁶⁴ From, The Secretary to the Chief Commissioner of Assam, To, The Deputy Commissioner of Naga Hills, Foreign Department, External A, August, Nos. 211-213, 1886, File No. 213, para. 6, NAI.

belonging to the eastern tract, which was understood as an area beyond political control in the colonial rule book, were legion. Mezami (Sakhai), north-east of Kohima, was one such village that was beyond the frontier of the area of political control. In 1887, the colonial administration found out that Sakhai had committed several raids in Zulhami, and Chipokita, both of the villages belonging to Angami group, which was within the Kohima District and hence under the political control tract. The Deputy Commissioner 'begged to request' the Chief Commissioner's permission to punish the 'Mezami *Raja*' with the double object of punishing him for past raids on villages under the protected area and to prevent their recurrence in future.⁶⁵ The Deputy Commissioner stressed, 'if the political control is to be anything but a mere fiction, the government is bound to take action against the Mezami *Raja* and show him that our authority within the line must be respected.' After subduing Sakhai, the Deputy Commissioner imposed a joint fine of 2 *mithun*, 10 cattle, 100 spears, and 30 *daos* (machete) on the chief and his subject villages. And above all, the Chief of Sakhai was taken to Kohima as a political prisoner for two months. In Deputy Commissioner's own words, 'my object is to bring this petty chief to a sense of his own insignificance, while at the same time making him a hostage for the good behavior of his people.'⁶⁶

After the Mezami expedition, the colonial administration inquired whether Hoshepu, Chief of Hoshepu village, had made a raid on villages beyond political control, to which he admitted. Hoshepu's territory was outside political control and therefore according to the original classification it should not have been an issue. But, before entering Hoshepu village the Deputy Commissioner had settled a fine on Sakhai village and it so happened that Sakhai and Hoshepu were neighbours and kinsmen. The Deputy Commissioner wrote it would have been 'impolitic' to establish a distinction between villages of similar race on either side of that imaginary boundary. Therefore, the Deputy Commissioner thought it expedient to inflict on Hoshepu a fine of 5 cows and 20 *daos*.⁶⁷ Both these

⁶⁵ Foreign Department, External, A, October, Nos. 1-6, 1887, No. 1, para. 8, NAI. Here the word *Raja*, an Assamese-Hindi name of King is used to describe the Sema Chief who is called 'Akukau' which means King in Sema language. Also, Mezami is not a Sema name as have been used to describe the Sema Chief. Mezami is a name given to the Semas by neighbouring Naga communities.

⁶⁶ *Ibid.*, para. 12.

⁶⁷ *Ibid.*, para. 13.

chiefs' territories were outside political control and they were supposed to be left on their own as long as they did not disturb the peace of the people living within areas of political control. A good excuse for the colonial administration's interference was that Chief Sakhai raided the villages that fell within the category of political control but the second Chief's case was nothing but a lame excuse to reduce the power exercised by these chiefs for sustaining colonial power and status. The Deputy Commissioner did not lose time weighing what was just and what was not. The immediate imposition of punishment upon both the chiefs who made a raid on areas both within and outside political control became the solution.

As these marches to the areas beyond political control covered more villages, colonial records become bulkier and are full of patronising anecdotes of native leadership. Colonial officers reveled in the person of the chief and the aura these chiefs carried around them, serving as powerful potential allies to the local government locally, an exoticised savage people in need of civilizing by the outside world. For instance, the Konyak Chief, Chief of Juktung expressed his wish to 'lie at peace with the *Sahabs*', and 'as the Empress had assumed control over the hills up to the left of the Dikhu⁶⁸, he freely withdrew all claims of tribute from Kanchung and Tamlu, which were also his tributaries. At the same time, a case against a Tablung man was brought before the Deputy Commissioner charged with having insulted a *sepo*y sentry. The Chief of Juktung at once drew out his *dao*, seized the prisoner by the hair and asked the Deputy Commissioner's permission to allow him to behead him. The request was not granted, but what 'surprised' the Deputy Commissioner was the 'submissive manner in which the prisoner bent his head to receive the anticipated blow.'⁶⁹ Robert Blair McCabe, the Deputy Commissioner, who was witnessing all these theatrical activities remarked that the 'voluntary renunciation of tribute by the Chief of Juktung was most satisfactory.' He further added that the claim to levy taxes within this area of political control must sooner or later have led to awkward complications, as experienced in past encounters. And therefore the McCabe was most satisfied by the gesture of voluntary renunciation of control by the

⁶⁸ The river Dikhu flows across the Mokokchung and Longleng districts and is one of the tributaries of Brahmaputra, passing Sibsagar in Assam. <http://www.indiamapped.com/rivers-in-india/dikhu-river/>

⁶⁹ Foreign Department, External, A, July, Proceeding Nos. 121-129, 1888, File No. 1, para. 14, NAI.

chief of his tributary villages, which eased the burden of the administration without any effort required by the colonel administration. In McCabe's own words, 'the authority enjoyed by the Chief seemed to be of a very despotic character, the Chief's orders were obeyed with utmost alacrity.'⁷⁰ The existence of such supreme authority exercised by the chiefs encouraged such practices further, rather than bringing the system into uniformity with other subjugated communities. No wonder a powerful chief like this would work hard to facilitate the extension of British power if brought under control without changing its system.

Another record read, 'Kuma of Yamrup is a very attractive type of Chang autocrat. If dead silence did not reign on the verandah he would get up and smack all offenders' heads.'⁷¹ The loyalty and obedience shown by the 'tribes' to the chiefs was attributed to people who lived in an independent social community. 'Tribes' were associated with the same kind of attributes all over the regions. Ajay Skaria has shown how colonial rule identified Bhils, of central India, 'like other mountain tribes', as showing a 'very remarkable' loyalty to their 'acknowledged chiefs', that in no situation would these people betray their chief, they even carried the chief to 'safe places if old or sick, and were "not affected by hope of reward or fear of punishment."' The colonial administration was convinced that 'so wonderful is the influence of the chief on this infatuated people.'⁷² There was no differentiation between 'tribes' from any region as they were projected as meek, loyal and dutiful to their chiefs. This flowed naturally from the colonial belief that 'the heathen clan or tribe... can never move forward in mass order towards higher civilisation and the freedom of the individual.'⁷³ This kind of hypostatisation was essential to colonial control over seemingly independent social groups. Colonial power was derived from the 'despotic' attitude of the chief, to suggest that unquestioned obedience and meekness of the tribes could be ensured by colonial administrations in pre-literate societies. Examples abound of African villages where the

⁷⁰ *Ibid.*

⁷¹ Political Department, Political Branch, Progs. Jan/1920, Nos. 903-925, File No. B, Office of the Officer on special duty (Records), Shillong, 1920, Tour diary of K. Cantlie, Esquire, ICS, Deputy Commissioner, Naga Hills for the month of June 1919, p. 57, NSA.

⁷² Skaria, 'Shades of Wildness', p. 734.

⁷³ Lugard, 'Colonial Administration', p. 259.

colonial administration identified certain chiefs and endowed them with despotic power in order that they be recognized as the single source and enforcer of customary law.⁷⁴ However, in the Naga Hills, the colonial administration clubbed the traditional chiefs with the elected village headmen and called them *Goanburas*, and delegated the same kind of work to them. Chiefs were part of the hereditary system practised only by a few Naga communities and it was a system that was different from the ‘despotic’ system, which will be explained in the later part of the chapter. Therefore identifying the Naga chief’s attitude as ‘despotic’ was part of a colonial interest, separate from the chief’s real intention. The Naga system of having chiefs in some communities as opposed to a council of elders in other communities as leaders of the village was to do with the different social practices and not aligned to the colonial discourse of herding a group to a leader. It cannot be denied that instituting village authorities as *Goanburas* created a new kind of uniform administration system in the Naga Hills, which rested on paying house tax and working as coolies for the colonial administration. However, this uniformity was not derived by reducing the despotic aspects of colonial power. As much as primitivising the tribal was crucial to establishing her ‘irredeemably savage’ nature, so also was the institution of a new form of legal power that strengthened and recreated the authority of chiefs/elected headmen.

This process was riddled with ambiguities. Alongside revealing the supreme authority of the Chang and Konyak chiefs, the Sema chiefs, whose villages fell within the area of political control and were thereby recognized by the colonial office as the *Goanburas*, had to put up with more than their share of punishment. Generally, the Semas were among the Naga communities who founded new villages, since they practised the system of a chief’s son(s) founding his/their own village. It was a custom for the elder sons of a Sema chief to leave the parental village and found villages of their own. ‘A chief’s son taking a colony to this sort was given by his father as many of the households willing to go with him as his father can spare [...]’⁷⁵ This practice of founding a village by the

⁷⁴ Julio Faundez, ed., *Law and Development: Critical Concepts in Law*, Volume, Routledge, New York, 2012, p. 12.

⁷⁵ From, J. H. Hutton, Esquire, ICS, Officiating Deputy Commissioner, Naga Hills, To, The Commissioner, Surma Valley and Hill Districts, Silchar, Dated, Kohima, the_ May 1916, Pitt Rivers Museum, Manuscript Collections, Oxford, (hereafter PRM). Also see Political Department, Political Branch, Nos. 119-153, Tour

chief's sons resulted in a close bonding between the neighbouring villages, as a result of kinship and marriage. Such village patterns spread to regions where newly explored agricultural lands made it possible to support new settlers. The search for new settlements separated kindred to different locations. Some of these villages came within the area of delimited political control while others were beyond the pale of administration.

Besides accompanying the new chief to found a new village, with the approval of the father chief, there were other kinds of migration away from the parent village to another village. In such cases, the concerned migrant had to pay a fine to the chief of the village he was leaving. An interesting development concerning migration among the common people (not of chief clan) attained a new mode of exchange by the early twentieth century. Buying rights from the chief or paying fines to migrate to another village quickly became a monetized transaction, which was applied equally both within and outside political control tracts.⁷⁶ Hutton wrote at length about men who resided in the villages within the administered area and wished to make new settlements away from the parent village. He elaborated on the problems faced by the chief while letting go of people from the village, due to the feudal power structure.⁷⁷ In situations where the chief was

Diary of H. G. Barnes, Esquire, ICS., Deputy Commissioner, Naga Hills, for the month of December, 1916, 'the colonists (Satahu *goanbura*) plans to plant a colony on the hill outside the border opposite Satahu, and the government would take no notice, "if they were raided and cut up", as the Sema is good at looking after himself,' dated, 1 December 1916, camp: Satahu, NSA.

⁷⁶ *Enavi of Apitomi v Vikheshe GB of Apitomi*, dated, 5 March 1910, Case Records, NSA. The case is as follows: The complainant's mother Aoshe lived alone at Sitemi village. She asked her son Enavi, the complainant to come and live with her because she was old and had not much longer to live and there was nobody to do her funeral rites to which Enavi complied. Enavi complained that while he was away looking after his old mother, Vikheshe, the defendant took his pig because he left Apitomi village and migrated to Sitemi. The court summoned the defendant. The defendant stated that he wanted no fine, but that Enavi should come back to Apitomi, Enavi refused because he wanted to remain in Setimi where his mother was residing. The court ordered, 'according to Sema custom a man who calls his *gaonbura* his 'Baba' (Father) must pay him a fine of Rs. 5/- if he leaves the village.' Therefore Enavi was ordered to pay a sum of Rs. 5/- to Vikheshe *goanbura* of Apitomi.

⁷⁷ Feudal system - Hutton called the feudal (vassal) system of the Semas an 'Orphan' system. Here orphan is a literal translation of the Sema word 'mighimi'. *Mighimi* in the Sema language means people who are fatherless and motherless, also, it is used for those people who are very poor. *Mighimi*, as used by Hutton, was more of a generous term, because in practical terms it meant *aqu-axe mi*. There were two kinds of vassalage, *aqu-axe* and *anulikishimi* (*anuli*=children, *kishimi*=have become) See Lovitoli Jimo, 'Marriage Prestations: The Social context and the Meanings in Sumi Naga Society', MPhil Dissertation, JNU, New Delhi, 2007. 'Aqu-axe' (*aqu*=feed, *axe*=paying for a wife) can be understood as 'a person who has been bought' but is not a bonded slave. In this system, when a person becomes an *aqu-axe*, they are provided with food and shelter, including a plot of *jhum* land to cultivate. Once the person was under the obligation of *aqu-axe*, it became hereditary and was passed on from generation to generation until the price of *aqu-axe* was paid back, p. 95.

unwilling to let free those who were indebted, arrangements were made for the potential migrant to allow them to pay a small sum to the Chief. Each case was treated on its merits, the usual payment being Rs. 5/- to Rs. 15/-, according to the degree of vassalage of the concerned person. Generally, Rs. 15/- was the highest amount paid, 'in discharge of all a man's obligations to his chief except actual debts.' And when such a person goes to another village after paying the obligatory fee to his former chief, he normally places himself under the protection of the chief of the new village where he has chosen to live, and in return the new chief paid the sum due to his last chief on his behalf.⁷⁸

Moving away from the parent village did not imply the severing of ties with parents or brothers who had founded new village settlements. The colonial administration could not cope with the Semas living within the area of political control while maintaining relations with their relatives who were living beyond political control. What appears evident is that the colonial administration could not risk leaving those kindred networks alone. Their relative independence meant that they were liable to team up at any moment against the colonial administration. The long years of resistance and bloody battles fought between the Nagas, who were now living within the areas within political control, and the colonial power had made the colonials skeptical of any relations maintained by the Nagas. After all, the great Anglo-Naga war of 1879-1880 was also a war waged by thirteen villages combined. Hence, the colonial administration took no chances, bringing to book any seemingly disobedient move and imposing restrictions and punishments. As a result, many cases were filed against such mobility. *K. E. v Ikishe GB of Seromi* (1935), was solely concerned with 'Going across the frontiers without permission.' In this particular case, the accused, *Ikishe Goanbura* of Seromi, admitted that he went to Satami the previous year but said he did not know of the government order forbidding the *Goanburas* of Seromi to go across the frontier. And the court stated, 'Mr. Mills gave this order and Dr. Hutton passed an order forbidding all Seromi *Goanburas* to go across the frontier.' The accused was fined Rs. 50/- and his red cloth was confiscated for six months. After curbing the freedom of movement of the *Goanbura* in question and

⁷⁸ From, J. H. Hutton, Esquire, ICS, Officiating Deputy Commissioner, Naga Hills, To, The Commissioner, Surma Valley and Hill Districts, Silchar, dated, Kohima, May 1916, PRM.

confiscating the very symbolic colonial recognition of leadership, the court contended at the end that ‘the question of what he (*Goanbura*) went across for does not arise.’⁷⁹

The harnessing of submission through the manipulation of an important symbol, the red cloth of the chiefs of the villages, was tantamount to re-inscribing the person, his status and his indebtedness to colonial authority for his continued authority as a dispenser of customary justice. These precautionary punishments of extracting fines from people who were not within the area of political control and confiscating red cloths because they visited a village outside political control against the alleged Deputy Commissioner’s order, were attempts to prevent any kind of communication by exerting arbitrary and symbolic punishments.

The cases discussed above here mostly pertain to communities which had chiefs as leaders. It is not possible to talk about the Nagas without bringing in the distinction between the villages that previously had nominal chiefs with the council of village elders who had been transformed into elected headmen and the villages that had hereditary chiefs. The very fact that the colonial administration brought together the hereditary Chiefs and the elected Headmen under the same term *Gaonbura*, and bestowed them with the same red cloth, makes it all the more important to study them and understand them differently. Why did the British make the election of headmen mandatory instead of letting people continue the usual norm of leadership in the form of a council comprising village elders? Why were chiefs whose jurisdictions lay beyond areas of political control recognized as chiefs while at the same time they faced punishments equal to or worse than the *Goanburas*? What was so imperative about imposing this sense of uniformity?

An analysis of the cases reveals that a chief who made a raid outside the area of political control was fined in line with a chief who made a raid inside the area of political control, due to the fact that they belonged to the same race. This was also the case of the chief of the village of Hoshepu. This act confirms that the British administration was greatly disturbed by the powers exercised by these chiefs and the consequences of the latter’s actions as well as the possible oppositional strength of kinship ties. Firstly, the chiefs who

⁷⁹ *K. E. v Ikishe GB of Seromi*, dated, 25 July 1935, in the court of E. T. D. Lambert, Sub-divisional Officer, Case Records, NSA.

were outside the jurisdiction of administration would be free to exercise their power as they liked if the colonial administration did not show authority although these were chiefs independent of political control. Secondly, too much freedom given to the chiefs outside political control would have threatened the power and prestige of the chiefs who were within political control, which might have led to the latter taking the situation into their own hands. Thirdly, curbing the power of the chief who was outside political control was an exemplary signal to other people of same status within the colonial sphere but outside political control.⁸⁰ While applying stringent limits to the chief's power, it established who controlled the system, it also exemplified Sally Merry's assertion about colonialism being 'always an uncertain process' and 'fraught with incomplete application...'⁸¹ To sum up, understanding colonialism as an uncertain process bring to light that colonialism in the Naga Hills was still largely an experiment with its officers taking chances in each case to try out different resolutions under the guise of following government orders. This brings us back to the point that instituting the village leadership of the chief and the council of village elders under the same system of *Goanbura*, and bringing to court all the disputes that were once the chief marker of leadership in a village, was one project of experimentation and it worked. Why was uniformity so essential to the administration of this area? The next section will turn to this question.

Understanding the Chief's Authority

Families of the original founders of the village normally formed an important group or were part of the group from which the chief was drawn. The appellation of chief of the village was used and understood in different ways depending on social practices. In some communities, the name chief could carry strict social obligations and duties whereas it connoted only a titular head in others cases. With the annexation of Naga villages, the names of certain powerful chiefs faded from memory as they were replaced by the newly instituted *Goanbura* system. 'Stories are still remembered in Khonoma of two

⁸⁰ Foreign, External, A, January 1889, No. 76-88, No. 79, para. 5, '...Nagas has too clearly shown that one lesson had not been sufficient to impress our views on them...' colonial administration was determined on teaching the Nagas a lesson, NAI.

⁸¹ Sally Engle Merry, 'Colonial Law and Its Uncertainties', *Law and History Review*, Vol. 28, No. 4 (November 2010), pp. 1067-1071, p. 1067.

redoubtable chiefs, Dopule and Pelhu, who held sway over Khonoma, and the later of who is at present represented in the person of Fezherr, one of the *Goanburas* of the Merhema clan', wrote Hutton, the then Deputy Commissioner of Naga Hills. Hutton saw no difference in the office of the village leadership of old and equated the Goanbura with the chiefs: 'the *Goanbura* of the present day holds very much the same position.' This understanding of the position of the *Goanbura* as being the same or as good as the village leaders of pre-British Naga Hills was because the style of leadership was not hereditary among the Angamis, both in pre-British and British times. However, the affirmation that *Goanburas* were 'more or less on the nomination of the clan, but they are certainly without any more authority than the ancient Pehuma (village chief)', was to show that the *Goanburas* were as efficient if not more, than the old system. But the claim that *Goanburas* under the British rule were as efficient as the old system becomes contradictory when the old man of the clan remained a source of knowledge. 'In deciding disputes, questions of customs would be, and still are, referred naturally enough to the old man of the clan, and, the decision of old men in regard to matters of customs/is more or less final.'⁸² The Angami had, however, hereditary priests, offices descending in the line of the first founder of the village,⁸³ which means the priest held an irreplaceable place in the village as a leader.

Before the British put an end to the leadership of Ekyung (chief) among the Lothas, it was a hereditary post enjoyed by members of the family who belonged to the founding members of the village. Unlike the chief system practised by other communities, chieftainship in the Lotha system did not necessarily pass from father to son. Whenever an alliance of villages were formed, certain powerful villages were sought for advice where a select group of men represented the village. With the invasion of the British, all the privileges of the chief were abolished and village authority was transferred to a

⁸² J. H. Hutton, *The Angami Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1921, Reprint, 2003, pp. 142-44.

⁸³ J. P. Mills, *The Ao Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1926, Reprint, 2003, p. xxxiii.

‘council of old men and men of influence’ of the village with elected headmen bridging the villagers and the government.⁸⁴

The Aos were generally divided into two distinct groups called the Chongli and Mongen. This clan break-up system was strictly maintained during all the activities in a person’s life and was based on two main principles; age group and the council of elders. In the age group system of the Aos, the whole village was divided according to age, called *Yingar* in the Chongli group and *Yengar* in the Mongsen group. These two different groups were assigned all the village duties. In the council of elders system, the affairs of the village were controlled by the council of elders, which was elected. The tenure of office varied among different language groups. The council of elders had nothing in common with the hereditary chieftainship. In the age group system, a new group of boys who were born within the same three years entered the *morung*, which kept receiving a batch of boys every three years. A man usually kept his original group until he died. A new batch of young boys on arrival at the *morung* started a new phase of life, performing manual duties until the next batch came in to take over their manual work. The preceding batch then began to enjoy the lives of young men. After a man finished his time in the *morung*, he married and settled down, and in time became a member of the council, then gradually a priest, and remained a priest till he died.⁸⁵

With the advice of the council of leading men in the village, a village chief constituted the village administration in the Rengma village. The office of the village chief was hereditary in the clan among the Rengmas. However, if the chief practised ‘gross misrule’, the public had the authority not only to deprive the chief of the position of chieftainship but also to take away the privilege of the whole clan.⁸⁶ Among the Pochury

⁸⁴ J. P. Mills, *The Lotha Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1922, Reprint, 1980, ‘old men are appropriately called *Sotsoi* (meat-eaters), for they inflict fines of pork in petty cases and eat the fine. *Sotsoi* were divided into two classes called Tongti, the upper division, and Chochang, the lower division. Usually the village was administered without dividing the *khels*. In case the *khels* were big there were some provisions to function within certain rules, but if the *khels* were not big, leading men of each *khel* manage their affairs independently,’ pp. 96-97.

⁸⁵ Mills, *Ao*, p. 177.

⁸⁶ J. P. Mills, *The Rengma Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1937, Reprint, 1982, p. 138. There is story about Tepinyu clan in Tseminyu who were chiefs since the foundation of the village. As time go by they began to rule badly and people revolted and as a result migrated to other villagers. During this chaos, the Khinzonyu clan seized the opportunity and became the chief in succeeding

community, which was formerly known as the eastern Rengma, the village was ‘run by most influential men of the village. The Pochury community, however, had a very important religious official known as Kachiwa (priest) who was also referred to as chief. The office was hereditary and was among the clans that took part in the original founding of the village.’⁸⁷

Konyak villages were governed by powerful hereditary chiefs. An Ang’s (Ang=chief) son takes as his first wife only the daughter of another Ang because only the son born of this pure *Ang* blood was entitled to become the *Ang*. The social custom of the *Ang* clan required its members to enter into a marriage alliance with partners of their own clan, but the bride and bridegroom had to be from different villages. This system made it important for *Ang* families to search for brides and grooms from chiefly clans in other villages.⁸⁸ Among the Semas, hereditary chieftainship was practised. Each Sema chief had an almost feudal position as lord of the manor of his village. Comparatively, the Angami, Rengma and Lotha and apparently Sangtam villages were run on democratic lines although they had a figurative chief assisted by a council of elders of the village.⁸⁹

As any administration arrangement was made according to the situation on the ground, delegating power to the chiefs, who were now officially recognized as *Goanburas* at large, with a necessary working structure within their customary practices, saved an enormous amount of government effort, time, money and physical involvement. Yet the task of keeping track of such delegations, with litigation engendered in the magistrate’s court, became extremely burdensome to the government – this is evident from the Deputy Commissioner’s reaction at the amount of litigation that reached his court. Retaining the

years. However their rule was cruel and oppressive. It was said that the chief assaulted the people for no reason, he also ‘insolently display his power by lying full length across the path everyone used going down to the fields.’ This insolent attitude of the Khinzonyu clan chief could not carry on for long the chieftainship passed on to the Kentennyu clan. It was said that when the British annexed Tsemnyu, Kentennyu clan were chiefs since seven generations.

⁸⁷ *Ibid.*, pp. 138-40.

⁸⁸ Milada Ganguly, *A Pilgrimage to the Nagas*, Oxford & IBH Publishing Co., New Delhi, 1984, p. 170. Also see Political Department, Political Branch, Nos. 119-153, Tour Diary of H. G. Barnes, Esquire, ICS, Deputy Commissioner, Naga Hills, for the month of December, 1916, ‘roughly Konyaks were of three classes, the children of chiefs by a lady of the same class, the ordinary villagers, and the descendants of chiefs by ordinary village women,’ dated, 4 January 1917, camp: Bor Changnoi (Hangnyu), NSA.

⁸⁹ Mills, *Lotha*, p. xxxiii.

chiefs' responsibility to deal with litigation in their respective communities, as was practised before, was an easier option. The re-delegation of litigation to the chief, even for those *Goanburas* (who were hereditary chiefs) who were inside political control, undermined the validity of official distinctions between the chief and the *Goanbura*. This revealed that the colonial administration was able to ride two horses at the same time, since the colonial court made it look more as if protection and the upholding of native tradition were important aspects of promoting 'tribal values.' By binding the chiefs' loyalty through formal means, while saving colonial resources by re-delegating their powers, two different objectives were achieved. However did the cases that were settled in the magistrate's court work against the government's strategy, in the sense that the cases which were settled created more chaos than the solved problems?

Reading Martin Chanock's work in this context provides an insight into the problem of the district court's implementation of justice among the indigenous people. In the early twentieth century, British officers in Malawi were ready to hear any kind or number of cases that were brought to the district headquarters at Boma, because the government believed that the courts' 'patient adjudication on small cases have won the confidence of the population.' By the 1910s, the difficulty of dispensing justice could not be ignored anymore. The main problem being that, both the parties, namely, the judges and the native litigants, did not understand a word of what the other was saying and in the process the interpreters became the sole hand in 'controlling the business of the district courts.' Moreover, the British officers thought village headmen could do better by hearing these petty cases in their villages, rather than bringing them to the district court.⁹⁰ By comparison, thrusting the responsibility of solving litigation problems upon the Sema Chiefs, as can be seen in the discussion below, reflects the same situation. Although the colonial office in the Naga Hills maintained that hearing numerous suits 'would necessitate a larger staff to deal with them [litigants]'⁹¹, the subsequent re-assignment of

⁹⁰ Chanock, *Law, Custom and Social Order*, pp. 104-05.

⁹¹ From, J. H. Hutton, Esquire, ICS, Officiating Deputy Commissioner, Naga Hills, To, The Commissioner, Surma Valley and Hill Districts, Silchar, dated, Kohima, the May 1916, PRM. See Political Department, Political Branch, File no. Political, B, Progs. Jan/1920, Nos. 903-925, Tour Diary of H. C. Barnes, Esquire, ICS, Deputy Commissioner, Naga Hills, for the month of November (and December) 1918, ...because the villagers thought Kohima to be too far away from their village the Deputy Commissioner 'failed to get any young fellows to train as *dobashis*,' which was in much need, dated, 18 December 1918, camp;

this power to the chief was largely a matter of expediency on the part of the colonial administration.

The policy of christening the village authorities as *Goanbura* by offering red blankets but making them perform the task of a chief was mostly confined to the Semas. This was because of the kind of region the Semas inhabited. The central tract was demarcated by taking the Tizu River as the boundary. This way a good number of Sema villages were cut off from their fellow kinsmen. But earmarking categorical boundaries did not mean changing the whole dynamic of the traditional leadership system as long as it produced positive results for the colonial administration. In 1916, J. H. Hutton, the Deputy Commissioner of the Naga Hills wrote:

it is on the Chiefs' influence we largely depend for the prompt execution of orders for the general good behavior of the Sema country, and for the settlement of innumerable petty disputes, which, if they were to form the subject of litigation at Kohima, as they are already beginning to do in the case of villages, where there is no chief or where his influence is impaired, would necessitate a larger staff to deal with them. Moreover the obligations entailed by this system and the consequence of breaches of it are thoroughly understood and entirely to tribal sentiment and the inherent conception of society that prevails in the Sema country both among the Chief and the ordinary villages.⁹²

Hutton, here, was talking in connection to the order of the government abolishing the 'orphan' (aqu-axe=one who is bought) system practised by the Semas. The 'orphan' here does not literally mean an individual without a father or a mother, it was a system that maintained a hereditary relation of a 'father' and 'dependent', which was crucial to the Sema chief's authority. Therefore Hutton was arguing that this 'orphan' system was, 'by far the best of the bargain'. He added:

The poor, the old, the crippled and the mentally deficient turn naturally to their 'Father' the chief when they are in need. He helps them as a matter of course for his reputation is involved, but his only security for repayment in the future is that he and they stand in the hereditary relations of 'father' and 'orphan'; if these relations were abolished, those of the latter unable to maintain themselves would have to starve or steal or to be supported by Government.⁹³

Phozanagwami, NSA. Also see Tour Diary of J. H. Hutton, Esquire, CIE, ICS, Deputy Commissioner, Naga Hills for the months of July, August and September 1921, 'there was a growing demand to have a literate *dobashis*, *dobashis* had to go places 'on command' for months and hence it was no use sending illiterate men, dated, 29 August 1921, camp: Wokha, NSA.

⁹² *Ibid.*

⁹³ *Ibid.*

In connection with the abolition of the 'orphan' system, Hutton also expressed his anxiety regarding the Changs who practised a similar system to the Semas. He was worried that abolishing the 'orphan' system would undermine the authority of the chief which would seriously disturb the whole tribe, causing a vast increase of petty litigation and probably ending in violent disputes over land. He emphasized, 'it is a long way to Court and the Chief might be unable to stop affrays.'⁹⁴ In the same condescending way, he talked about the Konyak *Angs* who wielded great power and were of a high status. He talked of these chiefs, living beyond the area of political control, as having great personal power and sanctity and stated that their authority was unquestioned. The chief's person was treated as 'tabu'[sic], which he compared to a Samoan or a Maori chief. He was of the opinion that there was 'no question this area should never be made in to British territory' but should be kept independent like the Khasi Siemships (chieftainship). The fact that this arrangement would be a 'cheap method of administration' delighted him. But, he was careful enough to add that it would be 'entirely in accordance with the sentiments of the people', exactly like he said of the Sema chieftainship. And the reality of the situation was that *Angs* of big villages had a number of 'children' paying tribute, and therefore would implicitly accept the orders of the *Ang*, a prospect too good to resist.⁹⁵

The social structure of communities like the Konyaks, Changs and Semas was based on the structure of a family, where the chief as the 'father' was responsible for his villagers as 'children.' Here we can also get a glimpse of how a village with a chief and village without one functioned, albeit with minor variations in different regions. This family-like function of the chief system worked like a double-edged sword for colonial officials. For the villagers, the colonial orders could not have been very different to how the usual system operated in the sense that all orders were carried out through the dynamics of the chief's system. However, the kind of work the villagers carried out was now completely altered, because the chiefs were now under the colonial administration's directive to invest the villagers' strength towards the demand of the colonial empire's need. The preservation of an original chieftain system was hardly the concern, it was caution that

⁹⁴ *Ibid.*

⁹⁵ Tour Diary of J. H. Hutton, Esquire, ICS, Deputy Commissioner, Naga Hills, during the month of October, 1923, dated, 22 October 1923, PRM.

put together the new strategy. The idea of letting the chiefs retain certain customary practices camouflaged the larger intention of the colonial court, which was to usurp the legitimacy of the chief and save on administrative expenses. On the other hand, even if the chiefs understood the whole plot, there was not so much that they could do to raise their dissent against the colonial power. It is also plausible that they were benefitting to some degree from these colonial arrangements.⁹⁶ The result was that there was a change of approach to the old leadership system. In the new system the chance of village men who had reached a certain age to enter the council of elders of a village became non-existent. The situation led to the building of alliances between certain groups of people within the village in order to contest the leadership, which was fought in the colonial courts. This will be studied in the later part of this work.

On the other hand, the *Goanburas*, who were both within the areas that paid house tax as well as those that did not, were made to work with the administration by either collecting taxes, arranging for coolies or accompanying the colonial officials on tour when needed, making them more attuned to the nuances of administration. The Nagas' relentless resistance against colonial power since the beginning of the entry of the British onto Naga soil could not withstand their eventual subjugation at the hands of the colonial administration. And Nagas therefore were now mere subjects at the disposal of the colonial administration. The responsibility of collecting house taxes and fines remained the uniform pattern of defining the *Goanbura* duties of carrying out government orders, but matters related to other daily activities were defined by the region to which the *Goanbura* belonged. One specific difference between the *Goanbura* who were chiefs and those who were elected headmen was the delegation of litigation, as has already been mentioned. If the *Goanbura* was a chief, matters relating to village litigation (see sub-theme 'understanding Chief's authority) was left to the chief's wisdom, as was customary practice. If a *Goanbura* was the elected headmen, most village matters were settled in the magistrate court. The execution of strategy might have been different but the end result remained the same. Instituting the system of *Goanburas* and calling both the hereditary

⁹⁶ An incentive of 20 per cent commission from the house tax collection can be an example here.

chiefs and the elected headmen as *Goanburas*, by the colonial administration, shows that it was a strategic mechanism which was expedient and efficient.

While one might be tempted to consider the colonial court as being a ‘peoples’ court, based on the cases brought to court and disputes settled therein, we may detect the operation of a complex matrix of power, usually through the citation of the customary practices of people,

The shift of authority from the village authority to the Colonial Court

The enquiries of the colonial regime into indigenous practices were made either to disavow or reshape them when they found them ‘problematic, unnecessary or potentially troublesome’ or coming into conflict with the colonial agenda. At the same time, these practices needed to be reconstructed and brought into alignment with ideas of the rule of law. And hence the practices of the native people came to be understood as informal laws which became that of ‘savage’ or ‘primitive’ peoples; a practice that was ‘qualitatively and temporally distinct from European peoples.’⁹⁷

Colonial officers urged their officials and students⁹⁸ alike, in places where they went about ‘the need for knowledge of native customary law, economic organisation, land tenure and religion...’⁹⁹ This was the force behind successful colonial expansion. However, the outcome of the transition of traditional village authority to colonial authority was not done through systematic schemes of which created an understanding of indigenous ways of life. It is well known that anthropology was an important component of British rule but acquiring knowledge and understanding the local ways of life through texts was not an option in these pre-literate societies.

Most of the litigation brought to the magistrate’s court in the Naga Hills, as the case records show, initiated a whole process of legal procedures which originated and ended

⁹⁷ H. Patrick Glenn, ‘The Capture, Reconstruction and Marginalisation of “Custom”’, in Julio Faundez ed., *Law and Development: Critical Concepts in Law*, Volume 2, Routledge, New York, 2012, p.153.

⁹⁸ Lugard, ‘Colonial Administration’, p. 248, Lugard delivered a lecture at the London School of Economics and Political Science, on 10 January 1933, on a course of lectures organized by the School on colonial administration.

⁹⁹ *Ibid.*, p. 256.

with the magistrate. To harness logistical resources for colonial rule, the traditional institutions of the chiefs and the elders of the village who were leaders and representatives of the people, by virtue of ascribed or acquired status, were absorbed into the new administrative regime. But simultaneously, as was revealed by the whole experience of litigation, in terms of decision making, there is no evidence to prove that these sources of native authority were included, although in the paper it said the *Dobashi* 'heard and decided cases which the village would not settle.' There are hardly any records that mentioned the name of the *Goanbura*, of any community, involving in decision making in the colonial court, although court verdicts carry the oft-cited phrase 'according to custom.' There is an occasional mention of *Dobashis* being present in the court, where records end with 'in the presence of [X,Y,] name of the *Dobashi(s)*'. This suggests that the *Dobashis* present were only involved interpreting and not included in decision making. An example can be cited here by taking the case of boundary settlement made by Arthur William Davis, which concluded with headmen and *Dobashis* 'present' as the officer demarcated inter-tribal-village boundaries. On 3 November 1896, A. W. Davis, the Sub-divisional Officer, settled a boundary dispute between the Shitzu village (Sema) and Nunkam village (Ao). The case was about the Shitzu village, which was wrecked by Nunkam 25 years ago when around 200 villagers took shelter at Ungma and became residents eventually, while their (Shitzu) land were taken over half and half by Ungma and Loppheni (Allaffumi). The officer summoned the Shitzu headman and the latter came in after a tedious argument with the Mongsen *khel* of Nankam after finally agreeing to take the Untsuniang stream as the boundary. Aided with the agreement of the villagers, the remaining demarcation of the boundary was left to the power of the Officer. A. W. Davis, who drew the boundaries from the Untsuniang stream which rises on the Sungkong and falls into the Shishi or Teshi (Tushi), thus making each party cultivate on either side of the stream. With this demarcation, the heavy forest on the north of Shitzu site, through which the government road passed, came under the possession of Shitzu. Moreover, with Nunkam having given up all claims to the land that now fell within Shitzu, the government made Shitzu promise to make a village of no less than 100 houses. Side by side, the case of a coterminous boundary between Nunkam and Shitzu on the one hand and the Sema villages Limimi (Limamy) on the other was fixed. The Sub-

divisional Officer built a rough mould of stones near Tsubalung *Nulla* (stream) and drew a straight line cutting the Nunkam-Longmisa trade path at right angles, below the government road called Kemutsa, and in a straight line to the source of the Arryumpang stream (Ao) Aungsomelaq Agavoki stream (Sema), then down the Arryumpang to its junction with the Dekhu. After demarcating the boundary the Semas were told not to encroach on the Nunkam land on the right of the Teshi stream. 'This boundary was laid down by me on the 30th and 31st October 1896' the report read, 'in the presence of Tushi Ao and Tumpshimayang headman of Nunkam on the other hand Kelho, Rikomo, Kyekhu and Inato representing Alaffumi and Limitsami. There were also present Kupu Sema *Dobashi* of Lozema and Chimungchiba, Yenkungyapang and many others of Nunkam and Longmisa.'¹⁰⁰

The delegation of *Dobashis* to settle village boundaries was occasionally ordered by the court. The fundamental reason for a community to look up to the chief(s) or an elderly person was because they were assumed to be sources of community knowledge which they preserved, exhibited, and passed on. However, village chiefs and elders in the Naga villages, who sustained oral traditions, and who were the keepers and executioners of law, were severely diminished in their powers as they slowly became tied to the colonial administration.

The process of according recognition to the traditional leaders and simultaneously disarming them of their authority produced another group of litigants in the colonial court. The traditional leaders were reduced to being mere witnesses to the proceedings of the cases as the magistrate dictated their 'custom' while also introducing them to a new system of being reduced to litigants themselves in the colonial court seeking justice. 'Custom' in the realm of the colonial court in the Naga Hills was a term used to refer to the traditional practices of the people, in the context of litigations in the magistrate's court. The court's orders bear the semblance of long-drawn policy, namely, of extracting and reserving the anticipatory services that worked for the profit of colonial office and even more so when native leaders were involved. In the case of *Pamchanglemba of Chuchu Yunlang, Yuntianger, GB of Chuchu Yunlang v Suzunokshi of Chuchu Yunlang*

¹⁰⁰ Tour dairy of A. W. Davis, 1890-1906, 3 March 1896, Case Records, NSA.

(1933),¹⁰¹ and *Inaho GB of Shenapfumi v Lasapu of Lumami* (1934),¹⁰² the complainants in each case were heirless and decided to exercise their rights in court. In *Pamchanglemba of Chuchu Yunlang etc v Suzunokshi of Chuchu Yunlang*, the case was a contestation of the decision made by the brother of *Goanbura*, Suzunokshi the defendant, who chose to sell his share of land. The three men involved in the case were ‘co-heirs’ holding lands in common. The case also reveals that the complainants had heirs and were rich (Pamchang [sic], the brother of the defendant, was reputed to be the richest man in Ao country), as compared to the defendant who was poor and did not have an heir. Suzunokshi, the defendant, sold nine or ten fields for Rs. 55/- secretly to one Akhwia. This, the court declared, was contrary to Ao customs and therefore a serious offence. He was therefore made to pay a fine of Rs. 20/- and sentenced to three months rigorous imprisonment.¹⁰³

In *Inaho GB of Shenapfumi v Lasapu of Lumami*, the late chief Vikiye, Chief of Lumami, died without any heirs. Before his death, he nominated one Lasapu as his successor. Now, a certain Inaho of Shenapfumi, who belonged to another village and was in no way related to the deceased Chief Vikiye, claimed that Lasapu, who was poor, would be ‘quite unable to run the village of Lumani as chief.’ Inaho pleaded in the court that he be allowed to bring his colony from Shenapfumi, a village where he resided, thus abandoning the old village and settling down in Lumani and to make him ‘Chief of Lumami in toto.’ The court’s verdict was, ‘This is entirely repugnant to Sema custom and to government policy and Inaho has no rights whatsoever in Lumami as he was not one of the original founders.’ The court went on to add that, ‘Lasapu is appointed chief in Vikiye’s place as he is the only man with any direct claim to the position.’ Lasapu was given full support by the court to be the rightful chief of Lumani. But with it came the direction from the court as to how he should exercise his rights as the chief of Lumami.

¹⁰¹ *Pamchanglemba of Chuchu Yunlang, Yuntiangar, GB of Chuchu Yunlang v Suzunokshi of Chuchu Yunlang*, dated, 16 January 1933, in the court of G. P. Stewart, Sub-divisional Officer, Case Records, 1931-36, NSA.

¹⁰² *Inaho GB of Shenapfumi v Lasapu of Lumami*, dated 24 August 1934, in the court of E. T. D. Lambert, Sub-divisional Officer, Case Records, 1931-36, NSA.

¹⁰³ There is no mention of which prison, jail or a lock up, whether in the district or outside the district.

Entirely opposite to the court verdict that supported the candidate of Lasapu as the rightful heir to the chieftainship of Lumani, the court gave another parallel verdict supporting the cause of Inaho, the complainant, as the rightful person to establish his *khel*. The court shot down Inaho's claim for chieftainship in the first place as being 'entirely repugnant to Sema custom.' It ruled out even the slightest possibility of Inaho being considered as a possible chief of Lumani because he did not even belong to the group of founding members of the village. Nevertheless, Inaho was given permission to be the Chief of the new found *khel* and was allotted free labour privileges too. Lasapu, the rightful heir to be the chief of Lumani, on the other hand was allotted five free labour days. These free labour days were to be added to three more days that Vikiye's widow was enjoying. There was a condition that Lasapu would get these three days of free labour after the death of Vikiye's widow, provided that he [Lasapu] ran the village well.

As mentioned elsewhere, the Sema chieftain System practised giving free labour days to the Chief. Here, the court, while protecting the rights of the successor of Vikiye, the deceased Chief of Lumani, Inaho was allowed to 'bring his village in too and settle close to Lumani thus establishing a separate *khel*.' It was made clear that both Lasapu and Inaho would have no rights in each other's *khel* and if any person of the respective *khels* wished to leave one *khel* and go to the other he would have to pay up all dues as traditionally done by people who were leaving one village to go to another.¹⁰⁴

The system of founding a new village practised by the Semas had its pros and cons, especially after the arrival of the British administration and the administration giving permits to certain people to start a new village. There had been occasions where the British administrators expressed resentment over those old chiefs who were headstrong and paid little heed to the orders of the colonial administration. And they waited for the time to come when these figures 'would be reduced to pulp in no time.'¹⁰⁵ The chief of

¹⁰⁴ There is another kind of imposition on a person leaving the village. In the case of *Chekishe of Aichasaghemi v Khulupu of Aichasaghemi*, dated, 21 September 1913, camp: Aichisaghemi, the court order read, 'Sema rule prescribes when a man bolts from his village at time of war he is not entitled to the abandoned lands.' 'This system', the colonial court recognised was, 'a case as old as the hills.'

¹⁰⁵ Tour Diary of J. H. Hutton, Esquire, ICS, Deputy Commissioner, Naga Hills for the months of June, July and August 1918, Sakhalu, chief of Sakhalu village was one of those old powerful village chiefs who was used to having his way, which perturbed the colonial authorities. It talks about the chief becoming

the village was dependent on the strength of his village population, and more population meant more production, more activity. Dominance both domestic and external was thus dependent on the sizable population of the village. The colonial administration practised sly indulgence by acting distant where certain positive outcomes could be expected from the new settlement. An example can be taken from an incident which occurred while the Deputy Commissioner was on tour; Kohozu of Sukhalu came up to the Deputy Commissioner and asked for permission to start a village at Yangnei, the former Kuki site above Phozanasami, which was at that time occupied by a fort that was planning to leave in October. The Deputy Commissioner expressed his wish to give him a lease to settle at the site of Haijung, not very near Phozanasami, but near enough that he might go and talk to Phozanasami if he liked.¹⁰⁶ Colonial officers gave a free hand to prospective parties who wished to negotiate the plan, especially in troubled boundaries which were outside political control. Colonial authorities also expressed satisfaction when new settlements were a success, with the administration yearning to add more land to the settlement, despite fearing negative precedents.¹⁰⁷ The pattern of encouraging migration to new settlements was becoming common under the order of the colonial administration. There are cases where people, other than the Sema community, were encouraged by the colonial officer to migrate to smaller villagers from presumably bigger villages. And along with encouraging new settlements, there was an increase in the obligatory fees demanded from the ones that were migrating. J. P. Mills, the then Sub-divisional Officer, gave an order to Khari villagers that any persons who ran away to a smaller village (such as Japu) could do so without paying any fine. Taking advantage of this order, people ran away to Japu, Yachang, Liramon and other villages from Khari. To this situation, the then Deputy Commissioner, J. H. Hutton expressed that 'it may be desirable to let men move freely to

'intolerable', which was taking a toll on the villagers up on which the Deputy Commissioner was contemplating on allowing 'free migration' of the villagers to new settlements which was a sure way to 'reduce Sakhalu to pulp in no time,' dated, 31 July 1918, PRM.

¹⁰⁶ *Ibid.*, for the months of June, July and August 1918, dated, 1 August 1918.

¹⁰⁷ *Ibid.*, for the month of May 1920. Here the Deputy Commissioner was troubled by the fact that the 'village certainly had not got enough', which means the administration did not sanction enough of an area for this particular village settlement while demarcating the site. He was also anxious that Chekrama the neighbor of Kiyezu, the village in question, 'need that land so little that they can afford to let it to Kiyezu', but, the Deputy Commissioner wrote, 'It would however only encourage land grabbing if I gave it to Kiyezu now.' This supportive feeling of the Deputy Commissioner was evoked because, to put it in his own words, 'Kiyezu's village is far the most successful Sema colony I have seen of those put out near the plains,' dated, 5 May 1920.

Japu, but it certainly was no advantage that they should migrate from Khari to Yachang.’ The Deputy Commissioner was doubtful about whether Mills really passed these orders after taking into stock how people were migrating freely. He wanted the order to be carefully looked into and revised. He was also in support of Khari customs to extract a fine from persons migrating from village. In Hutton’s own words, ‘I see no reason why Khari should not continue to eat a standardized fine from emigration in other directions, if it is really their custom to do so.’¹⁰⁸

These instances point to why the court was quick to give very different judgments on the decisions made by leaders in their own right. In the cases discussed above, it shows that those involved were village authorities, who lived within the vicinity of the administration, within the reach of government functionaries such as the court and police. The evidence shows that cash fines were extracted from the defendant and three months of rigorous imprisonment was imposed in the case of *Pamchanglemba of Chuchu Yunlang etc., v Suzunokshi of Chuchu Yunlang* speaks of carrying out regular administration orders. At the same time, the *Inaho GB of Shenapfumi v Lasapu of Lumami* case shows the conciliatory approach in guarding the government’s interest, a strategy that ensured that the concerned litigants took their own course of action that could have stirred trouble for the colonial administration. Indigenous authorities often failed to grasp the colonial intentions when they rushed for momentary gratification and participated in what became measures to further the practical convenience and expediency of the colonial administration.

The cases of *Pamchanglemba of Chuchu Yunlang*, *Yuntianger*, *GB of Chuchu Yunlang v Suzunokshi of Chuchu Yunlang*, and *Inaho GB of Shenapfumi v Lasapu of Lumami*, as discussed so far, show that local leaders were making decisions which would eventually lead them to the colonial court because in their understanding it was the colonial court alone that could protect their best interest. What became now of the conciliatory formula for the natives was the magistrate’s oft-used phrase in defence of customary law. They

¹⁰⁸ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the month of November and December, 1921, dated, 30 December 1921, 30 November 1921, PRM. The colonial officials in the Naga Hills used the word ‘eat’ in, example, a) ‘eat’ stick which implied the person being whipped b) ‘eat’ fine which meant extract a fine.

included: ‘contrary to Ao custom’ and ‘entirely repugnant to Sema custom,’ which soon became the sign of village leaders resting their authority in the hands of the ultimate colonial authority. The point of departure in the two judgments, however, was when the court, despite enforcing the concept of ‘custom’, sent Suzunokshi of Chuchu Yunlang, the defendant in the case *Pamchanglemba of Chuchu Yunlang, Yuntiangar, GB of Chuchu Yunlang v Suzunokshi of Chuchu Yunlang* to jail. This was ordered in spite of the knowledge that confinement was not customary among Nagas. Suzunokshi’s brothers were complainants, one of them being a *Goanbura* himself, if judgment was to be sought within customary practices he would have done well in taking the case to the traditional council of village elders and having it settled according to village rules and traditions. Instead the *Goanbura* himself took the case to the colonial court for settling the case that gave judgment based on custom and punished the defendant with no connection to custom. On the other hand, one can also see the cycle of creating new power regions, which was done by permitting new settlements in the case of *Inaho GB of Shenapfumi v Lasapu of Lumami* whose services could be utilized even in the near future.

As much as negotiating privileges for colonial gain was a part of the court proceedings, paternalistic intervention on the part of the court was also always present. In the case of *Rensatheng GB of Rephyim v Thengso of Rephyim* (1940), the court forbade Thengso of Rephyim not to ‘hire out *jat* (Assamese-Hindi word which should be understood as ‘clan’ in this context) land without informing his heirs first, but again in an equal protective term ordered that his clan ‘cannot prevent him hiring out the land if he so wishes.’ An order which verged on being a reprimand was added: ‘Anyone in future purchasing *jat* land from Thengsao will be fined and lose the land.’¹⁰⁹ This same paternalistic attitude was also applied to people in general where sometimes it involved the whole village. The case of *Lakhute GB v Mbonimo GB* (1940), is one such example. In this case Mbonimo *Goanburawas* seen cultivating in the village reserved forest without the consent of the

¹⁰⁹ *Rensatheng GB of Rephyim v Thengso of Rephyim*, dated, 12 November 1940, in the court of J. P. Mills, Sub-divisional Officer, Case Records, 1940-48, NSA. Case details: Two *khetis* (fields) were sold for Rs. 8.8/- without the consent of the heirs by Thengso of Rephyim, co-heir to the complainant. The court ordered the money to be returned to purchasers by dated, 1 March 1941, and the land to be returned to Thengsao, warning others that, anyone in future purchasing *jat* land from Thengsao would be fined and lose the land. A warning was also put upon Thengsao to not hire out *jat* land without informing his heirs first, however adding that they cannot prevent him hiring out the land if he so wished.

villagers. The court ordered that a fine of Rs. 25/- would be levied on anyone who was found violating the rules and cultivating in the village reserved forest.¹¹⁰

Through such cases, the colonial court was negotiating customs and inculcating 'certain values and norms' which involved the repetition of past practices that appealed to the litigating parties since they saw the continuity of the past in their present. To expect the natives to doubt the paternalistic indulgences of the court or to question the remaking of their customary practices by the colonial court would be difficult. The cases brought to court were oral presentations as the litigants had no written documents to cite from. What can be understood here is, the colonial court picking on '...reference to old situations, or which establish their own past by quasi-obligatory repetition', which instantly suggest the possibility of having a link with the past,¹¹¹ and hence were acceptable to community values, reiterating Hobsbawm's notion of invented tradition.

These kind of conciliatory, favourable, paternalistic court judgments which embraced the past often worked against the better judgment of the village leaders, who thought that colonial court system was where their destination for justice lay– the culmination of the shift of authority from the village authority to the Colonial Court.

Village authorities: the ambiguities of service to the government

The village authorities, who were now elected *Goanburas* in the service of the government, were granted limited rights and more duties. The situation can be analysed in two ways: firstly, it was the success story of the colonial administration which wanted the village authorities to surrender to the new dispensation. Secondly, the village authorities were not informed enough to build up a capacity to make good use of their position; a position where they could work out privileges in legal matters to pursue their interest in the form of having the space to participate in decision making. The presence of *Goanburas* was deemed necessary less in the magistrates' court more often than not with works connected to tax, labour, and other government orders and information, as much as

¹¹⁰ *Lakhute GBs v Mbonimo GB*, dated, 14 November 1940, in the court of J. P. Mills, Sub-divisional Officer, Case Records, 1940 – 1948, NSA.

¹¹¹ Hobsbawm and Terence Ranger, eds., *Invention of Tradition*, pp. 1-2

it was necessary that they accompany the magistrates to villages whenever the colonial officer required. This perpetual demand for the presence of the *Goanburas* in the life and work of the magistrate caused much hardship not only to the *Goanburas* but to his family life too. As much as there were cases of lobbying for privileges to be appointed as *Goanburas*, there was also a mounting pressure after taking on the responsibility of a *Goanbura*. There were instances of losing out on the ‘most eligible person’ of the village to become the *Goanbura* because the wife refused to compromise with the already overburdened journey of her husband at ‘irregular intervals’ to Kohima even when he was not the *Goanbura*,¹¹² and of *Goanbura* wanting to retire citing ill health which the magistrate denied,¹¹³ demonstrating the reluctance of the people to carry the burden of being a *Goanbura*.

The *Goanbura* was crucial to the colonial administration, but his authority was minimal compared to the duty expected from him. Colonial office maintained that certain cases that arose between villages were left to the ‘elders of both sides’, like before. But at the same time it explained how those cases which the village elders used to settle but failed to solve were brought to the colonial court for settlement. The role of final arbiter was an instance of how competent and crucial the colonial administration had become among the natives.

On the other hand, in the process of talking about Naga practices of the ‘old days’ of settling disputes, in which village elders resolved disputes between villages and within communities, specific community practices were brought to light. Among the Aos, when disputes between villages occurred, village elders of both sides attended the meeting and cases were settled. The system deployed a certain hierarchy according to the severity of

¹¹² Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the months of June and July, 1922, dated, 23 June 1922, camp: Sani. Chopo, about two miles from Merapani, was a village very much in need of a new *goanbura* because the *goanbura* was ill and he wanted to relinquish the post. However, no one in the village was willing to take over. And the most eligible person’s wife threatened to ‘drink poison’ if her husband was made the *goanbura*. Her reason being that, even without being one, her husband was used to going to Kohima, the district headquarter, at ‘irregular intervals’ which made life so hard, PRM.

¹¹³ *Ibid.*, for the period from 5 October to 5 September 1922. The *goanbura* of Swemi is seen asking for retirement on ground of ill-health when the Deputy Commissioner visited Swemi village to count the houses for annual house tax, to which the *goanbura* was told by the Deputy Commissioner to wait for his next visit, dated, 8 October 1922, PRM.

the case in dispute. If the disputants were from the same group (*minden*), then the elders of the concerned *minden* settled the case. If the cases were of a complicated nature, then some 'powerful village would be called in, where the summoned would be able both to arbitrate on the matter and to enforce its finding.' However, in most cases the counselors of the *khels* and concerned members of the village were called in. Disputes were more often than not settled on oath. There is a mention of certain Yimsingangba of Ungma, of the Ao community, whose name was connected with being a famous judge of olden days. It read 'Despite his crude methods people flocked to him from all over the Ao country, probably because, even if they did not get justice, they got a decision of some sort which put an end to litigation of which everyone was heartily sick.'¹¹⁴ On second thought, were colonial writers working towards building their own credibility by portraying the behaviour of the people so differently from the reality? Because the work also narrates the legend, not an eye-witness account of the performance of Yimsingangba of Ungma, the famous judge of Ao community.

The difference in settling inter-village disputes as practised by Aos and Lothas was this: both the Aos and Lothas seemed to have called in village elders of the two disputing sides, 'the leaders of the respective villages meet[ing] on the path halfway between the two villages and settle the matter, exchanging drinks of *madhu* (rice beer) and eating together.' And if the case of disputes was within the village, both the disputing parties were summoned before the select village male elders, where 'a free fight takes place' witnessed by both the parties. This kind of fight went down with much verbal exchange by one party shouting they would never pay such a huge fine while the other party rejected the proposal of a lesser fine. After the 'free fight' between the disputing parties, all the people present in the free fight event went to the village elders to the other party's house and 'drinks *madhu* and promises not to quarrel again.' This act of drinking and eating together after the fight was considered 'binding.'¹¹⁵ The mutual agreement of partaking food was not only of forging peace but also a way of settling a dispute.

¹¹⁴ Mills, *Ao*, p. 192.

¹¹⁵ Mills, *Lotha*, pp. 100-01.

As much as the colonial officials attacked the unruly ways of Nagas ‘screaming themselves hoarse’ in order to be considered as the fair party in the arbitrating process, they also talked about the curious methods of how a particular old man of the village would take up the case and settle the dispute. J. P. Mills, who was writing about the Rengmas wrote, ‘Before British courts were established the old man in some miraculous way always got order out of this chaos, and arrived at a decision which was in accordance with the general feeling of the village.’ He added, ‘They often do so even now.’¹¹⁶ This was written in the late 1930s, and was evidently talking about the case settled by the old man of the village without bringing the suit to the colonial court. And although colonial administration wanted to project that litigations were well taken care of by the colonial court by highlighting the establishment of the British court and adding confident notes such as ‘nowadays cases which cannot be settled in the village are dealt with in court,’¹¹⁷ it was not so in practicality. The power of the old men of the village in welding wisdom and influence over the villagers can be seen as a problem that irked the colonial court. This ‘old days practice’, which literally meant the influence exercised by the village elders, had to be taken over by the colonial court and not remain or continue as it was with the Naga system of justice. In the whole process of building up the *Goanbura* name, the real powers of influence began to drain from the village authority and authority was instead vested in the hands of the colonial administration.

It is not possible to assume that all village authorities compromised their ethical values when it came to fulfilling their duties as responsible members of the community. But at the same time, one cannot help but conclude that the office of the village authorities was becoming corrupt. The assertion that village authority’s office was becoming weak can be interpreted in terms of the traditional society’s values and customary practices giving way to colonial justifications, or rather, lack of justification. The force of the law was getting a grip on people’s lives in one way or the other and the responsibility thrust upon the *Goanburas* and *Dobashis* with no real power was making these local authorities indulge in unsolicitous behaviour. Some of the cases are discussed below to explain the situation:

¹¹⁶ Mills, *Rengma*, pp. 146-47.

¹¹⁷ Mills, *Lotha*, p. 100.

Case 1: *Sabu Chila of Akoia v Yungasamba and Shingjanloba and four others of Akoia* (1892), this case involved one Pamingsamba, who was allegedly one of the *Goanburas* involved in the case, accused Sabu Chila of Akoia for ‘stealing some salt’ and she complained about the matter to the rest of the *Goanburas* of the village. The complainant stated that the defendants took a fine of 20 *khangs* (baskets) of *dhan* (paddy) from her. Upon investigation the defendants acknowledged to having fined Sabu Chila of Akoia without any inquiry whatsoever. The court ordered the *Goanburas* to refund the already fined 20 *khangs* of *dhan* to the complainant. The outcome of the judgment also showed that these *Goanburas* were regular defaulters and the magistrate fined these defaulters *Goanburas* Rs. 3/- each as ‘they seem to make a regular living by this sort of thing.’¹¹⁸ The case in point belongs to a rather early phase in time, considering that *Goanburas* as village leaders and government allies were made only in 1880, and the intensity of the petty act these *Goanburas* were indulging was notorious; a case that looked like all men (*Goanburas*) ganging up on a single woman. This sadly reflects the limitedness of the authority invested in the person of the *Goanburas*, who were mostly neither of those where village elders used to have a voice, nor fully empowered by the colonial administration to understand the workings of the system.

Case 2: *Tsukchinungla of Solachu v Libongwati GB of Solachu* (1902), in this case, the complainant filed a suit stating that the *Goanbura* had seized her property for her failure to pay revenue (house tax). The court held that, the complainant was a ‘wealthy old woman and very quarrelsome’ and that she had to pay the revenue within four days to the *Goanbura* who had paid on her behalf. The court also passed an order that if she (complainant) did not pay the revenue within the stipulated time, then the *Goanbura* would be allowed to keep the confiscated property as his possession.¹¹⁹ The problem of confiscating public property by village authorities in the name of law instead of directly reporting to the concerned authority was not addressed by the colonial court. Instead, the court found fault in the complainant for being quarrelsome. This limitation of carrying authority without real power for a larger scheme of events reduced the village authorities

¹¹⁸ *Sabu Chila of Akoia v Yungasamba and Shingjanloba and four others of Akoia*, dated, 30 December 1892, verdict of H. Railey, Sub-divisional Officer, Mokokchung, dated, 20 January 1893, Case Records, 1891 – 1904, NSA.

¹¹⁹ *Tsukchinungla of Solachu v Libongwati GB of Solachu*, dated, 6 May 1902, Case Records, NSA.

to indulge in activities that were petty under normal circumstances. On the other hand, these convenient oversight practised by the colonial administration were known loopholes that village authorities exploited to harass the villagers in the name of authority. It is not so much a matter of who was confiscating properties or evading taxes – the point here is about how the village authority, armed with the power of the colonial administration, was silent in matters that mattered to the community while vociferously confiscating property in lieu of revenue that would fulfill the orders of the colonial administration.

Case 3: In *Villagers of Sangratsu v Rongsenwati DB of Waramung* (1940), Waramung villagers were allowed another *Goanbura* and the task of overlooking the whole procedure of appointing the new leader was entrusted to Rongsenwati *Dobashi* of Waramung. Upon appointing the new leader, the *Dobashi* informed the magistrate that the ‘whole village was unanimous in selecting Waichiba as the new *Goanbura*.’ The issue here was that Waichiba’s brother was already a *Goanbura* and their *jat* (clan) had only 15 houses, while clans like Lungpi *jat* had 45 houses, Sungpupamen *jat* had 30 houses and both these clans put together had not even a single *Goanbura*. After inquiries, it was found out that the villagers and the concerned clans of the village were not consulted when the appointment of the new *Goanbura* was made. And that, Rongsenwati ‘consulted only or intimidated only the *Goanburas*’ of the village. Therefore on finding out that Rongsenwati, the *Dobashis* action was wrong he was suspended for 3 months.¹²⁰

The emergent elected *Goanbura* system created multiple posts of *Goanburas* in a village where the post was not necessarily hereditary as hereditary chief system was practiced in certain communities. This led to the certain lobbying of power control within clan/family structure as shown in the case *Villagers of Sangratsu v Rongsenwati DB of Waramung* above. But what is demonstrated by the case is that there was no revoking of the leadership status acquired through wrong selection, namely, the *Dobashi* who was a government employee used his office of privilege to ‘select’ a brother of a *Goanbura* in villages where other major groups of people were denied of their representation in a

¹²⁰ *Villagers of Sangratsu v. Rongsenwati DB of Waramung*, dated, 21 September 1940, in the court of J. P. Mills, Sub-divisional Officer, Case Records, 1940 – 1948, NSA.

village. The case is also weakened further by the fact that the erring *Dobashi* was ‘suspended for 3 months’ given the enormity of such exercise of prejudice committed.

Following the cases of *Sabu Chila of Akoia v Yungsasamba and Shingjanloba and four others of Akoia*, and *Villagers of Sangratsu v Rongsenwati DB of Waramung*, it is evident that the once revered village leadership which was held by a person by virtue of his social standing and by merit of his capability was now reduced to indulging in petty fines and acquiring status through lobbying. Also, becoming government agents such as *Goanburas* and *Dobashis* broke the traditional loyalty and concern the leader(s) used to have towards their communities. In other words, the colonial administration cared less as to how the village would function when they gave orders for mandatory election of headmen/*Goanburas* of a village – all they cared for was the collection of the revenue and carrying out varied orders of the colonial administration through these *Goanburas* on time. The question of priority for the colonial government was, ‘Can the tax be levied from the inhabitants to cover all expenditure, direct or indirect, that would be incurred for its administration and protection?’¹²¹ In this kind of exploitative hierarchy, the question of expecting social concerns like that of the welfare of natives from the colonial administration hardly arises. Hence the deeds of the new kind of village leadership was also a reflection of the lived reality of the situation.

The conscious intervention of the colonial administration to grant village chiefs red blankets was a symbol of their newly recognized, legitimated authority. The Naga village elders now became the agents of the colonial administration. Through the agency of the village elders the colonial administration held command over the villagers when they were called to duty. One of the most important and significant forms of that duty was the mobilization of coolie labour. This will be dealt with in the next chapter.

¹²¹ Foreign Department, External, A, Nos. 103-105 (Notes), 1907, p. 11, para, 15 (2). See also letter addressed To His Excellency the Right Honourable the Governor-General of India in Council, By, Morley of Blackburn. Foreign Department, External, A, February, Nos. 1-4, No. 1, NAI.

Chapter 2

The Violence of the Law: Labour Extraction

The imperial expansion in the Naga Hills was greatly aided by the extraction of labour services from the people, making them porters and coolies. Systematic punitive expeditions were undertaken to pave the way for forced labour extraction from the subjugated natives through various forms of coercion. The fundamental need for coolie labour in the hills was because of the hilly terrain which made it difficult to ply carts and bullock carts. Carrying provisions, cutting jungles and making roads from village to village for survey expeditions, military expeditions and the Deputy Commissioner's annual promenade, required nothing less turning the Nagas into forced coolies.

In 1946, G. S. Rankin wrote, 'It was not until after 1833 that the interior of India was open to settlement by Europeans save on the most restricted scale, and Warren Hastings knew well that his new courts would not be manned by persons with any legal training.'¹ In 24 February 1832, East India Company defeated Ava and the whole of Assam was ceded to the East India Company. By right of conquest, with the Naga Hills being along the region of Assam, it was, without much thought, taken to be a part of Assam. The following year The Charter Act of 1833 was passed. The Act made provision for both the Hindus and the Mahomedans to enjoy their respective laws. Under this Act the presidencies enjoyed the status of *prima facie*, and for those outside these towns, justice equity and good conscience prevailed. What then was the status of the communities who were not Hindu or Mahomedan and how was equity and good conscience interpreted and applied? The Law Commission explained that the *mofussil* courts had to decide according to how they 'felt that the equity they are to administer must follow some law.' It further added that the *mofussil* courts adopted 'the doctrine that there was no *lex loci* in British India and that their practice was to ascertain law of the parties before them.'² By 1834 the British-occupied portion of the valley in Assam was divided into four districts and its legal position was defined by the Act II of 1835. By this Act, all legal functionaries, the Sadar Court in civil and criminal cases and the Bengal Board of Revenue in revenue matters, were placed

¹ George Claus Rankin, *Background to Indian Law*, Cambridge, 1946, pp. 11-12.

² *Ibid.*, p. 24.

under the control and superintendence of the Government of Bengal.³ The appellate courts in Assam had by 1883 grown to 6 districts, all in the valley, and continued to function in subordinate to the High Court of Calcutta. Meanwhile, a sub-division was established in the north Cachar Hills, with its headquarters at Gonjung. The new sub-division was reportedly created in consequence of the ‘repeated raids committed by the Angami Nagas on the northern frontier of the district.’⁴

The Supreme Court in Calcutta was understood to have recognized the ‘difference between the *shia* and the *sunni* and also of other communities such as Sikhs, Jains, Parsis, Hebrews and others who had nothing or next to nothing in common with Brahminical [sic] worship.’⁵ In this situation, what kind of precedence took over in a remote region like the Naga Hills in Assam where people lived their own lives without the influence of either Hinduism or Islam and beyond the influence of its nearest neighbour, the Assam valley courts? The British administration commanded the officials of the districts to keep themselves free from ‘legal holes and corners and treat the savages in a broad spirit of equity, relying on their legitimate influences as district officers of Assam by the combination of civil, criminal, and revenue powers in the same officers.’⁶ The concentration of civil, judicial and military power in the hands of the Deputy Commissioner made him the sole arbiter of the colonial structure that was being extended to the Naga Hills. Rounding up coolies anytime from any village, coerced and waged alike, through administrative notices and court orders under the control of Deputy Commissioner, remained an unquestioned power throughout colonial administration of the Naga Hills.

Village life in the Naga Hills underwent several changes with the colonial administration’s need for labour which can be understood in at least two ways. First, new settlements were created by the colonial administration to push people to regions where their manual labour as required. Second, the violent eviction of ‘insurgent’

³ E. A. Gait, *A History of Assam*, Thacker, Spink & Co., Calcutta, 1906, pp. 292-93. The four districts were, Goalpara, Kamrup, Darrang (including Bishnath), and Nowgong.

⁴ Home, January 1883, nos. 199-208, NAI. Courts of Magistrate in Assam valley districts subordinate to the High Court were, Goalpara, Kamrup, Nowgong, Durrang, Lakhimpore, Sibsagar.

⁵ Rankin, *Background to Indian Law*, Ruling established in *Hirabi v Sonabai*, 1847, Perry’s Oriental Cases 110, p. 12.

⁶ John F. Michell, ‘Eastern Naga Report – Topography and Political’, in S. K. Sharma and Usha Sharma, eds., *Discovery of North-East India, Geography, History, Culture, Religion, Politics, Sociology, Science, Education and Economy*, 11 vols., vol. 9, Nagaland, Mittal Publication, New Delhi, 2005, p. 16.

Nagas led to the burning down of some villages. The earliest evidence of such arson can be seen in 1850 when Mezoma was burnt. With the establishment of Samaguting as the administrative headquarter in 1866, military expeditions ending with razing villages to the ground became the norm until the late 1880s. In both these situations, labour was extracted in the form of punishments and fines.

The pressing need for labour in the Naga Hills had prompted the British to encourage new settlements of Nagas especially in the foothills. The remarks of Captain Jenkins reveals that it was not easy to persuade the Naga to take up a new abode. In 1832, he wrote to the Chief Secretary to the Government of Assam, ‘the hill men are so attached to the abodes of their ancestors that they would most reluctantly abandon their native hill for any other mountain ranges, but the government would retain none to offer them, and the plains would, for them, be merely the scene of a lingering and miserable existence.’⁷ The East India Company wanted to bring the Nagas to settle in the plains where the soil was ‘fertile in the extreme and in any future war may be rich in all resources necessary for the efficiency of an army: provisions, cattle, coolies.’⁸ It frustrated the British to realize that the Nagas alone were the key to the conversion of ‘the rich resources of its forest’; at the same time, they expressed their fear about the ‘danger that in war we might lose the services of this, to us, the invaluable race of porters,’⁹ if the Nagas were not brought to settle in the plains. Adding to these challenges, the route from Manipur into Upper Assam, crossing Naga Hills, despite being rudimentary proved ‘perfectly available’ and troops could be moved in either direction at very short notice.¹⁰ Moreover, small Naga Villages like Boorhath, which were situated near the plains, offered the colonizers a strategic gain not only with their rich human and mineral resources, but also the possibility of defending the whole of Assam with a small force if there was any attempt at aggression from Burma.¹¹

⁷ Foreign and Political Department, Political Consultation (P.C. hereafter), May 14, 1832, File No. 110C, Proceeding Nos. 110-119, para. 15, p. 325, National Archives of India (hereafter NAI).

⁸ *Ibid.*, File No. 110B, p. 321.

⁹ *Ibid.*, File No. 110C, para. 14, p. 323.

¹⁰ Foreign Department, P.C., October 15, 1832, File no. 114A, Pros. nos. 114A-114J, para. 16, NAI.

¹¹ From, Agent on the North East Frontier, To, H. T. Prinsep, Esq., Secretary to the Government of India in the Political Department, Fort William. At this period the Colonial government was apprehensive of the aggression of the Nagas in the neighbourhood of Manipur in retaliation to very severe measures adopted towards them the previous year by Raja Purander Singh, the Raja of Manipur at the same time they were also involved in an expedition against the Nagas of North Cachar, and on the extreme frontiers in the Garo and Singpho districts disturbances any day could not be ruled out, and

One of the earliest settlements in the foothills was in the east bank of Dhunsiri (in present day Dimapur), made in 1841 by Lieutenant Bigge. Lieutenant Bigge was on tour in the foothills, when he tried to settle a few of his men on the east bank of the Dhunsiri, allowing them to choose any portion of land they wanted to occupy and exempting them entirely from all rent or taxation until it seemed necessary.¹² He also proposed to restore certain lands that were held by the *Katakis*¹³ in the plains. In addition, the British had a provision whereby, if the proposed plan failed, other lands could be given to new settlers who would be allowed to hold lands free or subject to small payments of ivory or, timber or light services on roads.¹⁴ These were grand plans worked out to protect colonial interests in the plains. The following year, in 1842, Major F. Jenkins expressed his opinion that since the Nagas had entered in an agreement with Captain Brodie, they would stop the ‘outrages upon our ryots on the plains.’ Towards this end, Jenkins harboured the thought that non-incursion in the foothills by the Nagas would enable the company to recover a ‘very large extent of a most fertile country’, otherwise abandoned because of the fear of the hills people.¹⁵ The constant Naga ‘raids’ on the British subjects in the plains caused much worry to the company. This was a period where no political arrangement had been reached between the Nagas and the East India Company in general understanding, except an agreement drawn between few bordering villages and the company. By refusing to settle in the plains, the Nagas were depriving the British easy servitude and the possibility of Naga raids in the frontiers threatened the colonial administration’s vested interests in Assam Tea Plantations. Various outposts were opened on an experimental basis at Samaguting, a stockade at Mezoma, and for a short time at Khonoma.¹⁶

on top of it all there was a prospect. In 1841, Lieutenant Bigge, on his tour of the foothills, tried to settle few of his men on the of a Burmese war, which might slow down the process of settlement of the colonizers in Upper Assam, Foreign Department, P.C., January 16, 1839, Pros. nos. 52-54, NAI.

¹² Foreign Department, P.C., March 1, 1841, Pros. nos. 55-57, para. 34, NAI.

¹³ Katakis were persons who managed revenue free lands known as ‘*Khats*’ (fields) that belonged to Nagas. These *khats* were granted to the Nagas by the Ahom Kings.

¹⁴ Foreign Department, Foreign Consultation (hereafter F.C), July 19, 1841, File NO. 104, Pros. nos. 101-106, para. 3, NAI.

¹⁵ Foreign Department, F. C., August 17, 1842, Pros. nos. 185-191, NAI.

¹⁶ B. C. Allen, *Gazetteer of the Manipur and the Naga Hills*, vol. IX, Assam Secretariat Press, Shillong, 1905, p. 10. Chumukedima is a new name for Samaguting and presently the district headquarters of Dimapur District in Nagaland.

Protecting British interest in the plains was paramount to both subduing Nagas and encouraging them to settle in the plains. Although expeditions against the Nagas kept the politics of the frontier in check, there was a difference between the Nagas who fought against the British and were subdued, and the new settlers in the plains supported by the British. The difference was the ready availability of coolie labour. In the case of the defeated Nagas a certain fine in cash, kind and labour was imposed, whereas for the new settlers, the inhabitants of the new villages were well within the command of the government whenever the need for coolies arose, because they owed 'fealty as subjects of the crown.'¹⁷ Another important reason behind the ready availability of coolie labour in these new settlements was that there was not much agricultural production in newly reclaimed areas, and therefore all dues were realized in the form of labour to the government. In addition, these new settlements acted as buffer zones where the government's interest in the plains was protected by keeping the other Nagas at bay. In the context of this kind of policy, Gunnel Cederlof has written about how Burma and East India Company in the 1830s fought over the hill ranges that lay between the Irrawady in Burma and Brahmaputra in Assam. She explains how, in order to legitimize their military advances by the right to self-preservation, the East India Company based its policy on revenue and military operations, going hand in hand, with the revenue officers mostly being one step ahead of the troops.¹⁸ One can see the long drawn tension hovering around the frontiers and the continuing policy of military operations and revenue exactions that was levied in cash, kind and labour in the policy of British administration in the Naga Hills.

In the Nagas Hills, Angami Nagas shared boundaries with Manipur and Assam, which were already subdued by the East India Company. As such, the Angamis came under the direct monitoring of the East India Company, because anything they did against their neighbours now became the concern of the Company. East India Company took upon itself to protect and maintain certain rules to safeguard their subjects and keep away the intruder. Colonial officers deliberated upon ways to take necessary measures to curb Angami incursions along the border. Demarcating the boundaries and opening police posts were the outcome of these meetings. The idea of opening police posts

¹⁷ Foreign Department, Political, A, December, 1875, File No. 8754, Pros. nos. 65-70, NAI.

¹⁸ Gunnel Cederlof, 'Fixed boundaries, fluid landscapes: British expansion into Northern East Bengal in the 1820s', *The Indian Economic and Social History Review*, vol. 46, no. 4, 2009, pp. 513-540, p. 515.

also meant new settlements were established where inhabitants would be a source of stable labour provision. After the establishment of administrative headquarters at Samaguting in 1866, a house tax of Rs. 2/- was introduced among new settlers to be realized in labour. In their quest for colonial expansion and authority, an annual military promenade became the force that brought down 'erring' villages to dust. Carrying government loads from village to village and to camps and stations; which meant administrative posts and military camps, became the order of the day for men of villages that were burnt down. The striking component of wage labour relied on the compulsory requisition of labour from villages upon government orders. Labour requisition remained the most hated work to a Naga, whether it was coerced or wage labour, which also propelled certain people to migrate to evade labour.

In order to recruit a horde of coolies, certain methods had to be formulated within the existing village authority system. For this kind of arrangement the colonial administration looked up to the *Goanburas* of the village. The Deputy Commissioner had to send an order to the *Goanburas* to bring in as many men to the recruiting centre and a specific date was set for the men to come and register. Every man was to bring his spear and a *dao* and rice for 15 days – intended to last him till he returns from expedition. Especially for military expeditions which involved long days away from home, there was a recruiting centre set up for each man to be medically examined on the arrival, followed by the entry of his name, father's name and village on the long roll. In these cases, villages sent more men so that they could replace those who were rejected on medical grounds. The number of men recruited for coolie work, ranged from 5 to 25 in each village.¹⁹ The records show a very congenial picture of Nagas willingly offering themselves as coolie labour.

The expression of preference for the Naga coolie by the colonial officials was not uncommon. The impracticality of employing others such as Punjabis in the hills was recognized, compared to the 'cheerful and jolly' Khasi and Kuki hill people, who were a marked contrast to the sad and weary manner of the Punjabi.²⁰ As said more

¹⁹ 'Military Report on Presidency and Assam District', vol. III, Southern Frontier Tracts, General Staff, India, 1920, Catalogue No. 'I' 71, Case No. 28998/M.O. 3/Books, Government of India Press, Simla, 1930, pp. 240-41, Pitts Rivers Museum, Oxford, UK, (hereafter PRM).

²⁰ Lipokmar Dzuwichu: 'Roads and the Raj: The politics of road building in colonial Naga Hills, 1860s-1910s', *Indian Economic and Social History Review*, 2013 50: 473, DOI: 10.1177/0019464613502416,

often than not, British paternalism reigned at the helm of every project undertaken. While classifying the hill men as cheerful and jolly, the officials were working to keep the smile on the hill men's lips. Keeping natives amused was not peculiar to the Nagas alone. Officials touring other parts of their respective regions amused the carriers and the natives alike with their distractions. The 'Magic lantern show' was a crowd pleaser, 'When darkness fell Williamson gave them a magic lantern show, this amused and interested many of them,'²¹ reads one of the journals. T. C. Hodson, wrote about his encounter; 'a Naga once asked me what the census was for. Shrewdly enough he suspected an increase of taxation... I told him that the Maharani was so interested in her Naga subjects that she had sent me to find out how many of them she ruled over'. Hodson assumed that the man thought of him as engaging in useless task if he was 'merely satisfying the curiosity of that distant mysterious personage whom many of them believed to be the wife of John Company.'²² A similar kind of sentiment can also be traced where recruits of Naga Labour Corps were considered as 'friends of the British Raj' who joined the labour corps voluntarily.'²³ But the colonial administration knew it only too well that 'The work [recruiting for coolie work] was very unpopular and Naga carriers are likely to be more difficult to recruit in the future.'²⁴

Ramathot Khongreiwo argues that J. P. Mills' statement on the Nagas joining the labour corps voluntarily was only a way of protecting Assam. His argument is based on the paper presented by J. P. Mills, the Deputy Commissioner of Naga Hills, in The Royal Geographical Society, 1926, that the 'least conquered, or not yet conquered' region inhabited by 'wild tribes' designated as the 'frontier' of the British empire, was only to 'protect' Assam. This inclusion of the region in the Naga Hills, outside political control as a frontier space, without establishing any relation with the Nagas of this regions, he asserts, was because it lay between 'two established and conquered states – Assam and Burma.' Also, Assam was economically and politically important

remarks of John Butler, the Political Agent of the Naga Hills in 1875, 'I do not consider the Punjabi plainsmen, as a rule, make the best coolies for hill work', p. 487.

²¹ D. M. Lumsden and Noel Williamson, 'A Journey into the Abor Country, 1909', *The Geographical Journal*, Vol. 37, No. 6 (Jun., 1911), pp. 621-629, accessed, 20-05-2015 11:17, p. 626

²² T. C. Hodson, 'Some Nāga Customs and Superstitions', *Folklore*, vol. 21, No. 3 (Sep., 1910), pp. 296-312, <http://www.jstor.org/stable/1253858>, accessed: 04-07-2015 13:08, p. 296.

²³ Rammathot Khongreiwo, 'Understanding the Histories of Peoples on the Margins: A Critique of Northeast India's Durable Disorder,' *Alternatives*; Oct-Dec 2009; 34, 4; ProQuest Research Library, pg. 437, p. 446.

²⁴ 'Military Report on Presidency and Assam District', p. 241, PRM.

for the British and had to be protected from the ‘head-hunters’, namely, the Nagas.²⁵ The inclusion of the least conquered into the frontiers zone was also because of the apprehension the British harboured against the Burmese. The British despite waging three successive Burmese Wars during 1824-26 and finally defeating them, did not have sound knowledge of the Burmese. They committed mistakes that could have been avoided during the Anglo-Burmese War.²⁶ These kinds of anxieties haunted decision making, and more so when the regions in question shared boundaries. All these arguments come down to the fact that J. H. Hutton, the Deputy Commissioner of Naga Hills visited the Chang Tribes for the first time in 1923, but in 1917, as many as 200 Changs joined the labour corps. This then draws attention to the statement made by Mills that Nagas joined the labour ‘voluntarily’ in 1917 while the Deputy Commissioner made his first visit to the community concerned in 1923.

There are three things that must be understood as the underlying reasons for people to ‘voluntarily’ join the labour corps. Firstly, by the dawn of the twentieth century, people were aware of the colonial administration’s activities, of the burning down of villages, killing of people, rapacious expeditions, the hustling up of people for forced labour, house taxes, punishment and fines in cash and kind, imprisonment and random labour. Therefore, the colonial administration’s demarcation of regions within, outside and in no control areas was no deterrent to the circulation information. Moreover, people lived in different politically demarcated regions, but in close proximity. Also, owing to kinship and marriage patterns, politically demarcated boundaries could dissolve family ties [see chapter 1] but did not erase them. The hardship suffered by the neighbours resisting the colonial invasion would have made the ‘not yet conquered’ Nagas realize that it was better to comply than to run and hence offered to join the labour corps. There was also the lure of exemption from house tax if one were to join the labour corps.

Secondly, owing to the traditional labour system, which included free village labour for the chief(s), batchers (same age working group), *morung* labour (bachelor dormitory working group), community labour (clearing; field path, village to village

²⁵ Khongreiw, ‘Understanding the Histories’, p. 446.

²⁶ David Vumlallian Zou and M. Satish Kumar, ‘Mapping a Colonial Borderland: Objectifying the Geo-Body of India’s Northeast’, *The Journal of Asian Studies*, Vol. 70, No. 1 (February 2011), pp. 141-170, <http://www.jstor.org/stable/41302210>, accessed: 09-04-2015 07:25, p. 151.

path, village ponds, etc.), colonial officials chose to believe that there was ‘No impressment of any description in procuring labour’. And ‘If labour is required, a requisition is made to the civil authorities with whom it rests to obtain voluntary labour or in difficulty to impress the labour required.’²⁷ What was perceived as ‘voluntary’, Lipokmar Dzuvichu argues, was used to their advantage in two ways: voluntary denoted ‘traditional’ labour – a share that belonged to the leaders of the village which now was considered to be at the disposal of the administrative officers. Secondly, and contradictorily, colonial authorities believed “‘impressement” operated only to sustain the continuity of the “civilizing” work in which they were engaged, which occasioned the need to maintain a stable labour force.’²⁸

Thirdly, especially in the context of world war labour corps, the colonial tactic of capturing the imagination of the people is one that ‘transports across space’, allowing people to ‘conceptualise’ the distant from home. In short, keeping the memories of home alive in the hearts of the coolies amidst harsh conditions, sustained the enterprise of labour corps. This was the era where colonial ethnography was particular about documenting ‘primitive’ societies in the fear that ‘their cultural organisation’ would wear out by ‘contact with civilization.’²⁹ Radhika Singha questions this process, ‘What were the ethics then of taking ‘primitives’ into industrialised war, of exposing them to modernity in its most horrific avatar?’ Singha pointed out that the ‘one justification’ colonial paternalist officers had was that ‘they had returned with money, loyal and content.’ She further adds that while ‘head-hunting’ was usually viewed as being the epitome of savagery, for expediency it was not. Officers on frontier expeditions found it useful to suggest that bringing the ‘head or some other body part of those killed’ was possible and would then qualify them to wear ‘warrior’s ornaments.’³⁰ This construction of the attainment of warrior status as being attainable by any man with ‘replenished primitive masculinity’ was upheld in the social and economic life of the people not only in the Naga Hills but in those regions where labour corps operated. With regard to the Lushai Hills labour corps operation,

²⁷ Lipokmar Dzuvichu, ‘Empire on their Backs: Coolies in the Eastern Borderlands of the British Raj’, *IRSH*, 59 (2014), Special Issue, doi:10.1017/S0020859014000170, pp. 89–112, p. 92.

²⁸ *Ibid.*

²⁹ Radhika Singha, ‘The Recruiter’s Eye on “The Primitive”: To France and Back – In the Indian Labour Corps, 1917-18’, in *Other Combatants, Other Fronts: Competing Histories of the First World War*, James E. Kitchen, Alisa Miller and Laura Rowe, eds., pp. 193–217, Newcastle upon Tyne, Cambridge Scholars Publishing, 2011, pp. 193, 213, 198.

³⁰ *Ibid.*

Joy Pachuau writes that the prospect of being accorded a hero's welcome and accompanied by maidens on their return weighed a great deal in the minds of young men. 'Hundreds of young men registered as volunteers, also because of the 'fear that if they did not go, the women they courted would leave them to greet those who had gone when they were back.'³¹

The establishment of Samaguting in 1866 and the introduction of house tax, payable by coolie labour, laid the foundation for labour impressment in the Naga Hills. After the Anglo-Naga war of 1879-1880, labour impressment was systematized, fulfilling the long cherished need of male labour to traverse the difficult terrains of the hill country. How successful was the regulated system of labour of the Anglo-Naga War of 1879-80? Did the conscription of labour remained peculiar to certain communities or was it uniform? Was labour extraction gender inclusive?

The rest of the chapter will begin with a discussion of the introduction of the House Tax and the convenient option of making Nagas pay their house tax in labour that equaled the monetary value levied on them. The next part looks into how annual colonial expeditions created the 'coolie' in the Naga Hills. Naga coolies and porters remained an integral part of colonial expansion in the region and outside. Finally, the loads and wages of a coolie will be examined.

The House Tax of 1866: a run-up to labour extraction

The Treaty of Yandaboo, 24 February 1826, Article 2 read, 'His Majesty the King of Ava renounces all claims upon, and will abstain from all future interference with, the principality of Assam and its dependencies...'³² the Nagas had no hand in the Anglo-Burmese war; however, by virtue of its location along the expanding East India Company frontier, the area as taken was being handed over to the East India Company by the Kingdom of Ava along with Assam who was a tributary of Ava.

³¹ Joy L. K. Pachuau and Willem van Schendel, *The Camera as Witness: A Social History of Mizoram, Northeast India*, Cambridge University Press, Delhi, 2015, p. 197.

³² <http://www.sdstate.edu/projectsouthasia/loader.cfm?csModule=security/getfile&PageID=874574>

Treaty of Peace between the Honorable East India Company on the one part, and His Majesty the King of Ava on the other, 'Article 2. His Majesty the King of Ava renounces all claims upon, and will abstain from all future interference with, the principality of Assam and its dependencies, and also with the contiguous petty States of Cachar and Jyntia. With regard to Munnipoor it is stipulated, that should Ghumbheer Sing desire to return to that country, he shall be recognized by the King of Ava as Rajah thereof,' accessed 12 May 2014.

Without any knowledge of being thus transferred in bulk along with Assam to the East India Company, the Nagas became a part of the British empire:

It would seem that the whole of the Naga Hills became part of the British Empire (theoretically at least) at the time of our conquest of Assam. No part however, of these Hills was brought under direct British administration until the year 1866, when a portion of the hills was demarcated off and formed, apparently together with other territory, into the Naga Hills District by Notification dated 13th November 1866, published in the Calcutta Gazette for 1866, page 1965, its boundaries being laid down by a notification dated the 16th December 1867.³³

In 1831, the East India Company proposed to construct a road between Manipur and Assam, and in January 1832, Captains Jenkins and Pemberton, political officials, set out to explore a route to Assam from Manipur where they met with 'stubborn opposition' from the Nagas. The records mention that the East India Company began to hear of the Nagas after the war with Burma.³⁴ It means even after several years of the East India Company's existence in Assam and Manipur, the immediate neighbours of the Nagas, the British, were either not aware, or rather, had no clashes of interest with the Nagas. The expedition in January 1832 and the resistance put up by the Nagas surprised the East India Company. The fact that the Nagas resented the Company's intrusion into Naga land infuriated it and hence British troops were sent to Mohengdijua, a village that bordered the plains. The plan was to protect Assam from the Nagas and at the same time take a step towards a rapid expedition against the Nagas. The second expedition was carried out in the winter of 1832-33, led by Raja Ghambhir Singh of Manipur, a friend of the British, with troops under the command of Lieutenant Gordon. The expedition party moved around the Naga areas of Melomi-Tizu-Diyung and reached the village of Nagura in the Sibsagar district in Assam. In 1835, it was reported that villages in North Cachar were 'harried and raided' by the Nagas. The East India Company teamed up with Manipur and North Cachar and E. R. Grange, a Sub-Assistant Officer, of Nowgong was appointed to carry out the expedition in January 1839. However, the expedition was unsuccessful. It is recorded, 'One major factor that contributed to the failure of the expedition was the difficulties of transport.'³⁵ The Company's effort to subdue the Nagas through expeditions with a follow-up agreement from the Nagas of a 'promise not to molest the Company's

³³ From, Officiating Secretary to the Chief Commissioner, Assam, no. 155, para. 2 and 3, p. 2, Foreign, External, A, February 1890, nos. 155-167, no. 155, NAI.

³⁴ 'Military Report on Presidency and Assam District', p. 3, PRM.

³⁵ *Ibid.*, pp. 3-4.

villages' was never kept by the Nagas, thus leading to another round of expeditions that lasted till 1851, after which a non-intervention policy was adapted by the Company.³⁶

However, after distancing itself from Naga affairs for a decade and a half and constantly being troubled by Naga raids and keeping the region open to the possible intrusion of Burma, the company decided to push the forward policy in the Naga Hills. Thus in 1866 the sub-divisional headquarters of Asalu in North Cachar was abolished, and Samaguting (which formerly functioned as an outpost) was established as the district headquarters of the Naga Hills. Samaguting was a strategic site located in the west of Dhansiri and on both banks of Doyang, making communication easy on the river as well as on land. The policy of burning down villages and destroying crops led only to reprisals and perpetuated bad blood.³⁷ The new policy was formulated in such a way that people had the option of paying a house tax of Rs. 2/- and thereby become protected subjects, or remain outside the realm of the company and have 'peaceful relations' with the government-protected villages and the government. Captain Gregory was put in charge of this new district and was to carry these policies forward.³⁸

Assam was separated from Bengal on 6 February 1874 and this gave the colonial officials more power to make necessary decisions without having to follow the usual protocols. In April 1874, Captain James Johnstone, who was acting as the Political Agent of Naga Hills, took in two villages, Meziphema and Sitekema, accepting their 'fealty as subjects of the Queen' by paying a house tax of Rs. 2/- annually. The imposition of a house tax on the villagers subdued by the British was not a popular measure. Moreover, the presence of the British officials with their forces in their midst aroused deep feelings of resentment and they finally resolved to fight. They formed a league of 13 villages against the foreigners.³⁹ This great Anglo-Naga war of 1879-1880,⁴⁰ resulted in a new assertion of colonial rule including the levying of

³⁶ See Table 4 in Appendix I.

³⁷ Foreign Department, Political, A, August, Nos. 136-150, 1866, no.136, para. 2, NAI.

³⁸ Piketo Sema, *British Policy and Administration in Nagaland 1881-1947*, Scholar Publishing House, New Delhi, p. 11.

³⁹ Gina Shangham, 'British Policy Towards the Nagas 1839-1947', MPhil Dissertation, JNU, New Delhi, 1979, pp. 76-77.

⁴⁰ Political Agent, Damant, was killed in this expedition which started on 15 October 1879. After Damant's death, this combined 13 villages besieged the British garrison at Kohima and the siege lasted

systematic fines in labour, cash and kind [which was also convertible to labour]. The rebelling Naga villages were tried by the courts to the extent possible, and some were even prevented from rebuilding their houses upon the old sites. Sir C. S. Bayly, Chief Commissioner of Assam, after subduing Khonoma in 1880 wrote that his 'special points of programme on Khonoma' would be to 'give away the lands of Khonoma to the faithful village of Mozema, stop their cultivation, which would lead to the ultimate starvation of the village, disarm them, collect revenue in rice and forced labour.'⁴¹ Khonoma surrendered along with fire arms, and the village defences were completely destroyed. A revenue of Rs. 1/- on each household was imposed which later on was revised to Rs. 2/- per house. After the Anglo-Naga War, punitive expeditions became a regular feature of the administration as it was the only means by which 'independent Nagas could be taught' to respect those who had submitted themselves to the government.⁴²

The Anglo-Naga war of 1879-80 saw three serious outcomes that changed the Naga traditional social system,

1. An annual revenue of one maund of rice and Rs. 1/- per house as commended in 1880-1 (increased to Rs. 2/- and later on to Rs. 3/-)
2. The subjugated villages were to supply 15 days permanent coolie corps free of cost to the government ('male adult')
3. Election of headmen.⁴³

Other than the permanent imposition and extraction of war indemnity upon these 13 villages, short term punishments extracted in the form of rice, cash and unlimited labour were also imposed.⁴⁴ The requisition of coolies in the Naga Hills therefore may

from 16 to 27 October 1879. Nagas later entered into negotiations and agreed to surrender if free passage to Samaguting was allowed. Colonel James Johnstone, Political Agent of Manipur came to the rescue within an hour or two before the agreement was made. The Nagas withdrew, Khonoma was razed to ground. On 27 March 1880 when Khonoma surrendered and withdrew their guerilla warfare the war came to a close.

⁴¹ Foreign Department, Political, A, March, 1880, file no. 341, pros. nos. 331-395, NAI.

⁴² B. C. Allen, *Gazetteers Naga Hills*, 1905, p. 24.

⁴³ From, Major J. Evans, Officiating Deputy Assistant, Adjutant General, To, I.G.P., Assam, No. 178, dated, Naga Hills Field Force, Camp Nichuguard, 17 April 1880, Foreign, Political A. August 1881, nos. 616/40.No. 623, 1881, NAI.

⁴⁴ See Table 5 in Appendix I.

be understood as forced and impressed and not voluntary as the official records usually wrote when the question of procuring labour arose.

In February 1882, C. J. Lyall, wrote to the Officiating Secretary to the Government of India, 'the Naga Hills are, as is well known to the Government of India, a charge demanding very special qualifications, with resource, energy, and physical endurance.' Robert Blair McCabe was chosen as the man most fit for the post, and most capable of discharging the serious responsibilities which will be entrusted upon him.⁴⁵ Thus, McCabe was appointed the Deputy Commissioner of Naga Hills District on 18 February 1881 and held the office up to 1894.⁴⁶ His tenure as Deputy Commissioner saw the most rigorous military expedition launched in the Naga Hills, that stretched from Kohima district to the Ao and Sema areas. The destruction of Rotomi, a Sema village, by the military promenade led by McCabe⁴⁷ on June 1883, on ground of a Rotomi raid on a Lotha Village called Chingaki, caused a mixed response from the government and McCabe's action had to be justified with a letter of support from the Chief Commissioner's office.⁴⁸ However, subjecting the Nagas to submission was not a matter that concerned the Naga Hills administration alone. One of the main reasons to subjugate the Nagas from the start was the Naga raids on the plains subjects. Therefore, the Chief Commissioner of Assam, had to advise the Deputy Commissioners of Lakhimpur, Sibsagar and the Naga Hills to be cautious of the proposed expeditions. The Commissioner was worried that the feud among the Nagas would threaten the peace of the plains if the colonial hand was too harsh. He made it known that it was desirable that the political influence of the Deputy Commissioner over the tribes near the border should be extended and strengthened,

⁴⁵ Home Department, (Original), Est., A, February, 1882, File No. 56, Oros. nos. 56-59, para. 3, NAI.

⁴⁶ Sema. *British Policy...*, p. 39.

⁴⁷ From, R. B. McCabe, Deputy Commissioner, Naga Hills, To, The Secretary to the Chief Commissioner of Assam. File no. 278, No. 1, Pros. nos. 275-285, Foreign Department, A, Political, E, November, 1883, camp Wokha, dated, 28 June 1883, NAI. Rotomi lost between fifty and sixty men, their houses and *dhan* were destroyed, and their cattle carried off. But, he defended his action saying, 'under the special circumstances of the case, I do not think that justice was administered with too stern a hand.' Rotomi was pulled down on January 14-15, 1883.

⁴⁸ From the Chief Commissioner's Office, Assam, No. 1703, dated, 20 October 1883, p. 6, NAI. A letter of support arrived from the Chief Commissioner's office that read, 'the mere fact that they were persistent enough to resist until 50 of them were killed, proves that the offending village was more than usually audacious and determined', camp: Wokha, dated, 28 June 1883, Foreign Department, A, Political, E, November, 1883, File no. 278, no.1, Pros. nos. 275-285, NAI.

especially in the case of the Naga Hills.⁴⁹ Even as the Commissioner of Assam instructed the Deputy Commissioners of the neighbouring districts on expeditions, the Ao villages of Nungtung⁵⁰ and Longsa⁵¹ were razed to ground. Mezami (Sakhai) a Sema village which was not even within the area of political control, was fined heavily and the chief was made a political prisoner in Kohima.⁵²

Apart from seizing livestock and destroying properties as a fine and form of punishment, the realization of taxes both in cash and labour continued to be practised throughout the period of colonial rule. To make sure that the census of revenue paying houses was accurate, the Deputy Commissioner himself took to tours to count the houses. Villagers were ordered to pay half in cash and half in labour and these labours were channelized towards road making, maintenance of government quarters and carrying loads and supplies for government officers and military expeditions. Coolie labour also included practically carrying officers on expeditions/tours in certain cases. Along with the house tax demanded in labour, fines were imposed on those refusing to turn up to move the Deputy Commissioner's camp on expeditions, for a delay in supplying coolies, and for bolting to evade coolie work: for realizing all these fines, punishments were imposed in labour when the administration got hold of the coolie labour evading villagers. The cases discussed below are typical examples of how the system of extracting fines in labour and crediting fines in cash to the government treasury was maintained.

In the *Empress v Pangty* case (1891), the villagers refused to turn out in full numbers as required for the Sub-divisional Officer to move the camp. In addition to that, the Pangty village had also refused to clear the village road, for which the Sub-divisional Officer imposed a fine of Rs. 150/- which was not to be paid in cash but to be

⁴⁹ From The Chief Commissioner of Assam, to The Secretary Government of India, Foreign Department, File no. 175, Pros. nos. 175-181, Foreign Department, External, A, May, 1885, NAI.

⁵⁰ Foreign Department, External, A, March, 1886, File no. 20, Pros. nos. 14-25, para. 4 & 5, NAI. Nungtung was burned down on 16 January 1885. The contention was that this village had on several occasions murdered British subjects and escaped punishment. The interpretation was that as the villagers refused to come in, or to submit, the burning of the village seems to have been the only remedy left.

⁵¹ A fine consisted of 17 cows, 2 *mithuns*, 86 *daos* and 20 spears. Foreign Department, External, A, March, 1886, File no. 20, Pros. nos. 14-25, para. 10 and 11, NAI. The explanation to inflicted punishment was to express disgust at such barbarity of taking heads. Longsa men had killed two Borodubia men the previous year. Was fined livestock, *daos* and spears because they possess no money.

⁵² Foreign Department, External, A, October, 1887, File no. 1, Pros. nos. 1-6, para. 8, NAI.

‘worked out in labour on the government road.’⁵³ In the *Empress v Changhang village* case (1892), a fine of Rs. 40/- was imposed on the Changhang Village for ‘not supplying coolies’ to Mr. E. Muspratt, the Sub-divisional Officer of Mokokchung. In this case an amount of Rs. 5/- was paid as compensation to the Lakhu coolies who had to carry the things on behalf of Changhang and the remaining amount of Rs. 35/- was to be credited to the government treasury.⁵⁴

In *Empress v Sitemi Village* (1899), a fine of Rs. 10/- was imposed for the ‘failure to supply coolies’ to Sub-divisional Officer, and the fine was to be ‘worked out in labour.’⁵⁵ In *K.E. v Changki Village* (1902), a fine of 200 coolies from both *khels* of the Changki Village was imposed by the Sub-divisional Officer for causing ‘annoyance by supplying coolies late and short of the amount demanded.’⁵⁶

The cases considered above are taken from the time period of 1891-1904. One can see the shift from the usual annual military expeditions to the establishment of a colonial court in the region. After every military expedition, punitive fines followed because every military expedition was the outcome of the village in question misbehaving with the British subject(s). In this situation the court became the agency that donned the image of Justice. The situation was complex because the military expedition was led by the Deputy Commissioner whereas he was also the District Administrative Officer and amazingly, also the Magistrate manning the court dispensing justice. This all-in-one authority in the voice of the court was issuing regulations that involved both administration and the judiciary. The Magistrate’s Court was giving judgments that immediately fulfilled the need of the administration, in terms of procuring the much needed coolie to work on the roads. Now, if we compare the value of a coolie who was paid 4 annas a day, i.e. quarter of a rupee, with the house tax of Rs. 2/- per annum, a fine of Rs. 150/- approximately, it would equal the house tax of 75 households, or if worked out in labour it would have been equivalent to 600 coolie days which would have been almost two years. This is to say, to levy an amount of Rs. 150/- at a time when house tax was Rs. 2/- was too much a tax. No wonder that by 1890-93, the report holds that ‘the country was being opened up by well-aligned

⁵³ Tour Diary of E. Muspratt, Sub-divisional Officer, Mokokchung, 1891-1904, *Empress v Pangty*, dated, 26 January 1891, NSA.

⁵⁴ *Ibid.*, *Empress v Changhang village*, dated, 5 May 1892.

⁵⁵ *Ibid.*, *Empress v Sitemi Village*, dated, 5 July 1899.

⁵⁶ *Ibid.*, *Empress K. E. v Changki Village*, dated, 8 May 1902.

bridle paths, which connected all the outposts with Kohima, from Henima in the south to Tamlu in the north.’ The report also added that the largest outpost Mokokchung was connected with Jorhat in the plains by a good bridle path. In April 1890, the cart road from Golaghat was opened to Nichuguard.⁵⁷

The continuation of the same system of extracting fines of coolie labour under the magistrate’s office verdict bearing ‘to be worked out in labour’ over several decades despite different circumstances would make for an interesting study. In the case of *Upper Khel of Changki v Lower Khel of Changki* (1909), the headmen of upper *khel* complained about the lower *khel* cutting down several trees on the land which was ‘a *puja* place’ (a place of worship). The complainants stated that no one was allowed to cut trees on the site since the founding of the village, as the trees on the site were held ‘sacred’. In this case, the lower *khel*, in order to avoid trouble, pointed to the new school boys as being the culprits, whereas in reality recently converted Christians had cut down the trees just to annoy the non-Christians. This the magistrate found to be ‘definitely absurd.’ The magistrate ruled that the ‘whole of the Christians in the lower *khel* are concerned in this effort to destroy what they now consider a place of heathen memories.’ And therefore the lower *khel* (comprising the Christians) was fined Rs. 100, to be worked out in labour at Mokokchung.⁵⁸

In between imposing and extracting fines in labour, to be worked on by the erring parties through court’s rulings, the colonial administration had drawn up a plan that was systematic and self-perpetuating. In this plan the administration made a demand for the supply of coolies to the government from among different villages who would work in rotation. The idea of rotating labour from different villages was worked out according to the agricultural cycle of the hill people to ‘ensure that enough stocks of food, particularly rice, were available locally.’⁵⁹ This consideration about adequate supplies of rice for the villagers was more to do with what each village had to pay to the government. This labour plan, which was organized to fit with the agricultural calendar, caused hardship to the people, who sought redressal. Cases like that of the Lazami and Dzulake villages highlight the problems faced by the villagers. The

⁵⁷ ‘Military Report on Presidency and Assam District’, p. 25, PRM.

⁵⁸ *Upper Khel of Changki v Lower Khel of Changki*, dated, 14 January 1909, case records, NSA. The ‘puja place’ was known as Aodang.

⁵⁹ Dzuvichu, ‘Empire on their Backs’, p. 96.

Lazami villagers complained to the Deputy Commissioner that their village had been carrying ‘*mal*’ (goods in Hindi) for three years in a row for the sepoy. They were to relieve those labourers stationed in Mokokchung during the harvest. The villagers found this labour service very inconvenient particularly as it was a ‘tabu’ [sic] for them to eat outside their village ‘till the crop [is] cut.’ The Deputy Commissioner did not believe that the Lazami villagers were dragged away from their harvest, since there were restrictions at this time upon people leaving the village, but he acknowledged that this had happened the previous year. Keeping a regular coolie supply mattered the most to the government. And therefore, even though the Deputy Commissioner was not convinced by what the villagers were complaining about, he told them that he would sort out matters with the Commandant and make alternative arrangements by fixing the work of relieving in early January or the end of November or December.⁶⁰ In another case, the Dzulake village which was burnt down approached the Deputy Commissioner for exemption from supplying the usual materials to Pedi⁶¹ on the grounds that they were not in a position meet the requirements. The Deputy Commissioner observed angrily that the village ‘had the face to ask’ for exemption from coolie labour for six months in the name of observing a *genna* but admitted they intend to work in their fields on these *genna* days. However, the Deputy Commissioner promised Chama, the representative of the village, ‘6 months absolution from the provision of any supplies’ but he was not sympathetic to any exemption of coolie labour. He allowed the aggrieved village ‘as many days [of] cooly exemption as the village themselves actually observed *penna* (a stricter form of *genna*, see chapter 5)’, which added up to about a week.⁶²

In short, despite occasional flexibility *vis a vis* agricultural calendars, or rituals, the colonial administration never compromised when it came to extracting coolie labour. Since the offices of the administrative officer and the judicial magistrate were held by one person, cases that referred to previous decades were reopened only to have the

⁶⁰ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the month of August, 1923, NSA.

⁶¹ Pedi seems to have been an outpost that housed Deputy Commissioner’s bungalow, because the record talks about Deputy Commissioner leaving the road to see the ‘proposed diversion’ of the road and the alignment thereof. Also, the Deputy Commissioner was furious that the road was turned into a ‘mere slough on account of the Chaukidar’s cattle’ and asked the Chaukidar to keep his cattle off the road lest he shall be fired and a new Chaukidar be appointed. Tour Diary of J. H. Hutton, Esquire, CIE, D.Sc., Deputy Commissioner, Naga Hills, for the month of September 1928, dated, 7 September 1928, NSA.

⁶² *Ibid.*

same verdict passed. In *Christians of Akhoia v Ancients of Akhoia* (1929), the Ancients demanded a sum of Rs. 2/- from the Christians because they refused to attend the meeting of the panchayat regarding the burning of the village, which the Christians refused to pay. The court ordered that the fine be paid by the Christians as 'there has been continual ill feeling in the village which has culminated in this case.' The court also added that, apart from paying the fine to the Ancients as demanded, the Christians were to provide 25 coolies to carry *mal* from the plains, on payment, in the cold weather. Also, as a reprimanding act, the Pastor's name was struck off from the exemption list (house tax), on the condition that 'it may be restored in the cold weather if the village behaves.'⁶³ When it came to converting penalties resulting from faults and accusations to be worked out in labour, the ever alert eye of the colonial court would turn all fines and punishments into the supply of coolies.

The 'compulsory 15 days free adult male labour' rule imposed in 1880 and the establishment of Kohima as the permanent district headquarters saw the colonial administration pushing forth rigorous punitive expeditions. The merciless subjugation of villages by the Deputy Commissioner on military promenades led to queries from higher authorities about whether the punishments were too severe on the villagers. Punishment and fines were more often than not realized in coolie labour, however, there is no record of the uniform imposition of compulsory 15 days free adult male labour which was imposed on the villages that fought in the Anglo-Naga War. What could have caused the lapse of uniform policy of labour extraction?

The fact that Kohima was surrounded by Samaguting which was the previous district headquarters and the Wokha sub-division (before the sub-division was moved to Mokokchung in 1890), all well within the area of political control, enabled the imposition of uniform labour regulations. When the compulsory 15 days free adult male labour rule was imposed on the Angami villages, the British practically had only Kohima (Angami) and Wokha (Lotha) regions in the Naga Hills under their control. For example, when Wokha was still the sub-division, Longsa, an Ao village (Mokokchung region) was discussed for its inclusion within the political control area. But Longsa start paying the house tax only in 1892-93, after the sub-division was moved to Mokokchung. Likewise, villages like Chajubams [sic] (Chozumi, present

⁶³ *Christians of Akhoia v Ancients of Akhoia*, dated, 2 August 1929, Case Records, NSA.

day Phek district called eastern Angamis formerly), started to pay the house tax only in 1893-94⁶⁴ but were under the Kohima district and therefore within political control. In short, the two administrative headquarters were surrounded by villages that were in contact with the administration, and were not, in colonial terms ‘turbulent.’

Secondly, it was impossible to impose uniform order on all villages because villages of the same community were not necessarily within the British area of political control. For example, Mokokchung, an area inhabited by the Ao community, was made the sub-division in 1890, which means the inhabitants in and around Mokokchung started paying a house tax as soon as the administration took over. However, Longsa, an Ao village, started paying house-tax only in the fall of 1892-93 although talks about making it to pay house tax were begun when Wokha was the sub-division.

Thirdly, villages that opposed colonial intrusion did not form an alliance like the 13 Angami villages. The pattern of opposition was mostly that of individual villages against the British. The terrain and the nature of the revolt played a decisive role in preventing the implementation of uniform labour regulation across villages; uniformity remained within the confines of the concerned villages. More than 20,500 coolies were impressed from Angamis during 1891-92,⁶⁵ within a decade of the regulated labour system, which depicts the total breakdown of the regulated compulsory 15 days of free labour to the state. Therefore, in terms of the implementation of a systemized labour corps in the Naga Hills, it was a failure. Coolie labour was imposed on the village as a whole through the colonial court order as well as in the capacity of the Magistrate whenever he went for annual tours, but that was not within the systematized labour regulations. Systematised labour was not possible in the Naga Hills because all the work demanded the involvement of a coolie which the machines or animals could not replace.

Roots of coerced coolie labour

⁶⁴ Robert Reid, ‘Naga Hills’, in S. K. Sharma and Usha Sharma, eds., *Discovery of North-East India*, p. 54.

⁶⁵ *Ibid.*, The annual report for the year 1891-92 of Arthur Wiliam Davis the Deputy Commissioner, Naga Hills, described how the Angamis suffered the most disastrous year in 1891-92 due to excessive impressment of coolies for military requirements, and the outbreaks of cholera and small pox, p. 54.

All punitive expeditions⁶⁶ were carried out with the strength of the Naga coolies and porters who were coerced, following subjugation, into carrying the load to the next targeted village where they were in turn relieved by the village they had reached. Turning Nagas into coolies and porters was a conscious manoeuvre of colonial officials. The ability to withstand long months on village to village expeditions practically made the Naga coolie irreplaceable for transportation in the absence of carts, bullocks, boats or roads.⁶⁷ The practicality of having a Naga coolie was all the more realized in these expeditions because of the rough terrain, which only the local inhabitants could manage and negotiate. However, the Naga was usually an unwilling candidate for a coolie labour and it frustrated the colonial officers, which was very clearly portrayed in the local newspapers.

The road up would be made a good one with a little labour, but no one has done anything to it there are no coolies; only a miserable 100 or so where 800 are required. Our system of making the Nagas give coolies is an unfortunate necessity. It exasperates the Nagas, and certainly cannot be defended except on account of its necessity. If the Government intend to keep a force of 800 men, as I hear, on these hills two years more, it is to be hoped they will raise a permanent coolie corps of 1000 men to allow for casualties, and not allow this heavy burden to fall on the friendly villages who have to work like slaves for us.⁶⁸

Equally frustrating for the colonial officials was the problem of maintaining certain levels of acceptability in extracting labour. They were perturbed by the idea of over taxing labour and were afraid that news of their excess would reach back home: 'If Exeter Hall were to hear of the things done in the Naga Hills, and which are yet perfectly necessary under the circumstances, [I] dread to think of the result.'⁶⁹ The report carried in the news daily further added, 'it is this labour that makes our rule so hated here, for every sack of flour brought up here has to be brought along scores of

⁶⁶ Every colonial officials visits were all punitive by nature; it included burning down the villages, killing and injuring villagers through indiscriminate firing, killing domesticated animals or carrying it away or consuming it, and most of all extracting coolie work as punishment from the villagers for supposedly disobeying and not complying with the official order. The expedition against Pangsha in present day Tuensang District, in 1936 was the last of the colonial expeditions against the Nagas.

⁶⁷ LipokmarDzuvichu, 'Roads and Rule: Colonialism and the Politics of Access in the Nagas Hills 1826-1918', M. Phil Dissertation, JNU, New Delhi, 2005, p. 98.

⁶⁸ 'The Naga Hill's Expedition', *The Times of India* (1861-current), Jan 23, 1880, ProQuest Historical Newspapers, *The Times of India* (1838-2001), pg. 3, accessed, JNU, New Delhi, February 2011.

⁶⁹ *Ibid.* See 'The Passing of Exeter Hall', *The Civil Service Observer*, May 1907: (Volume 13, Number 5), by, Percy Howard, <http://studymore.org.uk/aexeter.htm>. Exeter Hall was the centre of the anti-slavery campaign. The platform began be used to speak about oppressed nationalities. During deliberations, Statesmen had to ask each other 'What will Exeter Hall say?' while weighing one policy over the other.

miles on the backs of unfortunate Naga men and women, their babies with them, having no one at home to look after them.’⁷⁰

The parallel operation of colonial administration’s elaborate rule of compulsory labour, followed by the Nagas’ persistent refusal to comply with the rules passed, made the situation more complicated. And procuring coolies remained as hard as ever. Soon after subduing the Nagas and establishing Kohima as the district headquarters, the political officer requisitioned coolies in Kohima. The officer sent the order in the evening, but when not a single coolie appeared by the next morning, the political officer ordered the firing of two shells at the village, after which four *khels* provided coolies but other *khels* refused. The troops occupied the village for further action only to find that the villagers had left, or fled to the adjacent jungle. The troops occupied the village all day and as punishment seized a quantity of rice.⁷¹ The Nagas’ refusal to do the coolie work was as routine as the expedition that the colonial administration undertook. If the Angamis abhorred the coolie work, so did the Aos, and likewise the Semas. On one of the usual punitive expeditions undertaken by the Deputy Commissioner in the Ao area, the Bora Haimong reportedly supplied coolies very late,⁷² and the Naogaon Nagas were hiding in order to evade carrying loads.⁷³ When the expedition entourage reached the Sema area, there were no coolies to carry their loads and they were often compelled to halt for the night.⁷⁴ Though it was only a matter of time before the Nagas had to give in to the pressure for coolies, owing to the persistent demands of the administration backed by military force, every Naga village detested the idea of being forced to work as porters or coolies. Though the reports suggest that the fear of long standing feuds made some villagers averse to entering a particular other village, the fact remains that the occupation of a porter or coolie for transporting the expedition baggage or being employed on the roads was perceived as ‘forced labour’ and not something that a Naga would engage in by choice.

In spite of these systematic labour arrangements, the colonial administration’s unending need for extra labour was striking. This was because the expansion of the

⁷⁰ ‘The Naga Hill’s Expedition’, *Times of India* (1861-current), Jan 23, 1880, ProQuest Historical Newspapers, *The Times of India* (1838-2001), pg. 3, accessed, JNU, New Delhi, 2011.

⁷¹ Foreign Department, Political, A, March, 1880, File no. 345, Pros. nos. 331-395, NAI.

⁷² Foreign Department, External, A, March, 1886, File no. 16, Pros. nos. 14-25, para. 4, NAI.

⁷³ *Ibid.*, para. 7, NAI.

⁷⁴ Foreign Department, External, A, October, 1887, Pros. nos. 1-6, NAI.

British administration in the Naga Hills was ‘actualized by their persistent focus on the development of efficient lines of communication’, namely, roads. Roads were made not only to connect administrative headquarters and military camps, but also between outposts and villages. Easy access was paramount to the success and sustenance of the British administration. However, the attitude of the government towards hill roads was of ‘low priority’ and it worried the military officials in the Naga Hills because military expeditions depended on the easy movement of the troops. Moreover, the demand of the British administration in Naga Hills for increasing the fund for road works backfired with a plan ‘to curb state expense.’⁷⁵ Finding themselves in a tight spot and at the same time determined to push the frontiers further, the British officials searched for possible avenues of labour extraction without incurring expenses for the government.

It is not hard, then, to understand why the magistrate’s court passed orders that fines imposed were to be worked out in labour, with the fine and punishment clubbed together, irrespective of the kind of offence that was involved. Fines ‘to be worked out in labour’ were the classic lines followed by the colonial court in converting all punishment into manual work. Cases settled in the magistrate’s court particularly from 1891 to 1904 show frequent conversions of fines and punishments to labour in almost every court verdict irrespective of the kind of offence the alleged guilty party may have committed.⁷⁶ Although there appears to have been a slowdown in the transformation of fines into labour through court verdicts in later years, it did not phase out of the system entirely, as the colonial administration always found a way of getting hold of a coolie.

Apart from his resentment, the Naga men proved to be excellent coolies and their ability to handle the situation was much appreciated. They were called for external expeditions, like the Lushai expedition, the Abor expedition, the Survey party, World War I and the Kuki expedition. During the Northern Lushai Hills expedition ‘a horde of Naga coolies carried provision for the force.’ The military force of the promenade comprised five officers and 400 men of the 43rd Goorkha Rifles.⁷⁷ In January 1909,

⁷⁵ Dzuwichu: ‘Roads and the Raj’, pp. 480-482.

⁷⁶ See Appendix II.

⁷⁷ ‘Exploring Northern Lushai-Land’, *The Times of India* (1861-2001); Apr 1, 1891, pg. 5, accessed, JNU, 2015. Lushai expedition was carried out to subdue the Chiefs. Just like the promenade in the

Mr. Noel Williamson, Political Officer at Sadiya and Colonel D. M. Lumsden, along with and Rev. W. L. B. Jackman, of the American Mission, went to visit the Abor country to 'establish friendly relations with the Abors.' In this journey, 48 Naga coolies went along with Williamson's party.⁷⁸ The unfortunate murder of Mr. Williamson, the Political Officer, and Dr. Gregorson, a tea-estate doctor, led to the Abor Expedition of 1911-12.⁷⁹ Many Naga coolies were recruited for the Abor expedition with each corps being commanded by an officer of the Supply and Transport Corps.⁸⁰ 'A Naga is a fine upstanding savage, a real fighting man, and a remarkably good shot with the javelin he always carries' was how George Dunbar a colonial officer, described the Nagas as he took a 'number of Naga coolies' to the Abor expedition in 1911-12.'⁸¹

The normal strength of each corps comprised one British officer, one Sub-assistant surgeon, one clerk, two *Havildars* (appointed from the military police), 30 *Gaonburas* (headmen), and 600 carriers. Sometimes, in one or two cases a civil officer was attached to the Corps.⁸² Coolie labour was in constant demand. A Naga was either working on the road, cutting jungle, carrying officials and troops' supplies or on one or the expeditions. In January 1917, the Secretary of State for India, wrote to the Viceroy of India about sending 50,000 South African *kaffirs* labourers to France. By conveying this information, the Secretary was asking the Viceroy if he could hustle as many from India. With no positive response from other local governments, Archdale Earle, the Chief Commissioner of Assam, in order to 'sharpen its imperial profile' proposed to send 'eight to ten thousand able-bodied hill-men.' This instant positive

Naga Hills. A subdued village was required a tribute coolie that would all be turned out 'all found' in the next village, a shrewd method to capture the erring village which would require more labour punishment to make up for the disobedience committed. 'Our business', the British claims, 'in these hills is mainly to prevent the Lushais from raiding our own subjects and tribes which are under our protection.' Along with the Naga coolies, the Mikirs coolies also carried the promenade provisions in this expedition.

⁷⁸ D. M. Lumsden and Noel Williamson, 'A Journey into the Abor Country, 1909', *The Geographical Journal*, Vol. 37, No. 6 (Jun., 1911), pp. 621-629, accessed, 20-05-2015 11:17 UTC, pp. 621-2. The tour started from 25 January 1909 and ended in 20 February 1909.

⁷⁹ Robert Reid, 'The Excluded Areas of Assam', *The Geographical Journal*, Vol. 103, No. 1/2 (Jan. - Feb., 1944), pp. 18-29, <http://www.jstor.org/stable/1789063>, accessed: 04-07-2015 12:49 UTC, p. 20. By this expedition, the British penetrated the Abor country to a considerable extent, resulting in opening up of the country to a means of [building] roads. An important outcome of the expedition was the 'reorganisation' of administration that included setting up of two new Frontier areas, namely, Sadiya and Balipara Frontier Tracts.

⁸⁰ See Table 6 in the Appendix I.

⁸¹ George Dunbar, *Frontiers*, Omasons Publication, Delhi, reprint, 1984, first published, 1932, p. 153.

⁸² 'Military Report on Presidency and Assam District', p. 241, PRM.

response of the Chief Commissioner of Assam to the call for much needed labour was appreciated. The Chief Commissioner had in mind the sparsely populated and remote regions of Assam inhabited by the Garo, Khasi and Jaintias, Lushais and the Nagas.⁸³ The Naga Hills' labour requirement for World War I was fulfilled, as J. P. Mills Sub-Divisional Officer, of the Naga Hills wrote, 'many of the men in the Naga Labour Corps for France were independent - just friends of the British Raj, ready to help, not subjects; they came by themselves, not conscripted.'⁸⁴ 2000 Naga Labour Corps were employed in digging trenches, in France. Colonel Lord Amthill reported from the field that, 'this they are doing very well and in a quite contented spirit.'⁸⁵

While World War I was raging, the Kuki rebellion was posing a threat to British power in the frontier region of India. The Kuki uprising of 1917-1919 was one of the most formidable problems colonial Assam faced.⁸⁶ To counter the Kuki rebellion, 800⁸⁷ Naga Coolies who had been enrolled at Kohima for service in France, were diverted to the Kuki operations.⁸⁸ Meanwhile, the Assam Administration proposed to provide 24,000 fighting men and 4,000 transport coolies by the beginning of 1918, while the army was made responsible for replacing the Martin-Henry Rifles and providing the troops with magazine .303 rifles as well as some Lewis guns and bombs. Clothing and equipment were obtained through the Ordinance Department.⁸⁹ Between the year 1918-19, '480 Naga Coolies comprising of 150 Sema, 150 Angami, 180 Ao' were recruited for the Kuki operation.⁹⁰ The final operation against the Kukis began in November 1918 and the end of May 1919, 'the plan had been successfully carried out, the troops had been withdrawn and the area handed over to the civil

⁸³ Singha, 'The Recruiter's Eye', pp. 194-95.

⁸⁴ Khongreiwu, 'Understanding the Histories', p. 446.

⁸⁵ Foreign and Political Department, Internal, B. June, 1918, Pros. nos. 294-295, Enclosure No. 294, p. 5, NAI. Colonel A. Playfair and D. E. Jones, a missionary led 2100 Mizo men to France, among whom 71 died in France or on the way, Joy L. K. Pachuau and Willem van Schendel, *The Camera*, p. 196.

⁸⁶ 'The Assam Gazette', no. 39, 1920, published by Authority, Shillong, Wednesday, 29 September 1920, Part II. Resolutions, Regulations, Orders, Notifications, Rules, etc., issued by the Chief Commissioner and Heads of Departments. Resolution on the late Kuki Rising extract from the Proceedings of the Chief Commissioner of Assam in the Political Department, No. 8856P., para. 1, dated, 27 September 1920, PRM.

⁸⁷ Robert Reid, 'Naga Hills', in *Discovery of North-East India...*, has mentioned 817 coolies, p. 96.

⁸⁸ 'The Assam Gazette', no. 39, 1920..., para. 6, PRM.

⁸⁹ *Ibid.*, para. 9, the total force engaged amounted to about 6200 combatants and 8300 transport coolies and other non-combatants, para. 10.

⁹⁰ Annual Administrative Report 1918-19, Gen. B. June/19=76-77, p. 23, NSA.

authorities.’⁹¹ Several officers earned ‘decorations’ for their contribution towards successful operations against the Kuki rebellion.⁹²

The colonial administration’s comfort in recruiting the Nagas was not only because ‘Nagas make excellent carriers’ but it was also because ‘they have no caste prejudice and will eat almost anything.’ This remark was directed against the food habits of the Manipuris. The record states that ‘Manipuri coolies are a nuisance on active service, owing to their religious prejudices in the matter of bathing before food, and cooking.’⁹³ Officers were content that, ‘Under all circumstances and conditions of hardship and exposure they (Nagas) were willing and cheerful, besides being remarkably honest and careful with their loads. They also possess a childlike faith and trust in the sahib.’⁹⁴ These are statements evidently made against caste practices which hampered the smooth functioning of the colonial operation and does not necessarily reflect the ‘child-like faith’ of the Nagas towards the *sahib*.

Expeditions within the Naga habitations were carried out with the help of the locals much as was done for long distance expeditions. In the Chinglong expedition of 1913, the Ao Nagas served as coolies. In the Totok expedition which followed Chinglong, 700 Sema and 100 Lotha coolies were mobilized. In the midst of Chinglong-Totok expedition, there was a demand for a change of coolies. The supply of escorts to the Abor and Mishmi surveys, made a heavy demand on both the provincial forces as well as the coolies and pushed coolie recruitment in the year 1913-14 higher than other years.⁹⁵ In 1917-18 there was an extremely heavy demand for coolies in the Naga Hills, leading the Deputy Commissioner of the Naga Hills to comment that the ‘Sema and the Lotha tribes have responded exceptionally well and that they are by far the best coolies for expeditionary work.’⁹⁶

⁹¹ ‘The Assam Gazette’, no. 39, 1920, Wednesday, dated, 29 September 1920, para. 10, PRM.

⁹² *Ibid.*, para. 17, a title of CIE was conferred to, Colonel L. W. Shakespear, CB, Indian Army, Colonel CEEFK Macquoid, DSO, Indian Army, Mr. J. C. Higgins, ICS, Mr. J. H. Hutton, ICS, signed, 18 September 1920, A. W. Botham, PRM.

⁹³ ‘Military Report on Presidency and Assam District’, 1920, p. 133, PRM.

⁹⁴ *Ibid.*, p. 239.

⁹⁵ From, The Hon’ble Major W. M. Kennedy, Officiating Chief Secretary to the Chief Commissioner of Assam, To, The Secretary to the Government of India, Foreign Department, Shillong, dated, June 5, 1913, file no. 1, no. 2717-P, Pros. nos. 1-4, Foreign Department, Government of India, External, A, July, 1913, para. 2, NSA.

⁹⁶ General Administrative Report 1917-1918, General B, June/18-20-G56, 1918, pp. 20-21, NSA.

A person migrating to other places to evade coolie work was not new. People of Samaguting at one point could not withstand the demand for labour and migrated to distant villages.⁹⁷ A Thado man confessed to migrating to North Cachar Hills and a Kuki Goanbura admitted that in order to escape coolie work on the Henima (in present day Peren district) bridle path he fled to Diger.⁹⁸ In the village of Yamho-Yantha, the villagers apparently pressed 'for a copy of the *parwana* saying that they need not supply coolies on requisitions other than those coming from Deputy Commissioner's office or Sub-divisional Office.'⁹⁹

Although coolies frequently took flight, the British administration was unsparing. Indeed, the colonial administration perceived the local inhabitants as animals and hunted them down without showing any remorse. In one of the annual expeditions a group of coolies bolted and it so happened that the coolies were in no way able to save their skins.

The excerpt read:

...they [coolies] could only bolt either down the very steep and narrow path by which we had come, which was blocked by the rear guard, or into the villages where I had half a dozen men and a couple of dobashis. We saw them coming and *shikared* them with horrific threats back to their loads. It was a very long pull up again and the wretched coolies had brought no food with them.¹⁰⁰

Fines released in labour even in cases unrelated to the government were becoming the mode of justice in the Naga Hills. In *Village of Lungla v Tsenyimo of Lungla* (1933), two months of punishment commuted to labour service. The case involved one Tsenimo, a boy of about 16 years who supposedly stole the beads of his sister-in-law that had been thrown away in the jungle as she had died in childbirth, which was considered to be an unnatural death (*apotia*). 'This', in Sub-divisional Officer's own words, 'I believe is the first case of its kind which has ever been instituted by Lhotas of this subdivision.' He further maintained that, 'taking into account the age of the accused, as I don't believe that he fully understood the magnitude of his offence, I order him to work for two months in Wokha station cutting jungle, clearing paths and

⁹⁷ Dzuwichu, 'Roads and the Raj', p. 489.

⁹⁸ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the month of January, 1921, dated, 16 January 1921, NSA.

⁹⁹ *Ibid.*, April, 1921, dated, 7 and 8 April 1921, camp: Khoroghat.

¹⁰⁰ *Ibid.*, dated, 20 November 1921.

keeping the Inspection Bungalow (IB) compound in a clean condition.’¹⁰¹ These cases highlight the sympathetic attitude of the colonial court towards the wrong doer thereby disguising the real intention of the court. The outcome of the court’s sympathy was to let the culprit work out the punishment in labour for the government establishment – he was a much needed coolie and a good one at that. Naga male coolies were still regarded ‘first-class’ by then who took about 360 of them during the Pangsha expedition in 1936. This, the Deputy Commissioner was making a statement about when his junior officer was ‘cursing and damning the section headmen saying they were hopeless.’¹⁰²

The administrative officer defended and acknowledged the coolie labour contributed by the Nagas, and maintained friendly relations with the chiefs and headmen of the villages. These were men without whose association the colonial administration would not have functioned efficiently and therefore giving them appropriate appreciation to maintain the status quo was vital. Administrative officers, no doubt, were instructed to be friendly with local authorities from the beginning, which realized in channeling and creating certain systems of village authority. Be it the headmen (*Goanburas*) or *Dobashis*, these people were recognized and appointed by the colonial government who held the serious responsibility of making the colonial administration successful. They were people who ‘simplify, facilitate and systematize the revenue and labour aggregation’¹⁰³, which constituted the core component of colonial interest in the Naga Hills. There existed a complicated and interwoven relationship between the villages and colonial authorities. In fact, it is through court verdicts that chasms between groups of villages were appropriated to the benefit of the colonial administration. The court claimed to base its rulings on traditional practices peculiar to the community concerned.

There was hardly any village in the Naga Hills that did not provide coolie labour. The organization of coolie groups was set up under the leadership of the *Goanburas*. A

¹⁰¹ *Village of Lungla v Tsenyimo of Lungla*, dated, 2 July 1933, ‘Breaking Custom’, in the court of Lambert, Sub-divisional Officer, Mokokchung, Case Records, 1931-1936, NSA.

¹⁰² ‘Letters from a Deputy Commissioner on the North East Frontier of India’, 1936, to his wife, and edited by her. The Deputy Commissioner was J. P. Mills, ICS, CSI, CIE, camp: Helipong, dated, 17 November 1936, PRM.

¹⁰³ Dzuvichu, ‘Roads and the Raj’, p. 488.

section composition in 1906 was a group of twenty to a *Goanbura*,¹⁰⁴ in 1911-12 it was 15-25 men.¹⁰⁵ In 1913, there was a detailed discussion about what a section composition should be. It said the coolie should be in sections of equal size; 24 coolies under each *Goanbura* which would be convenient for the *Goanbura* to control, and out of these only 22 should be expected to carry loads, the other two carrying coolies' cooking pots etc., and relieving others when necessary. A clerk was required to keep accounts and a non-commissioned officer directly under the transport officer for each 200 coolies, besides a fair number of interpreters,¹⁰⁶ were required to be attached to the sections. In 1929, Hutton was convinced that to consist a unit 29 persons was ideal. Hutton's calculation was based on the consumption of exactly a load of rice per day, which made the issuing of supplies easier to weigh than individual rations.¹⁰⁷

What remains the most evident, after the establishment of Kohima as the district headquarters up to the World War 1, was the preference for Sema community males for coolie labour. Regarding 1906, when a force of 100 rifles of the Military Police went for an operation, the report reads, 'We took only Sema coolies throughout with us.'¹⁰⁸ In the Abor expedition there were five sections of labour corps out of which Semas filled two sections of the corps. In the Totok-Chinglong expedition, Sema coolies were requisitioned to replace other carriers, because of their 'pluck' and the fact that they were the best in expeditionary work. Even when not on military expeditions, Semas were used as coolies more often than not. A tour diary of H. C. Barnes, the Deputy Commissioner recorded the tour that took place for two months in 1916: only the Semas were retained until the end of the tour. One of the main purposes of the tour was to see the Phekrokejuma-Lanier Mukh road construction. Lanier Mukh was the main road that was to connect areas beyond Tizu which were not within political control, the present day Phek and Tuengsang districts. As the tour

¹⁰⁴ From, The Deputy Commissioner Naga Hills, To, The Commissioner Surma Valley and Hill Districts, Para. 2. Enclosure pros. no. 147, no. 1847-G, dated, Kohima, 27 February 1906, Foreign Department, External, A, May, 1906, nos. 147-149, NAI.

¹⁰⁵ 'Military Report on Presidency and Assam', p. 239, PRM.

¹⁰⁶ From, J. E. Webster, Esquire, ICS, Deputy Commissioner, Naga Hills, To, the Commissioner, Surma Valley and Hills Districts, para. 35, nos. 1-4, Encl. 3. No. 250G., dated, Kohima, the 25 April 1913, Foreign Department, External, A, July, 1913, NAI.

¹⁰⁷ *Ibid.*

¹⁰⁸ From, The Deputy Commissioner, Naga Hills, To, The Commissioner Surma Valley and Hill Districts, Para. 2, Encl. pros. no. 147, no. 1847-G, dated, Kohima 27 February 1906, Foreign Department, External, A, May, 1906, nos. 147-149, NAI.

progressed further north, Barnes was able to make Hokiya village (Sema) pay a house tax of Rs. 2/- and provide 12 coolies for 10 days on the Phekrokejuma-Lanier-Mukh road. Hokiya reportedly moved 'inside the order' which means he moved inside the area of political control without first getting the orders from the Deputy Commissioner. The Deputy Commissioner threatened Hokiya that he would allow 'other Semas' to settle in his village as he (the Deputy Commissioner) thought fit. And that was how 12 coolies for 10 days (120 coolies) and an annual house tax was imposed on Hokiya. When the Deputy Commissioner reached Wankching, a Konyak Naga region, the coolies had increased in hundreds, 254 Sema coolies, along with 130 coolies from three or four Konyak villages.¹⁰⁹ Although the road was cutting through villages that were not part of Sema, the coolie from Sema was preferred. It is also apparent that out of the 2000 Naga labour corps, half of the coolies comprised Semas. When the government ordered Labour Corps Nos. 21, the Naga Hills Corps, for the World War I Labour Corps on 9 November 1917, the colonial administration in Naga Hills raised 2000 men. The corps composed of Sema 1000, Lhota 400, Aos 200, Changs 200, and other trans-frontier communities 200, under the command of Mr. H. C. Barnes, the Deputy Commissioner. And even as 1000 Sema coolies went as Labour Corps to France there was still 90 more that joined the Kuki Operations during the same period of time.¹¹⁰ The overwhelming response to the labour corps in World War I was the outcome of a long practised habit of preferences and maintaining a particular relationship that appealed to a particular community. Long after World War I, in the journey 'from the Brahmaputra to the Chindwin', in 1926, E. T. D. Lambert, who was then the Sub-divisional Officer, talked about how he 'engaged a permanent coolie force of two hundred men in the Mokokchung Sub-division to carry the rations and kit of the escort. Recruited entirely from the Sema Nagas, the coolies were men of a tribe which had proved its worth in the past, many of them having enlisted in the labour corps in France during the Great War.'¹¹¹

¹⁰⁹ Tour Diary of H. C. Barnes, ESC, ICS, Deputy Commissioner, Naga Hills for the month of December, 1916, Political Department, Political Branch, file no. Political B, February/1918, nos. 119-153, NSA.

¹¹⁰ Robert Reid, 'Naga Hills', in *Discovery of North-East India*, p. 96, 'A draft of 817 Naga Hills recruits which was waiting to go to France was diverted to the Kuki Operations in January 1918; 60 Lhota, 90 Semas, 120 Aos, 480 Angamis.'

¹¹¹ E. T. D. Lambert, 'From the Brahmaputra to the Chindwin' *The Geographical Journal*, Vol. 89, No. 4 (Apr., 1937), pp. 309-323, <http://www.jstor.org/stable/1785689>, accessed: 20-10-2015 14:00, p. 310.

Perhaps the main reason for the Sema coolie preference was the relationship that was maintained between the colonial administration and the Semas. The particular system of founding a village practised by the Semas could have benefited both the Semas and the colonial administration. Permits for new settlements were given to the Semas, provided that house taxes and coolie labour was paid. Secondly, the nature of the social structure of the Semas, where the chief's son more often than not founded a new village after his own name, made them more independent in fending for themselves, be it in founding new settlements or managing when on expedition.¹¹² Thirdly, the welfare of the population rested with the chief and in matters of ligations and disputes the colonial court could relax itself from intervening in most cases. The colonial court recognized certain traditional practices specific to certain community and used it in its ruling. Likewise, the administrative officer picked on certain characteristics of specific communities based on their load carrying capacities, physical strength and bravery on military expeditions. These expressions of selective and prejudiced strategies kept the colonial administration in power. In these schemes of colonial manipulations, the Nagas had already been exposed to the idea of difference among Naga communities without them realizing that it would create problems that they would have to face in the days to come.

A Coolie's Load, Wage and Ration

In Captain John Butler's *Travels in Assam*, we find the number of coolies who accompanied the 1832 first encounter of the Nagas and the British. Butler mentioned that 800 coolies carried the luggage and provisions of the 700 Manipuri soldiers on the expedition.¹¹³ There is no mention of the community that they belonged to, neither is there any information on the wages, loads or rations that were provided. This is followed by Lieutenant Woodthorpe's account of the 1875-76 survey, which contains the details of the expedition. The Lieutenant wrote on 17 December, 'all our coolies having arrived, and all arrangements being satisfactorily completed, Captain Butler and I set out for Wokha.' The survey report read, 'We found that the surrounding

¹¹² This was typical practice of giving permits to new settlements in frontiers. As the Deputy Commissioner contemplates on planting new Sema villages outside the border where government would take no notice 'if they were raided or cut up' he chooses a Sema, because, 'the Sema is good at looking after himself.' Tour Diary of H. C. Barnes, ESC, ICS, Deputy Commissioner, Naga Hills, December 1916. Political Department, Political Branch, file no. Political B, February/1918, Nos. 119-15, NSA.

¹¹³ John Butler, *Travels in Assam*, Manas Publications, Delhi, 1994, p. 102.

villages had been bringing in rice in large quantities, and the godown was well stocked'¹¹⁴, thus giving us some information on the economic aspects of the people's lives that the survey expedition party witnessed. The report also has that Mr. Ogle, who joined Woodthorpe brought with him 'khalassises and coolies' from Shillong.'¹¹⁵ The survey expedition had three parties; Captain Butler, Mr. Ogle and Lieutenant Woodthorpe. The force consisted of the 42nd Assam Light Infantry with 2 Native Officers, 4 Havildars, 6 Naiks, 1 Bugler and 58 Sepoys. From the Naga Hills Police there was one Inspector, two Head-constables and 17 Constables. One Native Officer, three Havildars and 45 Sepoys were left at Wokha which was the sub-divisional headquarter at that time. Naga coolies were the expedition-materializing factor for the colonial march in the Naga Hills. There is, however, not much information available on the recruitment or the nature of the coolie's payment on the survey expedition of 1875-76, although the Lieutenant sounded satisfied by the coolie turn-out. Jayeeta Sharma had shown that the Chinese and Nagas were recruited to the tea plantation during the 1840s and 1850s by the East India Company, although it was difficult to retain these workers for long.¹¹⁶ And the East India Company, having established an administrative headquarters in Samaguting in 1866, would have demanded more of the Naga coolie services, perhaps even involuntary labour. It is plausible that the coolies recruited for the survey expedition 1875-76 were paid wages. The paucity of information pertaining to the nature of conscription for coolie labour is compounded by inconsistent loads, wages and rations distributed among coolies.

a) **Load**

In 1886, the load of a coolie consisted of rations of dal, *ghee*, and salt for twenty days and rice for four days, along with the supply of 150 rounds ammunition per person while on expedition.¹¹⁷ The normal load appears to have been sixty pounds based on

¹¹⁴ 'Report on the Survey Operations in the Naga Hills, 1875-76', By Lieutenant R. G. Woodthorpe, R.E., dated, Shillong, the 15th June, 1876, From, Lieutenant R. G. Woodthorpe, R.E., Asst. Superintendent, Topographical Survey, To, Captain W. F. Badgley, in charge No. 6, Topographical Survey, para. 4, PRM.

¹¹⁵ *Ibid.*, para. 2.

¹¹⁶ Jayeeta Sharma, "'Lazy" Natives, Coolie Labour, and the Assam Tea Industry', *Modern Asian Studies*, vol. 43, no. 6 (Nov., 2009), pp. 1287-1324, <http://www.jstor.org/stable/40285014>, accessed, 20-05-2015 11:09, p. 1293.

¹¹⁷ Foreign Department, External, A, March, 1886, File no. 20, Pros. nos. 14-25, para. 3. The Deputy Commissioner of Lakhimpur was of the opinion that the 'practice of impressing men to carry the baggage of officials is open to objections in many respects, and the sooner it is done away with, the better.' See also Home (Judicial), October, 1882, Pros. nos. 58-67, para. 7, NAI.

the government's load capacity fixed for the coolie. Because besides the allocated load, the Naga carried with him his *dao*, a spear which was iron-spiked at both ends, and on his back his personal property, at all times.¹¹⁸ Added to this, by 1911, each man was to have an 'aluminium cooking pot capable of holding a seer of rice.' The traditional earthen pot used by the Nagas for cooking their food was susceptible to breaking, and as a measure of convenience cooking pots were initially issued on loan. However, this arrangement turned out to be too burdensome as it took too much time to cook food in these pots. It was therefore recommended that each man carry his own pot. These aluminium cooking pots were to be issued at the base before the coolies reached the recruiting station. The proposition that each man should have his own pot was driven by two important considerations – the pot would come in useful in the event that the coolie fell ill and had to be admitted in the hospital and secondly, if the coolie was sent on detachment.¹¹⁹ There was another kind of coolie associated with carrying officers. J. E. Webster, in 1913 wrote about the 'excellence of the Naga as a stretcher bearer.' The stretcher bearer experience caught the attention of the colonial administration and led to a 'proposal for the formation of a permanent Naga bearer corps.' Although the idea of forming a stretcher bearer corps never took actual shape, the administration remained convinced that 'it will no doubt receive full consideration in other quarters.'¹²⁰

There was another kind of carrier coolie. Some information from the 1920s shows that one of the loads a coolie carried was that of the official on tour. J. H. Hutton, in his diary in 1921, mentioned how he was carried by the *Dobashi* across the village covered in knee-deep mud. He wrote, 'If he had fallen my lot would not have been enviable – nor his.'¹²¹ An interesting anecdote by Henry Balfour's reads as follows;

I got into the carrying chair and was carried downhill through splendid jungle scenery along a Naga Path. The six Konyak carrying me are not as good as the Ao carriers, and their chanting was mostly unmusical grunts. They were all stark naked, the nearest approach to 'garb' being a piece of their string round the waist of two of them and a

¹¹⁸ Dzuwichu, 'Empire on their Backs...', p. 90.

¹¹⁹ 'Military Report on Presidency and Assam District...', p. 243, PRM.

¹²⁰ From, J. E. Webster, Esq., ICS, Deputy Commissioner, Naga Hills, To, the Commissioner, Surma Valley and Hills Districts, para. 38, Encl. 3, no. 250G., dated, Kohima, the 25 April 1913, Foreign Department, External, A, July, 1913, nos. 1-4, NAI.

¹²¹ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the months of September and October 1921, dated, 30 September 1921, camp: Henima to Chulin to Inkyo, PRM.

piece of orange-peel worn by another in his ear-lobe. The chair broke down about half-way had to be repaired with cane and bark.¹²²

Following the unmusical Sunday carriage, Balfour was 'carried in a dhoolie', which he wrote was 'kindly provided by Mr. Thomson.'¹²³ But he still expressed displeasure at how 'climbing up in the dhooly [sic] was difficult, extremely steep, up a very rough Naga path.' He mentioned how he had to 'get out and walk frequently in the steeper, narrower parts.'¹²⁴ Despite his dislike for the carriage he writes again of being carried from one destination to the other. 'I was carried past Okotso (a Lotha village) to Namkam (an Ao village) c. 8 miles. It was a Naga path all the way, very rough, steep and difficult; I had a stormy and uncomfortable journey.'¹²⁵ And this validates the caption carried by *The Times of India* that the Nagas 'work like slaves for us', as mentioned elsewhere. Taking on what Dzuvichu had called 'Empire on their backs'¹²⁶ it would do well to add, 'Empire on their backs and heads' because men literally carried loads of goods and men alike on their heads with the headstraps as the load rested on their backs.

Sometimes the reluctant coolie was 'shamed' into accepting his lot by the colonial administrators. As J. H. Hutton who wrote in his diary in 1923, 'The Yezhashimi coolies failed to turn out properly, as to cause them to eat shame and hurry up I picked up a *joppa* (cane basket) that had a headstrap of its own and started up to the village'. The Deputy Commissioner, all the while carrying the load, was saying he would claim a *mithun* (*bosfrontalis*) as his 'pay' from the defaulting village if he was not relieved early. He even dramatized the situation by refusing to release the load from his head till all the loads were taken up by last coolies just outside the village. It had the effect of hurrying them up all right.¹²⁷ By claiming the rights enjoyed by the village elders to labour, and by usurping that right, colonial officials placed members of the village under similar obligation.

The load of the coolie did not change much over time. In 1936, J. P. Mills described the load of a coolie in the following manner: a coolie carried all stores, bedding and

¹²² Balfour Papers, Box 3, Diaries, Sunday, dated, 12 November 1922, PRM.

¹²³ *Ibid.*, Sunday, dated, 19 November 1922.

¹²⁴ *Ibid.*, Saturday, dated, 25 November 1922.

¹²⁵ *Ibid.*, Saturday, dated, 27 November 1922.

¹²⁶ Dzuvichu, 'Empire on their Back', pp. 89–112.

¹²⁷ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the month of November 1923, dated, 25 November 1922, PRM.

personal luggage in cone-shaped baskets on their backs and fastened by a broad piece of leather across their brows each carrying 60lbs.¹²⁸ Despite all their efforts, a coolie labourer remained hard to procure even in the last days of the British administration in the Naga Hills. In 1946, W. G. Archer lamented in his letter to Betty Ursula citing the problem he was facing in getting a coolie to move about. It read, 'I have just marched through Mokokchung and shall then either go off in the expedition or move back to Kohima. Morung carriage are proving very difficult but I'm getting on.'¹²⁹

b) Wages

When in 1866 the first villages were taken under the colonial administration, a house tax of Rs. 2/- was to be converted into eight days of labour.¹³⁰ This means that a day's wage was 4 annas. The shortage of labour remained pivotal as is apparent from the official correspondences. A report from 1873 stated that with 'great difficulty' labour was somehow procured and could thus finish the year's stipulated work. Low wages even in a situation with scarce labour remained the 'chief cause' for not getting the coolie labour. It was evident that if government could be generous with money, labour could have been procured. The annual sanction of Rs. 2000/- by the Public Works Department, allotted for the whole district from the Road Fund was anything but a liberal sum.¹³¹ However, in spite of the tight fisted policy of the administration, one of the proceedings read, 'throughout the Hills' the price paid for a day's labour on the road was 5 annas and 4 pice. The officials no doubt felt that the price paid to the Nagas was most exorbitant and this dissatisfaction was based on their perception that the Naga region was densely populated. The Deputy Commissioner reported in the Administrative Report, Policy Agency 1873-74; 'we ought, I think, to have had no difficulty in arranging for an ample supply of labour at a fair rate. I believe such an

¹²⁸ 'Letters from a Deputy Commissioner', dated, 13 November 1936, PRM.

¹²⁹ 'Letter' To Ursula from W. G. Archer, dated, 5 February 1946, PRM.

¹³⁰ Foreign Department, External, B, October, 1895, nos. 152-154, para. 4 and 6, NAI. The colonial officers, by 1895, were convinced that the Angamis could afford to pay an additional rupee per house, that is, Rs. 2/- to Rs. 3/-. The reason was based on what the colonial administration believed to be, 'undoubtedly, the ones that had gained more than any other tribe.' Colonial administration's explanation to it all was, 'the money which has been spent in these hills on public works of considerable magnitude, more especially in the villages in close proximity of the road' was all bagged by the Angamis. By this time Angamis paying house tax were 6926 house, with an annual tax of Rs. 13852/- at Rs. 2/- per house, and the commission of 20 per cent paid to persons collecting the house tax.

¹³¹ Administration Report of the Naga Hills for the Year Ending 30 July 1873, Resolution, Political Department, Calcutta the 28 July 1873, No. 110, dated, Samoogoodting [sic], the 30 May 1873, no. 221, p. 10, Part-VII, General State of Communications and Public Works, & c. para. 26 (2), Foreign Department, Political, A, nos. 219-229, NAI.

arrangement will not have been without advantage to the Nagas themselves.’ He added, ‘I cannot think that people who know little of the value of the money and only make use of it to purchase luxuries, are really in the end benefited by being overpaid.’ The Deputy Commissioner was convinced that the higher wages were enabling the Nagas to live in idleness instead of acquiring industrious habits. And he was determined, saying, ‘I shall lose no opportunity consistent with good policy of enduring to equalize the rates of labour in the Hills and plains.’¹³²

The attribution of idleness to higher wages was unjustified because in 1878-79, C. H. Damant, the political officer wrote, ‘for road work, which the Nagas appear to like, any number of coolies can be obtained, but they do not come so freely to work as porters.’ The Naga labour was paid 4 annas a day throughout the year 1878-79. The political officer added that it was ‘cheaper than has been paid in previous years when 6 annas was given.’¹³³ Whether 6 annas was paid is not certain, though there were frequent complaints about 4 annas being too low. It was alleged that the shrewd *Babu* who paid the coolies took his *dustoori* now and then and thereby the 4 annas the coolie earned were often less.¹³⁴ 4 annas a day was the exact amount that was constituted since 1866 when Samaguting was established as the administration headquarter. Labour requirement was huge and as long as labour could be procured it mattered little to the colonial administration whether the coolies were from or outside the political control. While taking in the coolies for local expedition, from those ‘non-revenue paying villages’, they were ‘required to work for nothing.’ It was only when they were carrying loads on the march were they paid half the usual rates, i.e., 2 annas a day.¹³⁵ Here then lies the explanation as to how the Naga detested carrying the load and hence the trap to pay him only when he carried the load and not when he worked the road. The Nagas were already alienated from their land, as they were always called on the road for coolie labour which left them with no time for productive work that could support their needs. They were therefore in search of jobs to pay the tax that had been imposed, working on the railways, as load carriers in the coal mines at

¹³² Foreign Department, Political, A, August, 1874, file no. 274, pros. nos. 273-275, para. 20A, NAI. The coolies got from Gologhat were paid Rs. 7-8/- per mensem.

¹³³ Annual Administration Report, No. L-153, 1878-9, dated, Kohima, dated, 18 June 1879, From, C. H. Damant, C. S., Political Officer, Naga Hills, To, S.O.B. Ridsdale, Esq, C.S., Secretary to the Chief Commissioner of Assam, p-15, para. 53, NAI

¹³⁴ ‘The Angami Nagas’, *The Times of India*, dated, 30 August 1880.

¹³⁵ From, J. E. Webster, Esq., ICS, Deputy Commissioner, Naga Hills. To, the Commissioner, Surma Valley and Hills Districts, para. 31, Encl. 3. no. 250G., dated, Kohima, dated, 25 April 1913, Foreign Department, External, A, July, 1913, nos. 1-4, NAI.

Borjan and as seasonal labourer in the tea plantation in the plains. Especially Semas and Aos, went down in the cold weather to work in tea gardens in order to earn cash for their tax.¹³⁶ The house tax amount of Rs. 2/- was still a huge pressure on the Sema who were still engaged in barter for money. The Deputy Commissioner himself wrote about how only those persons who, 'go away from the village to work on the cart road or elsewhere in order to earn the Rs. 2/- which Government requires as house tax' were able to pay money.¹³⁷ Thus to accept the myth that the Nagas were overpaid would be wrong. Was there then a difference of wage for the usual labour work and the wage paid during an operation-expedition? Wages paid during these separate occasions appear to have differed. The Naga carrier wage in 1866 was 4 annas, in 1886 it was 5 annas 4 pice, but in 1911-12 it soared to 12 annas, showing that a coolie was paid triple the amount. In 1911-12 Naga coolies were conscripted for the Abor expedition. Higher wages in 1886 however show no link to any special circumstances.

This throws light on the fact that coolies attached to war-like events were paid more.¹³⁸ Yet again the wages that coolies were paid for in 1922-23 were still approximately 4 annas or even less. The wage description, as found in Henry Balfour's diary, were paid to those coolies who carried his 'specimens' collected from the Naga Hills to Pitt Rivers Museum says: 'the coolies were paid at the rate of 4 anna each for each of the first two stages from Mokokchung; 6 anna from Cholemsen to Lakhu, and 6 annas for Lakhu to the Dak Bungalow; 8 annas to those who carried loads as far as Nakochari Station.'¹³⁹ An extra mile/day might have earned an extra anna but, perhaps that was equivalent to the rations consumed on the journey. 2 annas was the normal wage paid to a coolie especially in the areas outside political control. The Deputy Commissioner, while on tour in 1923, paid 2 annas to Kishethu coolies and Phesami coolies. Despite asking for 4annas, they 'pleasantly accepted' 2 annas.¹⁴⁰ What can be understood from the fluctuating rates of wage from 4 annas to 12 annas

¹³⁶ Dzuvichu, *Roads and Rule*, p. 87.

¹³⁷ From J. H. Hutton, Esquire, ICS, Officiating Deputy Commissioner, Naga Hills, To, The Commissioner, Surma Valley and Hill Districts, Silchar, dated, Kohima, the _ May 1916, PRM.

¹³⁸ Men in neighbouring Lushai Hills were promised by the British of receiving a sum of Rs. 1000/- on returning from World War I, see L. K. Pachuau, 2015, p. 183.

¹³⁹ Balfour Papers, Naga Hills, Box 3, 1922-23, Wednesday, dated, 6 December 1922, PRM.

¹⁴⁰ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the month of November, 1923, dated, 23 November 1923, camp: Kishethu, NSA.

and more to less than 4 annas per day reveals the difficulty of procuring labour at different regions or sections of the route.¹⁴¹

Wages were paid according to the convenience of time and circumstances and not in terms of yearly or periodical increment. In 1917, Kerima, an Angami village asked for a raise in coolie rates from 6 annas to 8 annas, which Tekhubema, its neighbour was getting. The Deputy Commissioner refused to raise the coolie rate stating that the high rate of the neighbouring village was 'pure invention.'¹⁴² This was the year Labour Corps was conscripted and a handsome wage was perhaps promised. But the war wage did not influence the rates in the Naga Hills.

The existence of the wage coolies did not imply that all coolie labourers were eager to work. Although the administrative officers reported that they, in their official power, employed only 'volunteers' for local expeditions, it was in fact not so. An annual report reads, 'To employ Angamis impressments [are] necessary.' The same sentiment was apparent in the case of the Aos, although the Deputy Commissioner mentioned the use of a 'modified form' of impressment with the Aos.¹⁴³ The 'modified form' was definitely not the enhancement of wage or rations as the records do not mention the implementation of any of these improvements. In 1928, the Lotha *Goanburas* in the sadr [sic] wanted the Deputy Commissioner to pass an order under which each *Goanbura* gets one day of compulsory labour from the villagers. Lotha *Goanburas* request was in line with what the *Goanburas* in Mokokchung were enjoying. It was also added that the *Goanbura* was to feed all the labourers that worked in his field. The Deputy Commissioner thought it was 'reasonable' that the *Goanburas* get this compulsory labour a day in a year as the '*Goanbura* gets little a year anyhow.'¹⁴⁴

One remarkable order was passed to issue permit 'slips' for wage earning outside the administrative headquarters. The slip was granted to the concerned leader who was

¹⁴¹ See Table 7 in Appendix I.

¹⁴² Tour Diary of J. H. Hutton, Esquire, ICS, Deputy Commissioner, Naga Hills for the month of November 1917, PRM.

¹⁴³ General Administration Report of the Naga Hills District for the year 1917-1918, General, B, June/18-19-20-G56, 1918, From, Deputy Commissioner, Naga Hills, File no. General, B, June/18=19-20-G. 56. 1918, pp. 20-21, NSA.

¹⁴⁴ Tour Diary of J. H. Hutton, Esq., CIE, D.Sc., Deputy Commissioner, Naga Hills, for the month of July, 1928, camp: Bhandari, dated, 14 July 1928, NSA. *Dobashis* got similarly one day's labour from the whole village.

taking a group of people to earn wages outside the district. The case of *Coolies of Chuchu v Guohevi of Yehimi, Sengyomongba Sangratsu, Merangchamba Sangrattsu* (1931), states that unless the Sub-divisional Officer issued the slip, the concerned leader would be responsible for any shortage of wages due to the coolies. In this particular case, Sengyomongba and Merangchangba of Sangratsu took some coolies to work on Muthapere T. E. (Tea Estate). The coolies returned to their village without being paid their full wages. Although men responsible for taking the coolies were Sengyomongba and Merangchangba, Guohevi was the contractor. However, the coolies did not complain against the contractor Guohevi for nonpayment of wages, but against Sengyomongba and Merangchangba, the two Muhurs [sic] who had direct access to the garden authorities. The defendants in turn pleaded that they were not paid in full by the garden authorities, and blamed the coolies saying that full wage was withheld because they (coolies) did not fulfill their contract that they had agreed on the garden authorities, namely, that wages would be cut, when they first signed up for the work. Now, the standing order read that whoever takes coolies to the plains without a slip from the Sub-divisional Officer would be held responsible for any shortage in wages. The court found that Chuchu coolies fulfilled their contract and was therefore entitled to their full wages. The court ordered the three defendants to pay the concerned coolies a sum of Rs. 93/- each because they took the coolies without permission of Sub-divisional Officer.¹⁴⁵ How far and effective the slip system worked is not known but it protected the right of the coolies of Chuchu to their wages.

Granting free coolies to *Goanburas*, as discussed in the case above pertaining to Lotha *Goanburas* in the sadr, shows how a traditional practice that was typical to a particular community was adapted. Traditional practices that were beneficial to the village chiefs were being incorporated as part of the privilege to the elected *Goanburas*. The intricacies involved in the relationship between the coolie getting chiefs and his subjects were traditional bonds that involved more than what can be simply contracted. And therefore, by granting the petition of the elected *Goanburas* to enjoy free coolies by feeding the workers in their field for free was no traditional practice. Moreover, free coolies enjoyed by chiefs were hereditary whereas in the case of the elected *Goanburas* it was not, because the post was temporary. These kinds of

¹⁴⁵ *Coolies of Chuchu v Guohevi of Yehimi, Sengyomongba Sangratsu, Merangchamba Sangrattsu*, dated, 22 June 1931, Case Records, NSA.

supportive response to leaders who had access to government influence enabled the colonial administration to interfere in the village system without the problem of looking like the intruder. Also, enabling the emerging village leaders to enjoy government sanctioned rights did no favour to the villagers as their views were not taken into consideration.

The wage policy of the colonial administration fluctuated from time to time according to the demands of the situation. In as far as the last wage is shown it remained a mere 4 annas per day for those areas under administration and 2 annas per day for those areas beyond political control. The house tax was Rs. 2/-, and in the case of the Angamis Rs. 3/- later on, showing a huge difference between wage earned and tax paid. By keeping the wage stagnant and extracting high tax, the colonial administration wanted to keep Naga society as providers of labour.

c) **Ration**

Usually coolies carrying loads on expeditions were expected to bring their own rations as they were given very few rations. Most of the time, coolies were 'made to live off the land'. This means that they were left to search for food in the deserted village. In most cases the villagers often took flight when expeditions approached their village, leaving behind livestock and rice.¹⁴⁶ On 5 March 1906, a force of 100 rifles of the Military Police marched from Mokokchung. Rations and rice were arranged from different sources for the Military Police and the coolies. For the military police, rice and rations were carried out from Mokokchung. For the coolies, rice was 'collected' at Aichisaghem, a village across the frontier.¹⁴⁷ The distinction between the military police rations (rice and rations) sanctioned by the administrative headquarters and the rations (rice) for the coolies gathered from the frontiers on their way to the expedition validates how dismal the rations for the coolies were. Moreover, the nature of the collection of the coolies' rice demonstrates that it was a tentative anticipation of what was likely to be procured, thus making the coolies' chance of living off the land a reality.

¹⁴⁶ Dzuwichu, 'Empire on their Backs', p. 102.

¹⁴⁷ From, The Deputy Commissioner, Naga Hills, To, The Commissioner Surma Valley and Hill Districts, para. 2, no. 1847-G, dated, Kohima 27 February 1906, Foreign Department, External, A, May, 1906, nos. 147-149, Encl. Pros. no. 147, NAI.

During the Abor expedition, it was found that the Nagas did not ‘care for the mustard oil’, they drank tea and therefore a ration of mustard oil was replaced initially and later *gur* (jaggery) was added to the ration in lieu of mustard. The substitution of tea and *gur* for mustard was much more economical for the colonial administration and ‘better appreciated’ by the Naga coolies. The rationing of mustard oil was suggested by the Deputy Commissioner, Naga Hills, in lieu of *ghi* [sic] which was more expensive. Mustard oil was also in some way to take the place of a meat ration which was difficult to get in Abor country. Meat was ‘very economical for the State’ and Nagas preferred meat to mustard or dal. This can be summed up from the data provided, mustard and dal being substituted with meat. Also, potatoes were preferred to onions. Apart from redistributing rations, rum was issued once a week ‘on the recommendation of the medical officer’ at the rate of one keg of 4 ½ gallons per corps.¹⁴⁸

Rations for coolies did not remain constant. The items and quantities varied each time. During the Chinglong expedition, the rate for coolie transport seems to have changed according to the preferential demand of the government. The ration given at first was a seer of rice with 1/3 chatak salt and ½ chatak chillies. Later 1 chatak salt, dal and a little tobacco were added. The Nagas were taking to tea and it proved to be most useful, especially where fresh meat was not available. The Deputy Commissioner made a point that in the future, a little *ghee* would be added to their rations, and a liberal distribution of rum and tobacco, as it would make the labourers more comfortable.¹⁴⁹ The inclusion of *ghee*, which was ruled out during the Abor expedition because of cost-effective measures, was now being considered to be added to the rations in the future.

The punitive expeditions were intended to subordinate the Nagas to a coercive labour regime, by payments imposed on cash and kind. The earliest talk about the judicial intervention of the colonial administration in 1842 reported that Captain Brodie settled some disputes amongst the Konyak tribes and fixed for the chiefs to pay annually in cash and kind. A fine of Rs. 100/- per annum was levied in cash on a

¹⁴⁸ ‘Military Report on Presidency’, part III, Naga Hills, pp. 241-2. See Table 8 in the Appendix I.

¹⁴⁹ From, J. E. Webster, Deputy Commissioner, Naga Hills, To, The Commissioner, Surma Valley and Hills Districts, no. 1. no. 2717-P, encl. no. 3, Foreign Department, Government of India, External, A, July, Nos. 1-4, 1913, NSA. The difference of ration distribution during the Totok-Chinglong expedition of 1911-12 is shown in Table 9 in the Appendix I.

particular chief,¹⁵⁰ and another chief had a fine of a buffalo and a gong imposed on him, as well as the responsibility for the payment of an annual tribute of Rs.10/- from all the villages which were dependent upon his authority.¹⁵¹ However there is no evidence of conscripting a Naga coolie at this point in time.

The opening of Samaguting as the administrative headquarters of the Naga Hills in 1866 provides some insights into how labour was extracted violently through military punitive expeditions. There hardly was any village in the Naga Hills, both within and outside the direct colonial administration, which was not coerced to perform coolie labour. Coerced labour through military punitive expeditions continued post the Anglo-Naga War of 1879-880, until it changed its feature before the dawn of the twentieth century, because by then the colonial court had started using the law to convert punishments and fines to labour for the government. Amidst the deliberations of coolie labour, whether coerced or paid, one thing that was missing all along was the presence of a female coolie. A stray and almost unimportant record that mentioned a female coolie was in *The Times of India* in 1880 (as discussed elsewhere). Ursula Bower also mentioned this once in her 1938-39 tour diary, albeit in just one line, 'Coolies arrived about 8 A.M., a number of them, and some women.'¹⁵² How was it possible that women were kept out of this whole extraction of labour that was reaching every nook and corner of the region? All the villages that were subdued were razed and men were made to carry loads after the Anglo Naga War. Moreover, the colonial court began to convert punishments and fines into labour dues. If carrying loads and working the earth was the nature of coolie labour, it was not outside the domain of women's activity. Yet this exclusion of women from load carrying resonates with other traditions among the Nagas that also excluded women's labour. The domestic is seen as the traditional, because the well-being of women and children always lies within the protection of the man of the house. Did the colonial administrators discourage women's participation in public labour? Were Naga men patriarchs who could not tolerate the idea of their women moving out of the confinement of domesticity? Or were Naga woman averse to new forms of labour? From the evidence one finds that coolie labour was very gendered – a specific

¹⁵⁰ Foreign Department, Foreign Correspondence, 17 August, 1842, Pros. nos. 185-9, para. 8, NAI.

¹⁵¹ *Ibid.*, para. 9.

¹⁵² Mrs. Ursula Betts, Diary kept of a tour in the Naga Hills from 14 November, 1938 to 2 March 1939, [Not for publication but may be used by Research workers], dated, 16 November 1938, PRM.

preference was given to the 'able bodied adult male'. The colonial administration's preference of age, form and gender in terms of rendering coolie labour to the government was a direct exploitation of patriarchy that Naga communities practised as evident in the *morung* – the men's dormitory. Hence the question of Naga women being averse to new kinds of labour does not arise.

Chapter 3 will make an attempt to look into the tour diaries of the Deputy Commissioners and the legal protocols that empowered the Deputy Commissioner to become the formidable force in the Naga Hills.

Chapter 3

The Travelling Court

The Bengal Eastern Frontier Regulation V of 1873, also known as the Inner Line Regulation, was passed on November 1873 and made applicable in the frontier districts of Assam.¹ The Inner Line Regulation was the first law promulgated in Assam under the authority conferred by the Statute 33 Victoria, Chapter 3. According to this regulation, the power of summary legislation for backward tracts was given to the executive government of India. Laws such as Inner Line Regulations were called 'Regulations' so as to distinguish them from the Acts or laws passed after the Legislative Council's discussion. The inconvenience of governing Assam had been widely acknowledged by the British administration, which considered the 'unwieldy province of Bengal' remote and difficult to access. Very few Lieutenant Governors visited Assam, and the officers who were responsible for the government of Assam were also not inclined to acquaint themselves with the local conditions or the welfare of the people.² Nonetheless, the colonial government which had high in Assam's natural resources, which were continually being interrupted by the people of the hill districts who were not within the area of British control. The regulation was necessitated by the friction which resulted from the frequent quarrels which often led to serious disturbances in the frontiers between the British subjects in Assam and the communities in the hills. The equally important reason was the desire to opening out areas beyond the border for tea cultivation, which created huge disputes in which the government was forced to intervene. Most of the strife was a result of competition arising from the hillmen who brought rubber down to the plains for trade.

With the passing of the Inner Line Regulation, the unrestricted intercourse that existed between bordering communities was reduced. The Regulation prohibited British subjects and those of specified classes to go beyond the demarcated line without the approval of the Deputy Commissioner in the form of passes or licenses that imposed

¹ Report on administration of the province of Assam (hereafter RAPA), for the years 1874-75 and 1875-76, The Assam Secretariat Press, Shillong, 1877, para. 5, p. 106. <http://www.bodleian.ox.ac.uk/dbooks>, Aleph system no: 014660057 (hereafter Bodleian, ASN: 014660057).

² Edward Gait, *A History of Assam*, Thacker, Spink & Co., Calcutta, 1906, pp. 331-32.

the relevant conditions for journeys beyond Inner Line.³ The Inner Line, therefore, became an important tool for segregating ‘the wild frontier tribes’, from both Europeans and Indian subjects in the plains of Assam, lest their mingling created ‘dangerous complications.’⁴ Numerous regulations were passed following the Inner Line regulation of 1874, the Scheduled District Act of 1874, The Assam Hill Districts Whipping Regulation 1875, Regulation II of 1880 and Regulation III of 1884 which invested the district officers in the Assam valley and hill districts with various powers, depending on the region in which the administrative officer was posted. Each of these regulations enhanced the power of the district officer in the hill districts, making him into an absolute authority as he wielded discretionary power.

This chapter examines and attempts to provide an outline of the power that was vested in the Deputy Commissioner through various regulations. This argument is developed through three major themes: the first focusses on the legal protocols which empowered the district officers, and the various regulations passed by the government which imposed convenient provisions for the valley and allowed the hills administration to exercise arbitrary power in the province of Assam. The second theme deals with Robert Blair McCabe and the beginning of the travelling court, who took over the helm of the Naga Hills first as the political officer and later as the Deputy Commissioner (1881-1887 and 1889-1894) and exercised a formidable amount of power, while breaking and making rules according to whatever he thought was fit for the region he controlled. If the Inner Line Regulation of 1874 sanctioned almost a free hand to the Deputy Commissioner, McCabe translated it into interesting performances of ‘military promenades’ while also invoking the Indian Penal Code to introduce a ‘simple system of administration.’ The third theme will look at the Deputy Commissioner’s tour and the sort of power it conveyed, and the consequences of his actions for the resolution of disputes in the area.

Legal protocols: empowering the District Officers

British India for a long time consisted of only the three provinces Bombay, Madras, and Bengal. By virtue of it being a colonial government it had the power to make laws for all the territories that were under its control. Each of these provinces had a

³ *Ibid.*, p. 331.

⁴ RAPA, for the years 1874-75 and 1875-76, para. 5, p. 106, Bodleian, ASN: 014660057.

separate code of Regulations, and the provinces were identified as the Regulation Provinces. In other words, these were provinces that had a 'mature and well-advanced judicial system' and the powers of the administration were divided between civil justice and revenue affairs. As opposed to the Regulation Provinces, Punjab, Assam, Central Provinces and Oudh were identified as Non-Regulation provinces. Executive authority was exercised over these Non-Regulation Provinces by the local administration. There was a change in the legislation after 1861, after which all the provinces came within the sphere of Indian legislature. However, the provinces being included within the sphere of the legislature did by no means change the way laws were applied, and there were no identical laws that were applied to all the provinces. Not long after the Non-Regulation system was passed, the 'Scheduled Districts' was passed under two enactments of 1870 and 1874, which empowered the local government to make special regulations within their jurisdiction.⁵

The Inner Line Regulation was therefore an additional provision on for Assam, which had become a Non-Regulation Province in 1833.⁶ Inner Line Regulation came into existence in the districts of Cachar, Darrang, Kamrup, Khasi and Jaintia Hills, Lakhimpur, Naga Hills, Nowgong and Sibsagar. The Regulation was further extended by notification under the Scheduled Districts Act, 1874 (XIV of 1874), section 5, to the Scheduled Districts of the Eastern Duars in the Goalpara District, the Mokokchung subdivision of the Naga Hills District, the Sadiya Frontier Tract, the Balipara Frontier Tract, the Lakhimpur Frontier Tract and the Lushai Hills district.⁷ However, the order of Inner Line in Cachar came into effect on 20 August 1875 and the southern frontier of the district was notified of its implementation.⁸ The same occurred in Lakhimpur on 3 September 1875⁹ and Darrang on 8 March 1876.¹⁰ The Garo Hills Regulation, 1876, came into operation on 31 March 1876, which conferred on the Chief Commissioner the necessary power to control the action of foreigners in

⁵ H. H. Dodwell, ed., *The Cambridge History of the British Empire: The Indian Empire 1858-1918*, Vol V, At The University Press, Cambridge, 1932, p. 278.

⁶ Alexander Mackenzie, *History of the Relations of the Government with the Hill Tribes of North East Frontier of India*, At the Home Department Press, Calcutta, 1884, p. 6.

⁷ 'Bengal Eastern Frontier Regulation, 1873,'

http://mdoner.gov.in/sites/default/files/silo4_content/entry%20restrictions%20in%20NER/Bengal%20Eastern%20Frontier%20Regulation.%201873.pdf, accessed on 14 April 2016.

⁸ RAPA, for the years 1874-75 and 1875-76, para. 6, p. 106, Bodleian, ASN: 014660057.

⁹ *Ibid.*, para. 7.

¹⁰ *Ibid.*, para. 8.

the Garo Hills District.¹¹ Before the Inner Line Regulation was passed, till 1866 the Garo Hills were included in the district of Goalpara under a separate officer. This function was legalized by Act XXII of 1869, by which the power to frame rules for the Garo Hills was vested in the local executive government with the approval of the central government.¹² As was mentioned previously, the authority rested with the local administrator in the Non-Regulation provinces, an authority which was enhanced in the case of Assam because according to the sanction of Inner Line Regulation, the local administrator became the authority to decide who goes beyond and who stays within the jurisdiction of the districts beyond the frontiers of Assam in the hills districts, also called the North East Frontier.

It was understood that the Inner Line was a definition for jurisdictional purposes and not to further the sovereignty of the territory. By the regulation of the Inner Line, local administration authority was cautioned to exercise his duty without interfering in the local people's affairs. The government order read:

The active control of the district officer need not necessarily extend up to the boundary, but it must under no circumstances be carried further. Beyond the line the tribes are left to manage their own affairs with only such interference on the part of the frontier officers in their political capacity as may be considered advisable with the view of establishing a personal influence for good among the chiefs and tribes.¹³

There was also an underlying agenda in the application of the Inner Line Regulation which had larger implications. The anxiety of the government showed how Burma was a threat to the British in Assam. The government wanted its district officers to 'resist' the idea of 'Any attempt to bring the country between the settled districts of British India and Burma under [our] direct administration, even in the loosest way that could be contrived under Act XXXIII, Victoria Chapter 3, or to govern it as British territory was to be steadily resisted.'¹⁴ The regulation then becomes a matter not only of protecting Assam from the hills districts of Assam but also from Burma, which could have easy access to the plains of Assam from the porous hills districts.

What strengthened the Inner Line regulation further was the enactment of the Scheduled District Act, XIV of 1874. This was an Act that marked a significant move

¹¹ *Ibid.*, para. 9, p. 107.

¹² *Ibid.*, para. 120, p. 54.

¹³ Mackenzie, *History of the Relations*, pp. 89-90.

¹⁴ *Ibid.*, p. 90.

of the government, segregating even within the regions of the Inner Line Regulation through the process of identifying which laws were applicable according to regions. With this enactment, the specificities that were not outlined in earlier enactments were made clear. It specified the laws which were in force in India, except in certain backward tracts, which were described as ‘Scheduled Districts.’ By this Act, the ‘whole of Assam’, including Sylhet, was classed as a Scheduled District and laws that were not in force were removed by a series of notifications under the Scheduled Districts Act. It gave the power to the Government to declare which laws were in force in which districts, and to extend to those districts any enactments in force elsewhere which ‘might seem desirable to bring into operation’.¹⁵ Also, the Scheduled Districts Act, XIV of 1874, provisioned for all civil and criminal matters to be dealt with under the ‘simple system of administration’ for all the hill districts, except in the towns of Shillong in the Khasis and Jaintia Hills district and Haflong in the North Cachar Hills sub-division because the Criminal Procedure Code had been extended in these administrative headquarters.¹⁶ As such, the Scheduled Districts Act, XIV of 1874 empowered the Governor and the Divisional Commissioners with the power to act as the chief appellate authorities both in civil and criminal cases in the plains. In the hills the Deputy Commissioner and the political officers exercised the combined powers of District and Sessions Judge and Magistrate of a district, and the Assistant Commissioners and Extra Assistant Commissioners the power of Magistrates as *Munsif*. Village tribunals were included in the judicial administration by allowing them to settle ‘all petty civil and criminal cases’ presided by headmen chosen from among the people themselves. ‘The procedure’, the government revealed, ‘is completely free from legal technicalities and their proceedings are reduced to writing.’¹⁷

The Scheduled District Act enabled the government to extend to any of the concerned districts enactments which were in force at the time and which appeared lucrative. On the other hand, the government decided that people residing in the hills were not suited for the elaborate rules laid down in the procedure codes and in several other enactments, like the valley inhabitants who were competent, and that hill inhabitants

¹⁵ Gait, *Assam*, pp. 329-30.

¹⁶ ‘North East India: Report on the Administration of North East India, 1921-22’, Mittal Publication, Delhi, 1984, para 107, p. 52.

¹⁷ *Ibid.*

had to be governed in a simpler and more personal manner than those of the longer settled districts in the plains. In short, the intention behind the Scheduled Districts Act, XIV of 1874 was to make the position of the valley districts of Assam commensurate to the legal status of other parts of India.¹⁸

The conception of the 'simple system of administration' as Anil Chandra Banerjee explained, was 'The type of administration characterised by simple and more direct modes of procedure giving greater accessibility to the officials, by the union of all powers, executive, magisterial, and judicial, in the hands of the District Officer... the system was paternal rather than formally legal, though legal principles were by no means set aside.' He argued in the same vein as Sir James Stephen, who considered the operation of the Non-Regulation system 'clumsy and intricate.' The contention was that it was impossible for the government officers who were 'very few, had not the time to carry out their duties.' Also, these officers were unable, given the time constraints, to acquaint themselves with theory and practice of the law. The authority of the District Officers in these exceptional districts was therefore 'supposed to be practically absolute.'¹⁹

The year 1874 was marked by the bifurcation of Assam from Bengal, and the administration of the Province was entrusted to a Chief Commissioner, who was to act immediately under the orders of the Government of India. Legal powers that were vested in the Lieutenant Governor or the Board of Revenue, when Assam was attached to Bengal, were now delegated to the Chief Commissioner by Acts VIII and XII of 1874 along with General Clauses Act. Conferring these powers on to the Chief Commissioner practically placed the Chief Commissioner in the position of a Local Government, as far as all the legislative enactments in force in the province were concerned.²⁰ The districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Garo Hills, Khasi and Jaintia Hills, Naga Hills, Cachar, and Goalpara which were previously under the Lieutenant Governorship of Lower Bengal now formed the province of Assam and in September of the same year, the district of Sylhet was added to the Commissionership of Assam.²¹ Although all these districts were joined into the Commissionership of Assam, there was a stark difference in the system of

¹⁸ Gait, *Assam*, p. 330.

¹⁹ Anil Chandra Banerjee, *English Law in India*, Abhinav Publication, New Delhi, 1984, p. 155.

²⁰ Gait, *Assam*, pp. 332-33. Lieutenant Colonel R. H. Keatings, VC, CSI, was the first Chief Commissioner of Assam, 1874-78.

²¹ RAPA, for the years 1874-75 and 1875-76, para. 123, p. 55, Bodleian, ASN: 014660057.

administration. Assam was strictly divided into Assam Proper and the Hills Districts: Assam proper, which was also called the Brahmaputra Valley comprised six districts, namely, Goalpara, Kamrup, Nowgong, Darrang, Sibsagar, and Lakhimpur and the two districts of the Surma Valley - Sylhet and Cachar, whereas the Garo Hills, the Khasi and Jaintia Hills, and the Naga Hills together comprised the three hill districts. In all these districts, the Deputy Commissioner was the Executive Officer, whereas in the Naga Hills District, the chief executive officer was called 'political officer in Charge of the Naga Hills.'²²

The Chief Commissioner was assisted by a Secretary and Assistant Secretary, and he exercised complete control over all departments and branches of the Administration. The Assam valley was constituted with the High Court, but it possessed no jurisdiction over the hill districts, even in certain tracts such as the North Cachar subdivision, Mikir Hills Tract and Sibsagar, Sadiya, Balipara and the Lakhimpur Frontier Tracts although these regions were under Assam valley districts. However, all issues that were of purely judicial matters, concerning the directing and appellate authority, rested with the High Court of Calcutta. Consequently, under the Assam Frontier Tracts Regulation, Regulation II of 1880 was passed under 33 Victoria, Chapter 3, to enable the removal of certain operations of enactments in force in the frontier tracts in Assam that was 'inhabited by barbarous and semi civilised tribes.' The Scheduled Districts Act of 1874 permitted the application of a 'simple system of administration' in any border tracts along the frontier of the Province wherever the Government of India found it desirable for a convenient and suitable system of government.²³ In the same fashion the Assam Frontier Tracts Regulation, Regulation II of 1880, was a reiteration of the Scheduled District Act, 1874 but possessed greater force. If people of the hills were 'not yet suited for the elaborate legal rules laid down in the procedure codes and other enactments' and became the reason why Regulation II of 1880 was passed, then passing the Regulation III of 1884 extinguished all matters relating to criminal procedure, which was never in force in the hills districts, court fees, stamps, transfer of property and registration in hill districts.²⁴ It may be recalled that the general Codes of Civil and Criminal Procedure of 1860 were extended to the

²² *Ibid.*, para. 269, p. 84, Goalpara was included in the Brahmaputra valley district but not as Assam Proper.

²³ RAPA, for the year 1879-80, Shillong, 1880, para. 96, p. 376, Bodleian, ASN: 014660057.

²⁴ Gait, *Assam*, p. 330. Laws that was applicable to all India such as the Code of Civil Procedures never was in force in the hill districts, but it was always left to the disposal of the local administrators.

Brahmaputra valley, and in 1862, the Indian Penal Code came into force *proprio vigore*. However these enactments were only hesitantly applied in Assam. Only Sylhet, which was still regarded as an integral part of Bengal and, was subjected to all laws and regulations that were in operation in the Presidency. Thus, the general opinion of Assam officers remained that these laws, operational in Bengal, would ‘as far as applicable’ need be followed only in spirit and not in letter.²⁵

The criticality of these Regulations lay in the segregation of the hills from the valleys, corresponding to what was described as the division between the ‘barbarous’ and the ‘civilised.’ The hills and the valley were no longer mere geographical zones but defined as separate jurisdictions which deserved two different systems of law, and acknowledged and simultaneously constituted the populations of these regions. The institutionalizing of the High Courts in the valley districts of Assam (also known as the Brahmaputra Valley) drove home the differences quite literally between the hills and the valley people. While the High Court heard the suits in the valley, the District Officers in the Hills were authorized to use physical force by whipping. The Assam Hill Districts Whipping Regulation, 1875, was in force in the hill districts of Assam, namely, the Garo Hills, the Khasi and Jaintia Hills, and the Naga Hills. ‘Whipping’ was considered a necessary power for the District Officers to possess for controlling camp-followers and other persons from the plains. It became law from the date of its publication in the Assam Gazette, on the 14 September 1875,²⁶ thus unwittingly giving away that people of the plains too disturbed the hills whereas the government was always citing the crimes committed by hill peoples on the plains.

In terms of judicial matters concerning the valley districts, the final appellate authority rested with the High Court of Calcutta, but in the hill districts, all final authority was vested in the hands of the Chief Commissioner. Although Assam became a separate province in 1874, there were no Commissioners appointed for intermediate supervision and control between the head of the Administration and the executive staff. In this situation, the Deputy Commissioner and the political officer became the immediate and responsible agent that represented the authority of government in each district. The organisation, supervision, and control of all the different departments and branches of revenue and executive administration rested at

²⁵ *Ibid.*, p. 329.

²⁶ RAPA, report for the years 1874-75 and 1875-76, para. 162, p. 138, Bodleian, ASN: 014660057.

the disposal with the Deputy Commissioner.²⁷ The Deputy Commissioner was assisted by the Assistant Commissioners and Extra Assistant Commissioners, in addition to their administrative duties, in carrying out judicial powers, both criminal and civil laws various degrees of their location.²⁸

There was an important administrative development in 1881: the creation of Commissioner for the Assam Valley. The year also saw the change of guard in the administration set up, as on 1 March 1881, Sir Steuart Colvin Bayley relinquished the Chief Commissioner of Assam after being called to become the Resident at Hyderabad. He was succeeded by Charles Alfred Elliot, who assumed office as the Chief Commissioner on 10 May 1881. With the establishment of the office of the Commissionership for the Assam Valley, it integrated the functions of the Commissioner with those of the Civil and Sessions Judge in the Valley Districts, thus realizing the principle of Non-Regulation Provinces adopted from the commencement of the province.²⁹ For the hill districts, a series of district tour was beginning to take place reaching the frontiers of the Naga Hills. On the eve of assuming the office of Chief Commissioner of Assam, C. A. Elliot in March 1881 visited some Naga villages that were often than not seen as creating problems for the colonial administration in the Plains. He entered Naga Hills at Nichu Guard and marched through the Diphu gorge to Zumha, and thence by the ordinary road, via, Pherrima and Piphima, to Keruphima, where he took another route towards Sachema, Mezuma, and Khonoma. After Khonoma, he travelled from Jotsoma to Kohima, all the while taking stock of all the sites that had been suggested as being suitable for the headquarters station for the Naga Hills district. There was talk of moving the district headquarters from Samaguting to Kohima, and during Elliot's visit, it was finally decided that Kohima would be the district headquarters as it offered the necessary conditions for a permanent headquarters. After the decision was made to make Kohima the district headquarters, Elliot left Kohima, and marched to Wokha, which was a sub-division then, through the Rengma, Sema, and Lhota Naga regions, finally descending on the

²⁷ *Ibid.*, para. 124, p. 56.

²⁸ *Ibid.*, para. 129, p. 57.

²⁹ RAPA, for the year 1880-81, Shillong, 1882, para. 1, p. 10, Bodleian, ASN: 014660057. Mr. C.A. Elliot, CSI, was conferred in the appointment of Chief Commissioner by Notification of the Government of India in the Home Department, No. 178, of dated, 10 May 1881.

plains at Merapani at the end of March.³⁰ With Elliot, the fulfilment of the government policy of making the Commissioner the head of his province had begun in earnest.

A month after assuming office as the Chief Commissioner of Assam, Elliot toured the Garo Hills, and in July and August toured Sylhet and Cachar [by water], and in the months of October and December, he marched through Nowgong, Darrang, Kamrup, and Goalpara districts. In January 1882 he travelled [by land] through South Sylhet, through Cachar, and the North Cachar Hills, thence to Manipur and the Naga Hills, from where he descended to Golaghat and marched by Jorhat and Lakhimpur to Dibrugarh and Sadiya, returning by river to Gauhati, and reached Shillong by the end of April. These tours were made to make acquaintances with all the District Officers that worked under him, and acquire knowledge of the special questions which the administration of Assam had to deliberate over.³¹

By 1878-79, the fruition of the series of Regulations over the years manifested themselves in a 'Resolution' like the one reported in the annual administration report of the Naga Hills for the year 1878-79. The Resolution stated that the political officer was to abstain from 'anything like detailed administration.' The government directed the Political Agent (officer), that if the villagers brought their cases to him in the way of petty criminal or civil cases, he should settle them, but otherwise he should leave it to the people as long as they indicated a preference towards settling matters among themselves.³² The Resolution was nothing less than the interpretation of the 'simple system of administration' enshrined in the Non-Regulation system based on Section 6 of the Scheduled Districts Act, XIV of 1874, with a train of Regulation II of 1880 and Regulation III of 1884. The colonial mechanisms which interpreted law functioned at all levels with the sanction of the government. The empowerment of the local administrative officer in the hills districts with practically absolute power led to the creation of an institution comprising local members who worked for them around the clock. Identifying people and christening them with specific titles was a well-founded plan which worked effectively for the colonial administration. One such project was the 'system of delegates.' This was introduced, or rather re-introduced, by Lieutenant Gregory in 1868 when Samaguting was re-occupied and established as the district

³⁰ *Ibid.*, para. 45, p. 71.

³¹ RAPA, for the year 1880-81, Shillong, 1882, para. 1, p. 430, Bodleian, ASN: 014660057

³² Resolution on the General Administration Report of the Naga Hills District for 1878-79, from the Report of the Administration of the District of the Naga Hills for the year 1878-79, (By, G. H. Damant, C. S., Political Officer, Naga Hills), Calcutta, 1879, para. 6, p. 79, Bodleian, ASN: 014846900

headquarters of the Naga Hills. Gregory was the first officer in charge of Samagtuang after a long reign of British non-intervention policy in the Naga Hills. The position of the British in Assam stood threatened both in terms of British subjects falling victim to Naga 'raids' and the possibility of an attack from Burma if the Nagas were not brought within British administration. And therefore, a conscious effort was put into finding ways to keep the Nagas in check: out of this effort came the idea of the delegate system, which worked out most satisfactory. The system of delegates was a practice where persons from several villages were kept at the Political Agent's headquarters. The report read that the delegates were 'extremely useful' to Captain Butler during his surveying operations in 1874-75, and also during the punitive expedition in the eastern hills. These were men who served not only as interpreters and messengers but also as informers of the state of affairs in more remote villages.³³ Before the system of delegates, the *Dobashi* system was instituted to promote Anglo-Naga relation in 1842.³⁴ The inconsistent relationship that existed between British and Nagas from 1832 to 1865 led to the revision of many policies after Samagtuang was re-occupied as the district headquarters of the Naga Hills, but it is clear that the system of delegates remained as it was before, under a new name. The *Dobashi* by no means contributed less in building the colonial administration in the Naga Hills. As the Deputy Commissioner marched the troops and entered village after village, it was the *Dobashis* who paved the way by means of gathering information, interacting and influencing the people; thereby serving as a link between the villagers and the colonial administration. As will be seen in this chapter, the Deputy Commissioner's tour was never undertaken without several *Dobashis* accompanying the entourage.

Robert Blair McCabe: the beginning of the travelling court

When Charles Alfred Elliot, KCSI, took over as the Chief Commissioner of Assam in 1881, he gave great importance to the district officers touring their respective domains. He came to the conclusion very early on that in many cases, the tours that the district officers undertook were 'not sufficiently prolonged', and in most cases these tours were 'not planned with a definite purpose, and a prearranged intention.' It was Elliot who drew attention to the condition of the mildness of the Assamese climate which remained pleasant from November to April, and suggested that the

³³ RAPA, for the years 1874-75 and 1875-76, para. 75, pp. 120-21, Bodleian, ASN: 014660057.

³⁴ Piketo Sema, *British Policy and Administration in Nagaland 1881-1947*, Scholar Publishing House, New Delhi, 1991, p. 30.

district officers make tours during these months and he himself made sure that he toured each of the districts under the commissionership of Assam. In Elliot's own words, 'it is not too much to expect of an officer that he should spend about 120 days in the interior of his district.'³⁵ He laid down the principle that:

tours should be planned that every village, or at least group of villages, should be kept of past tours; and the best way of doing this is to prepare at the close of each year a tour map, to be hung up in office, a reference to which will at once show what part of the district has been visited in any particular year.³⁶

Elliot's proposal for the district officers to tour their respective districts was implemented vigorously and realized successfully in the Naga Hills.

a. the administrative challenge of Naga Hills

Looking back at the history of how Kohima was occupied as the district headquarters, one can see that it was a change of the plan against the local administration's preparations for moving the district headquarters from Samaguting to Wokha. Samaguting was occupied between 1846 and 1851 as a makeshift outpost. The place had no springs and only a few waterholes which depended entirely on rain. The place was always foggy and unhealthy and articles of food were very scarce and equally bad. Captain Johnstone, who took over the charge of Samaguting as soon as Assam was separated from Bengal in 1874 was critical of the report, which mentioned the existence of water springs at Samaguting as baseless and said, it 'existed only in imagination.' Since, according to Johnstone, the government had incurred a huge expenditure, it became the 'invidious task' of the political officer in charge to reveal the situation and 'proclaim the extreme unsuitability of Samaguting, for a station.'³⁷ Wokha was a village some 36 miles to the north, on a higher ridge, which possessed far greater advantages in all respects than Samaguting.³⁸ On March 1875, the Chief Commissioner of Assam, Colonel R. H. Keating, proposed for a change in policy towards the Nagas. He declared that the government was not merely interested in exploration but intended a continual occupation of the Naga Hills, and he therefore advocated a gradual and systematic survey operation in the hills. The force of this proposal was seen in July 1875 when he recommended the transfer of the

³⁵ RAPA, for the year 1880-81, Shillong, 1882, para. 17, p. 441, Bodleian, ASN: 014660057.

³⁶ *Ibid.*

³⁷ James Johnstone, *Manipur and the Naga Hills*, Gyan Publishing House, New Delhi, 2002, p. 33.

³⁸ RAPA, for the years 1874-75 and 1875-76, para. 80, pp. 121-2, Bodleian, ASN: 014660057.

headquarters from Samaguting to Wokha. The Chief Commissioner explained in detail how Samaguting was chosen in the first place because of its strategic location, as it lay between the Naga villages of Mozema, Khonoma, and Jotsoma, and the plains of Nowgong, and how it protected Nowgong effectively from Naga raids. He strengthened his argument by pointing out that in 1873 the Bengal Government was in favour of moving the officer in charge of the hill to a 'more healthier site' [sic] and nearer to the 'chief Naga communities.' In the Chief Commissioner's mind, what was most required was to protect Sibsagar, much like Nowgong before, and moving the administrative headquarters to Wokha would bring out the desired effect, because it would control the Lhotas, Aos, and neighbouring tribes who threatened the district of Sibsagar.³⁹ While the Chief Commissioner acknowledged that the distance of the Angamis was further from Wokha than Samaguting, he balanced the situation by saying that the road was easier to access from the plains and Samaguting would be kept as an outpost, and in any case, Samaguting was too unhealthy to be the permanent headquarters. Soon after Chief Commissioner Keating's July 1875 recommendation, Wokha was established as the sub-division in 1875.⁴⁰ Establishing Wokha as administrative headquarters coincided with the survey operation in the Wokha region of Naga Hills scheduled in the winter of 1875-76.

The Survey Operation of 1875-76 made headway when Captain John Butler, the Political Agent of the Naga Hills, was mortally wounded at Pangti near Wokha on 25 December 1875; he succumbed to injuries on 7 January 1876.⁴¹ Speeding up roads for timely and easy communication became more pressing for officers. The government was already considering moving the administrative headquarters to Wokha to control Lothas and the neighbouring Naga communities and the killing of Butler by the Lothas only strengthened the demand. By the end of March 1876, the bridle path from

³⁹ Alexander Mackenzie, *History of the relations of the government with the Hill Tribes of the North-East Frontier of Bengal*, Calcutta, 1884, pp. 128-29.

⁴⁰ Foreign, External, A, February 1890. Nos. 155-167, No. 155, From Officiating Secretary to the Chief Commissioner, Assam, National Archives of India (hereafter NAI).

⁴¹ Lieutenant R. G. Woodthorpe, R. E., 'Report on the Survey Operations in the Naga Hills, 1875-76,' No. 6 *Topographical Survey*, Shillong, 1876, Captain John Butler succeeded Captain John Gregory as the Political Agent, Naga Hills in 1869. In October 1875, Lieutenant R. G. Woodthorpe, who was the Assistant Superintendent of the Topographical Survey accompanied by Mr. M. J. Ogle, Surveyor, Topographical Survey, and Mr. M. J. Ogle, Surveyor, Topographical Survey, with Lieutenant Colonel A. Tulloch 42nd Assam Light Infantry went for the survey expedition in the Wokha region of the Naga Hills. Next morning Colonel Tulloch, with a small force, attacked and burned Pangti, the villagers retreating rapidly before him, para. 9.

Samaguting to Wokha in the Naga Hills had reached beyond the village of Chachama - 45 miles from Samaguting, and the path from Golaghat Assam towards Wokha had advanced to near Sanigoan, 30 miles from the starting point.⁴² After the survey expedition of 1875-76 and Butler's death after succumbing to injuries, a military detachment was removed from Golaghat and stationed at Wokha, and a regular postal line was established between these two places –thus a preliminary headquarters was established at Wokha.⁴³

The report of Patrick T. Carnegy, the then political officer in charge of the Naga Hills, deliberated on how Wokha had 'carefully preserved' the stockades and huts that were built by the expedition parties of 1873-74 and 1875-76, that villagers supplied what was asked for freely, that there was no hitch of any kind,⁴⁴ and finally that he spent 25 December 1876 at Wokha and visited the site which Captain Bulter has selected for the new station. Carnegy appreciated the place as it was 'open and generally well suited for the purpose', and even suggested a site near the village which was available should the marked site turn out to be unsuitable. He could not contain himself about the abundance of materials for the building of the new site and wrote:

in every aspect the vicinity of Wokha is the best site for the headquarters station. I have seen that materials for building are abundant, there is an endless supply of thatching grass and bamboos, while timber and stone can be brought down hill from Thebzethu, an advantage to be appreciated after a residence at Samaguting, where nearly everything wanted has to be dragged uphill some 2,000 feet. Near Wokha village I found no less than five fine springs, another thing to be appreciated after a residence at Samaguting.⁴⁵

In the midst of all these preparations for moving the district headquarters to Wokha, in February 1877 Mozema raided a Naga village called Gumaigaju, in North Cachar whose residents were taken in by the British. There were also 'numerous outrages committed' in weaker villages, both within British jurisdictions and across the Manipur frontier by Khonoma. To put an end to the outrages committed by Mezoma and Khonoma, on 6 December 1877, Carnegy left Samaguting with a military force

⁴² From, P. T. Carnegy, Esquire, Political Officer in charge, Naga Hills, To, SOB Ridsdale, Esquire, Secretary to the Chief Commissioner of Assam, No. L-59, dated, Samaguting, 1 May 1877, para. 42, p. 56. Annual Administration Report of the Naga Hills Political Agency for 1876-77 of 1875-76 and 1878-79, Calcutta, 1877, No. L-59, dated, Samaguting, 1 May 1877, Bodleian, ASN: 014846900.

⁴³ RAPA, for the province of Assam for the year 1877-78, Shillong, 1878, para. 28, p. 336, Bodleian, ASN: 014660057.

⁴⁴ *Ibid.*, para. 4, p. 40.

⁴⁵ *Ibid.*, para. 5, p. 41.

consisting of 196 personnel of the 42nd Assam Light Infantry, and 50 police under the command of Captain Brydon.

Mezoma was burnt on the morning of 8 December 1877. The fact that Mezoma opened fire at the expedition party infuriated the troops more and the 'village was accordingly attacked, and carried by assault, and the whole of it, with the exception of three or four houses, was burned to the ground.' Mezoma villagers were driven out of the village and dispersed to the jungles and hills but they never stopped firing at the troops, attacking the expedition party at night and interrupting communication between Mezoma-Dimapur-Golaghat, while simultaneously (and frequently) threatening Samaguting. The situation called for additional forces and a reinforcement of 100 men from the 43rd Assam Light Infantry was requisitioned. Lieutenant Macgregor commanded the force accompanied by Captain Williamson, the Inspector General of Police. After experiencing the deprivation of food and shelter, and the destruction of the village and granary, Mezoma called for peace. The negotiation came to a halt as Carnegy, the political officer, was accidentally shot by one of the *sepoys*. However, Captain Williamson hastened up from Samaguting, and took charge of the political officer's duties, and the imposition on Mezoma village was drawn:

1. a fine of Rs. 50/- for their offence of fighting on the political path
2. residents were asked to restore the arms and accoutrements of the three constables who had been waylaid when the *dak* was intercepted, and also the contents of the plundered mail bags
3. the people were compelled to surrender four of their own firearms.

By 18 January 1877 Mezoma had fulfilled all the terms imposed upon it and the military force went back to Samaguting on 28 January 1877. This experience also led to a new decision [saw a turn of event]. In order to exert greater control over the area, Colonel Keatinge, who had been very keen on moving the headquarters from Samaguting to Wokha was now determined to advance the headquarters of the Naga Hills district during the cold season from Samaguting to Kohima, to enable the political officer with the task of 'effective supervision and enforce submission to his

authority.’⁴⁶ The following year, Colonel Keatinge recommended the removal of headquarters from Samguting to Kohima (with the approval of the Government of India), on account of it being the ‘best method of enforcing a more stringent control over the Angami tribes.’⁴⁷ In November 1878, Guybon Henry Damant, the political officer, Naga Hills, removed the district administrative headquarters from Samaguting to Kohima where he established himself in two stockades. The military force that Damant had with him was not sufficient to secure his position to take on the powerful Angami Naga villages. Securing a position implied both physical force and material supplies. However, the unpreparedness of Damant, as recalled later on by Captain James Johnstone, the Political Agent of Manipur, was because of his insufficient experience with the ‘wild tribes’ and he overlooked the importance of paying heed to the demands of understanding the people more closely and the need of securing enough supplies before he moved from Samaguting to Kohima.⁴⁸ Damant lost his life at Khonoma on 13 October 1879 while on an expedition to Jotsoma, Khonoma and Mozema. This was an expedition where he had planned also to reach Hatigorias (Ao) region after these villages.⁴⁹ Damant’s death culminated in the Anglo-Naga War of 1879-1880, the suppression of the Nagas and established Kohima (as opposed to Wokha) as the permanent district headquarters of the Naga Hills. After Kohima was occupied as a permanent district headquarters ‘in the centre of Angami tribe’, the government officers delighted in the thought of controlling these aggressive tribe far better than from Samaguting. By establishing Kohima as the permanent administrative headquarters, and retaining Wokha as the sub-division contrary to the earlier plan, the government was entering into a plan to effectively suppress the constant raids and bring the tribes ‘under subjection to the law.’ For purpose of ‘defence and punitive and repressive measures’ the government deemed it extremely crucial to consider their position to ‘that of a garrison in an enemy's country’ and hence the requirement for a strong military force was put up.⁵⁰

⁴⁶ RAPA, for the province of Assam for the year 1877-78, Shillong, 1878, para. 32, p. 339-40, Bodleian, ASN: 014660057.

⁴⁷ RAPA, for the year 1879-80, Shillong, 1880, para. 54, p. 349, Bodleian, ASN: 014660057.

⁴⁸ J. Johnstone, ‘The siege of Kohima’ in Verrier Elwin, ed., *The Nagas in the Nineteenth Century*, Bombay, OUP, 1969, pp. 554-55.

⁴⁹ RAPA, for the year 1878-79, Shillong, 1880, para. 57, p. 351, Bodleian, ASN: 014660057.

⁵⁰ Mackenzie, *History of relations*, para 6, p. 496, Appendix F, Correspondence regarding the frontier defence of Assam, Note by the Chief Commissioner on the military requirements of Assam, dated the 12 August 1879.

An attack on the British subjects always dictated the urgency of opening an administrative centre, whether it was a district headquarters or the many outposts that faded in time. A strong military force bolstered the strength of Kohima by moving the 42nd Assam Light Infantry to Kohima in October 1880 and the detachment of the 43rd Assam Light Infantry and 44th Sylhet Light Infantry, which took part in the occupation of the Naga Hills, gradually being withdrawn from the Naga Hills. The matter of transportation, as ever, remained a big issue. The road from Chumukedima (also known as Nichuguard) to Kohima, caused much hardship for baggage animals and coolies in the rainy season because of its steep mountainous terrain and the slippery nature of clay soil. This caused great difficulties in keeping the troops at Kohima regularly supplied with food throughout the year, as was already experiencing then. Adding to all these difficulties, owing to 'unfortunate misapprehension' the Military Department issued orders to stop further shipments of military supplies to Dimapur during the rains of 1880.⁵¹

This restriction on shipments of supplies by the Military Department had a huge impact even on communities that were in no way connected to the Anglo-Naga war. Communications between Calcutta and Assam was badly affected. The steamboats that operated between Assam and Calcutta were requisitioned by the government and every steamer that reached the riverbank at Dimapur was laden either with the government supplies or the military supplies. An interesting work by George M Baker, a tea planter, carries important information about how the Anglo-Naga War affected the tea plantation community. Steamboats were requisitioned only for government and military supplies and civilian consignments if they found a place in the government and military supplies 'were badly treated,'⁵² the plantation community suffer greatly. With anguish he recalled 'What difficulties the wretched planters had to put up with during this fearful period (The Naga Expedition 1879-80), arising from the uncertainty of supplies and consequent deprivation of the absolute necessities of life that had been reckoned upon!'⁵³ The whereabouts of the 'ship-loads of wagons, horses, field necessities, tons of stores, representing a huge waste of public money', made him wonder if those supplies were 'probably left for the white

⁵¹ RAPA, for the year 1880-81, Shillong, 1882, para. 21, p. 25, Bodleian, ASN: 014660057.

⁵² George M. Baker, *A Tea Planter's Life in Assam*, Thacker, Spink & Co., Calcutta, 1884, p. 67.

⁵³ *Ibid.*, p. 68.

ant,⁵⁴ or until they may be wanted for another hill expedition.’ It was a huge mismanagement of resources, not only in terms of supplies. He continued, ‘the mismanagement of the last expedition caused a heavy loss to them by the withdrawal of elephants to Government service, animals which at the time were indispensable in many ways, especially for garden work.’⁵⁵ The Inner Line Regulation 1874 also gave power to the government to provide for the preservation and capture of the elephants.⁵⁶ What can be understood here is the lack of proper communication, the mismanagement of funds and that a hasty decision undertaken by an enthusiastic officer could lead to the loss of lives and bread for many both directly and indirectly.

The Nagas nearly beat back the British from Kohima in the Anglo-Naga War, had it not been for Captain J. Johnstone, the political officer of Manipur, who saved Kohima from the ignominy of signing a peace agreement with the Nagas. Shaken by the turn of events, the colonial administration took great caution in taking any steps that involved government decisions in dealing with the Nagas and the region they inhabited. The Government took no small measures in searching for the right man to hold the post of the Administrative Officer in the Naga Hills. The right temperament was necessary to be appointed as the Administrative Officer in the Naga Hills. This was made clear in the words of Charles James Lyall, KCSI, CIE, FBA, Secretary to the Chief Commissioner of Assam, who in February 1882, aftermath of appointing Robert Blair McCabe as the Administrative Officer of Naga Hills, wrote to the Officiating Secretary to the Government of India, ‘the Naga Hills are, as is well known to the Government of India, a charge demanding very special qualifications, intact, resource, energy, and physical endurance.’ Based on these special qualifications, Robert Blair McCabe was chosen as the man most fitting for the post, and most capable of discharging the serious responsibilities which was to be entrusted

⁵⁴ ‘White ants occupy a prominent place in the animal economy of Assam. In no part of India are their ravages more destructive: houses, thatch, wood, bamboo. Every tenth tree met with falls a prey to their voracity.’ See John M’Cosh, *Topography of Assam*, Calcutta, 1837, p. 56.

⁵⁵ Baker, *A Tea Planter’s Life*, p. 68. Baker added, ‘Our last Naga expedition pointed out in a most marked manner how entirely dependent on this mode of conveyance, in a hilly country with terribly bad tracks, the army was for its supplies; and the thoughtless way in which seventy of these poor beasts were underfed and worked to death will be long remembered amongst the planters who owned them.’ p. 205. See Report on the Administration of the province of Assam for the year 1879-80, Shillong, 1880, No elephants were leased out Kamrup and the Khasi and Jaintia Hills in 1879-80 because most of the elephants belonging to the lessees were hired for the Naga Hills expedition, and hence no revenue was received, section 4, para. 332, p. 500.

⁵⁶ Mackenzie, *History of the Relations*, p. 56.

and carried out by him,⁵⁷ and thus was appointed the political officer of Naga Hills District on 18 February 1881.⁵⁸

b. 'Military Promenade': an administrative innovation⁵⁹

With McCabe at the helm of affairs, Naga Hills saw a regular military promenade during his years as the Political Agent (and later on as Deputy Commissioner), as military forces penetrated far into the territories of the Aos and Semas that bordered the district of Kohima. From the administrative viewpoint, McCabe lived up to the expectations of the government. He carried out the Chief Commissioner's orders devotedly and established several aspects of the government's working system in the Naga Hills. The fact that he served as the Deputy Commissioner of Naga Hills for two terms of office, 1881-1887 and 1889-1894, speaks of his significance. In short, he was the man of the hour.

The payment of house taxes to the colonial administration marked the entry of the villagers as the British subjects. Hence, when Major Thomas B. Mitchell took charge of the district at the end of the official year of 1879 after Damant lost his life, not much could be done to extract revenues as per the orders passed. And therefore, when McCabe assumed charge, as the political officer, he found that none of the revenue of the year had been collected, and also that there was a heavy arrear demand of Rs. 6,176/-. The success of McCabe's annual tour, showed in the closing balance of the year's revenue account, amounted to Rs. 28,383/-. An additional sum of Rs. 5,997/- was paid as arrears, and Rs. 62/- which was determined not to be due, thus clearing the 1879-80 backlog. For the new revenue year, eight villages which had not assessed for 1880-81 were brought under assessment and had to pay the due amount of Rs. 524/-. By the time the annual report was being prepared McCabe had already collected Rs. 3,104/- on account of the demand of 1881-82 and Rs. 150/- on account of 1880-81, which was quite a recovery.⁶⁰

⁵⁷ Home Department, (Original), Establishment, A, February, Nos. 56-59, 1882, No. 56, para. 3, NAI.

⁵⁸ Sema, *British Policy*, p. 39.

⁵⁹ The word 'military promenade' was used by McCabe to describe the expeditions that Deputy Commissioner undertook backed with the military force among the frontier tribes. Robert Reid observed the use of military promenade by McCabe 'somewhat singular name' and remarked that it 'was used possibly for the first time in official correspondence.' See Robert Reid, *History of the Frontier Areas Bordering on Assam*, Shillong, 1942, p. 102.

⁶⁰ RAPA, for the year 1880-81, Shillong, 1882, para. 34, p. 485, Bodleian, ASN: 014660057.

These very successful results were brought about primarily by the energy and activity of McCabe himself. When the Chief Commissioner of Assam suggested that all the district officers of the province of Assam take an annual tour during the cold weather, starting from November to April, the government reported that the district reports showed that ‘these instructions have been carried out in a loyal and zealous way.’⁶¹ Compared to many district officers, McCabe would by far have been the front runner in accomplishing the task of what the government of Assam proposed. Because in the Naga Hills the system in place involved touring the villages one by one, counting the houses likewise and, assessing and extracting house tax started with McCabe. During his tours he realized the revenue in person from the villages he visited and their neighbours, carefully counting each house, thereby making sure that those who had previously escaped assessment were counted, and added considerably to increased revenue. Despite the fact that he was strict enough to make sure he counted every single house in the village, he did make sure that all houses occupied by widows and extremely poor families were exempted from paying house tax. During his time in office, his predecessor Major Michell had persuaded Sir Steuart Bayley, the Chief Commissioner of Assam to let the Angami villages pay Rs. 2/- as house tax instead of the imposed 1 *maund* of rice and 1 rupee as revenue citing a load of burdens that people were undergoing at that point in time, as the fields were confiscated and the villagers were literally chased out of their villages. The Chief Commissioner held the opinion that when better times came the government would revert to the original half-grain assessment. McCabe forcibly objected to the idea of revenues being paid in cash and said that when the government demanded rice instead of cash from the Angami, Kutcha Naga, and Lhota villages at a maximum price of Rs. 3/- a *maund*, because it was what the government thought would be the best arrangement to get grains, as, to bring in grains from outside was hard owing to transportation difficulties. He also insisted that the half-grain arrangement was the best solution that had been debated at the close of the expedition in 1880 by the government and willingly accepted by the people. The zeal with which McCabe set out on his assessment of the house for revenue generation and the total control of the villages in the district cannot be undermined. The report read, ‘The villages assessed lying beyond our boundary: the Lhotas, Semas, and Rengmas were assessed for the first time, bringing in Rs. 8954/-,

⁶¹ *Ibid.*, para. 17, p. 441.

the whole of which was paid in rice at Rs. 3/- a *maund*.⁶² McCabe paid less heed if the villages outside the area of political control, who were neighbours with villages within political control, were to pay house taxes – it was his way of pushing forth colonial power.

Major Mitchell had been rather sympathetic, during his short stint as political officer, Naga Hills, to the profoundly inflicted and subjugated Nagas in the last war against the British, which was certainly not what the colonial government was looking for in a district administration officer for the Naga Hills. No wonder the annual report of the province of Assam for the year 1880-81 praised McCabe's prompt action against the defaulting Nagas. The report carried:

the most successful and satisfactory exploit performed in this branch of the administration was the reparation exacted from a Sema village named Philimi, which had raided on the Lhota village of Chigaki, killing two persons. An expedition, consisting of about 50 men of the 42nd Regiment under Captain Abbott and some Frontier Police, was skilfully and suddenly led against the aggressors by Mr. McCabe, the resistance of the village anticipated, and the site occupied. The inhabitants were kept out of their houses for two days, and finally the Deputy Commissioner threatened to burn the village unless the principal culprit, a headman named Kenilhi, was surrendered. This demand was complied with, and the man brought into Kohima and sentenced to ten years' rigorous imprisonment.⁶³

The Chief Commissioner considered this result with 'peculiar satisfaction', because he was convinced that the prompt and ready action backed by sufficient force, as displayed by McCabe in expediting punishment against the Nagas, was enough to obtain 'respect to law and authority.' Abstaining from the 'barbarous expedient of village-burning, which confounds the innocent and the guilty,' which the Chief Commissioner expressed 'not essential to the enforcement of order in these hills',⁶⁴ was very short lived. With McCabe's thrust towards silencing the dissenting Nagas, there were instances where the government was not sure 'whether retribution was carried too far' in terms of the large sacrifice of life among the Nagas, to which was added the further punishment of burning of the village and grain, carrying off of the cattle and killing it for food for the camp followers. McCabe had a ready answer to

⁶² *Ibid.*, para. 34, p. 485, Lothas, at their own request, were allowed to pay house tax in grains.

⁶³ *Ibid.*, para. 35, p. 486.

⁶⁴ *Ibid.*

the question raised by his actions, 'under the special circumstances of the case, I do not think that justice was administered with too stern a hand.'⁶⁵

Even as the debate on the actions of McCabe was continuing, he made new proposals for the administration of the Naga Hills which put to the Chief Commissioner on the 10 June 1884. His proposals consisted of two possible policies: firstly, non-interference with the trans-frontier people, and secondly, annexation. He personally favoured annexation and was quick to point out that he had sorted out his own policy consisting of four general principles:

- a) to insist on strict obedience within his own jurisdiction
- b) to punish villages committing raids within his jurisdiction amongst trans-frontier villages
- c) to punish trans-frontier villages for raids against cis-frontier villages
- d) to mediate in disputes between villages adjacent to the Frontier.⁶⁶

McCabe did not wait for the approval or rejection of these proposals and carried out his military promenade in earnest. These military promenades had consequential effects and the Chief Commissioner of Assam was conscious in keeping the Deputy Commissioners of Lakhimpur, Sibsagar, and the Naga Hills to be cautious of the proposed expeditions, lest the affairs of the Nagas threatens the peace of the plains. The Chief Commissioner made it no secret that the political influence of the Deputy Commissioner over the tribes near the border should be extended and strengthened, especially in the case of the Naga Hills.⁶⁷ The government had laid down that the annual tour be undertaken in cold weather, but McCabe had other things in mind. If the follow-up to the punishment inflicted by the colonial administration on the villagers for their offence was not soon enough, McCabe was worried that the motives

⁶⁵ From, R. B. McCabe, Deputy Commissioner, Naga Hills, To, The Secretary to the Chief Commissioner of Assam. This, McCabe was referring to, the destruction of Rotomi village where fifty to sixty Rotomi villagers lost their lives, granaries burned and cattle carried off. Foreign Department, A, Political, E, November, Nos. 275-285, 1883, No. 278. No. 1, dated, 28 June 1883, camp: Wokha, NAI.

⁶⁶ Robert Reid, *History of the Frontier Areas Bordering on Assam*, Assam Government Press, Shillong, 1942, p. 102.

⁶⁷ From, The Chief Commissioner of Assam, To, The Secretary Government of India, Foreign Department, Foreign Department, External, A, May, Nos. 175-181, 1885, No. 175, NAI.

of the colonial administration's actions might be misconstrued, and the villagers 'would simply regard them as a superior class of looters and murderers to themselves.'⁶⁸ Teaching the erring villagers a lesson in time was important, and so villages that were outside of the administrative jurisdiction committing wrongs on the British subjects became the entry point for the colonial administration's thrust into these areas.

The Chief Commissioner called on the administration officers of the neighbouring districts of Naga Hills to maintain a vigilant administrative presence. However, the relentless aggression of McCabe's aggressive policy was creating an impression in the Assam Secretariat. Each of McCabe's military promenades was bringing in revenues, in other words, the villages that he visited were turned into a revenue paying subject of the colonial government. The Assam government maintained a difference between districts that realized revenues satisfying government orders, placed under the Deputy Commissioner, and districts that did not fulfil the revenue demands were placed under the political officer. By 1885, revenue collections in these areas too had improved enough to place the Naga Hills on par with other districts, leading to a change in the name of the political officer to the Deputy Commissioner of Naga Hills.⁶⁹ The 'political officer', administrator in the Naga Hills was now designated as 'Deputy Commissioner' through McCabe's relentless effort.

Each expedition that the Deputy Commissioner undertook was connected to the wrongs done to British subjects. In 1885, McCabe undertook the tour to the Sema region, to punish the Sema village of Nungtang for the murder of a British subject.⁷⁰ As planned, the Deputy Commissioner marched to Nungtung on 16 January 1885, and as usual sent a message to the headmen of the village to surrender the men who killed Seleku man. It was found that instead of meeting the Deputy Commissioner's demand, the whole of the Nungtung village had bolted their houses and moved all their property to the jungle, leaving an offering of three pigs, a *maund* of rice, and a few limes placed on the side of the path, the 'usual presents' which every Naga

⁶⁸ From, The Secretary to the Chief Commissioner of Assam, Judicial Department, To, The Secretary to the Government of India, Foreign Department, Foreign Department, External, A, March, Nos. 14-25, 1886, No. 15, para. 5, NAI.

⁶⁹ Joseph Longkumer, 'Historical account of British Legacy in the Naga Hills, 1881-1947', Ph.D Thesis, Tilak Maharashtra Vidyapeeth, Pune, 2011, p. 66.

⁷⁰ *Ibid.*, para. 5(2).

village prepared for the touring Deputy Commissioner. Since the headman of the Nungtang village refused to come and meet the Deputy Commissioner, as a result the Deputy Commissioner ‘set the village on fire and went on.’ However, the Deputy Commissioner was not happy about the punishment because he thought that since the Semas did not lose even a single man, they ‘will consider that the triumph is on their side.’ The contention was that this village had murdered British subjects on several occasions and escaped punishment. And the interpretation was that as the villagers refused to come in, or to submit, the burning of the village seems to have been the only remedy left.⁷¹

As he continued his tour further into the Ao area, McCabe expressed that in order to make Ungma men (Ao) move at his command, he was ‘obliged’ to destroy one of the village drums after which, he claimed he met with, ‘implicit compliance to his demand.’ But the Ungma men had a way of talking back at the authorities; when the Deputy Commissioner had called Longsa men to come and report for the case pending against them, Ungmamen on meeting the Longsa men on the way send them back to their village saying, that the ‘Shahebs’ had nothing to do with them. For this misinformation given to Longsa men by Ungma villagers, the Deputy Commissioner marched to Longsa village and exacted a fine in herds and seized scores of *daos* and spears, since the Longsa village possessed no money.⁷² The Longsa men allegedly killed two Borodubia men the previous year and the punishment was to express disgust at such barbarity of taking heads.⁷³

In the annual expedition of 1885, the Susu village was the last halt made by McCabe, where he had many ‘feuds to settle.’ An important case against Susu was that the villagers had forcibly carried off a run-away slave from Namtidol *mauza*, in Sibsagar district. Chipta, the alleged slave, was the ‘property’ of Miri Chiba of Susu, who ran away and took shelter at Namtidol where he married a Kanchung woman. When the Susu men gathered this information they carried Chipta back by force to Susu, but he escaped once more. Chipta’s luck was running out as the Namtidol men then confronted the Susu men saying that if they did not come and take back Chipta (who was now living in Mamchang) then he would be sold to Kanchung. Upon hearing the

⁷¹ *Ibid.*, No. 20, para. 4 and 5.

⁷² *Ibid.*, Fines in figures: 17 cows, 2 *mithuns*, 86 *daos* and 20 spears.

⁷³ *Ibid.*, No. 20, para. 10 and 11.

case, the Deputy Commissioner gave the option to the headmen of Susu to pay a fine of Rs. 200/- or return Chipta. Since it was impossible for the Susu men to bring back Chipta and hand him back to colonial authority, they immediately paid the fine on imposed on them.⁷⁴ Records show that at that point in time, the value of a slave was Rs. 100/- but on suspicion that villagers were not being honest about the victim's whereabouts, the Deputy Commissioner applied the tactic of catching the headmen, who were the representatives of the village, by doubling the value amount. The headmen did not even try to negotiate but readily paid the fine imposed - the Deputy Commissioner was already wielding his authority over the villages he had reached.

The long wait for the order of the proposal drawn and submitted to the Chief Commissioner of Assam by McCabe in 1884 for the policy to be followed in the Naga Hills was finally 'approved the proposal in general' in 1886. In this order, the proposed area consisting of the whole Ao country starting from west of the Dikhu to Mokokchung Subdivision from north to south, and some Sema villages to the east of Wokha was brought within the area of political control. An important aspect of this order was that 'burning a village was to be allowed as a last resort.'⁷⁵ Even as the government was busy drawing up areas of political control in the hitherto political uncontrolled areas, in February 1886, three Khonoma men (traders) were murdered on the borders of Manipur. The Angamis retaliated by marching to the Manipur frontier and attacked Shipvomi, burnt the village and carried away a large amount of property. 13 persons killed in this raid belonged to Shipvomi, Neruhabama, and Saziphomi. In order to settle this case, on 24 February 1886 McCabe left Kohima with a local escort of 50 men of the frontier police to hold a local investigation into the murder of the traders and the Shipvomi raid.⁷⁶ It was found out that Shipvomi was not the culprit, but the men of Thetchulami had killed Khonoma men. The Deputy Commissioner in no uncertain terms made it clear that a guard would be maintained at Thetchulami until the murderers were given up. As for the Khonoma men, who had raided Shipvomi in retaliation, the Deputy Commissioner ordered the arrest and confinement of 37 prisoners and sentenced three of the ringleaders to seven years rigorous

⁷⁴ *Ibid.*, No. 20, para. 13 and 14.

⁷⁵ Reid, *History of the Frontier Areas*, 1942, p. 109

⁷⁶ From, The Officiating Deputy Commissioner, Naga Hills, To, The Secretary to the Chief Commissioner of Assam, Shillong, Foreign Department, External, A, Nos. 18-21, 1886, No. 19, para. 7, NAI.

imprisonment, 42 prisoners to rigorous imprisonment for two years and imposed a fine of Rs. 1,650/- on Khonoma. The significance of this case was that all the accused were convicted under sections 109, 302 and 436 of the Indian Penal Code (IPC).⁷⁷ In settling this particular case, the Deputy Commissioner added that the Angami people have been 'for many years enjoyed the protection of our government, and they understand the lawless nature of their conduct in this raid.'⁷⁸

c. invoking the Indian Penal Code in the area administered under 'simple system of administration'

The Scheduled District Act XIV of 1874, clearly laid down that all civil and criminal matters were to be dealt with under the 'simple system of administration' for all the hill districts, *except* [emphasised] in the towns of Shillong in the Khasi and Jaintia Hills districts and Haflong in the North Cachar Hills subdivision because the Criminal Procedure Code had been extended to these administrative headquarters.⁷⁹ Again, the Assam Frontier Act Regulation, Regulation II of 1880 enabled the local governments to remove certain enactments and use a 'simple system of administration.'⁸⁰ These exceptions were made to enable the government to function effectively and protect its material interest. By administering the statute 33 Victoria, chapter 3, the executive government was guided by 'certain special restrictions' to make regulations without approaching the Legislative Council and as was required in all the preceding regulations the word 'law' was not to be used.⁸¹ No doubt 'simple system of administration', a self-explanatory phrase, was an auxiliary regulation that kept gave considerable arbitrary power to the district officers. However, it was not as simple as it appeared because the administration of criminal justice in the hill districts was conducted by political officers under the special rules framed under Act XXII of

⁷⁷ *Ibid.*, para. 32 and 33.

⁷⁸ *Ibid.*, Para. 32, 33 and 35, NAI. The leading villages which took part in the raid were fined, namely; Viswema Rs. 1,845/-, Mima Rs. 805/-, Kedima Rs. 700/-, Kegwema Rs. 1000/-, Jakhama Rs. 890/-, and Kekrima Rs. 1650/-. These fines were to be paid half in cash, half in *dhan* [paddy] (valued at the market rate per *maund*), and in labour to the government (estimated at 4 *annas* a day per head).

⁷⁹ 'North East India: Report on the Administration of North East India, 1921-22', Mittal Publication, Delhi, 1984, para. 107, p. 52.

⁸⁰ RAPA, for the year 1879-80, Shillong, 1880, para. 96, p. 376.

⁸¹ *The Empress v Burah and Book Singh* (1877) corresponding to The Indian Law Reports (hereafter ILR), Calcutta Series, pp. 94-5.

<http://www.southasiarchive.com/Content/sarf.100033/212306/002>, accessed on 1 May 2016.

1869,⁸² and the civil justice under special rules prescribed under section 5 of Act XXII of 1869.⁸³

The application of the Act XXII of 1869 in the hill districts was a contested Act as shown in the case of *Bura Hangseh and Book Singh v The Queen*. In this case, the appellants murdered a British subject by the name of Kana Lalong in the jurisdiction of Jaintia Hills on 13 November 1875. The Deputy Commissioner Shillong heard the case and found it to be an offense punishable under section 302 of the Indian Penal Code, and within the cognizance of the Court (Deputy Commissioner's Court Shillong) under Chapter III, 71 Rule 17, of the Khasi Hills, and sentenced the prisoners to death.⁸⁴ But on 23 April 1876, by the order of the Chief Commissioner of Assam the condemned prisoners were commuted to transportation for life. On 9 July 1876, however, the prisoners appealed to the High Court, at which point the question of whether the appeal can be made came up. The situation became complicated, and the officer in charge of the Kamrup jail forwarded the prisoners' petition of appeal to the High Court, Calcutta. The appeal came on for hearing before the Judges Markby and Ainslie, who referred to a Full Bench questioning the High Court if it had any power to entertain these applications.⁸⁵

The question that the judges of the High Court wanted to know was, 'Whether a notification of the Lieutenant Governor of Bengal, issued under the authority of Act XXII of 1869, section 9, had the effect of putting an end to the jurisdiction of the High Court in the Khasi and Jaintia Hills?'⁸⁶

By the Act XXII of 1869, the territory known as the Garo Hills was removed from 'the jurisdiction of the Civil, Criminal and Revenue Courts and offices that established the general Regulations and Acts.' The passing of the Act was to facilitate the 'administration of justice and the collection of revenue in the said territory', and the Act came to be known as The Garo Hills Act, 1869. Section 3 of the Act repealed Act No. VI of 1835 and the Bengal Regulation X of 1822 which was also related to

⁸² RAPA, for the year 1879-80, para. 164, p. 405.

⁸³ *Ibid.*, para. 206, p. 425.

⁸⁴ *Bura Hangseh and Book Singh v The Queen*, (1877), corresponding to Calcutta, High Court Reports, pp. 161-62, <http://www.southasiarchive.com/Content/sarf.143687/210304/002>, accessed on 1 May 2016, The name Jynteeah and Cossayah (the old names) were used in the original text of the case.

⁸⁵ *Ibid.*, p. 162, also see, ILR, pp. 64-5.

⁸⁶ *Ibid.*

Khasi Hills previously called the Cossyah Hills and, section 9 ‘permitted the Lieutenant Governor of Bengal to extended all or any of the provisions of the act to the Jaintia Hills, the Naga Hills, and to such portion of the Khasi Hills as for the time being forms part of British India.’⁸⁷

A Full Bench sitting was constituted as referred for the hearing of *Bura Hangseh and Book Singh v The Queen*. The majority of the judges concurred that the High Court had the power to question the legality of the Governor General in Council’s Act of delegating power without the sanction of the legislative council. They argued that by the notification issued by the Lieutenant Governor of Bengal under the Act XXII of 1869, section 9, it could not put an end to the jurisdiction of the High Court of Khasi and Jaintia Hills and its jurisdiction remained the same.⁸⁸ The Act XXII of 1869 was an exceptionally strong example of Governor General in Council delegating legislative powers to the Lieutenant Governor of Bengal, amounting to the legislative powers of the Council.⁸⁹ Judges on the dissenting bench argued that ‘the High Court had jurisdiction to entertain the appeal, and such jurisdiction was not taken away by Act XXII of 1869.’⁹⁰ The court held that ‘the Governor General in Council has power by legislation (section 9) to remove the districts from the jurisdiction of the High Court,’⁹¹ and the court judgment given on 5 June 1878 validated that, ‘the appeal in the present case should be allowed,’ thus reversing the previous judgment that questioned the validity of the High Court taking up the case in question.’⁹²

The case of *Bura Hangseh and Book Singh v The Queen* is used here to understand the nature of how Act 1869 was working in the Naga Hills and how the Deputy Commissioner of the Naga Hills was adjudication on criminal offences. Judge Marky’s interpretation of section 9 of the Act of 1869 suggested that it could simply be looked at as a question of coterminous boundaries between the hill districts mentioned in the Act; the Garo Hill, the Khasi and the Jaintia Hills, and the Naga

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<http://lawfinderlive.com/jlink?q=81106&p=1&pos=7&qType=6&tidp=106716&tid=650879>, accessed on 18 May 2016, Her Majesty *The Queen v. Burah*, Law Finder Doc Id # 650879, 1878(5) L.R.-I.A. 178.

⁸⁸ *Bura Hangseh and Book Singh v The Queen*, (1877), p. 162

⁸⁹ *Ibid.*, p. 183, statement of Judge Macpherson.

⁹⁰ *The Empress v Burah and Book Singh* (1877), p. 64.

⁹¹ *Ibid.*

⁹² <http://lawfinderlive.com/jlink?q=81106&p=1&pos=7&qType=6&tidp=106716&tid=650879> Her Majesty *The Queen v Burah*, Law Finder Doc Id # 650879, 1878(5) L.R.-I.A. 178.

Hills. He was convinced that it was not possible for the Legislature to fix the limits of the Act in 'such wild and barbarous districts as these.' He held the opinion that the government's conception about the coterminous boundaries of these three hill districts had neither geographical nor the historical meaning since they were three entirely separate districts, although they were contiguous. Administratively, the Garo Hills belonged to the Commissionership of Cooch Behar, the Khasi and Jaintia Hills and the Naga Hills to the Commissionership of Assam.⁹³ To introduce an ordinary courts of justice was one of the main causes of effecting the Garo Hills Act of 1869 and if the act was to come in force in all the hill districts, it would impinge on the 'entirely revolutionized the long-established administration' in the Khasi and Jaintia Hills. Shillong was a seat of the local government of Assam, and the district of the Khasi and Jaintia Hills had a considerable number of Europeans who were government employees and settlers. And therefore, Judge Markby forcefully argued that in the Act of 1869 there was no provision for the ordinary court of justice to be applied in the Khasi and Jaintia Hills. He was of the opinion that, neither did the Legislature decided that Khasi and Jaintia Hills would come under ordinary courts nor did it exclude the same, and instead 'it left the decision of it to the absolute and uncontrolled discretion of the Lieutenant Governor.'⁹⁴

Whereas, the issue with the Act was about the status of the High Court of Khasi and Jaintia Hills where many Europeans were settled, there was no such creation of High Court in the Naga Hills to begin with. On the contrary, Regulations such as The Assam Hill Districts Whipping Regulation, 1875, were in operation in the hill districts, thus empowering the Deputy Commissioners, 'whose tours comprised a horde of camp-followers and hence whipping encompassed the central power to bring the house in order.'⁹⁵ However, much like the Province of Assam which was divided

⁹³ *Bura Hangseh and Book Singh v The Queen*, (1877), p. 214, statement of Judge Markby.

⁹⁴ *Ibid.*, pp. 215-16.

⁹⁵ RAPA, for the years 1874-75 and 1875-76, para. 162, p. 138, Bodleian, ASN: 014660057. See, Tour Diary of J. H. Hutton, Esquire, D.Sc. CIE, ICS, Deputy Commissioner, Naga Hills, for the months of June and July 1934, dated 24 July 1934, camp: Koio, Pitt Rivers Museum, Oxford, UK. The success of whipping in the Naga Hills has been projected by Hutton in one of his tour diaries. It read: 'the heartiest welcome as usual was from the biggest scoundrels.' In this particular case Hutton was referring to Kilamlamba, who came to pay a visit to him in Mokokchung who he had 'whipped three times and gaoled five.' Recalling that the last time Kilamlamba was whipped and jailed was around five years ago, and revelled Kilamlamba 'thank me for having learned his way and way and to say with pride that he was leading an honest and prosperous life as a cultivator. He was a professional thief who distinguished himself on one occasion by escaping from custody with the boots of the *daroga* who had arrested him.' The Deputy Commissioner concluded, 'He must find life very dull now.'

into Assam Proper (the valley districts), where legal position was at par with the rest of India which in turn categorised the hill districts within simple system of administration, the passing of The Garo Hills Act 1869 introduced a new legal hierarchy based on the residence of the people within the hill districts. To administer the Garo Hills Act of 1869 in the Khasi and Jaintia Hills was unacceptable because there were a number of Europeans residing in the districts who had enjoyed the established administration for a long time. As for the Naga Hills, it was not until 1880 that the district headquarters was permanently established. Until the early twentieth century military expeditions were in operation and the contestation of any Act was beyond the scope of discussion.

Several exceptional cases that McCabe dealt with, as demonstrated above, provide an insight into the working of the administration-judiciary activity of the district officer in whose position all matters of local government was vested. A summary review of the few instances of McCabe administering justice as he tried case in his court and while on tour as shown in sub-section b:

In 1881, he sentenced Kenilhi to ten years' rigorous imprisonment in Kohima without citing any code or regulation: this was the year that the Chief Commissioner of Assam appreciated McCabe's performance as the 'most successful and satisfactory exploit' of the year in the administration branch of Assam.

In 1885, in the case of Chipta, the slave of Miri Chiba of Susu: instead of saving or liberating the slave, McCabe fined the village elders for not producing the fugitive slave. Going by the legalities of the British government, the British parliament by 1807 had abolished the slave trade and in 1811 bringing in slaves from another country into India was forbidden. To purchase and sell a slave became a penal offence in 1832, especially those brought from one district to another. The responsibility to convert these laws into practical reality rested with the Governor General in Council through the charter act of 1833. Eventually, the India Act V of 1843 made the recognition of slavery illegal and under the Indian Penal Code 1860, 'keeping of or trafficking in slaves became a criminal offence.'⁹⁶ In the Naga Hills, the practice of slavery was an institution among the Aos. When Alexander Porteous (who in June

⁹⁶ H. H. Dodwell, *The Cambridge History of India: the Indian Empire*, 1858-118, Vol. 6, At the University Press, Cambridge, 1932, p. 128.

1888 succeeded McCabe as the Deputy Commissioner) learned that slaves in Ao community were totally at the disposal of their masters, the information disturbed him, but he was bewildered as to how to deal with the slavery matter: whether to declare the emancipation of all slaves with or without compensation or leave the institution to let it die its natural death. Leaving the system to its natural death appeared to be the best solution unless the government was prepared to compensate the masters of the slaves.⁹⁷ The Chief Commissioner was, however, cautious in his approach by laying down his point that without in-depth knowledge of the system of the people, the government could not attempt to declare anything on the subject as it may have disturbed the social order or destroy many other things. The only instruction the Chief Commissioner could give was to ‘absolutely refuse to lend countenance in any way to slavery.’⁹⁸ No matter what laws were made and where it was implemented, be it around the world or specifically in India, the condition of the slave remained like ever before because the government would rather not upset the community practice.

In 1886, the number of people administered under severe penalty by McCabe was high. There were 37 persons were put in to prison, three were awarded seven years rigorous imprisonment, 42 were given rigorous imprisonment for two years and a fine of Rs. 1,650/- was imposed on Khonoma, in all these cases the Indian Penal Code (IPC) sections 109, 302 and 436 were invoked. The general Codes of Civil and Criminal Procedure of 1860 were extended to the Brahmaputra valley, and in 1862 the Indian Penal Code came into force, in the valley districts of Assam and not in the hill districts of Assam. However, even in the Brahmaputra valley, these laws did not define the local extent clause to which it was applied, making it very difficult to operate and the Officers in the valley districts of Assam were left to their own discretion.⁹⁹ By the notification of the Lieutenant Governor of Bengal, the Code of Criminal Procedure was extended to Assam and the notification was published in the Gazette on 16 November 1862. However, the Code of Criminal Procedure ‘never’ extended to Khasi and Jaintia Hills, although it was regarded to be in force in that district.¹⁰⁰ However, since the Indian Penal Code was applicable in all of British

⁹⁷ Reid, *Frontier*, p. 124.

⁹⁸ *Ibid.*

⁹⁹ Gait, *Assam*, p. 329.

¹⁰⁰ *Bura Hangseh and Book Singh v The Queen*, (1877), statement made by Judge Markby, p. 206.

territory, except Jammu and Kashmir¹⁰¹, McCabe was able to invoke the Indian Penal Code in the Naga Hills superseding the repeated Acts and Regulations that provisioned for 'simple system of administration' in the Naga Hills. Were the anomalies of law here the 'simple system of administration' applicable to the hills district – which Anil Chandra Banerjee calls it the 'absolute power'¹⁰² – or would it be what Judge Markby would say, 'absolute and uncontrolled discretion' of the local administrators? One can only suggest that the actions of McCabe were absorbed into the urgency and demands of the situation where established laws mattered less than a quick and practical action backed by military force.

Looking at the turn of events one can clearly see how establishing Kohima as the district headquarters and importantly, appointing a person 'possessing of special qualification' like McCabe, established the position of the Deputy Commissioner as a formidable force in the Naga Hills. McCabe overturned the government order of making annual tours in winter and established a more continuous administrative system, making people feel the presence of the colonial administration all the time and not the just during the one annual visit. The house tax was realized, dissenting villages were severely punished and colonial administration pushed further into new territory. The military promenade became a standard event under McCabe and rightly so, the whole of Ao and parts of Sema areas east of Wokha were scorched to submission during his administration under the official order that sealed these as areas under political control. It is no surprise, then, that McCabe was highly spoken of by successive Chief Commissioner for his successful policy in the Naga Hills. Sir Elliott compared McCabe's work as 'the influence exerted by the greatest men in Anglo-Indian history over the Santhals, the Bhils and the tribes of the Derajat', Fitzpartick considered that anything he said could hardly add to the reputation McCabe had 'already acquired.' He travelled in the Naga Hills with McCabe in the months of February and March 1888 had 'seen the good work the Deputy Commissioner had done among the wild people and the feelings of mingled attachment and awe with which they regard him.' The Chief Commissioner warmly added that he 'had rarely

¹⁰¹ The preamble of the Indian Penal Code (ACT NO. 45 of 1860) read. 'This Act shall be called the Indian Penal Code, and shall extend to the whole of India, except the State of Jammu and Kashmir.'

¹⁰² Banerjee, English Law, p. 155.

seen an officer who so happily combines the power of command with kindness of feeling and consideration towards the people.’¹⁰³

The District Officers Tour: an alternate court

In January 1890, Mokokchung became the new Sub-division of the Naga Hills with Arthur Wiliam Davis, IGS, as the first Sub-divisional Officer of Mokokchung.¹⁰⁴ After Davis took over the office of the Sub-divisional Officer of Mokokchung in January 1890, he set out for a tour in February. As he camped at Santong, headmen (*Goanburas*) of Tamlu and Kanching¹⁰⁵ who were travelling to Mokokchung to pay their revenue met him. The Sub-divisional Officer ‘in order to save them the trouble’ of going to Mokokchung, took the revenue in his camp at Santong. Kanching brought in a sum of Rs. 28-00-0/- and Tamlu Rs. 254-0-0/-, of which Rs. 66-12-0/- was paid as commission to the *Goanburas* at 12 and a half percent and Rs. 467-4-0/- kept to be credited to the treasury.¹⁰⁶ As the Sub-divisional Officer reached Tamlu the next day, headmen of Kanching brought in their revenue of Rs. 294-0-0/-, a sum of Rs. 36-12-0/- given out for *Goanburas* commission and retained Rs. 257-88-0/- for the government treasury.¹⁰⁷ So did Burahaimung headmen travelled to Nowgong to pay the revenue of Rs. 144-0-0/-, *Goanburas* commission of Rs. 18-0-0/-, and the balance Rs. 126-0-0/- for the treasury.¹⁰⁸ Longrak (Lungre) *Goanburas* travelled to Mongsemi with the revenue of Rs. 72-0-0/-, out of which Rs. 9-0-0/- went out for the *Goanburas* commission and a sum of Rs. 65-0-0/- was set aside for the treasury.¹⁰⁹

As Davis arrived at Longsa 11 miles from Mokokchung, the case of *Imtisuzu of Solachu against Satamyangba of Longsa* came up.¹¹⁰ In the previous year, Satamyangba had accused a man of the theft of chillies. The accused denied the allegation and to prove his innocence offered to bring a ‘*Lungpalung*’, a sacred stone situated near Jami so that Satamyangba could hold the sacred stone in his hands and

¹⁰³ Reid, *Frontier*, p. 115.

¹⁰⁴ *Ibid.*, p. 125. The formal initiation of Mokokchung as the subdivision made through Assam Government Notification No. 749-J, of the 28 February 1890 and by Notification No. 1491-G., of 28 February 1890.

¹⁰⁵ Tamlu and Kanching villages were Konyak villages west of Dikhu but by 1888 have obtained by the administration to pay revenue, See Robert Reid, *Frontier Areas of Assam*, p. 118.

¹⁰⁶ Tour dairy of A. W. Davis, February 1890, 17 February 1890, Nagaland State Archives (hereafter NSA). The amount, example, Rs. 28-00-0/-, was a break-up of rupee, anna, pice. 16 annas makes one rupee.

¹⁰⁷ *Ibid.*, dated, 19 February 1890.

¹⁰⁸ *Ibid.*, dated, 20 February 1890.

¹⁰⁹ *Ibid.*, dated, 22 February 1890.

¹¹⁰ *Ibid.*, dated, 25 February 1890.

swear that the accused had committed the theft. And if Satamyangba could stand by his accusation holding the sacred stone, the accused promised to pay the customary fine to which the former agreed. The accused had fetched the *Lungpakung* and on his way back with the sacred stone he met Satamyangba on the road in Solachu land. The accused showed the stone to Satamyangba and said 'Here is the stone take hold of it and swear.' Satamyangba was, however, intimidated and answered, 'I won't touch it put it down at the foot of the tree' pointing to a tree by the roadside. The accused kept the stone accordingly on the place specified. It so happened that the Solachu people were affected by dysentery epidemic during this time, which they attributed to the consequence of the sacred stone being left in their land and the 'malign influence of the spirit of the stone.' In order to put things right, Solachu set the message twice to Longsa to ask Satamyangba to take the stone from their land and put it back in its proper place near Jami, because it was a problem created by him. The importance of replacing the stone to its proper place was also because the stone was usually used by all the upper villages of the Ao tribe for swearing and after each occasion replaced in its proper position near Jami. In the case of Satamyangba, he not only refused to place the stone in its proper site but on the second occasion when Solachu sent Imtisuzu to convey the message, he threatened to cut off the head of Imtisuzu, and accordingly caught him by the hair and had his *dao* up ready to strike. Before he could strike his wife snatched the *dao* and in the meantime, Imtisuzu freed himself from the grasp and escaped to Mokokchung via Ungma and reported the matter to the Sub-divisional Officer. On hearing the matter, the Sub-divisional Officer obtained permission from the Deputy Commissioner and went to Longsa to settle the case. There were two reasons for which the Sub-divisional Officer set out to Longsa; to punish Satamyangba for committing an outrage on a British subject, and to replace the stone in its proper position near Jami. When the Sub-divisional Officer reached Longsa Satamyangba had already fled.¹¹¹ The next day the Sub-divisional Officer imposed a fine on of four cows and 20 *maunds* of rice or Rs. 40/- in cash on Satamyangba. Compared to the excessive committed by Satamyangba, the Sub-divisional Officer thought the fine was justified and also because he was the wealthiest man at Longsa. Besides, the Sub-divisional Officer reasoned that it was common for Aos to impose

¹¹¹ *Ibid.*, dated, 25 February 1890.

five or ten pigs as fines for the most trivial offences.¹¹² The next day Satamyangba paid the fine in instalment: three cows and a goat. The Sub-divisional Officer sold one cow on the spot for Rs. 9/- and gave the 'morbid' cow, which no one would buy, to a woman, formerly a wife of the Khergaon man, while the other cow and the goat were saved to be auctioned at Mokokchung. Before the Sub-divisional Officer leave Longsa, Satamyangba was given five days in to pay the balance of the fine.¹¹³

It was reported that as soon as the Sub-divisional Officer left Longa, Satamyangba returned. He was informed by the *Dobashi* who was left behind to convey the information to pay Rs. 40/- or 20 *maunds* of rice within five days, to which he replied that he had no intention of paying the fine and would 'run away' again. There appeared to be no chance of getting Satamyangba pay the fine and the Sub-divisional Officer wrote that he was 'determined to make an attempt to arrest Satamyangba.' And to this effect, on 1 March 1890, at 11 P.M., the Sub-divisional Officer set out from Mokokchung with Jemadar Arjun Rai and 20 *sepoy*s and reached Longsa at 3:15 A.M. very cautiously without waking anyone. After entering the village, they surrounded Satamyangba's house and called him out. As soon as he came out of his house he was arrested and they started their return journey by 3:30 A.M. The diary read, 'Satamyangba himself made no disturbance at all indeed he seemed quite dazed at the sudden and unexpected way in which he had been caught.' The villagers came to know of the incident after half an hour later and went charging the Sub-divisional Officer and party but to no avail. The party reached Mokokchung at 9:30 A.M., after sleeping about half an hour by the Dikhu river. Satamyangba was put under arrest until he paid Rs. 60/- (an amount which has been added after being in confinement) and had the *Lungpakung* stone put back in its place. The Sub-divisional Officer proposed to distribute the fine among *Jemadar*, *sepoy*, and the *Dobashi*, who accompanied and pointed out Sibongniksha to the Sub-divisional Officer, as a reward for their efforts.¹¹⁴

The importance of *Imtisuzu of Solachu against Satamyangba of Longsa*, is not only that the culprit was brought to book by applying the military force that was a hallmark of McCabe's era of the military promenade. The tactic of capturing the offender was

¹¹² *Ibid.*, dated, 26 February 1890.

¹¹³ *Ibid.*, dated, 27 February 1890.

¹¹⁴ *Ibid.*, dated, 3-4 March 1890.

a lesson well learned by both the offender and the community at large. A different feature added to this case, though, was the determination of the Sub-divisional Officer to let the offender take back the stone that was considered sacred by the community to its original place. By making this provision of taking the feelings of the community into consideration, the Sub-divisional Officer was building a relationship with the community he was supposed to administer. Also, in this particular case, one can see the dynamics of appeasing certain people by the administrator by sharing the spoils of the event: a cow to a certain woman in the village (despite the fact that it was sick), and the dividend of Rs. 60/- that the *Jemadar*, *Sepoy*, and the *Dobashi*, who were to enjoy as soon as the offender paid.

In the same year on 7 August 1890, A. W. Davis, on his rounds of a tour of Nankam where he sent for a slave girl from Mungatung, who was sold some years ago for a pig to Longsa and from Longsa to Mungatung. The girl was brought in and he handed her over to her father, a man of Ungma.¹¹⁵ Also, a multiple murder case was reported to have taken place at Luntung and on 12 October 1890, Davis marched to Lungtung and found that all the three murders occurred at Lotesami within a *khel* of the village were as follows:

Case 1: Kireka, son of Sekase, who had killed a young girl Yetali with a *dao*, five months previously because the girl did not pay attention to the paddy that was laid to dry in the sun and let the fowls eat some of it. The girl succumbed to the injuries four or five days later. According to the case record shown, Yetali was the daughter of Yirota and Yetola who fled from Lungtung to Lotesami two years before this, owing to Yirota falling into debt. Yirota was dead, but Yetola was still alive in Phensing (a neighbour Sema village), and Yetali was living at the mercy of Kirka.¹¹⁶

Case 2: Kekuja of Lotesami who had two wives: Luvile and Yekali, who were always quarrelling. Two months ago, Luvile killed Yekali with a *dao* and in retaliation Yata brother of Yekali killed Luvile with a *dao* the following day.¹¹⁷

Case 3: Sheshe, the son of Yekshe who had killed Sheke with a *dao*, a few days previously, because of some quarrel they had had just as she was going to field. Sheke

¹¹⁵ *Ibid.*, dated, 7 August 1890, camp: Nankam.

¹¹⁶ *Ibid.*, case 1, dated, 12 October 1890, camp: Lungtung.

¹¹⁷ *Ibid.*

died four or five days later. Sheshe had fled the village since Sheke's relations were trying to kill him. The Sub-divisional Officer sent the *Dobashi* and *Goanbura* there to warn the villagers not to kill Sheshe but to catch and take Sheshe to Mokokchung.¹¹⁸

A month after these three cases of Lotesami where four people were murdered, on 2 December 1890, a murder was reported in Serami (Seromi). Megepu, belonging to Emilomi had come to Serami to obtain the property belonging to his deceased brother who settled at Serami some years ago. The former was killed by five men of Serami as he was returning to his village Emilomi on Vekohomi land. On hearing the case the Sub-divisional Officer sent Tridal, the *Subadar* with 15 *sepoys* and they brought back five head of cattle out of which there was three or four *mithun* (which possibly belonged to the deceased brother), and Serami was fined 30 cattle. The curious thing about the case in question was, the Sub-divisional Officer wrote 'his (the victim) head was not carried away',¹¹⁹ as if relieved that the victim's head was still intact. After leaving Seromi the Sub-divisional Officer reached Lotesami on 4 December 1890, and encamped at Lotesami New Village to settle the matter of 4 murders committed on 12 October 1890 at Lotesami villages; Lotesami Old and Lotesami New. The Deputy Commissioner (McCabe) had joined Davis at Lotesami and fined 12 cattle from both the villages as punishment for murder. Both the villages paid their share of fine, but the Lotesami New 'tried to pass off old cattle as usual.' The next morning, there was coolie trouble because while Lotesami Old supplied coolies enabling the Deputy Commissioner to go off about 10 A.M., whereas Lotesami New, where the party had encamped, would not provide coolies. The Deputy Commissioner then directed the Sub-divisional Officer to fine Lotesami New six more cattle. The order was passed, yet none of the *Goanburas* turned up, so about 12 noon, the Sub-divisional Officer sent a party along with the *sepoys* and they returned with three *mithuns* and two calves, which made the *Goanburas* to come in for negotiation, yet no coolie was made available and for which the Sub-divisional Officer had to stay one more night at Lotesami New. Although the Sub-divisional Officer was assured of coolies the next morning by Lotesami New, in the morning only the old village turned up again. The Sub-divisional Officer was annoyed enough to start off with one bull *mithun*, one cow and calf and three old Assamese cows. The previous night the Sub-

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*, dated, 2 December 1890, camp: Serami.

divisional Officer told the *GBs* that he would release the two cow *mithun* and their calves if the villages would bring in six calves. The village produced three old Assamese cows and two calves. Therefore, the Sub-divisional Officer let one cow go and released one cow *mithun* and her calf.¹²⁰

Taking into account the four murder cases at Lotesami on 12 October 1890 and the murder at Seromi on 2 December 1890, the taking of life did not appear to be as much a crime as compared to accusing someone to be a thief, as was seen earlier in the case of *Imtisuzu of Solachu against Satamyangba of Longsa*. Compared to the length the administration went to hunt Satamyangba of the *Imtisuzu of Solachu against Satamyangba of Longsa*, for almost two months (February and March, 1890) invested in inquiry, punishment and settlement, the approach to the murder cases was far from casual. No attempt was made to inquire into where the murderers had gone, in the Lotesami and Seromi murder cases, leave alone punish the culprits, which depicts the risk the administration was not willing to take. Whereas the case of *Imtisuzu of Solachu against Satamyangba of Longsa*, was well within the jurisdiction of the district administration, the later groups were areas outside administrative control that restrained the administrative officials. Seromi was a trans-Dikhu Sema village who had displayed 'defiant attitude' towards Porteous back in 1887 when the later visited their village. In order to remind the former of the presence of the administration, Porteous again visited Seromi in 1889 after the expedition of Mojungjami (Tuengsang) on 12 January 1889, and 'exacted a small fine of 10 cattle' warning them (Seromi) that headtaking must in future cease.¹²¹ However, even after committing repeated headhunting/murder and following the establishment of Mokokchung as the subdivision in 1890, Seromi, a trans-Dikhu Sema village was yet to be brought under the district administration.

A tour diary of E. D. Savi, the Sub-divisional Officer of Mokokchung indicates that by 1900s levels of punishments and moral disciplining was gaining new meaning. As shown earlier The Assam Hill Districts Whipping Regulation, 1875, was passed to ensure the discipline of the camp-followers and persons from the plains during the district officer's tours. However, 'whipping' seem to have acquired a new meaning with the court pronouncing it to be implemented 'in the way of school discipline'.

¹²⁰ *Ibid.*, dated, 5-6 December 1890, camp: Lotesami.

¹²¹ Reid, *Frontier*, p. 122.

This was sanctioned in the case of *Tsuknongrila of Ungma v Sibonglimba of Ungma* (1902), where the complainant filed a suit in the court of E. D. Savi, the then Sub-divisional Officer of Mokokchung, that she lost 'some beads' from her field. The complainant pleaded that she saw Sibonglimba, the accused, near her field and when she confronted him of the theft, he agreed to return the beads. The accused, however, after agreeing to return the beads, later refused to comply with his word and claimed he knew nothing about the matter. The court ordered the accused to swear 'according to village custom' to which he refused to swear. The court found him guilty and admonished him of 'bearing bad character' and for having constantly stealing. And therefore, he was to 'receive 10 stripes in the way of school discipline'¹²² which meant the guilty was whipped ten times. Another case which concerned the squabble over name calling was heard in the same court. In this case of *Lingshininjla of Juju v Bendongkokla of Juju* (1902), the complainant accused the defendant of calling her an 'Assamese child.' The accused denied the charge and said that they had a quarrel, and the complainant insulted her. The court found out that the parties were involved in altercation when drunk and therefore each of them were fined Rs. 1/- for defamation.¹²³ The powerful verdict of the court where litigants were seen as bearing bad characters who were in need of a school like discipline also infantilized the community.

On the other hand, in the 1910s, cases were brought to court that were litigated reiterating the customary practices of the people. In the case of *Chekishe of Aichasaghemi v Khulupu of Aichasaghemi* (1913), Lhoheshe the father of the complainant bolted to Seromi village when Yechumi took his wife's head. The defendant's father Khakhu had since then been cultivating on Lhoheshe's land. Lhoheshe decided to return to Aichasaghemi, and upon his return he claimed all the land that the former have since been clearing and cultivating with no complaint been lodged by anyone since 15 years back. Khaku, moreover, cited that it was the prescribed Sema rule when a man bolts from his village at time of war he was not entitled to the abandoned lands anymore. The court pronounced the judgment that this was a 'case as old as the hills' and the accused was granted the right to cultivate the land whereas the complainant was fined for wasting the court's time. The fine was to

¹²² *Tsuknongrila of Ungma v Sibonglimba of Ungma*, case filed dated, 29 May 1902, case settled dated, 31 May 1902, NSA.

¹²³ *Lingshininjla of Juju v Bendongkokla of Juju*, dated, 23 July 1902, NSA.

be made to the government.¹²⁴ This kind of court verdict, depicting the protection of customs and traditions of the local community by the colonial court was now established.

There were situations where the villagers look like they were harshly treated by both nature as well as the government. An instance like that of Salimis an example of this. The Deputy Commissioner, Keith Cantlie, after counting the village of Salim he found that the village population had been drastically reduced, because the 1905 record showed there were 86 houses but reduced to 34 houses in 1920. It was also found out that the case hearing power of the *Goanbura* was taken away. In this occasion, the *Goanbura* of the village approached the Deputy Commissioner to revive 'his old power of hearing cases' upon which the Deputy Commissioner assured that he would look into the matter of whether the *Goanbura* was deprived of his dispute-hearing power in the village by the government.¹²⁵ There is no record, however of the inquiry of whether the decrease in population of the village was cause by epidemics or other activities such as migration.

The colonial officer's tour diary is remarkable in revealing the mind of the key institutional figure at this time. The Deputy Commissioner was at once a commentator, producing documentation of flora, fauna or food, in the areas, and also field anthropologists, speaking of litigation, culture, crafts or industry. The anxieties of administrators were rich and complex. If Cantlie was worried about the decline of population in Salim village while he was on tour in March 1920, Hutton was worried as he weighed up the situation of Borjan colliery in November 1923. In such instances, the Deputy Commissioner could take a stand that contradicted the interests of Europeans and upheld the rights of the local communities.¹²⁶ When Hutton reached

¹²⁴ *Chekishe of Aichasaghemi v Khulupu of Aichasaghemi*, dated, 21 September 1913, Shaw, Sub-divisional Officer, dated, 21 September 1913, camp: Aichasaghemi, NSA.

¹²⁵ Tour Diary of K. Cantlie, Esquire, ICS, Deputy Commissioner, Naga Hills, for the month of March 1920, camp: Salim, dated, 5 April 1920, NSA

¹²⁶ To see the surreptitious practices allowed by the government since decades, see Foreign. Pol. B. March 1880. Nos. 314-317, No. 317, a correspondence From, SOB Ridsdale, Esquire, C. S. Secy. to the Chief Commissioner of Assam, To, The Secy. to the Government of India, Home, Revenue and Agriculture Department, NAI. An official correspondence admitted to the illegality of acquiring such rights (land) as it was banned by section 7 of the Inner Line Regulation of 1873. However the government justified its stand that working on the coal mines in the Naga Hills was 'clearly for the interest of the province' and expressed that the government should claim the potential rights on these tracts. The government was not willing for private companies to extract minerals, but was making an exception in the case of Assam Company, who had acquired prospective rights. The Assam Company

Angfang, the Borjan colliery was about to apply for fresh surface rights outside its grant. This move made the Deputy Commissioner anxious because Kongan's land was overran by with coal mining which had already ruined almost all their jhum land. Lands that were not occupied by the colliery were destroyed by cutting timber indiscriminately to make pit-props. There was literally no land left for the expansion of colliery in Kongan. The main reason for the Deputy Commissioner's concern was that the company's coal seams depended on the coal sources streaming from Kongan. While even a narrow strip of land would have sufficed to keep supplies going, rising demands for land ruined the area. The Deputy Commissioner therefore proposed that the land be given to the company at such a high rate of annual payments as to confine company occupation to a bare minimum. He suggested that, the company should be made to pay the Kongan and not the Government. All these proposals were made after realising the pitiable fee paid to Kongan by the company. The fee was, as the Deputy Commissioner called it, 'appallingly unjust', a sum of measly Rs. 500/-. When compared with the value of the crop that could have been made out of these lands, it was no substitute for even a year's rice crop.

Hutton recognized that even if the village elders were knowledgeable enough to invest the money they received as compensation, instead of 'eating' it, would not have made no good profit at all. The government's apathetic attitude towards the use of native's land in the Hills infuriated him and thus he averred:

The theory that all jhum land is Government waste land is in ubiquitous in the extreme. It may do well enough for such migratory village as have not even a rotation of village site, but cannot be applied to settled villages where all lands is privately owned. The theory that Government is the owner of all land is just no doubt in the plains, where that principle was taken over from the native rulers who preceded the company. The principle of State ownership was not taken over with the land of Kongan (or any other Naga village) and the theory that it exists is a very improper application of the right of conquest, but I fear typically British where trade is involved.¹²⁷

These contradictory opinions were not expressed in official orders but the diaries that were maintained during the tours revealed the dilemmas of a colonial official for whom the injustices of colonial rule sometimes became too evident to deny.

had been paying rent to the government and was extracting coal from time to time in the areas which were once defined in the deed – the deed was allegedly lost. The letter strongly supported the Assam Company saying that though the right to mine coals was not authorised either by the district authorities or by the government, the Company was working 'smoothly for some thirty years.'

¹²⁷ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the months of March, April and May, 1923, dated 18 April 1923, camp: Angfang, NSA

One of the elements that make the Deputy Commissioner's tour successful was the help rendered by the *Goanburas* and the *Dobashis* not only as interpreters, informers, and mediators but also as organisers. Construction of camps was essentially done by the village or number of villages that the Deputy Commissioner intended to meet, and therefore the village *Goanburas* and *Dobashis* were well informed of the Deputy Commissioner's itinerary. One such example can be shown here: as soon as the Deputy Commissioner reached Chongtore, a Sangtam village, the *Goanbura* of Changtore and other neighbouring villages *Goanburas*; Anangba, Lirisu, Phire, Houpu (Longtrok), Khumishe, and Mongko of Tuengsang promptly came in. The purpose of their visit was to ask the Deputy Commissioner for the measurements of the campaign ground so as to make the required preparations. The constructions of camps were not the only activity that the villagers performed; they always brought along assorted entertainments as well. The diary narrates, as the day's work came to an end, after dinner, Churangchu and his men danced. The Deputy Commissioner appreciated not only the performance, but admired the incorporation of the 'most scientific footwork' that imitated the hopping of crows searching for food. The possibility of making these annual tours successful also rested with certain responsible people such as Charangsu of Mangaki, a former *Dobashi*. Charangsu came to Changtore to help the Deputy Commissioner in touring the Sangtam villages which was quite successfully completed and he went back from Changtore to his village. The Deputy Commissioner fondly recalled Churangchu's toffee. Churangchu brought a huge chunk of Sangtam toffee for the Deputy Commissioner in the camp. The Deputy Commissioner wrote about it as being 'really magnificent stuff and tastes very good'. Going by how the Deputy Commissioner roped in C. R. Pawsey, the Sub-Divisional Officer's, name saying 'Mr. Pawsey is my witness – he ate it till he broke a tooth' suggests that the Deputy Commissioner really liked the Naga toffee. One curious relationship between the colonial administration and the Semas in the form of coolies does not seem to diminish in every expedition and in every tour! Before the end of the day the Deputy Commissioner wrote, 'I took on two Sema volunteers as '*tikha*¹²⁸ coolies' – men of Khumishe wishing to see the world.'¹²⁹ It does sound like a good all day exchange of pleasantries but in all these activities of the day, when the

¹²⁸ *Tikha* (*thika*) – Assamese word for those labour undertaking the bulk of the proposed work as opposed to being engaged on a day to day basis.

¹²⁹ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, for the month of November 1923, dated, 9 November 1923, camp: Changtore, NSA.

villagers came to meet the Deputy Commissioner, it was in connection with some work or the other, whether it was a tax, labour, or dispute settlement.

The Deputy Commissioner's entourage were always 'received very well.' In Tuengsang; Yali, Longtang, Naksho, Hak, Phampak, Logong and Chingmiren, all Chang villages, came in with *salamis* [greetings]. Chief Chingmak of Chingmei also turned up, the diary records specifically. With the supervision of Mongko, an 'excellent camp cleared and fenced already', was waiting for the entourage. Mongko of Bilaeshi *khel* Tuengsang, used to be a *Dobashi* in Mokokchung when the touring Deputy Commissioner was a Sub-divisional Officer at that point in time.¹³⁰ This also shows how relationship with the government employees was kept long after they retired. Surely, Bilaeshi, the retired *Dobashi* would not have built and fenced the area before hand for the Deputy Commissioner to camp unless the Deputy Commissioner sent a message requesting his assistance.

Other instances of such collaboration abound. The entourage of Hutton camped close to Kyutsukilong on a 'very high cold at 7450 feet' at Saramati range, cold enough to give Pawsey, Sub-divisional Officer, sick with fever, the inhabitants appeared as 'very friendly' and included some had been to France. The grand regale of appreciation was suddenly abrogated by a 'surprise' when the Deputy Commissioner saw a Sema village (Putam) on the range east of Kyutsukilong mixed up with Yimtsung villages. However, the surprise was short lived as the Deputy Commissioner got busy with how to settle the boundary between these mixed up villages. The Deputy Commissioner proposed to have the 'central boundary' to be drawn clearly down the main stream of the Zungki River,¹³¹ where they were campaigning. It was not hard to draw up boundaries as long as there were natural contours to demarcate the other side and thus became the boundary as the Deputy Commissioner pointed his fingers along the contours of the river. When Hutton and his men entered Shothu, about seven miles from Kyutsukilong, transport posed no problem, because the coolies turned up very promptly, as 'half of the population of Sothumi village were Semas.' Problems abounded to exist in this kind of mixed community locality and old quarrels between the *khels* of Shothumi were continuing. A certain Wariga refused to pay the customary leg of animals killed to Khuvetha, who allegedly refused to give the

¹³⁰ *Ibid.*, dated, 10 November 1923, camp: Tuengsang.

¹³¹ *Ibid.*, dated, 20 November 1923, camp: near Kyutsukilong.

right to any land to Wariga. The Deputy Commissioner, instead of intervening, overlooked the matter saying 'It is as much Wariga's fault as Khuvetha's I fancy, and any way all their land was grabbed from Shothurr and Honronre'¹³² a perfect example of how the areas beyond political control were left on their own as long as it were between them and no British subjects was involved.

On the same day, a case came up of a head taking dispute between Zukishe of Phesami and the village of Chessorr. The case held that two men of Chessorr went to join some Phesami friends in sneaking a head from Honronre. The plan was connived in private and the two men of Chessorr who were out with their fighting weapons of shields, spears, *panjis*, etc, killed men of Phesami who in turn thought that it was someone coming to raid them and chased after their lives. Yazutha, Honronre and other villages joined in the pursuit and decapitated one of the two Chessorr connivers. While the men of combined villages chased the culprits, the other too exhausted to speak, happened to run into Zukishe's son. Zukishe's son's companions were for killing him at once, but the young man prevented them and took the survivor home and let him go. In return for this protection given, Zukishe claimed and got a *mithun* from the man of Chessorr. This settlement did not go well with Chessorr and the case was brought forward to the Deputy Commissioner. Chessorr alleged that Zukishe 'treacherously enticed two of their men to be killed by his villagers' and demanded the *mithun* back. The Deputy Commissioner held that Chessorr's statement, which alleged that Zukishe himself invited the two men for the kill was based on alleged statements made by the dead man. This the Deputy Commissioner thought did not tally with the fact that the dead man's companion was saved by Zukishe's son under Zukishe's roof. Also, the Deputy Commissioner added that, even if the statement was made it may not have been true and hence incapable of proving the truth. To try the case, two *Dobashis*, one from each community were deputed.

Sittobung and Hezekhu tried to settle the case on the lines that the two men of Chessorr went out for war and got what they were looking for. They concluded that the *mithun* was rightly paid as the price of protection and the matter should end there. Chessorr however, absolutely refused this solution and referred to the Deputy Commissioner

¹³² *Ibid.*, dated, 21 November 1923, camp: Shothumi.

saying that they had a *casus belli*¹³³ and wished for war and intended war. The Deputy Commissioner granted their plea. In Deputy Commissioner own words;

I said that they had better have what they wanted but that the war was to be limited to Chesorr on the one side (about 500 houses) and the four Ghovishe brothers (about 400 houses, I fancy) on the other, and that Khutsukilong and other inoffensive villages were to be left alone unless they joined in of their own accord. Kyutsulang is to flag the boundaries of its fields while march with Chesorr this year. Both sides agreed to this, and I said there must be 10 days truce before the *Katakati*¹³⁴ started but that it was open from the December 2nd. I doubt if anything more will come of it than a state of war and perhaps a few odd heads.¹³⁵

The justification of letting these villages have an open headhunting was the ‘only proper way of ending head hunting’, the Deputy Commissioner said. And if head hunting was to come to an end, the only way was to gradually limit the scope of head hunting until it gets rarer and rarer and dies a natural death. This order of granting open headhunting between the villages did not go down well with Zukishe. There was more for Zukishe to lose in the Deputy Commissioner’s standing order because he had already paid a very heavy fine the previous year. Zukishe’s burden was acknowledged by the Deputy Commissioner too because Zukishe has earlier complained that the Deputy Commissioner had ‘taken all the meat off his bones.’¹³⁶ Both the cases of Khuvetha and Waringa, and Zukishe of Phesami and the village of Chessorr were beyond Tizu, beyond political control.

Occasional references to the scenic beauty of his surroundings were drawn every now and then and even as Hutton climbed the steep hills of Satahu, in his laboured breath he spoke of ‘a magnificent view of Saramati and the Naga Hills east of the high range and south towards Melomi and far beyond.’ As he camped at Satahu he fixed a boundary between Satahu and Takiya and he draws the boundary thus:

There is a saddle joining Satuho to the Lukuku mountain, and a deep ravine between Satuho and the slopes of Lukuku on which Takiya is. In this ravine is a stream called Totoki by Satuho and Shizaru by Takiya. The boundary is along this stream and up that branch of its source (probably a more or less dry channel) which runs nearest to the saddle and up to the shoulder of Lukuku immediately above the saddle. I have also ordered that no jungle is to be above the top of the shoulder, either on Lukuku itself or along the ridge.¹³⁷

¹³³ ‘Act of war’ an event or action that justifies or allegedly justifies a war or conflict.

¹³⁴ Assamese word for killing each other, literally meaning; cut into pieces

¹³⁵ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, for the month of November 1923, dated, 21 November 1923, camp: Shothumi, NSA.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*, dated, 23 November 1917, camp: Satahu.

Laying boundaries more often than not ended in taking the natural contours as the demarcation. Hutton thought that the boundary between Mokokchung and Kohima trans-frontier area should be the Lumiche-Tepe stream running south of Yaruthu and Sirireto to Zungki, and the Lutha-woki running in the opposite direction to the Tita. In this demarcation plan, little was left to Kohima, but Kohima was far off, and Hutton thought Mokokchung was much closer and in touch with trans-frontier people. He assumed that it was not only the distance but also the Mokokchung tradition was a healthier one in trans-frontier matters, for these people come directly to the Sub-divisional Officer in Mokokchung. Whereas in Kohima, people usually approached some officials before they could go at the Deputy Commissioner. However, Kukishe of Kukishe village stated that they would sooner go to Kohima, so the boundary can come down somewhere opposite Sakhalu.¹³⁸ The preference of Kohima to Mokokchung for addressing the grievances of Kukishe shows that proximity did not really solve the problem. Why did the chief made such a preference? Was it anything to do with religious influences and practices? Chapter 5 may contain some answers to this query.

If the affairs of the day were full and taxing, the night was not quite peaceful. The diary talked about the night that was made hideous by hordes of litigants, and by quarrelsome trans-frontier communities declaring war or wanting to go for one. The villages involved were the Murre and Yangpire (Yatsumi) who had a land dispute and according to the diary entry, 'wish to fight, or pretend they do.' Hutton made it known that they may fight as much as they wished until it was time for him to intervene into the matter and before that he made it known to the neighbouring villages not to join in the fight that Murre and Yangpire villages were declaring against each other. All the while, the Deputy Commissioner gave his word and applied a tactic that was completely different to his spoken word. He declared, 'I applied the Sema principles to a land dispute'. In this he was referring to a land dispute that happened between Lhoshyepu and Kosanasami, where he allowed the parent village Kukishe to join the latter and another off-shot of Lhoshyepu's to join Lhoshyepu to make two sides even. The decision of the Deputy Commissioner was based on the reasoning that he 'cannot conceivably prevent it.' Even as this kind of erratic judgment was passed, the Deputy Commissioner was confident that the fight would not be a serious one. But if it does,

¹³⁸ *Ibid.*, dated, 24 Nov 1923, camp: Yazashimi.

he was ready to stop it because it would be too near the British boundary and that would be trouble for the government. 'Meanwhile, however, I do not propose to settle their land dispute for them', the Deputy Commissioner concluded.'¹³⁹

The tirade on Sema men never seemed to have worn-out Hutton. The anecdote used below is to show the interest of the colonial officials in the lives of the chiefs because of the authority they possessed. The submission of these chiefs was what the government was looking for but to no avail. Low grading the status and using uncouth languages against the local chiefs was a guise to protect colonial pride, and sometimes their personal interests that involved topics outside official discourse. In his 1923 tour diary he wrote, that he 'managed to get Zukishe, Hovokhu and Zhetoi - all notorious lycanthropists' to talk about how they 'peregrinate' into tigers to which they all agreed that it always took place during sleep. It was learned that some were better than others and Hutton, later on mused, 'I gather Zhetoi has achieved notoriety that way.'¹⁴⁰ After having a meeting with these 'notorious' chiefs, a couple of days later the Deputy Commissioner was informed that Satoi, another Sema Chief, had cross the frontier for the third time after he had passed an order restraining the former from crossing the frontier without leave. The Deputy Commissioner was furious because Satoi had been warned once in ten days and again in five days, for which, the penalty for Satoi had now become inevitable. Out of frustration the Deputy Commissioner retorted, 'The man is a curse wherever he does.'¹⁴¹ A day after the Satoi incident, another Sema Chief, Hotoi, came in to report that Zhuikhu, the chief of a 'two anna Sema village' up the Tizu, had refused to supply the 'Signallers' keeping up communication with the coolies or of the demand for rice. To this information the Deputy Commissioner affirmed 'I know Zhuikhu well. He is a bully and a coward and a first class swine.' He even went back to the days adding that 'I have always had trouble with him since I first went to Mokokchung, and he has always saved his bacon by climbing down and grovelling at the last minute.' The frustration of the Deputy Commissioner was unstoppable as he went on, 'he (Zhikhu) was given a red cloth only last year, his last impertinence was too much for me.' This reveals that the red cloth for Zhuikhu was long standing. The Deputy Commissioner was tired of Zhiukhu that he told Pawsey, Sub-divisional Officer to send him an order, but Zhuikhu did not turn up so Pawsey had to go and fetched him, to meet the Deputy Commissioner at

¹³⁹ *Ibid.*, dated, 26 November 1923, camp: Yazashimi.

¹⁴⁰ *Ibid.*, dated, 21 November 1923, camp, Kyutsukilong.

¹⁴¹ *Ibid.*, dated, 24 November 1923, camp: Kyutsukilong.

Baimho. Were Zhuikhu to disobey to camp below Sagami on the bank, Pawsey was to take 15 rifles and go up and fetch him, or, if he could not let Zhuikhu to give in, to burn his house. The Deputy Commissioner exclaimed, 'I am sick of Zhuikhu, and the fact that the chance of dealing with him without wasting an anna on him was too good to lose.'¹⁴²

The insolent attitude of the Sema chiefs, who took least notice of who was imposing restrictions on their movements and activities, was what infuriated Hutton, but this same attitude of defiance brought both the community and the government to amenable negotiations. Defiance to British authority was what the Nagas generally did at all occasions until they were overpowered and made to surrender at the hands of the colonial power. Killing the inhabitants who rebelled, burning the village and granaries as punishment, taking away cattle and destroying valuables, did not automatically brought the dissenting village to book. In all these occasions, there were somebody to negotiate the terms and conditions, and these were the chiefs, headmen, and *Dobashis*, who were the ones the colonial administration leaned on and negotiated with for carrying out the colonial orders. And in the process of negotiation, a certain amenability was reached between the government and the dissenting people. Colonial power was not a one-way production and Mrinalini Sinha has clearly pointed out that 'Power in colonial India was constructed out of the contestation and collaboration of certain sections of the Indian elite with the British.'¹⁴³ If 'elite' is to be understood as 'educated Indian', would Nagas be pushed aside from the pen-wielding 'educated Indians' from the category of 'elite' as he instead wielded a *dao* and a spear? The group of Nagas who negotiated with the British were persons of power and influence in their own right, they were men; leaders of their village, their *khel*, their clan, which ultimately classified them as power wielding group. What kind of change was affected in terms of the position of Naga women when all the negotiations were taking place between the Nagas and the British, with all male initiatives and participation? With the patriarchal notion of the British to protect women and the patriarchal practices of the Nagas, in whose interest did the interest of the Naga women changed towards or reinterpreted? The next chapter will examine these questions.

¹⁴² *Ibid.*, 26 November 1923, camp: Baimho.

¹⁴³ Mrinalini Sinha, *Colonial Masculinity: The 'Manly Englishman' and the 'Effeminate Bengali' in the late Nineteenth Century*, Manchester University Press, UK, 1995, p. 22.

Chapter 4

Upholding Customary Rights of Women

Warren Hastings, when he was the Governor of Bengal, had passed an order in 1772 for Hindu Law (*Shastras*) to be integrated into the colonial courts of eighteenth century India. The Governor-General of Bengal's office order carried that the judges were to consult the *shastris*, which was 'compulsory', when judgments were passed. This consultation of the *shastris* was in regard to specific lists that included issues of marriage, inheritance, caste and other religious practices. Issues that were common to the various religious groups, which were not included in the specific lists, were left to the wisdom of the judge without the need to necessarily consult the pundits. By the early nineteenth century, when the empire started to expand, 'sacred or semi-sacred texts' could not cater to the needs of different communities and therefore custom and usage was given precedence over the written Mohammedan or Hindu law. With much effort the Indian Penal Code of 1860 was produced, followed by Criminal Procedure Code, enacted in 1861, under the First Law Commission and Second Law Commission respectively. However, the Law Committee found that certain Hindu and Muslim personal laws that concerned women could not be reformed except by their respective communities.¹ Consequently, despite having in mind the codification of Hindu and Muslim law, owing to the reluctance of the Law Commission, the Indian Succession Act of 1865 could not be applied to Hindus and Muslims and was left to their own like before.²

In all these interpretations and usages of sacred texts, 'scriptural standing of women was easily drawn from the most conservative sections of Indian society' by male pundits. This way the duties and morals of women were made the core concern exposed 'persistent upper caste male fears about female sexuality'³ sheltered behind

¹ Janaki Nair, *Women and Law in colonial India: A Social History*, Kali for Women, New Delhi, 1996, pp. 28-30.

² Whitley Stokes, *The Indian Succession Act, 1865, (Act X of 1865), with a commentary, and the Parsee Succession Act, 1865*. He was Barrister-at-law, Calcutta in 1865. 'It comprises the law of succession and inheritance generally applicable to all classes domiciled in British India, other than the Hindus, Muhammadans and Buddhists, each of which portions of the population has laws of its own on the subject.'

https://books.google.co.in/books?id=D0oOAAAAQAAJ&pg=PR1&source=gbs_selected_pages&cad=2#v=onepage&q&f=false

³ Nair, *Women and Law*, p. 31-32.

the shadow of sacred texts. Extreme practices such as widow burning then became the basis of an important debate about whether it was sanctioned by the sacred texts. The debate has it that 'widows were coerced, and sati was performed for the material gain of surviving relatives and the 'hungry brahmins' who would gain for officiating the occasion.'⁴ The appeal to scriptures was made by both opponents and proponents of widow immolation, leading Lata Mani to say 'What was at stake was not women but tradition.'⁵ Duties and moral concerns, about what women can and cannot do in a society, became a concern of even those societies which were not patrilineal. The discontentment, especially of men in matrilineal Nair society in Kerala was publicly proclaimed by the late nineteenth century. Nair men wanted *sambandham*⁶ to be recognized as marriage, and self-earned property to be shared with their children. In other words, they wanted a monogamous marriage where they could share 'property rights in the nuclear family' which meant that they wanted an end to the matrilineal *taravad* centred on women, their children and women's brothers. The whole ideological attack on the matrilineal system arose from the colonial critique of all non-patrilineal marriage forms as 'barbaric' or a remnant of earlier times. Nair men found an ally in the colonial state through education and employment. This association of the Nair men and the colonial state influenced the former into a particular way of understanding a 'set of ideas and moralities' based on the Victorian morality when it came to the question of *marumakkatayam* (matriliny). The 'common sense of the colonial administrators' as Parveen Kodoth termed it, shaped these educated and colonial state employees to identify 'particular conceptions of marriage and the family that were seen as conforming to what was "natural"' in the *marumakkatayam* system.⁷ This relentless campaign to abolish the matrilineal system fructified when in 1933 the colonial state abolished the *taravad*. The end of *taravad* meant the end of the structure of kinship and inheritance practiced among the Nair community thus validating patrilineal nuclear families as the legitimate form of kinship and descent, and in the language of the state and the Nair men fighting for the transformation 'from a state of primitive barbarism to one of modernity and

⁴ Lata Mani, 'Contentious Traditions: The Debate on Sati in Colonial India,' *Cultural Critique*, No. 7, The Nature and Context of Minority Discourse II (Autumn, 1987), pp. 119-156, p. 125.

⁵ *Ibid.*, p. 153.

⁶ *Sambandham* is an alliance between a man and a woman to cohabit as husband and wife.

⁷ Praveena Kodoth, 'Courting Legitimacy or Delegitimizing Custom? Sexuality, Sambandham, and Marriage, Reform in Late Nineteenth-Century Malabar', *Modern Asian Studies*, Vol. 35, No. 2 (May, 2001), pp. 349-384, accessed: 14/06/2014 01:26, pp. 354-55.

progress.’⁸ In Punjab, women enjoyed a certain inheritance right, but with the codification of customary law all inheritance privileges were taken away. Since agnatic theory did not recognize women’s right to inheritance, ‘daughters could not succeed, nor could a daughter's or a sister's son.’ In this system, a widow who had a male child held no inheritance right, but a widow who had no child could as long as she lived. The childless widow’s right went back to her husband’s family after her death. The man who had no son was allowed to adopt a son from his descendants to retain community control. All these practices were recorded and codified into customary law ‘reaffirmed through the dialogue with informants who were all male.’ With the codification of customary law, lower caste, outsiders and women, lost all rights to land. ‘This was a male, patriarchal voice, the voice of the dominant proprietary body speaking against the rights of non-proprietors, females, and lower castes.’⁹ In the North East of India, the Khasis practiced matrilineality. In the Khasi matrilineality, descent and property are transmitted through the mother, and daughter is the heir of the property. Sons have usufructory right as long as they are in their mother’s house. However the discourse that was produced in other parts of India could be attained in North East of India because of various colonial political policies, which unfortunately remains more or less the same to this day. To this effect, Tiplut Nongbri, had rightly put, ‘The marginalisation of the North East in the Indian academia not only leads legitimacy to a comment made by a Tehelka journalist to say that for most Indians, “North East is on the map but off the mind.”’ Nongbri was critical of the fact that this kind of comments gives a misleading idea about Indian kinship, in particular, and Indian society in general. She was writing in connection with the Khasi men’s movement in the 1990s that wanted to ‘overthrow the matrilineal system and dispossess women married to outsiders of the ethnic identity and rights over property.’ Nongbri stressed that Delhi based Newspapers carried sensational and exotic headlines ‘hastily’ put together about the war of sexes going on

⁸ G. Arunima, ‘Matrilineality and its Discontents’, *India International Centre Quarterly*, Vol. 22, No. 2/3 (Summer - monsoon 1995), pp.157-167, accessed, 16/06/2014 02:15, pp. 157-58.

⁹ Neeladhri Bhattacharya, ‘Remaking Custom: The Discourses and Practice of Colonial Codification,’ in R. Champalakshmi, S. Gopal, eds., *Traditions, Dissent and Ideology: Essays in Honour of Romila Thapar*, Oxford University Press, New Delhi, 1996, pp. 20 – 51, pp. 46-47.

in Meghalaya without studying the accurate and holistic understating of Khasi tradition.¹⁰ However, to dwell in this topic is beyond this work.

Coming back to nineteenth century North East of India, other patterns emerged from the colonial encounter. In his report of 1855, Captain Robert Boileau Pemberton pointed out on how in Manipur, under King Gureeb Nuwaz, ‘almost all professed Hindoo faith.’ He added that every family of respectability had become its follower because it was ‘the only avenue to profit or distinction’ although Hinduism was introduced in Manipur only in the eighteenth century.¹¹ Moreover, he emphatically talked about how the British presence was ‘kindling the intellectual flame’ to qualify them for higher destinies in the moral and intellectual world. He was elucidating his point positioning the British between Hinduism and Buddhism in Assam, Manipur, Kachar and the Arracan.¹² But, of the Nagas, he wrote:

all these tribes have attained that degree of civilization, which has induced them to become permanent cultivators of the soil; they congregate in regularly established villages, and though individually fierce and impatient of control [sic], are all living under a patriarchal system of government, which, however imperfect, is found sufficient to preserve the social compact.¹³

According to the British, the Nagas were people who practised animism and there were no doubt specific practices for men and women, generally as well as community specific, which regulated the social systems and hierarchies. For example, performing rituals in the forefather’s religion was gender specific, depending on the preferences of each tribe. The element that separated the belief system of the Nagas and caste Hinduism were notions of purity and pollution, caste based division of labour, eating habits and so forth as pointed out by Pemberton, who was one of the earliest colonial officials to encounter the Nagas. Religious practices, especially in India, have been caste based and social practices cannot be worked out outside these caste-based practices. The same was however not true for the Nagas. Colonial officials often noted the ease with which they could recruit a Naga coolie (as shown in Chapter 2) in comparison to the Hinduised coolies from Manipur owing to their religious prejudices

¹⁰ Tiplut Nongbri, ‘Deconstructing Masculinity, Matriliny, Fatherhood and Social Change’, in *Development, Masculinity and Christianity: Essays and verses from India’s North East*, Indian Institute of Advanced Study, Rastrapati Niwas, Shimla, 2014, pp. 37-39.

¹¹ Captain R. Boileau Pemberton, *Report on The Eastern Frontier of British India*, with an Appendix and Maps, Printed at The Baptist Mission Press, Calcutta, 1855, para. 19, p. 30

¹² *Ibid.*, para. 87, pp. 260-61.

¹³ *Ibid.*, para. 30, p. 15.

in the matter of bathing before food, cooking etc. On the other hand, the Nagas besides being excellent coolies according to the British were also amenable to eating almost anything as they had no caste prejudice.’¹⁴ What was deduced by colonial officials, anthropologists and researchers regarding Naga practices was that since there was no caste based religious sanctions, there was no social disparity and hence no gender inequality in Naga society. Colonel R. G. Woodthorpe emphatically wrote, ‘In fact, women's rights are fully recognized’. He noticed women engaging in domestic activities that included weaving, pounding rice, and the ‘good woman’ of the house pouring each person's portion of the meal...’¹⁵ while at the same time also preparing the soil for agriculture, carrying wood etc.¹⁶ While mentioning that ‘women's rights are fully recognized,’¹⁷ he also was aware that widows and daughters did not have any claims to inheritance from their husbands or fathers. Similarly, *The Times of India* report of 1880 stated, ‘They are essentially free people. Each man and woman does as seems to him or her right in his or her own eyes. The women enjoy great liberty of action. A girl chooses her own husband and is never forced by her parents to marry against her will.’¹⁸ The paper carried a column about contested arguments on the status of Naga women, even as late as 1921 with J. H. Hutton refuting the criticism of A. W. Davis’s statement that Naga women generally tend to become ‘mere household drudges.’ Hutton was of the opinion that, in the Naga Hills ‘women are a very strong folk.’ He of course admitted to the ‘low legal status’ of Naga women. The column published in detail, Hutton’s explanation:

The husband expects absolute fidelity from his wife, but at any rate in the case of the ordinary villager he renders a fair measure of it himself in return and in all domestic matters husband and wife are equal partners, consulted by and consulting one another in

¹⁴ ‘Military Report on Presidency and Assam District’, vol. III, Southern Frontier Tracts, General Staff, India, 1920, Catalogue No. ‘I’ 71, Case No. 28998/M.O. 3/Books, Government of India Press, Simla, 1930, pp. 240-41, Pitts Rivers Museum, Oxford, UK, (hereafter PRM), p. 133.

¹⁵ R. G. Woodthorpe, ‘Notes on the Wild Tribes Inhabiting the So-Called Naga Hills, on Our North-East Frontier of India’, Part I, *The Journal of the Anthropological Institute of Great Britain and Ireland*, Vol. 11(1882), pp. 56-73, pp. 64-65.

¹⁶ R. G. Woodthorpe, ‘Notes on the Wild Tribes Inhabiting the So-Called Naga Hills, on Our North-East Frontier of India’, Part I, in Verrier Elwin, *The Nagas in the Nineteenth Century*, Oxford Press, Bombay, 1969, p. 52.

¹⁷ Elwin, *Nagas*, 1969, pp. 53-54.

¹⁸ ‘The Angami Nagas’, *The Times of India* (1861-current); Aug 30, 1880, ProQuest Historical Newspapers, *The Times of India* (1838-2001), pg. 2, accessed, February, Jawaharlal Nehru University (hereafter JNU), 2011.

most important matters. When a guest is to be entertained the wife acts as hostess. In family quarrels he is usually much to the fore.¹⁹

The renowned anthropologist Christoph von Furer-Haimendorf wrote in 1930s, 'Many women in more civilized parts of India may well envy the women of the Naga Hills, their high status and their free and happy life; and if you measure the cultural level of a people by the social position and personal freedom of its women, you will think twice before looking down on the Nagas as 'savages'.'²⁰ If we look at the writings on women by the colonial officials and anthropologists of the nineteenth and early twentieth centuries, we realize that their evaluation of the status of Naga women was not necessarily on the basis of the equality of rights they shared with their menfolk but only in terms of the freedoms they enjoyed independent of them. It is problematic to make sense of how women were equal partners when she was not included in decision-making where she depended on her fathers, brothers and husbands for her life and everyday activities. Economic participation in agricultural activity, domestication of animals, household industry such as brewing, weaving and pottery, or for that matter participating in festivities, does not translate to equality or rights of women.

The postcolonial period continued to replicate the colonial assumptions of an equal Naga society with bureaucrats like B. P. Singh, writing; '...they have shown a tremendous love for freedom... men and women are accorded equal rights, but the latter are discouraged from participating in politics, fighting and hunting.'²¹ The Nagas are a patriarchal society, but the perception that they are an egalitarian society was propounded by colonial officials who found the tribal practices starkly different from the caste Hindu or Islamic practices. In the processes of colonization, the fact that Naga society was embedded in patriarchy, where gender disparity was the norm, was sidelined by colonial writers and the focus was diverted to how women participated in agricultural work with men and shouldered domestic responsibilities as the 'good woman of the house.'

¹⁹ 'The Naga Tribes', *The Times of India* (1861-current); Dec 28, 1921, ProQuest Historical Newspapers: The Times of India (1838-2001), pg. 11, accessed, February, JNU, 2011. Both A. W. Davis and J. H. Hutton served as Deputy Commissioner of the Naga Hills in different times.

²⁰ Quoted from U. A. Shimray's, Equality as Tradition: Women's Role in Naga Society', *Economic and Political Weekly*, Vol. 37, No. 5, Money, Banking and Finance (Feb. 2-8, 2002), pp. 375-377, p. 376.

²¹ B. P. Singh, North-East India: Demography, Culture and Identity Crisis-, *Modern Asian Studies*, Vol. 21, No. 2 (1987), pp. 257-282, p. 258.

On the other hand, the missionaries who called for a ‘total cultural transformation’²² of the Nagas approached the situation based on the assumption that Naga women suffered no deprivation and ‘most of the missionaries agreed that there was no degradation of women amongst the Nagas.’²³ Consequently, there was an attempt by the missionaries to curb Naga women’s active participation in the economic activity and production as it was seen as ‘unwomanly’ therefore requiring ‘domestication’. When observed closely, the missionary mind worked to convert the Naga woman into an ‘ideal wife and mother’ through a Christian marriage, and likewise educated Naga women to ‘make them suitable for the new Christian men and the creation of a new Christian home.’ All this started at an early age when girls were sent to school where they were taught the ‘appropriate’ behaviour for women.²⁴ These tactics of honing women’s skills to become the submissive good wife and mother, perfected the patriarchal practices and pursuits that was embedded in Naga practices and reinforced by colonialism, over generations. And ironically, education had not achieved much in changing the late nineteenth and early twentieth century perceptions of the place of women being attached to men behind the veil while enjoying imaginary equality and sharing the same rights as men, as propounded by the colonial writers and missionaries. This is why some researchers even in present times believed that, ‘The rigid hierarchical structure as in Hindu society, based on caste, [is] non-existent in Naga society. The Naga society is casteless and classless. It has a marked sense of equality based on community participation irrespective of gender.’²⁵ It is true that village life was a closely knit affair where no one was a stranger, but this in itself did not guarantee equality which in other words means the shared rights - of property and inclusion in decision making. An elderly Naga ‘patriarch’ captures the village life perfectly and unconsciously draws how stringent patriarchy rules the Naga life to this day even as he goes on explain why he preferred customary adjudication to government courts:

²² A cultural transformation that called for abandoning the ‘heathen’ rituals, giving up rice beer, and eventually the European style of clothing, because Nagas wore clothes and ornaments symbolic of their socio-religious observations and participations which the missionaries which was what the missionaries were working to transform. See Richard M. Eaton, ‘Conversion to Christianity among the Nagas, 1876-1971, *The Indian Economic and Social History Review*, vol. 21, Number 1, January-March, 1984, pp. 1-44.

²³ Ketholenuo Mepfhu-o, ‘Body, Mind and Soul: Missionary Intervention in the Naga Hills’, MPhil Dissertation, Delhi, JNU, 2011, p. 13.

²⁴ *Ibid.*, pp. 39-41.

²⁵ Shimray, ‘Equality as Tradition’, p. 376.

First of all we have a family, and then we have clan, village and tribe on a broader structure and therefore disputes must be settled within this hierarchy. To replace the age old customary practice of justice and seek outside settlement is wrong. Issues must be settled within one's own people because they have lived together, toiled the soil together, breath the same air from the same fields, seen the birth and death of its people and therefore how can an outsider know who is right and who is wrong in this kind of close knitted family? There is an old saying; every old man must know how to settle a case and teach their people to follow. Fighting cases in government courts is about squandering money, waste of time and energy, and above all a loss of identity, because it is an act of washing dirt in public.²⁶

Evaluating through the prism of conquest and being a part of a total transformation such as that of the Nair community in the south, the retention and the reinforcement of patriarchy in the Naga Hills reveals why colonial writers, administrators, scholars and laymen alike perceived that Nagas were and are an egalitarian society as nothing much changed. No doubt, women are recognized as a formidable force in the economy of the region, but the patriarchal hold on customary law continues to prevail despite the effects of modern education.

What sustained and reinforced patriarchy in the Naga Hills was the meeting of the Naga men who enjoyed exclusive privileges and the British Victorian value driven men that compounded into an all male sociability. British officials in the Naga Hills identified with Naga men and occasionally talked about the prowess of Naga men because both dwelt in the truth of male dominated, patriarchal system. All male Naga practices and institutions like *morung*, headhunting, and feast of merit, which were all attached to social aspirations mirrored forms of male sociability that the colonial officials identified with. Whereas, women's labour and support which lay unperturbed was what contributed to and realized men's social aspirations, the outward appeal remained that men's prowess was what protected their women and children.

This chapter wishes to understand the life of women, in the colonial Naga Hills. Did the encounter with colonial legal systems bring about any change in Naga

²⁶ Interview with Vimeddo Rutsa, Male 81, Partiarich Kohima Village, dated, 3 June 2007. The reason for addressing the interviewee as 'patriarch' is based on the titled given to him by the Teneyimya Central Union consisting of members from Nagaland, Manipur and Assam States. The certificate reads: This certificate is awarded to Mr. Vimeddo Rutsa. A most learned elder, excelling in wisdom, administration of justice and Naga customary law and procedure especially for his role in Tenemiya Central Union Jury Board which had solved the issue of nomenclature of KIDIMA on 6th September 2005, thereby restoring peace and understanding in that village after 21 years of internal strife. In recognition of his service, he is being conferred the title Patriarch of Tenemiya. The *Tenyimia* are a group of seven tribes, namely, Angami, Chakhesang (earlier called 'Eastern Angami'), Rengma, Zeliang, Pochuri, Poumai, and Mao, the last two of which are in present Manipur state.

communities in general, especially for the status of women? What kind of awareness concerning rights could have developed among the Naga women? Were women who approached the state court for justice hoping to supersede customary patriarchies and if so with what success? Did the colonial court uphold/reinvent customary law and Naga patriarchal authority? In turn, did it buttress, undermine, or replace customary law with court made interpretations of customary law? These are some questions dealt with in this chapter.

The Gendering of Space

The British customarily exaggerated their ‘manliness’ vis-à-vis the ‘effeminate’ Bengali, the ‘fatherless’ Malayali male, etc. as a crucial ideological ploy. An interest in exploration, feats that displayed bravery, a clear separation and distinction between males and females, the associational cultures of men, were traits the colonial officials identified as appropriately masculine. Nagas were considered as enjoying a patriarchal culture, which shared some masculine attributes with the British, and were therefore greatly admired.²⁷

Just as the British encountered the Nagas in 1832, the American missionaries followed and by 1840 they were residing among the Sibsagar Nagas and were able to open a mission school where ‘many of the chiefs sent their sons for instruction.’²⁸ The specific selection of sending sons to schools can be understood in the context of communities having men’s dormitory, which was an exclusively male space. The ‘young men’s hall’ appeared in the *Journal of the Indian Archipelago* in 1848, which pointed out that ‘all the boys of the age of nine or ten years upwards reside apart.’²⁹ And in 1854, Captain Holroyd reported that *morungs* were ‘large buildings generally situated at the principal entrances to the village,³⁰ and varying in number accordingly to the size of the village where the skulls carried off in battle are kept and which also served as the ‘hall of justice.’³¹ This young men’s hall called *morung*, is an Assamese

²⁷ Andrew West, ‘Writing the Naga: A British Officers’ Ethnographic Tradition, History and Anthropology’, 1994, Vol, 8, Nos. 1-4, pp. 55-88, Harwood Academic Publishers GmbH, Malaysia, 1994, p. 82.

²⁸ Gertrude M. Godden, ‘Naga and Other Frontier Tribes of North-East India’, *The Journal of the Anthropological Institute of Great Britain and Ireland*, Vol. 26(1897), pp, 161-201, accessed: 16/07/2014 04:57, p. 164,

²⁹ Godden, ‘Naga and Other Frontier’, p. 178.

³⁰ The *Morung* usually stands at the end of, and facing down, the village street. See Mills, *Lotha*, p. 24.

³¹ Godden, ‘Naga and Other Frontier Tribes’, p. 180.

terms used generally to refer to the men's dormitory.³² Each tribe has their own name to it: *arichu* (Ao), Angami (*kichuki*), *chompo* (Lotha), *kamnoi* (Khamniungan), *ban* (Konyak), *rensi* (Rengma), *truv* (Sangtam), *apuki* (Sema) and so on, and a sleeping place for girls in some houses of the village but not as magnanimous as that of men's dormitory.

The gendering of space practised by the Naga communities can be seen in at least three ways; *morung*, headhunting, feast of merit. Village authority and leadership rested exclusively in the hands of men, so also was space gendered in the village, firstly, in the form of *morung*. The gendering of space in the Naga practice, read with Pierre Bourdieu's study on the Kabyle society may have some of the answers to the reasons why Naga men maintained spatial distance while engaging on an important activity such as hunting/headhunting. In the Kabyle society 'the relation of the internal space of the house to the external space, explained the (dangerous) affinity between objectivism and all that is already objectified.' Bourdieu placed this explanation to the structure of the house that remained 'obscure' to Kabyle themselves. He explained the structure of the house thus:

The interior of the Kabyle house, rectangular in shape, is divided into two parts by a low wall: the larger of these two parts, slightly higher than the other, is reserved for human use; the other side, occupied by the animals, has a loft above it. A door with two wings gives access to both rooms. In the upper part is the hearth and, facing the door, the weaving loom. The lower, dark, nocturnal part of the house, the place of damp, green, or raw objects - water jars set on the benches on either side of the entrance to the stable or against the "wall of darkness", wood, green fodder - the place too of natural beings - oxen and cows, donkeys and mules - and natural activities - sleep, sex, birth - and also of death, is opposed to the high, light-filled, noble place of humans and in particular of the guest, fire and fire-made objects, the lamp, kitchen utensils, the rifle - the attribute of the manly point of honour (*nif*) which protects female honour (*hurma*) - the loom, the symbol of all protection, the place also of the two specifically cultural activities performed within the house, cooking and weaving... the opposite wall is called the wall of darkness, or the wall of the invalid: a sick person's bed is placed next to it. The washing of the dead takes place at the entrance to the stable. The low dark part is opposed to the upper part as the female to the male: it is the most intimate place within the world of intimacy (sexuality, fertility). The opposition between the male and the female also reappears in the opposition between the "master beam and the main pillar, a fork open skywards."³³

A similar gendered space based on the inner and the outer, the outside world and the domestic, male and female, the dominant and submissive can be seen in the use of the

³² Christoph von Fürer-Haimendorf, 'The Morung System of the Konyak Nagas, Assam', *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, Vol. 68, (Jul. - Dec., 1938), pp. 349-378, <http://www.jstor.org/stable/2844133>, accessed: 20-10-2015 15:13, p. 350.

³³ Pierre Bourdieu, *Outline of a Theory of Practice*, Cambridge University Press, Great Britain, 1972, (First Published in English translation, 1977), Reprint 1995, p. 90.

morung. *Morung* was a space where no woman was ordinarily allowed to be around, let alone enter. Once in a while, in an occasion like a victory feast where enemy head was procured, women were admitted to join and the night was spent eating and singing in the open porch throughout the night. Most importantly *morung* was a space where boys enter at the age of five or six and sleep there until he married and set up his own house. J. P. Mills, wrote in 1920s, ‘Ao’s *morung* is a microcosm of the village and its own council, reminding one strongly again of a public school with its prefects’,³⁴ so was the Lothas *morung* where raids were planned and discussed, and to it all heads taken were first brought, and where ‘no woman must set her foot.’³⁵ Likewise, he wrote of the Rengma *rensi (morung)* in 1930s, about how the *morung* fulfilled a variety of functions; from disciplining a ‘bumptious’ youngster to giving a fair trial to the criminal to being a space for old men to lay back and talk about their days gone by, and of course, in true colonial tradition, reflecting all these activities in a comparative male sociability with the English men’s club. And observed how it was ‘far more strictly preserved from feminine intrusion than any club in England – for were not waitresses admitted into many famous ‘houses’ during the war?, he wrote.³⁶ Haimendorf while observing the *morung* system of the Konyaks in the 1930s writes that as soon as children could run about by themselves, ‘the girls avoided the *morung*, while the boys soon grow into the habit of using the *morung* to play in during daytime.’³⁷

Compared to the Aos, Lothas, Konyaks, Changs, and others, the Angami and the Sema did not have a *morung* to speak of. Hutton wrote ‘the *morung (kichuki)*, which is such an important feature of most Naga tribes, is insignificant in the Angami village.’³⁸ On the other hand the chief’s house, among the Semas, was used as a centre for *gennas*, as well as a bachelor’s sleeping place,³⁹ which also depicts how village authority revolved around the chief among the Semas. So if men could sleep at the chief’s house, which means, with the normal household and not in gender specific

³⁴ J. P. Mills, *The Ao Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1926, Reprint, 2003, pp. 180-81.

³⁵ J. P. Mills, *The Lotha Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1922, Reprint, 1980, p. 24.

³⁶ J. P. Mills, *The Rengma Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1937, Reprint, 1982, p. 51.

³⁷ Haimendorf, ‘Morung System’, p. 358.

³⁸ J. H. Hutton, *The Angami Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1921, Reprint, 2003, p. 49.

³⁹ J. H. Hutton, *The Sema Nagas*, Oxford University Press, Bombay, 1968, p. 37.

space – *morung*, why was it necessary that in order to attain manhood the boys had to move away from home and family among certain communities? Does sleeping in the *morung* than in the chief's house make a man manlier? Or was sleeping in the chief's house about the Sema patriarch, who in the form of hereditary chieftainships system enjoyed unconditional authority, an indication that he had arrived at being recognized a 'man' and hence his house the sanctuary of other men too? Because when the Lothas had finalized for a raid, those who have decided to take part abstain from sleeping with their wives and gather at the *Ekyung's* (chief) house in the morning and not in the *morung*. The case of the Lotha clarifies why the Sema chief's house was used for all *gennas*, and used as men's dormitory apart from all other important activities. The chief was looked up as a symbol of manly force that gave potency to other males. The fact that after the enemy head was won, the headhunting party was to sleep in the *akishebokhoh* (verandah) as they had to observe 'chastity' where they may not even sleep in the inner room where their wives slept⁴⁰ or return to the *morung* where old men brought them food and ricebeer and listened their exploits.⁴¹ Among the Aos, to plan for a raid, the Aos first of all perform a *Metshitsu* (Chongi), *Metchar* (Mongsen) ceremony in the house of the *tir* (leader). Enemy heads brought back to the village were laid on the head of the log drum and men beats the drum vigorously thus making the heads dance caused by the vibration of the drum. This dancing heads were 'supposed to be a particularly pleasing spectacle to the women who looked from afar.' After the drumming ceremony was over, the trophies were taken to the *tir's* house and divided among those who went for the hunt.⁴² There is this striking similarity of men meeting in the chief/leader's place of residence than in the *morung* which also implies that headhunting was restrictively elite. From these examples of the Sema, Lotha and the Ao communities, we can see that both the *morung* and the chief's house functioned as the meeting place for crucial decisions. It also specify that when critical decision was to take place it did not matter if womenfolk were in the vicinity as long as they were 'inside' the house and not 'come out from the inner room', as opposed to men sleeping in the *akishebokhoh* of the chief's house or for that matter in the *tir's* house on the eve of headhunting.

⁴⁰ Hutton, *Sema*, pp. 175-76.

⁴¹ Mills, *Lotha*, It was customary for all men 'who taken a head or jabbed his spear into one' to pour a little ricebeer on the ground and throw a little rice before they eat as an offering to the spirits of the enemies who were slain, p. 106.

⁴² Mills, *Ao*, pp. 203-04.

While talking about the *morung*, one must not be mistaken with the idea that only men enjoyed the life of a *morung*. Girls too had their own sleeping houses arranged in specific houses in a village. Memi village was an exception among the Angamis that had a *morung*. Here, the arrangement made in such a way that both the young girls and young men used the *morung* where the ‘young men slept on the upper shelf and the girls below them’. ‘The publicity’, Hutton wrote, ‘probably entails great propriety of behaviour.’⁴³ Ao girls on reaching puberty ‘no longer sleeps in her parents’ house, for it would be ‘shame’ for her to do so.’ This was a time when the girl joins others girls in a girls sleeping house (*chiki*). Usually *chiki* had three-four occupants who were of the same clan, with an old woman to supervise them. Boys of the *morung* visited girls in their *chiki*.⁴⁴ Likewise, Chang girls’ sleeps in their dormitory called *Shochem Chem*,⁴⁵ and Pochury girls in *alashie*.⁴⁶

On the contrary, the Sema girl lived in her parents’ house until she married, or in the case of girls other than chief’s daughter(s), was she was sent to the house of the chief, or some other protector, where she lived as one of the family. In this system the service rendered by the girl was taken as the fee paid for keeping her. Sema girls were not allowed the sexual freedom her peers of other communities had. Hutton in *The Sema Nagas* of 1921 wrote: ‘In any case, though given plenty of freedom and going to the fields with her *alishili* [sic] (*aloji* = batchers), which consists till her marriage of contemporaries of both sexes, she is carefully looked after and not allowed that freedom of sexual intercourse usual to unmarried girls in most Naga tribes.’ He deduced this practice to the Sema marriage system to the ‘value of the girl in the marriage market’⁴⁷ without taking in the complex Sema social system.

The analytical interpretation of Bourdieu of the Kabyle house was that the house was organized according to homologous oppositions, namely, ‘...fire:water, cooked:raw, high: low, light:shade, day:night, male:female, *nif:hurma*, fertilizing:able to be fertilized, the oppositions which was established between the house to as a whole and the rest of the universe.’⁴⁸ For the Kabyle man, the house was more of a place for him

⁴³ Hutton, *Angamis*, p. 49.

⁴⁴ Mills, *Ao*, p. 212.

⁴⁵ Interview with Impongsoted, Male 66, Tuengsang, dated, 15 May 2008-16 May, 2008.

⁴⁶ Interview with Nyulothe Nyuthe, Male 65, Meluri Town, dated, 27 February 2007 - 4 March 2007.

⁴⁷ Hutton, *Sema*, p. 183.

⁴⁸ *Ibid.*

to come out from, which understood from the homologous oppositions would leave the movement inwards into the house as properly befitting the woman.⁴⁹ In the case of the Nagas too, similar oppositions can be seen especially in times of a hunt being planned or a victory observed. For instance Naga men sleeping in the *akishebokhoh*, the outer circle of the house or for that matter in the *morung* emphasizes a perennial fixation of the outward movement similar to that of the Kabyle men. Men were thus set apart and outside while the women inhabited the interiors of the house. This is tantamount to the fact that women were dominated by male values of war, honour, and status thereby projecting the fundamental opposition and differences of masculinity and femininity where home and hearth belonged to women and the big outside world to men.

This gendering of space practised by the indigenous people and recorded during the nineteenth and twentieth centuries by colonial officials was not peculiar to indigenous people alone. In England, in the second half of the nineteenth century, public schools were looked upon as patriarchal institutions where space was gendered. John Tosh clearly puts out that ‘the public schools’ in the second half of the nineteenth century not only ‘excluded women’ but ‘instilled an enduring preference for all male sociability.’⁵⁰ It would be presumptuous and incorrect to consider that all colonial administrators were from public schools, however, given the generation when Britain boasted of male exclusionary power, which sustained the ‘powerful myth that masculinity is about the exclusive company of men, and where work settings reinforced this’⁵¹, it cannot be denied that colonial officers in the Naga Hills brought along with them this sweeping influence as they left England’s shores. The ‘all male sociability’ of the colonial administrators coincided with the traditional practice of the native Naga male exclusivity where men dealt with men on all matters sidelining the reality of women’s presence. This meant that the colonial situation did not really bring about change worth the talk in the condition of Naga women. The general condition of the Naga women was that, starting from the founding of the village, they were debarred from participation: her opinion regarding founding a new village or scouting the new settlement area was not needed. What was essential to the new settlement was

⁴⁹ *Ibid.*, p. 91.

⁵⁰ John Tosh, ‘What Should Historians Do with Masculinity? Reflections on Nineteenth-Century Britain’, *History Workshop*, No. 38 (1994), pp. 179-202, p. 187.

⁵¹ *Ibid.*

the presence of men who represented their respective clan. Clan representation during village foundation was what brought entitled rights in the village privileges which could be claimed by male heirs from generation to generation, although there were certain conditions where, not any man could represent the clan. There were certain selective practices which were very strictly followed by communities like the Khamnungans in the clan representation during the founding of the village. The rule excluded adopted persons and persons with scars, received either from the enemy or from game events.⁵² Only in exceptional cases were women included in the village foundation and settling process. The case of the Sema practice can be taken as an example. In the traditional practice of the Semas, the chief's wife was involved in the founding of a new village. Here, the chief's wife who was also known by the name 'anaqii' (ana=rice, qii=mother), played a very important symbolic role. As soon as the houses were built on the new site, all the people who were to settle in the new village assembled near the gate and the 'awou' (ritual performer) would take his spear and jump about shouting 'I am the warrior, I am the victor' and then touched the chief's wife with his spear. When the spear touched her, the warrior would call 'anaqii' and she responded 'ii' (pronounced as unh=yes), and the awou would pull her inside the gate of the new village. The chief would then go inside followed by the awou and others comprising different clans.⁵³ The next morning, as soon as the first rooster crowed, the wife of the chief went to the village well with the awou following her and drew water to cook pork for the feast to commemorate the new village. This ritual was known as the 'vakile chine' (vale=soaking in hot water, achine=ritual; a figure of speech which would mean purging of sickly attributes), after which the people of the new village started their daily activities.⁵⁴ These kind of selective preferences such as the man with no blemish, from a certain descent, able bodied with a good physical appearance were the criteria required to represent the clan in the founding of a village besides the need for a woman to perform rituals as the 'rice mother' indicates the complexity of patriarchal hierarchy as practiced by the Nagas in line with the perception that the larger world belonged to men as discussed above.

⁵² Interview with P. Beshim, Male 66, Political Assistant to Additional Deputy Commissioner, Noklak, dated, 9 May 2008 to 11 May 2008.

⁵³ Hokuto V. Zhimomi, *Sumi Kughuko eno Aqho Aho Kuxu (The Genealogy and Socio-Customary Life of the Semas)*, Modern Press Dimapur, Dimapur, 1985, p. 20.

⁵⁴ Sumi Hoho, *Sumi Lho Yezah (Sumi Customary Laws)*, Headquarters, Zunheboto Nagaland, Zunheboto, 2000, p. 24.

Secondly, women were forbidden from hunting both game and the enemy's heads, the obvious 'manly sport' and beyond the preview of the domestic. Generally, when it came to headhunting practices of the Nagas, dubbing Nagas as wanton headhunters was neither new nor scarce in colonial writings. There was a certain specificity attached to the taking of the head, 'stimulating influence on the economics of the people', as Haimendorf said. This can be explained in terms of boosting the morale of the people who got the enemy head and exerting their energy on agriculture activity. Not all heads taken were of the enemy, nor was it always taken in times of war. Sometimes ritual needs called for heads and these were obtained through other means such as the killing of slaves for the said purpose.⁵⁵ Headhunting called for great caution as it risked the life of the headhunter too as every 'village took heads from outsiders and guarded their own.'⁵⁶ The need for taking heads was due to the belief that the 'soul-force' of the dead person, which resided in the head could be carried off thereby increasing the prosperity of the head taker. Headhunting may take place when there was a need of certain ceremonies such as, as mentioned above, the initiation ceremony of the boys to the *morung*, to get a wife, for new houses, during severe disease and epidemics or when harvests were poor. Nagas followed certain specific head hunting rules; there were restrictions against taking the heads of 'idiots, hunchbacks and deaf mutes.'⁵⁷

Many have linked head taking to agricultural processes – in ensuring good crops. It is said that after the head was won the young men would sing aloud that 'their songs may be heard from every slope.' Not only did the successful head takers sing aloud but they also 'danced and shouted on their way to the fields, and even during the tedious work of weeding the rice fields.' Old days of working silently was over when men could not sing aloud or dance around. Procuring the head not only provided the

⁵⁵ In 1936, when J. P. Mills rescued five children and two adult slaves on one occasion and two more children to be returned to their parents on another, he exclaimed 'after the show I feel I not lived in vain' for saving these slaves from a life of drudgery and disgrace and very likely from human sacrifice, camp: Chentang, dated 7 December 1936. 'Letters from a Deputy Commissioner on the North East Frontier of India, 1936, to his wife, and edited by her. (J. P. Mills, ICS, CSI, CIE, to his wife and edited by her).' Manuscript Collections, Mills Papers, Correspondence, Typescripts, etc., PRM.

⁵⁶ Andrew C. West, 'Nineteenth Century Naga Material Culture', *Newsletter* (Museum Ethnographers Group), No. 18 (JUNE 1985), pp. 21-34, <http://www.jstor.org/stable/40839119>, accessed: 20-10-2015 14:00 UTC, p. 26.

⁵⁷ *Ibid.*, p. 27. See J. H. Hutton, *Sema*, p. 178, '...the killing of idiots and similarly deficient persons, such as hunchbacks and deaf mutes, is *genna*.' Also, see J. H. Hutton, *Tour of Diaries of Two Tours in the Unadministered Area East of the Naga Hills*, Mittal Publications, New Delhi, 1995, 'When Shamnyu, a Konyak village raided the Chang village of Phomhek, and lost thirty heads to it in the process, they cut off the heads of their own killed rather than leave them behind for the enemy', p. 4.

opportunity for the villagers to feast but also brought a pleasant break in the life of a monotonous Naga life.⁵⁸ The explanation is about giving a chance to the people to reclaim the life-energy, prosperity and status through extinguishing the life of the other and bringing its soul force to the victor which makes the soul force of the dead person an embedded source of fertility and reproduction, and of wealth and prosperity. In fact the colonial officials made no secret of their love for Naga heads. In what Mills described as one of the ‘most exciting battles there has ever been in the Naga hills’ referring to the Pangsha expedition, he procured five heads that was hanging from the head tree who lost their lives while on a raid for slaves. Mills demanded those heads, and was glad that Pitt Rivers Museum will get some fine specimens if he could manage to send them. After procuring these five heads he lamented to his wife as he writes her a letter, ‘What a nuisance, it has been fine all day and now it has begun to rain. My poor “heads” will get wet, but it won’t be the first storm they have ever known. They are hanging just outside my tent. I hope they won’t send ghosts to give me dreams.’⁵⁹ In less than three weeks, Mills again wrote to his wife, ‘I forgot to tell you that the Baron (Christoph Furer von-Haimendorf) got 4 heads for museums during the battle of Pangsha and carried the basket himself all through the battle.’⁶⁰ There is also an element to the domestic and the outside in the event of Pangsha expedition that started from 13 November 1936 to 13 December 1936. Sitting besides Mills, Ngabu, the local informer was narrating about how the maidens of Panso (another village) were unrivalled for their beauty, however the Deputy Commissioner observed that the *goanburas*’ wives were ‘in their houses’ but did not see any other women in the village. Later on the Deputy Commissioner wrote on how the boys are well brought up here in Panso. The most intriguing comment being: ‘Dotted about the village are imitation Head-trees’, where boys practice hanging gourds with the proper ornaments so that they won’t make a mistake in ceremonial when their day comes.’⁶¹ How can a man who was gathering heads not appreciate the know-how game? No women at sight and the head-tree on the open space of the village welcoming the expedition party says to whom the outer space belong and to whom inside the house.

⁵⁸ Haimendorf, ‘Through the Unexplored Mountains’, p. 214.

⁵⁹ ‘Letters from a Deputy Commissioner on the North East Frontier of India, 1936, to his wife’, Camp: Chengmei, dated, 22 November 1936.

⁶⁰ *Ibid.*, camp: Chentang, dated, 7 December 1936.

⁶¹ *Ibid.*, camp: Panso, dated, 4 December 1936. A head-tree was where all enemy heads were kept.

Thirdly, apart from the *morung* and head hunting, the practice of feast of merit clearly demarcated the sharp spatial difference in terms of recognition enjoyed by the spouses in relation to clothes, ornaments and other insignia gained from giving the feast of merit. Feast of merit was by no means limited to head-hunting victories over the enemy. There were two kinds of feast of merit, first, the head hunting victory feast (the young stage), second, the rich man giving a feast to the village (the older stage). Feast of merit entitled the feast giver to special cloths woven with different colours and designs as well as with specific designs from the house he lived in. There were stages that a man could reach according to how often he could give the feast. A man and his wife could give the feast of merit up to ten times in their lifetime.⁶² The initial feast may not have been of a great expense but the following stages demands of the giver bigger expenses. A feast may begin with just a pig in the initial stages with the feast reaching as many stages as could be given. The run up to the big feasts over the years earned not only fame across villages but won clothes and adornments both of the body, in life and at the time of death as well as on the structure of the house. In 1926, J. P. Mills, wrote that giving the feast of merit was every man's 'ambition' and, 'thereby gain for himself honour both in this life and after death, and for his clan and village the favour of the spirit and the prosperity of great men of the past.'⁶³

C. R. Stoner, an anthropologist, has provided a brief description of the feast of merit given by the Sangtam community witnessed and recorded during his visit to the Sangtam area on December 1947. He has listed the series of feasts that followed in sequence; *Yungti* - the first series was observed by killing four pigs and a supplying ricebeer to his guest. The feast giver earned a 'handsome cloth ornately decorated with alternate broad red and blue-black stripes, each dark stripe narrowly centred with blue, with a broad patch of small rectangles of red wheel across the centre: these were symbols of the ferment used for making beer.' The second series of *Yungti* – this is performed at intervals of one or two years and was a repetition of the first *Yungti* feast. The third series was the *Anitz* (1). In this series one *mithun*, one cow and a pig were slaughtered (if possible bulls and a boar was preferred). The ricebeer was provided by both the giver and close relatives of the male clan. *Anitz* (1) privileged the giver to wear cloths with 'symbolic representation of *mithun* horns.' Fourth series

⁶² Interview with Nyuletho Nyuthe, Male 65, Meluri, dated, 28 February 2007, 2 March 2007 and 17 April 2008, his parents gave ten feast of merit.

⁶³ Mills, *Ao*, p. 257.

Anitz (2) – the second *Anitz* was a repetition of the first *Anitz* (third in the series) except that both the sacrificial animals were *mithun* (*bos frontalis*). The giver got to wear the third hornbill feather. The fifth series *Tchar Tsu* – 2 *mithuns* were sacrificed with the rice beer being provided for the clansmen by the giver. *Tchar Tsu* was observed like *Anitz* except the *mithuns* were dragged around before sacrificing it. In this series of the feast no dance was performed. *Tchar Tsu* feast qualified the giver to wear *Tsungkotepsu* cloth painted with animal figures bought from the Ao Nagas. On the day of the feast a group of men gather at the feast giver's house adorning themselves with spears and *daos* for the dance led by the seniormost men. The men danced through the *khel* with leisurely and calculated 'hopping steps, chanting slowly' with their swords downward bend until they return to the feast giver's house and lit new fire in the feast giver's house.⁶⁴

Naga traditional practices largely foregrounded male culture. When it came to glorification of a deed, women were not included. She was always the invisible support who held the household intact while enabling total freedom for the man. It is possible that the romanticized egalitarian view of the Nagas by colonial officials was because they started looking at the Nagas against the caste based Hindu practices of India consciously or unconsciously and that became the point of departure for and the beginning of the stereotype of the existence of gender equality enjoyed by Nagas began. After all, the British had been in India long enough for them to be ingrained with India's socio-religious cultural practices such that whenever they saw practices that were not homogeneous with 'mainland India' especially on questions of gender, they assumed them to be egalitarian and such was the case with the Nagas.

With the arrival of the colonial authorities, existing practices that privileged men were further enhanced. The British built up support for existing male chiefs and elders of the communities, and gradually succeeded in establishing a new source of male authority, through the intervention of the colonial court. The court soon became an inseparable part and means for retention of 'custom' among the Nagas. The court became a medium through which privileges were negotiated as the cases will reveal,

⁶⁴ C. R. Stonor, 'The Feasts of Merit among the Northern Sangtam Tribe of Assam', *Anthropos*, Bd. 45, H. 1./3. (Jan. - Jun., 1950), pp. 1-12, accessed: 04-07-2015 13:09 UTC, pp. 2-5. These are mostly Phirre Ahirr and Chimongrr village practices.

and arbitrated the differences between women and men refuting the very statement the British had made about Naga men and women enjoying equal rights.

Objectifying Naga Women

Traditionally, Naga women played a crucial role in all the activities of the community whether performing domestic or agricultural labour despite the fact she was not involved in decision making which was associated with Naga masculinity and practiced as a given right. In a sphere outside the domestic, she was made to play a part in diplomatic matters as an object of peace extended between influential families in the form of a bride. Women were considered the 'bridge' in matters of dispute between two warring parties. Mills had written about what the Nagas did when there was a need to cement alliances: the chief's son usually married the daughter of the chief of another village, or, if the chief were of his clan, the daughter of one of his councillors of another clan,⁶⁵ the mileage being more of political and social than material. Women were closely related to wealth and prosperity in that they were the first reapers and sowers of crops among most of the communities and performed *gennas* for the well-being of the family. These were largely symbolic form of power, since, for the most part, no woman could permanently inherit land of any sort, whether terraces, jhum land, building or garden land, firewood plantations, bamboo or cane groves. Among certain communities, a father could grant land to his daughter, though it strictly goes back to his male heirs after her death.⁶⁶ Likewise, a newly married couple could start life by ritually cultivating a portion of their share of land property received from their family.⁶⁷ Naga women were beneficiaries of such land only as wives, mothers and daughters. All Naga communities practised the same system: if a man died without heirs, his first cousins would divide the property equally.⁶⁸ Privileged birth did not allow women to be included in the echelons of land possessors nor could they be included in the decision making body of the community. For example, a chief's daughter who married a chief's son did not privileged her to own land or to be included in decision making when it came to crucial village affairs

⁶⁵ Mills, *Rengma*, p. 139.

⁶⁶ Hutton, *Angami*, p. 137.

⁶⁷ 'The Customary Law and Practices of the Angami Nagas of Nagaland', Sponsored by North Eastern Council, Shillong, 1985, p. 76.

⁶⁸ Hutton, *Angami*, p. 135, Mills, *Ao*, p. 188, Mills, *Lotha*, p. 98, Mills, *Rengma*, p. 143, Hutton, *Sema*, p.156.

because she was a woman like any woman of the village, although she could enjoy certain social privileges.

Every alternate year, the village male elders held a meeting to decide which side of the village fields should be cut, and the felling of jhum started only after the male elders' decision. Cutting fields in a village was a community affair so that the fencing, path clearing, taking turns to man the neighbour's field etc., were performed by collective labour. As hard as she worked in the fields, felling, clearing, sowing, weeding and harvesting, and performing all the *gennas* essential for good crop, a woman was never a part of these all male decision making bodies in deciding for agricultural activities much like any other social issues. And, despite working in the field all year round, only one third of the harvest in the new field was allowed to be taken by the wife if the couple divorced. But if it was the wife who was the reason for the divorce, she received none.⁶⁹

The feast of merit guaranteed the giver of the feast certain ornaments, clothes, and house decorations peculiar to each time the feast was given and women had specific signs that were woven, carved or marked in her name. The significance of the embellishments differed from tribe to tribe. For men, the insignia of specificity attached to the feast of merit was earned directly after the first feast of merit, but for women it was not. In the Sangtam village of Phelungri, women's walking stick especially decorated by carving a design on its body capped at the bottom and head with an iron was possible only after the third feast of merit was completed.⁷⁰ Whereas in villages of Phirre Ahirr and Chimongrr of Sangtam villages, the wife could wear a cloth with 'symbolic representation of *mithun* horns' only on the fourth feast called *Anitz* (1).⁷¹ A Pochury women started to wear the black *amini kuza* wraps (wrap around) after the sixth feast of merit, *ajukrie* (cowrie) belt and *akuzu kuza* wraps on the eighth; on the ninth, the wife's wraps secured three lines of whites (*zhiapo kushu*) with an addition of *ajuochi asakru* – a bone in the front necklace, and on the tenth the

⁶⁹ Oral tradition in Chungtor Sangtam village says that if the wife committed adultery she was divorced by being chased away with only the cloth that covered her body, interview with Likingse *Goanbura*, Male 78, dated, 18 May 2008 to 19 May 2008.

⁷⁰ Interview with S. Ritsakiu Sangtam, Phelungri, Male 88, dated, 15 December 2007 – 17 December 2007.

⁷¹ Stonor, 'Feasts of Merit', pp. 2-5.

white lines on the wife's wraps was added.⁷² And a Rengma woman earned her status design in her shawl when her husband and she gave the fifth feast of merit known as *Gucho*. This shawl was called *dzonyuphi*; while the male shawl had four lines of white, the female had three with designs at the bottom of the lower end of the shawl.⁷³ Whereas man's primacy was showcased through the weaving of the woman where she incorporated indicative designs that distinguished his status as a giver of feasts, for herself it was not until successive feasts that she earned a design in her cloth. This was a palpable reduction of the labour and contribution of the woman of the house when she had worked equally hard to accumulate enough for her husband and her to be able to give the feast of merit.

There were certain privileges that a specific group of women enjoyed in the form of clothing and tattoos in some communities. A renowned warrior, whose bravery was acknowledged for his act of burning the enemy's village either wholly or partially, was entitled to wear a special shawl decorated with cowries; his daughter was also entitled to wear clothes decorated with cowries on a dance day. On the other hand, a rich man's daughter had the right to retain the 'extra ornamented' wraps even if she married a poor man.⁷⁴ However, it is problematic to allude this kind of practices to hypergamy. Among the Sema, *Kukami* (chief), who had perfectly observed all societal obligations and contributions, 'without any stigma attached to their name' could marry off their daughter in *amini kimiji* marriage – the highest and most prestigious of all marriage.⁷⁵ *Aminikimiji* marriage however, was the kind of marriage which required the young bride to qualify. She should be the daughter of the Chief, her grandmother and her mother should have performed the same kind of marriage which meant that her grandmother and her mother had to be chief's daughters. Apart from all these pre-conditions, the girl's chastity was the only passage which allowed *amini kimiji* marriage to take place. There was a dreadful fear attached to this kind of marriage where the required obligations were not fulfilled. The woman who went past through with the marriage without fulfilling the custom died an *apotia* death.

⁷² Interview with Leshimo Nysou, Male 87 and Nyolethe Nyuthe, Male 65, of Meluri, dated, 27 February 2007 – 3 March 2007.

⁷³ Interview with Jilo Bukh, Male 75, Sendenyu, dated, 21 March 2008.

⁷⁴ Mills, *Ao*, p. 38.

⁷⁵ Lovitoli Jimo, 'Marriage Prestations: The Social Context and Meanings in Sumi Naga Society', MPhil Dissertation, JNU, New Delhi, 2007, p. 110.

Tattoo was one of the identity markers for both men and women though the meanings were gender and tribe specific. It established certain social norms of acceptability and preference with certain specificity attached to certain villages. One shared interest, however, showed that for women it was a way of getting recognition as a full-fledged member of the clan she belonged to. An Ao girl of ten years got her tattoos on her legs up to the bottom of her calf, in two years her chin, chests and fronts of her knees, third year calf, fourth year knees and, the wrist and stomach in the last year.⁷⁶ In the case of the Changs, women whose blood relations on the male side had taken a head may cook the enemy's head, with chillies, to get the flesh off, and then assumed the male tattoo – the double ostrich feather type worn by the head taker.⁷⁷ One important reason for the girl to get a tattoo was to get a suitable husband because men preferred to marry girls who were tattooed as it 'made a girl look perfect.'⁷⁸ Besides, there was a bride price involved and hence getting daughters tattooed was a priority for the parents if they wanted her to get a good husband.⁷⁹ Among the Konyak Nagas, tattooing was done by the principal wife of the Ang (chief), a woman of pure blood of the aristocratic ang clan.⁸⁰ Tattoos no doubt played a very significant social and economic importance in the Naga society. Although the art of making tattoos was the sole domain of elderly women, the tattooing of warriors who had taken heads was performed only by men. There was thus a clear demarcation of right according to gender and age.

Arranged marriage was practised among different Naga tribes especially among the chiefs and the powerful. Marriage was arranged as early as 14-15 years so that children could continue their parent's legacy, with parents helping their children to give the feast of merit as early as possible to gain a name in the community which in turn enhanced their social standing. The practices suggests that both parties of the bride and the groom were equally well to do and also that both the parties (parents) equally contributed to the marriage and lives of their children. In fact, there were gender inequalities especially in the clothing designs of a husband and wife as seen

⁷⁶ Mills, *Ao*, p. 30

⁷⁷ J. H. Hutton, *Tour of Diaries of Two Tours in the Unadministered Area East of the Naga Hills*, Mittal Publications, New Delhi, 1995, p. 51.

⁷⁸ Interview with Impongsotod, Male 66, Tuengsang, dated, 15 May 2008-16 May 2008.

⁷⁹ *Ibid.*

⁸⁰ Milada Ganguly, *A Pilgrimage to the Nagas*, Oxford and IBH Publishing Co., New Delhi, 1984, p. 169.

from the above illustration. A wife obtained the design on her cloth only after the third and fourth feast series, while the husband started wearing special designs from the very first feast. There were differences of enhanced lines of stripes in a shawl worn by a wife which were fewer than those of the husband. A husband's name travelled far and wide about his wealth and prosperity, while a wife's name figured nowhere. Similarly, with the exception of Sangtam women who danced occasionally, women never danced when the feast of merit was performed. To Stoner, 'pounding of the grain, the brewing of the beer, the cooking of the food were all women's tasks, which was an integral part of the ritual.' Usual domestic activity carried out within the household that had no distinction after the event was considered taking an integral part by women. He brought in the idea of the division of labour in the occasion of the feast of merit and divided the work category into two kinds; women preparing ricebeer and feeding the guests, and, men killing the sacrificial animals. This, he maintained could have been 'derived from an earlier epoch when cultivation and all pertaining to it was the work of the women, while provision of meat rested with the men.'⁸¹ He substantiated his argument by comparing the practice with the Konyak Nagas and the Daflas.⁸²

This takes us to the work of Frederick Engels who talked about the lower stage of barbarism, where 'men went to war, hunted, fished, provided the raw material for food while women cared for the house and prepared food and clothing; they cooked, weaved and sewed. Each was master in his or her own field of activity: the men in the forest, the women in the house.'⁸³ Gradually, the herds and the other new objects of wealth, such as increased production in agriculture, handicraft products of weaving loom and smelting of metal ores and slaves, brought about a revolution in the family. 'Gaining a livelihood had always been the business of the man; he produced and owned the means.'⁸⁴ Colonel R. G. Woodthorpe in 1880s wrote the same thing about Naga women; of how she wove, prepared the soil, carried wood, pound the rice, and fed her family at meal times, and there is hardly any difference in the observation

⁸¹ This is prevalent even today where killing four legged animal is the domain of men. The red meat is associated with masculinity where white meat like fish and chicken are taken care of by women. In the markets of Nagaland, the butcher selling pork and beef are men.

⁸² Stonor, 'Feasts of Merit', p. 10.

⁸³ Frederick Engels, *The Origin of the Family, Private Property and the State*, Introduction by Pat Brewer, Resistance Books, Australia, 2004, [ISBN 1876646357], p. 149.

⁸⁴ *Ibid.*, pp. 150-51.

made. Likewise, the anthropologist Haimendorf in 1938 reported the fact that studying the Nagas of Assam did not necessarily need ‘laborious reconstructions of old customs and beliefs.’ This he explained was because, ‘most of them still live practically the same life as their ancestors who have never seen a white man, and their ancient culture flourishing.’⁸⁵ Now if Stoner in 1947 who witnessed the performance of a series of feast of merit ceremonies, considered Nagas as practicing ‘earlier epoch’ traditions, where men provided and women cooked and fed, he was only replicating the nineteenth century knowledge system of research methodology on primitive people, who along with anthropologists like Haimendorf in the twentieth century all found their niche to a certain extent in the Naga Hills by studying these group of people as a subject.⁸⁶ Engels’ theory did not go unquestioned: the feminist activist Pat Brewer, who also wrote the introduction to Engels’ Theory of the origin of family, argued that Engels’ assumption of man’s role as provider was ‘historically incorrect.’ She pointed out that horticulture and domestication of animals (although of a relatively small number) were primarily a female activity and hence ‘was primarily women’s business.’ Brewer asserts that it reflected the gender bias of the period.⁸⁷ How far has this assumption changed? Patriarchal societies to this day dwells in this idea, echoing Engels’ formula of men as providers and women as care givers and anthropological works, study of the primitive society, all describe the same set of gender relation in which men provided and women were care givers.

Pat Brewer’s statement that women were not isolated from the main productive activity since the hunting and gathering stage implies that generally, women have never been isolated from any productivity at any stage of human development. If we analyse from the recorded materials that talk about Naga women, one finds how little she got from how much she invested. From agricultural activity to domestic activity, a Naga woman had less to her name as an individual, let alone not being included in

⁸⁵ Henry Balfour and J. H. Hutton, ‘Through the Unexplored Mountains of the Assam-Burma Border: Discussion’, *The Geographical Journal*, Vol. 91, No. 3 (Mar., 1938), pp. 216-219, p. 216.

⁸⁶ It was with the protection of the colonial government that anthropologists like Christoph von Furer-Haimendorf, C. R. Stoner, and archaeologist and curator Henry Balfour, were able to collect their sources intensively in the Naga Hills. When Balfour visited the Naga Hills, he was in the company of the Deputy Commissioner and the Sub-divisional Officer entering from village to village as the administrative officers made an annual tour, see chapter 2, section 3(a). As for Haimendorf, this is how Mills described the latter’s excitement; ‘You can imagine how thrilled the Baron was at achieving the anthropologist’s ideal, and visiting villages no white man had been to before.’ This was when they were together during the Pangsha expedition in 1936. In ‘Letters from a Deputy Commissioner on the North East Frontier of India, 1936, to his wife’, camp: Chongtore, dated, 15 November 1936.

⁸⁷ Engels, *Origin*, p. 20.

decision making. Assertion of masculine rights prevailed both in major rites and practical application as prominently exhibited in the clothes and ornaments that adorned the body of male achievers, in case of the feasts of merit, even if it was the married couple who worked together to this end.

When Christianity reached the Nagas, the missionaries found it a difficult task to convert women compared to men. This was because women remained most devoted to local crop deities⁸⁸ and in making the sacrifices and offerings to the deities for the restoration of the sick⁸⁹ that worked against the missionary scheme. This is to bring in the dimension of how wealth and health depended on how the woman of the house appeased the deities. The woman, who in some communities, were the first sowers and reapers validates the fact of women being a major factor when it came to agricultural activities and hence wealth. However, the accumulation of wealth and how it was distributed when manifested in the form of feast of merit takes a remarkable turn. The woman of the house, whose determination contributed to the achievement of the feast, did not even have the right to wear a cloth starting from the first series of the feast and she had to wait until several series were achieved. This practice not only deprived the wife being recognized at par with her husband, but it also deprived her of the visual image that people may identify her as a feast giver. Moreover, the clothes adorning the man which denoted the status of the feast giver were woven by women – a feat that involved intricate and careful preparation requiring intensive labour. All these factors established the complexity of patriarchal values and practices of the Naga community.

Besides, tattoos were associated both with beautification as well as giving recognition to women. Perhaps, the aesthetics of tattoos sometimes worked to the advantage of the woman were she to get a good husband based on what Impongsoted of Tuengsang had said above about it making a ‘girl look perfect’,⁹⁰ which implies men looked for tattooed girls for a wife. But in all practicality, it was about women getting a) to establish their affiliation to the clan they belong to, and b) embellish themselves by taking the feat achieved by their male relations. The example of Chang women

⁸⁸ Richard M. Eaton, ‘Comparative History as World History: Religious Conversion in Modern India’, *Journal of World History*, Vol. 8, No. 2 (Fall, 1997), pp. 243-271, <http://www.jstor.org/stable/20068595>, accessed, 20-10-2015 13:41, p. 256.

⁸⁹ Mepfhu-o, ‘Body, Mind and Soul’, p. 38.

⁹⁰ Interview with Impongsoted, Male 66, Tuengsang, dated, 15 May 2008-16 May, 2008.

wearing the double ostrich feather type worn by the head taker is by no means an achievement by a female but the feat of a male warrior.

Comparative analysis shows how Naga women, by wearing certain clothes, ornaments and in some cases tattoos established certain hierarchy and social class, but not independence from the males. Unlike headhunting, which was an all-male affair, feast of merit was an event involving both husband and wife, and therefore inviting wife's friends was possible. However, there is no mention of the wife's friends [girlfriends] being invited to the feast of merit. The major part of the occasion where women were included was during a festival, which was for the general public. From the colour of the clothes she wore to the design woven into the cloth, from the beads that adorned her body to the engraved tattoos into her flesh, all illuminated the story of the man who was either her father or her husband – a hallmark of her father or her husband's social standing. It is evident that female beautifications were more to do in proclaiming the stint and valour of the men they were associated to wherein clan affiliation and loyalty becomes prominent. Naga women played specific roles both within and outside the family life with her identity tied to men. Her status and actions were decided by who and how she was connected to the male members of the community.

Contingent justice and the Naga woman

The customary punitive expeditions undertaken by the colonial administration forced able bodied males to jobs such as road-making and portage (details in Chapter 2), thereby undermining the traditional privileges of 'being a man.'⁹¹ Although women already played a very important part in the agricultural work, ordering men away from the village made all village work and daily life the responsibility of women, who became experienced and informed enough to seek new forms of redress with the government. They sometimes did this by approaching the magistrate's court.

⁹¹ A spear and a *dao* are the weapons that Naga men carry - to carry a load was tantamount to menial labour, which probably had adverse effect on his perception of being a man. This refusal to carry baggage irked officials since the early days of the Company's intervention with the area. In 1840, when the Nagas were made to supply coolies for making the Manipur road Captain Gordons, Political Agent of Manipur wrote to the Regent of Manipur that, 'the carrying of baggage caused much distress to the Nagas, and they on that account ran away.' Khekali, 'Making of Land Related Customary Practices into Law Under Colonial Rule in the Naga Hills, 1832-1923', MPhil Dissertation, JNU, New Delhi, 2011, p. 58.

Cases from the 1890s onwards show that women were turning to the Sub-divisional Officers on tours in their pursuit of justice. One such early case relates to Lampusanla (1890) who filed a complaint that the beads, *dao*, cloth and one basket of *dhan* (paddy) belonging to her demised son had been kept by the men of her *ketang* (clansmen) who refused to give them up. The defendants were ordered to give up those articles.⁹² Ornaments constitute a huge part of Naga tradition as gifts brought from marriage became heirlooms. A woman could give up her ornaments only on two instances, a) divorce⁹³ b) death⁹⁴, and the court giving judgment favouring the complainant was because the beads and other goods that allegedly belonged to her dead son practically belonged to her because the inclusion of beads in the case implies that it would be her beads either brought along during her marriage or was gifted to her by her husband, which legally belonged to her son were he alive. Her *ketang* was the wrong group to have retained the disputed property in the first place because they were from the maternal family. Moreover, among the Ao community, women were entitled to all their beads even in the case of divorce unlike other communities, those including the ones given to her by her husband, with the exception of a crystal earring, which was normally given to her husband.⁹⁵ In this case, the complainant Lampusanla happened to be from the Ao community where beads rightfully belonged to women and hence won the case, albeit through the court. The paternal British officers were never shy of proclaiming their success in protecting women and giving them freedom of a kind that they had not experienced before the colonial rule.

This projection of the benevolent protectorate for the furtherance and uplifting of women's freedom can also be seen in the case of *Keangla of Nunkum v Lulenyangba of Changki* (1890). In the month of March, Keangla and three other Nunkum women went to Changki to buy pots. They halt for a night at Changki and started back home

⁹² Tour Diary of A. W. Davis, Sub-divisional Officer, Mokokchung, 1890-1906, Case of Lampusanla, 26 March 1890, Nagaland State Archive (henceforth NSA).

⁹³ See Hutton, *Sema*, p. 186. Among the Semas, in the case of a divorce owing to the wife's fault, the husband keeps the ornaments she brought with her at the time of the marriage. See Mills, *Lotha*, p. 156. Among the Lothas, if the wife caused a reason for divorce, she must return any ornaments given to her by her husband.

⁹⁴ See Hutton, *Angami*, 137. In the case of death of a woman, generally it goes to male heirs (husband's heirs). There is an exception in inheriting ornaments as practiced by the Memi village of Angami tribe. A Memi woman's personal ornaments always go to her daughters. If she had no daughter(s), it goes back to her father's heirs, even if she had a son(s).

⁹⁵ Mills, *Ao*, p. 276. A woman may keep the crystal earrings for sometime if she had a son by the husband she was leaving, that she may wear and hold them in trust for the son until he comes of age to inherit them.

the next morning. On reaching the Chebi River they sat down to rest. It was then that Keangla noticed that the cloth which she had put on top of her load was missing. Assuming that it might have fallen on the road down the hill, the women rested. While the women were still sitting, the accused Lulenyang, a Changki man, came down on his way to Alibar with a load of pots, and also sat down. Keangla then inquired if he had seen her cloth in the road as he came down from the same path to which he answered in the negative. Even as Lulenyang was saying 'no' Keangla caught sight of her cloth in his load underneath the pots he was carrying. Immediately Keangla said, 'my cloth is in your basket, let me look' then the former took up his basket and ran off up the road towards Alibar. The women followed and shortly saw him sitting by the side of the road. He then said 'Look into my basket and see if your cloth is there.' As he had hidden the cloth was hidden in the jungle, no cloth was found in his basket. Lulenyang then caught hold of Keangla by the hair and threatened her with his spear demanding compensation for having been falsely accused of theft. Caught in a dire situation, Keangla gave him her beads and two cloths to save her life and only then did Lulenyang let her go. When these facts were testified by Keangla's companions, the accused admitted to his guilt. The court held that it was 'impossible to allow such actions to go unpunished', and further added that 'trusting to the security afforded by our occupation of their country, women are continually going about trading without any male escort.' And therefore the magistrate ordered Lulenyang to give up the three cloths (one stolen and the two given under stress) and the seven beads and in addition fined him Rs. 20/- and ordered that if he defaulted on this payment, he should be imprisoned rigorously for six months.⁹⁶

On the other hand there was a case like that of *Masabukla v Sagatulla both women of Mongsendi*, (1890), which had an unbecoming verdict where material loss was substituted to gaining a spouse, although there was also an unexpected outcome in the form of child maintenance. The case was, one Masabukla complained that the defendant Sagatulla had had her (Masabukla) beads pounded in the *dhan* pounder. The action of the defendant was in retaliation against the complainant enticing her husband away. The court found out that Yemkung Mar, the husband had abandoned his wife, the defendant, and two children without any compensation or maintenance

⁹⁶ Tour Diary of A. W. Davis, Sub-divisional Officer, Mokokchung, 1890-1906, Case of *Keangla of Nunkum v Lulenyangba of Changki*, dated, 18 April 1890, NSA.

and therefore the court ordered Yemkung Mar to provide 'sufficient maintenance' for his children.⁹⁷ The fact of the case reveals that both the litigants were caught in the web cast by Yemkung Mar, and the destruction of the complainant's property was the outcome of his irresponsible behavior. According to the court's wisdom, 'Masabukla had lost her beads she had gained a husband, while Sagatulla had lost her husband and got nothing in return.' The court therefore presented itself as friendly to the wronged in awarding child maintenance to the alienated wife and exempting her from repaying the beads she destroyed. Like a father may chide his son, the court brought to book the erring father to pay for his child's upkeep - a new form of colonial domination not only of women but of men within the familial structure sanctioned by the order of the court.

The late nineteenth century colonial court in the Naga Hills saw many cases relating to women that involved domestic issues or immovable small properties being brought under the scrutiny of the colonial courts. In *Kauchungkokba of Susu v Impangsang of Asongma* (1890), the complainant's sister Mongsihenla accepted the marriage proposal of the defendant Impangsang of Asongma when she was in Asongma. Soon after she had returned to her village Susu, Mongsihenla refused to marry Impangsang and go back to Asongma as his wife. The accused at the time of proposing to Mongsihenla was married and he therefore divorced his wife, paid her the divorce money, and went to Susu to fetch Mongsihenla. On reaching Susu, however, Mongsihenla's relatives were unwilling to let her go and Mongsihenla too was not willing anymore to become Impangsang's wife. Impangsang, then demanded that Mongsihenla's brother Kauchungkokba pay him back the divorce money he had paid to his ex-wife but the latter refused.

Four years after the incident, the complainant was crossing the village of the defendant with three other men from Susu when his *ketang* blocked the right to passage, demanding that the complainant paid six *laias*. Six *laias* was what the defendant paid as divorce money to his ex-wife to marry the sister of the complainant. The court found the claim of the defendant 'preposterous' and 'illegal' and therefore fined him Rs. 10/-.⁹⁸ Evidently, the woman in question in the case peremptorily rejected her purported husband. However, while the decision of the woman was

⁹⁷ *Ibid.*, *Masabukla v Sagatulla both women of Mongsendi*, dated, 26 March 1890, NSA.

⁹⁸ *Ibid.*, *Kauchungkokba of Susu v Impangsang of Asongma*, dated, 24 July 1890, NSA.

contingent to her family supporting her, the case that grew out of the woman's refusal to marry her betrothed became the tussle between men on different sides than the person concerned.

The focus of this case was about the control of female sexuality. First of all, Mongsihenla, the person concerned display a character that was easily swayed by people around her; on the other hand, her indecisiveness could also mean how women's individuality were controlled by families. However, the case is more about how the jilted lover, who was used to having his way with women (divorced his wife to marry Mongsihenla) could not take the idea of rejection: the blockade to right to way, which exhibit a masculine affirmation, and the demand for the lost six *lais* he paid to his ex-wife as divorce payment past four long years reflects a wound sorely carried and the male pride being hurt. And therefore Impangsang's act was an attempt to score the feud through the other which was not a woman but a male of his own species as opposed to the domestic orientation of a woman and hence considered unequal. Also, by taking the brother (complainant) of the women who rejected him as the focal point of retribution, Impangsang was unwittingly electing the former as the moral guardian responsible for his sister borne out of societal practices.

The Mokokchung district sub-division was established only in 1890. However, cases pertaining to all kinds were finding its way to the magistrate's court. In 1892, a rather peculiar case was registered for litigation concerning the case of *Arishelo of Ungur v Namkammen Sibongnosai* and another (1892). The defendant, wished to fine the complainant 'for not giving his wife leave to go away and marry someone else.' The Sub-divisional Officer's verdict explained and ordered that the complainant Arishelo of Ungur, 'has lived with this woman for five years and she wishes to leave him as he is old. If the woman leaves him she must pay the complainant the usual fine.'⁹⁹ The Sub-divisional Officer further ordered no one to 'interfere' in his order. Divorcing a spouse owing to 'old age' does not seem to figure in the colonial writings in the general discourse neither on customary practices, however as ambiguous as the court order sounds, it was the court's order which the litigants were bound to follow. Within just two and half weeks of this decision the same magistrate gave a ruling based on 'Naga Custom' in the judgment of *Senengchiba v Tukadia* (1892) both of Lere-men.

⁹⁹ Tour diary of Mr. Muspratt, Sub-divisional Officer, Mokokchung, 1891-1904, *Arishelo of Ungur v Namkammen Sibongnosai and another*, dated, 1 January 1892, NSA.

The case was about adultery committed by the complainant with the wife of the defendant while drunk. On the admission of Mirklangsala, the wife of Tukadia the defendant, that the ‘complainant did sleep with her’, a fine of a pig was imposed on the complainant which he paid but the issue was brought to court because the defendant wanted a second pig. The court gave the ruling that ‘The Naga Custom [of paying with one pig] is for sleeping with another man’s wife once ... but if fined two pigs the husband gives up the girl and the complainant may take her.’¹⁰⁰ Passing court orders while citing Naga customs was the colonial court’s ploy for retaining the loyalty of the men.

In a very different case recorded in *Seyonrella wife of Yantumsongba of Susu v Syongkalla fem*¹⁰¹ *of Susu* (1892) the complainant attempted to retrieve twenty *khangs* (basket) of *dhan* which the defendant borrowed from her ten years previously but wanted to pay only ten *khangs*. Whereas, the defendant stated she borrowed only ten *khangs* and had even repaid that two years previously. On inquiry, the complainant admitted that the defendant paid her eighteen *khangs* of *dhan* but took back the *dhan* afterwards and the defendant still owed her five *khangs* and by interest this amounted to twenty *khangs* of *dhan*. The court gave an order that the complainant get nothing more than the amount the defendant had paid her.¹⁰² The ambiguous representation of the case holds no value in terms of creating precedence for future verdict references, but it certainly throws light on women owning a certain amount of wealth which pushed them to seek court intervention to uphold their rights.

In another similar case, [...] *shisangla fem* (beginning alphabets destroyed) *of Longmisa v Sobuchiba of Longmisa* (1892), is seen fighting for ‘three hundred *khangs* of *dhan* that belonged to her.’ The complainant wanted her 300 *khangs* of *dhan* back from her husband who turned her out and went to live with his brother’s widow and refused any compensation for her. The complainant filed a suit but never made an appearance on the hearing day for which the magistrate dismissed the case. However

¹⁰⁰ *Ibid.*, *Senengchiba v Tukadia both of Leremen*, dated, 19 January 1892, NSA.

¹⁰¹ Fem here probably is used as the short form of Female who is single, considering that the complainant is referred to as wife of *Yantumsongba of Susu*, while the defendant is addressed as *Syongkalla fem of Susu*. Also supported by the case in [...] *shisangla fem* (beginning alphabets destroyed) *of Longmisa v Sobuchiba of Longmisa* and *Repaiangla fem of Lonkhong v Yimkungliva of Longmisa*, where the complainants are divorces as shown from the cases.

¹⁰² Tour diary of Mr. Muspratt, Sub-divisional Officer, Mokokchung, 1891-1904, *Seyonrella wife of Yantumsongba of Susu v Syongkalla fem of Susu*, dated, 31 January 1892, NSA.

it is seen that the complainant left her husband on 'her own accord and took everything in the house with her.'¹⁰³ Normally, according to Ao custom, in the case of a divorce the woman was allowed a measly share,¹⁰⁴ but in the case in question, the woman was said to have taken everything along with her as she left the house. As mentioned elsewhere, commanding men away from home and letting women shoulder everyday responsibility was slowly shaping women to be aware of her strength and what she could possibly achieve. They were now thinking of what they thought rightfully belonged to them, as shown in these cases, and were also able to fight and settle matters between women themselves without men's interference in the form of husbands, sons or brothers in some cases and by their own accord in some, if not for the long haul at least for the moment.

Women made claims to compensation from their husbands who left them, although the magistrate's court did not always rule in favour of the complainants. In the case of *Repaiangla fem of Lonkhong v Yimkungliva of Longmisa* (1892), the complainant filed a case against her husband who allegedly 'cast' her out three years back when she was expecting his child and he married another woman without offering any compensation. The complainant stated that she did not bring the case to court because the defendant, her husband, 'kept on promising to compensate' her. The court dismissed the case because it was found out that the defendant was not to be blamed as portrayed. It turned out that the defendant left Longmisa, their native village, and went to settle at Susu. He wanted his wife, the complainant, to come with him but she refused, there upon he waited three years before he took another wife, so the magistrate averred that the complainant had no claim upon her former husband.¹⁰⁵

¹⁰³ *Ibid.*,...*shisangla fem* (beginning alphabets destroyed) of *Longmisa v Sobuchiba of Longmisa*, case filed date, 24 November 1892, court verdict date, 27 November 1892, in the court of S. R. Anley, Sub-divisional Officer, dated, 27 November 1892, NSA.

¹⁰⁴ Mills, *Ao*, p. 276-77, Normally on a divorce the division of paddy that was gained by trade was kept by the man, but the paddy that was in the granary grown by the couple was divided into three shares; two for man and one for the woman. If the divorce was after harvest, the woman was often allowed to cultivate the new field next year, or the new fields were sometimes equally divided, but it was the man's entitlement to cultivate the half containing the field house. If the divorce was while the crops were standing, the man new field and the old field was divided between the husband and the wife, but, he man was entitled to the paddy consisting of one load harvested from round the field house in the fields assigned to the woman, for it was believed that in that portion of the crop around the field house contained the man's *aren*, pp. 276-77. *Aren* is translated as virtue, equivalent to *mana*, inherent in rich men, acquired by feast of merit, etc., p. 455, which in simple term would mean wealth.

¹⁰⁵ *Ibid.*, *Repaiangla fem of Lonkhong v Yimkungliva of Longmisa*, case filed date, 14 December 1892, court verdict date, 30 December 1892 in the court of S. R. Anley, Sub-divisional Officer, 30 December 1892, NSA.

Comparing the judgments in the *Repaiangla fem of Lonkhong v Yimkungliva of Longmisa*, the case of *Masabukla v Sagatulla both women of Mongsendi*, quite unlike the award of child maintenance even if it was not demanded as in the case of the latter, the magistrate did not sanction child support even though the complainant asked for compensation. The particulars of the case show that the complainant hailed from a different village, which meant she married the defendant and moved to his natal village Longmisa after which the defendant moved away to another village and wanted his wife, the complainant to join him which according to the record she refused. Although child maintenance could not be obtained, the complainant's right was not impinged because she was able to say 'no' to what she was told to do. While her wish to refrain from joining her husband was respected by the court, the court ordered that she be denied child maintenance, which would have been her due under normal circumstances.

Mrinalini Sinha has pointed out that there was 'one circumstance hitherto unexampled in Indian history' where 'Englishwomen have for the first time thought it necessary to descend into the arena of political controversy' and that was during the introduction of Ilbert Bill of 1883. Indeed, Englishwomen rising to the occasion was to do with Viceroy Ripon's proposal to allow Indian Judges and Magistrates to try British criminals in the district level, which stirred British sentiments to embark on the great debate of 'effeminate Bengalis.' White women came to represent the British race and any threat, real or imaginary, was perceived as a threat to the prestige of the entire British race. The fear was roused from the concern as to how disgraceful it would be for the white women to stand in the court presided over by the Indian judge who does not possess the masculine attributes. Bengali effeminateness was drawn from the point that they were like 'sweet girl graduates from Girton's' and that, they do 'not hunt, shoot, (and) play games' which to the British were attributes of masculinity. Bengali men were perceived as 'most harsh and cowardly in their treatment of the weaker sex' which became the measurement of their effeminacy and which rendered them unfit to enjoy the privileges of the proposed Ilbert Bill. The reaction of the British race towards Bengali effeminacy revealed the reality of racial and gender ideologies, which also enabled other hierarchies to be reconstructed in new ways. Besides, along with the British, the missionaries shared the same concept of elevating the state of women's position in India, which then became the colonial state's mission

in projecting themselves as the “manly” protector of Indian women.’ Embarking on the policy of the manly protector of women was more to do with political practicality, and hence the colonial government compromised and reinforced ‘orthodox indigenous patriarchal practices’ more often than not. The British officials did not hesitate to claim responsibility for upholding the prestige of the white race in India vis-à-vis masculinity, which stood for the protection of women and here rests the perennial problem of what Sinha called the ‘masculinist colonial mythology.’¹⁰⁶

The same argument is echoed by Joseph Sramek in his thesis where he remarked on how Englishmen wanted to prove their manliness in person, moral, habit and in everyday behavior. One of the strong claims of being manly was how the British ‘exalt’ women and how they pride in themselves to identify themselves as ‘civilized people’ while insisting that ‘only rude peoples like the Hindus treat their women as wretches of the most base and vicious inclinations’¹⁰⁷ which was also one way of including all other groups that were not Christians. The degradation of Hindus treating their women as wretches merits a mention here, to emphasize how the British easily forgot to keep their trail on track. The colonial court had by the 1870s come to categorize Indian Christians as different from caste society and were defined in line with the European cultural standards. In reality the Indian Christians were pushed to the ‘margins of a predominantly Hindu society’ instead of elevating their status to the European cultural level as they claimed.¹⁰⁸ The point of reference here is to argue the case of *Repaiangla fem of Lonkhong* following the lead of the British who professed to treat women with admiration, respect and the undeniable sense of paternal protection alluded to women. In line with this, the fact of the case pertaining to the spirited independence of *Repaiangla fem of Lonkhong* litigating for compensation should have merited the court’s favour but did not. Keeping in mind the cases recorded in the magistrate’s court in the Naga Hills were very brief in nature with no

¹⁰⁶ Mrinalini Sinha, *Colonial Masculinity: The ‘Manly Englishman’ and the ‘Effeminate Bengali’ in the late Nineteenth Century*, Manchester University Press, UK, 1995, pp. 33-47.

¹⁰⁷ Joseph Sramek, ‘A Moral Empire? Anxieties About Masculinity And Colonial Governance In Company India, CA. 1780 – 1857’, PhD Thesis, The City University of New York, New York, 2007, p. 85.

¹⁰⁸ Chandra Mallampalli, *Christians and Public Life in Colonial South India, 1863 - 1937: Contending with marginality*, Routledge Curzon, London, 2004, p. 2. The British uncritically assumed that Christian community would be governed by the Christian laws of inheritance and marriage akin to how Hindu and Muslim laws governed the respective communities. What the British failed to realize was, ‘Christian religion taught no personal law.’ Consequently, large numbers of Indian Christians marry and inherit property according to local caste customs, namely, Hindu law, and hence thrown back to the margins of the caste system despite becoming a Christian.

sufficient explanation or deliberation one can only assume that for a woman to come out claiming justice within the structure that had little for women to have a say shows a definite sign of resistance which was a move far away from the usual complacent dutiful woman. Were the colonial court for the upliftment of women, *Repaiangla fem of Lonkhong* would have been granted child maintenance, but as dwelt, colonialism rested on patriarchy which gave voice to indigenous patriarchy for political practicability. And therefore, the court denied the complainant on ground of she not following her husband everywhere he went thus reproducing the norms of British Victorian domesticity adding on to Naga patriarchy in this case.

The politics of men litigating in the name of women

As has been mentioned in detail, the Deputy Commissioner and the Sub-divisional Officers were the ones who rolled the imperial wheel in the Naga Hills. Since the Naga Hills were far away from the centre of British administration, whoever was the administrative officer became the custodian of all rules and orders of the colonial machinery. Giving free reign to the magistrate of the division or the sub-division as the case maybe enabled each magistrate to develop his own method of settling cases. Judgment made by the Sub-divisional Officer in just one decade, from early 1890s seen in the preceding sub-theme to late 1890s here below, reveals a sharp difference in terms of compensation:

Case 1: *Sagotula of Nangkam v Tulusangba of Nangkam* (1899). The complainant accused her husband of leaving her and giving nothing for the seven month old child's maintenance. Though he did pay her the fine she asked for the divorce. On hearing, the accused acknowledged that he had not provided for the child and therefore the court ordered the husband to pay Rs. 12/- a year for two years for child maintenance.¹⁰⁹

Case 2: *Cheoksangla of Lonkong v Susangmasa of Lonkong* (1899). The complainant filed a petition stating that her husband left her and that she 'wishes him fined (sic).' The accused acknowledged in the court that he left his wife as she was always annoying him. The court held that the property be divided in half between him and his

¹⁰⁹ *Sagotula of Nangkam v Tulusangba of Nangkam*, case filed, dated, 27 July 1899, case settled by E. D. Savi, Sub-divisional Officer, Mokokchung, dated, 27 September 1899, NSA.

wife. The accused was fined Rs. 15/-, which was given to the wife as compensation.¹¹⁰

Case 3: *Tubalamla of Mongsemdi v Rangsingba of Mongsemdi* (1899). The complainant accused her husband of beating her and 'generally ill treating her' and expressed her desire to live with her relatives. The accused failed to appear on court summon. The court held that the woman has no doubt been badly treated and granted her the right to leave her husband with the directive that the property to be divided in accordance with the custom as also the custody of the child was given to her.¹¹¹

Now, if we look at these cases, we can see the court making the shift from giving one sided orders, which were friendlier towards men in the previous judgments, to looking out for woman's grievances based on practical sense as well as customary practices. Cases belonging to the same time which were heard by the same magistrate could not survive the vice of unfair and random decisions. In *Yomgaigkala of Mokokchung v Kamsangtiba of Mokokchung* (1899), the court favoured the complainant, who no longer wished to live with her husband, and wanted to leave him for no particular reason. In this particular case, the court required an order from the *goanbura* confirming his decision that enabled the woman to leave the husband to which the husband refused; nevertheless the court's distinct order was 'the woman may leave her husband.'¹¹² This case involved invasion of a personal space by bringing in the native authority and making it look like it was within the familial structure. The case represents the typical colonial mechanism where the court more often than not operated according to how they perceived the matter should be.'¹¹³ Although *goanbura* may represent the village authority to a good extent, he cannot be the arbiter of conjugal matter without the litigating parties furnishing a valid case. The direction of the court to trust the *goanbura* to make the decision of making the complainant leave her husband was to not only to make the *goanbura* appear useful but also to create an agency where people could be harnessed into the system for easy

¹¹⁰ *Ibid.*, *Cheoksangla of Lonkong v Susangmasa of Lonkong*, dated, 31 July 1899.

¹¹¹ *Ibid.*, *Tubalamla of Mongsemdi v Rangsingba of Mongsemdi*, dated, 16 August 1899.

¹¹² *Ibid.*, *Yomgaigkala of Mokokchung v Kamsangtiba of Mokokchung*, dated, 21 January 1899.

¹¹³ Seidman argues that law makers in colonial times 'legislated in their own interest, according to how they perceived it through their own ideological spectacles, and as limited by the material conditions they confronted.' Robert B. Seidman, 'How a Bill Became a Law in Zimbabwe: On the Problem of Transforming the Colonial State', *Journal of the International African Institute*, Vol. 52, No. 3, Past and Present in Zimbabwe (1982), pp. 56-76, p. 71.

control. On the other hand, the complainant's wife expressing her desire to leave her husband implies that divorce was not alien to Nagas, and that either of the spouses could opt out of the marriage. The court favoured the wife's wishes but brought to its effect through the agency of the *gaonbura* thus buttressing Naga patriarchy.

Men and women fought cases independently, as has been seen from the cases elaborated. Domestic dispute settlements saw women getting some advantage in divorce, child-care, and other small compensations. However, women disputants were not seen approaching the court for immovable property right or rights that involved usufructuary rights. One thing that stands out is the way men fought for women's right on behalf of women when it comes to their personal interest in different ways. Widows took to court for the restoration of their husband's previously enjoyed privileges and the court was sympathetic to their plea. But the twist in the case was, it was the son, in most cases, that sought the restoration of the privileges for his mother which she used to enjoy while his father was alive.

In the case of *Ikishe GB v Kiakhu GB Seromi Awomi* (1919). Ikishe, the son of Kwetho, claimed 'achusu' (chief's share of meat) and coolies¹¹⁴ (two times in a year). He also claimed for his Mother, Kwetho's widow, to have labour once a year. The Sub-Divisional Officer passed a verdict favouring Ikishe's mother, the widow, allowing her the usual one year labour, based on the village custom, on condition that she did not marry, i.e., in practical sense remain the widow of the late chief. On the other hand, the defendant Kiakhu was fined Rs. 2/- on the grounds of obstinacy and for attempting to weaken Sema custom by taking away the village labour right from the chief's widow.¹¹⁵

Hutton had written about the Sema practice where the widows of the chief get free labour that was due to the chief, usually limited to three years, provided she or they lived in the late husband's house and remain unmarried. After exceeding three years, she or they may be given some free labour as a matter of courtesy, and not as

¹¹⁴The British began to call free labour to the chief as coolies corresponding to the general coolies they whipped out from the villagers for government works. The practice among the Semas of giving certain number of free labour days in a year to the chief(s) by the whole village differed from village to village. The chief by way of reciprocating feeds the workers with a lavish spread of meat and rice. The practice is still an important part of Sema chieftainship in villages.

¹¹⁵ *Ikishe GB v Kiakhu GB Seromi Awomi*, dated, 7 January 1919, Case Records, NSA.

entitlement.¹¹⁶ Hutton was ready with his book *The Sema Nagas* by 1915 but delayed the publication because of the World War. It was eventually published only in 1921. This book contains vital information relating to everyday life of the people, which the author intensively had recorded. In relation to this, the case of *Ikishe GB v Kiakhu GB Seromi Awomi* was seen disputed in 1919, when Hutton was the Deputy Commissioner, although the case was settled in Mokokchung, by the Sub-divisional Officer. How then were customary practices so changed in about four years that the defendant 'claimed for his mother' for a free labour? The case appears to be not long after the chief had died considering that the chief's share *achus* had been claimed by the complainant, which only the chief could have, implies that he had succeeded his father as the chief. Now, if the chief's widow(s) were entitled to free labour that the chief enjoyed for three years after her/their husband's death, why was the complainant's mother deprived and why claim for just a year? The problem could be either the customary three year free labour to the chief's widow was not uniform in all the Sema villages or the colonial office was paving its way to the road to intervention. The study of the case shows firstly, on careful observation, that several old practices were superseded with the introduction of a new system through colonial court. The case in question falls within the category of the colonial office taking over, in that the case has two *Goanburas* as the complainant as well as the defendant. With innumerable expeditions within and outside the Naga Hills and the World War, Sema coolies were always sought after (as have shown in Chapter 2) and on successful return some of these men were favoured with the post of the *Goanbura*¹¹⁷ by the government. Favouring persons with the post like *Goanbura* in a community that practiced hereditary chieftainship was nothing short of a ploy to restructure the community in question which the colonial rule did with ease. Secondly, the complainant claiming for his mother's share of a year's labour cannot be taken with full innocence. The court's decision to grant one year labour to the complainant's mother was based on the 'village custom' which denotes that customary practice was evoked by the complainant. Were it not for the colonial court recognizing customary practice, the complainant's mother would not have received the labour due to her. In

¹¹⁶ Hutton, *Sema*, p. 185. Polygamy was very common among the chiefs' families because they alone were rich enough to have several wives, of whom the most recent were normally younger than the elder sons. This speaks of why the sons remarry their step-mothers. Sometimes rich men who were not chiefs also kept several wives, p. 136.

¹¹⁷ See *Lhikye GB v Giyakhu* (1919) in Chapter 5, section 1.

all these process there was both strategic and material gain at stake for both the complainant and the colonial court.

This brings us to what Lata Mani said of the ‘interlocking’ of women and tradition. She was reflecting on widow immolation where women and Brahmanic scripture became the interlocking ground for the debate and the reworking of tradition. She was critical about the fact that the ‘privilege of the Brahmanic scripture and the equation of tradition with scripture’ was the outcome of the colonial discourse on India, which brings to the fore that these debates were more focussed on seeking ‘authentic cultural tradition’ than on women. The discourse was produced through the interaction of a select group of ‘natives’ depicting the stronghold of the colonial officers over the local elites. In the process, it gave leeway to the colonial officers to express their assumption about scriptural laws although they found their assertion problematic. Local elites on the other hand, were not passive spectators – rather, they too struggled their way to their own advantage.¹¹⁸ Where does this whole discourse fit into the functioning of the colonial court in the Naga Hills? How does a debate on ‘tradition’ based on scriptural laws applicable to Hindu and Muslim apply to the Naga communities who practiced forefather’s religion through oral tradition? Were the colonial officials, Naga chiefs and the village elders working on what Lata Mani called ‘what was at stake was not women but tradition’? This is to bring in the case of *Ikishe GB v Kiakhu GB Seromi Awomi*, where the widow was granted free labour based on custom, and see if custom was upheld or if colonial court was reworking custom to get hold of these local elites for furthering their vested interest. What was regarded as tradition here in this case are, firstly, the limited use of labour by the dead Chief’s wife, secondly, the arbitration of the son to uphold that limited right. The question then arises, what would the widow do with the harvests from her fields that were worked by the whole village – literally the chief’s fields? Who would inherit these fields’s wealth after her death? And most of all who took the decision – did the widow think it more effective for her son to claim her right to labour? Indeed, there is a certain amount of pride to be salvaged from being the chief’s wife to struggling to keep up with the weeds in her fields, but, in all practicality, the possessions of the widow when she died would ultimately go to *Ikishe Goanbura*, the complainant, who

¹¹⁸ Lata Mani, ‘Contentious Traditions: The Debate on Sati in Colonial India’, *Cultural Critique*, No. 7, The Nature and Context of Minority Discourse II (Autumn, 1987), pp. 119-156, pp. 121-22.

was her son. This way Ikishe *Goanbura* had established a hierarchy based on custom of the village to validate the use of village labour by the widow of the chief, a woman. On the other hand, the colonial court, following the typical British paternalism by rebuking the defendant for attempting to weaken Sema custom by taking away the village labour right from the chief's widow reinstated the limited right of the widow. The colonial court complied with the complainant's plea not without the consequences of the latter rendering required demands of the government in the future which included house tax, labour, and compliance to any government orders. In sum, the complainant by bringing the case of the woman to the court based on custom of the village and the court reinstating the custom had culminated in the 'interlocking' of tradition and women, the product of the limited right granted to a woman. This reinforces what Mani had said about 'rescuing women becomes part of the civilizing mission' for the British, and the 'protection of their status' for the indigenous elite,¹¹⁹ even in regions that did not have scriptural law.

This alignment with the elites – in the figure of a chief was overwhelmingly distracting, because the colonial officials said the worst but did nothing to displease them, except for immediate reprisals such as asking them to furnish coolies or food supplies, etc. A typical case of an encounter of the Deputy Commissioner and the Angs (chiefs) in the Konyak region tells this story. Hutton, the Deputy Commissioner was on tour in the Konyak region, present day Mon district, when Nokphan villagers came to complain about the Ang of Chopnyu making claims to take girls, referred as 'handmaidens', from their village even if it was not his turn. The 'Vangam' (the Ang in this area was addressed as Vangam), denied that he was not bound by any question of taking turns to take the girls from Nokphan. Adding to it the Vangam/Ang had a thing to say to Hutton, the Deputy Commission, about the government's interference. Hutton thus wrote of the Vangam:

He (Vangam) also had a good deal to say about our interfering. He supposed that God had given every one their share in the sun and he wished to know by what right we brought sepoys here and trespassed on his share instead of keeping to our won. As for the share of the 'hand-maidens' - they apparently could not claim to any, but I gave him the only answer he was likely to understand and that was that might was right, and told him to produce coolies to carry our loads next day, which he did.¹²⁰

¹¹⁹ *Ibid.*, p. 153.

¹²⁰ Tour Diary of J. H. Hutton, Esquire, CIE, D.Sc., Deputy Commissioner, Naga Hills, for the months of January, February and March, 1928, dated, 22 February 1928, camp: Rusa, PRM.

Furthermore, Hutton passed an order stating that that ‘no bonafide inhabitant were to be taken away from Nokphan against their will.’ But the Deputy Commissioner also candidly admitted that he did not attempt to define ‘bonafide inhabitant’ for fear of stirring dispute between villages that had interest in Nokphan for procuring a handmaiden. One of the parties who lay claim on Nokphan handmaiden was Rusa Ang who had already made a claim to have a girl for a concubine for his son ‘when the time came.’ The Rusa Ang’s claim was based on the ground that he had an understanding with the family of the girl nine years ago before they migrated to Nokphan from Rusa. The Ang saw no reason why the girl would be refused. The problem of this handmaiden case started when the slave clans of the Chopsa villages almost entirely migrated to the plains, the reason, as Nokphan village say, was on account of the oppression of the Angs of Chopnyu.¹²¹ As Hutton made his way to Nokphan passing Chopsa, he found that this village which was said to have had over 100 houses now shrunken to 20 because people had migrated to the plains. It was also learned that the Ang of Chopnyu could take handmaidens from among the five houses each of Chopnyu and Nokphan but none in Chopsa. Hutton, the Deputy Commissioner wrote, ‘the attempted ravishing of Miknya was for the benefit of the Ang of Chopsa who is Chopnyu’s nephew.’ The Ang of Chopnyu had no right over and therefore the Ang of Nokphan objected saying each Ang should take handmaidens from his own village, which obviously would not work out for Chopsa.¹²² The obvious act of distancing himself from the matter and making the Ang furnish a coolie a high sounding *might [was] right* achievement depicts how colonial policy thrived by supporting the entitled rights of men.

The colonial administration reality of keeping the regions under categories of direct control, indirect control and no control played its part in easing their administrative responsibilities. The Ang’s case above is a good example where inhabitants outside no control regions were left to the wisdom and governance of their own Angs, practices and social systems. In this set-up, women living beyond indirect control and no control were left to their traditional headship of men and did not experience the account of the colonial court like her counterparts in the region under direct control.

¹²¹ *Ibid.*, dated, 22 February 1928, camp: Rusa, PRM.

¹²² *Ibid.*, dated, 23 February 1928, camp: Nokphan, PRM.

For those fighting their case in the colonial court, the control over women was becoming stricter, going by the case of *Chonsemo DB of Okotso v (1). Tensali (2) Nchemoni of Okotso* (1929), which is unlike the preceding case where there was also a tussle over usufructory. Here it was about a matrimonial dispute where the man had two wives. There was allegedly a row between Tensali (let's say wife number one), with her neighbour Asao. The fight seemed to have been caused by Nchemoni's (wife number two) stealing because the record has a sentence that reads Nchemoni 'promises not to steal.' Following the fight with the neighbor by wife number one, both the wives were beaten by Chonsemo the husband. In this case the court is seen making the litigating party make 'promises': 'a) Chonsemo promises not to beat his wives b) His wives promise to obey him, and to behave c) Nchemoni promises not to steal.' The court order read, in true excerpt: 'if Chonsemo does not carry out his promise and beats the wives again, he will be fined Rs. 100/-, and if his wives don't do as they are told they can go away and in that case Chonsemo will get back the marriage prices.' There are also two Chonsemos involved in this case, one, the complainant and the husband of these women, second, the uncle of Nchemoni (wife number two), and the court warned Chonsemo, Nchemoni's uncle not to interfere in case on which he is not concerned. The case concludes with the left thumb impressions of the wives, Tensali and Nchemoni, and a name of Chonsemo (perhaps he signed because he is a *Dobashi*).¹²³ While this kind of court order implies an extremely infantilized image of women who were to 'obey and behave' in front of their husband, depicting the husband as the guardian who was made to promise not to beat them, it only emphasizes that the colonial court could not imagine local people beyond the status of children.

If the 1920s had women being infantilized to the status to obey and behave in front of a husband, the 1930s witnessed the imposition on younger girls of more stringent supervision by their guardians in the form of male relatives. This is shown in the case of *Longkhum Gaonburas v. Yaphankala, Nariphola, Tsechonmola all from Longkhum* (1933). In this case, the complainant filed a case against one Tsechonmola for coming to town (Mokokchung) without a male guardian. The court held that the village custom was that no girls (unmarried) who have obtained the age of puberty were

¹²³ *Chonsemo DB of Okotso v (1). Tensali (2) Nchemoni of Okotso*, dated, 21 November 1929, Case Records, NSA.

permitted to sleep a night in Mokokchung. Considering the age of Tsechonmola the case filed against her was dismissed by the court while imposing a fine of Rs. 5/- on Yaphankala and Rs. 3/- on Nariphola, the defendants and who were probably the relatives of Tsechonmola or the people responsible for regulating village rules. The court proposed for a modification of the existing rules of the village and ordered: 'It is forbidden for girls who have obtained puberty to sleep a night in Mokokchung except as under: Girls in charge of their near relatives, Father, Mother or Brother provided they stay in the same house. Those who have come on a wish to their married sister provided that they stay with her.'¹²⁴ Cases like this only show how women's status was slowly beginning to be defined through what Bruce L. Benson would confirm were 'deliberately induced changes in customary law.'¹²⁵

Some exceptional cases concerning women by way of challenging certain deep-rooted ideologies too reached the colonial court although there was no consistency in the court's ruling, neither did it create precedents for further follow-ups. In the case of *Yachemnungshi of Ungr v Merengsangla* (1935), the case concerned a will bequeathing land to a daughter by the father before his death. It read; 'Yachemnungshi hereby bequeaths to his daughter Merengsangla one house site, two fields and one *dhan* house.'¹²⁶ A very succinct, almost a single sentence ruling, but throws important information on how immovable property bequeathed to women were being legitimised through the court. Another case to read against this rather peaceful process of property transfer through the will of the father is, *Imteungr GB of Chu Yimlang v Mesisangla of Chu Yimlang* (1942). This was a case fought between a brother and sister pertaining to a 'claim to *jat* land' where the sister got 'land.' The court held that 'there is no custom by which *jat* land can be inherited by a woman' and it gave the ruling that the '*jat* land will go to Imteungr' and the defendant Mesisangla was given Alisanansgla (two *khetis* [fields]), Ilangpangsasa (one *kheti*), Lepanglo (one *kheti*) within the land purchased by her father and the court pronounced 'She has no claim to anything else.'¹²⁷ These are cases that show father's

¹²⁴ *Longkhum GBs v Yaphankala, Nariphola, Tsechonmola all from Longkhum*, dated, 4 March 1933, in the court of Lambert, Sub-divisional Officer, Case Records, 1931-36, NSA.

¹²⁵ Bruce L. Benson, 'An Evolutionary Contractarian View of Primitive Law: The Institutions and Incentives Arising Under Customary Indian Law', *The Review of Austrian Economics*, Vol. 5, No. 1(1991): 41-65, p. 47.

¹²⁶ *Yachemnungshi of Ungr v Merengsangla*, dated, 10 March 1935, in the court of Lambert, Sub-divisional Officer, Mokokchung, Case Records, 1931-36, NSA.

¹²⁷ *Imteungr GB of Chu Yimlang v Mesisangla of Chu Yimlang*, dated, 30 January 1942, in the court of J. P Mills, Sub-divisional Officer, Mokokchung, Case Records, 1940-1948, NSA.

bequeathing 'land' to their daughters before they died, however in the latter case, upon the father's death the brother took to court and the court ruled in his favour revoking his father's will and redistributing the land to the defendant, the sister among the private land that their father had bought in his lifetime. Records show no information whether the deceased father distributed land with or without the clan's approval, but, if the co-heir, the complainant brother did not object to the redistribution of their father's private lands by the court and then it indicates that their deceased father distributed the land without the consent of the clan. This way the colonial court became the retainer of customs and traditions of the people.

Traditionally, Naga women played very crucial symbolic role though all activities were dictated by a patriarchal culture which never accorded the same space and honor a man received for the same task. According to Michelle Zimbalist Rosaldo, the universality of inclusion and contribution of women belonging to the same societal structure, makes women feel 'important, powerful, and influential, but, relative to men of their age and social status, women everywhere lack generally recognized and culturally valued authority',¹²⁸ and Naga women were no exception. This is explained by the fact that chiefs and village elders were an institution of the male order and every decision rested on them. Engendering gender specific spaces like the *morung* where special attention helped them learn skills to become persons of repute, for example, a great warrior, the same amount of attention and nurturing were not made available to women although women too slept in groups away from their parents' home. To the extent of clothes and ornaments, women were subject to the name of the men they were affiliated to, despite these reputed men being successful because of the tireless contribution made by women through their labours in the fields and crafts. The most important and permanent difference, however remains, a woman could never be 'the headtaker' - the warrior, she could never have the head of a man for a prized trophy like men did hers because the outer space did not belong to her. This is not to glorify headhunting, it is a metaphor put forth to differentiate space, gender and practices that defined the societal structure in that particular point of time.

As the colonial administration reached the region, along with the push and pull of situations, Naga women deployed the colonial court to emerge independently, assert their thoughts and fight for their rights in a public space. Although the point of

¹²⁸ Michelle Zimbalist Rosaldo, 'A Theoretical Overview', in Rosaldo, ed., *Women, culture and society*, 1947, p. 17, 'Matriarchal accounts of the past societies have, of course, the advantage of suggesting that contemporary sexual asymmetry is in no way natural.'

complexity of it all is, especially when it came to immovable property, it was men who fought for women because of the complex politics where he had certain emotional satisfaction and material interest in the outcome of that particular case. As John Tosh said, 'Most patriarchal forms in history have arisen from psychic needs combined with a perception of the material advantage to be derived from power over women.'¹²⁹ As pointed out by Sinha, the gender politics of the British was built by a patriarchal construct:¹³⁰ to a certain extent women spoke and their voice was heard in a public platform which was a huge move away from the reality of her given position, but that did change her position concerning decision making, which was an entitlement enjoyed by men at large. In as far as court cases appear, there was no move being made by women to supersede or challenge customary patriarchies apart from the domestic disputes as have shown in the cases discussed.

Tanika Sarkar talks about how the colonial power negotiated by compromising with the indigenous patriarchy and upper-caste norms and in return learnt a lot from them. In this whole process of compromise and learning, an extensive authority was retained among the indigenous patriarchy and upper-caste custom.¹³¹ Similarly, in the Naga Hills, the colonial court was aligning its loyalty to the customary practices of the Naga people by roping in village chiefs and appointing village headmen thereby regulating imperial interests based on the patriarchal system of the Nagas. In this realm of 'custom', there was much too little for Naga women to gain., The formidable agency of American Baptist missionaries was making progress side by side with the Nagas, which worked against British expansionist policy even as the court tried to win Nagas by acknowledging traditional practices. The missionaries and their radical transformation of the Nagas worked severely against colonial interests. The conversion to Christianity altered drastically not only the village dynamics but also challenged traditional bonds and practices shared by the village community. How did conversion undermine clan/tribe/community loyalties? How did Christianity redefine or reinforce Naga customs to their conversion policy? The next chapter will examine these questions.

¹²⁹ Tosh, 'What Should Historians Do', p. 198.

¹³⁰ Sinha, *Colonial Masculinity*, p. 34.

¹³¹ Tanika Sarkar, *Hindu wife, Hindu nation: community, religion, and cultural nationalism*, Permanent Black, New Delhi, 2001, p. 194.

Chapter 5

'Heathens' and Converts: The Remaking of Custom

Black's Law dictionary defines 'custom,' as 'a usage or practice of the people, which, by common adoption and acquiescence, and by long and unvarying habit, has become compulsory, and has acquired the force of a law with respect to the place or subject-matter to which it relates.'¹ Neeladri Bhattacharya has pointed out how ideas and attitudes in the late eighteenth century were influenced by a growing interest in the ancient, popular, and distant. This interest also seeped into the colonies.² In his work *Remaking Custom: The Discourse and Practice of Colonial Codification*, Bhattacharya reminds the reader of the 'cultural investigations' that brought travellers to India 'in search of the picturesque and exotic', and in the process, captured the interest of those officers already in the service of the government. The interest was in 'the social unfamiliar: in the customs, rituals and practices of native inhabitants.'³ This cultural inquiry took different forms in different regions of India: in Bengal, for instance, the zamindars were identified as a potential group to buttress British interests, riding on, without understanding, the deep roots of the caste structure. Quite unlike in Bengal, the British came to learn of the peasant land owners in Punjab who were independent, wealthy and practised clan and lineage based on customary traditions which were not anchored sacerdotal laws of Hinduism or Islam. This engendered profound debates among the colonial officers. Soon after the annexation of Punjab in 1849, the colonial officers began documenting the 'folk-tales, ballads, songs, proverbs, and investigating their customs' which led to the codification of the customary law, which became known as Tupper's Customary Laws of Punjab by 1881.⁴

By working out the customary practices of the villagers in Punjab taking village elders as the authority 'the British hoped to discover the customs of India's tribes, and

¹ Henry Campbell Black, *Black's law Dictionary*, St. Paul, Minn. West Publishing Co., 1891, Reprint, 1968, p. 461.

² Neeladhri Bhattacharya, 'Remaking Custom: The Discourse and Practice of Colonial Codification,' in R. Champalakhsmi, S. Gopal eds., *Traditions, Dissent and Ideology: Essays in Honour of Romila Thapar*, Oxford University Press, New Delhi, 1996, p. 20.

³ *Ibid.*, p. 21.

⁴ *Ibid.*, p. 22

at the same time establish power over them.’⁵ This search for the custom within tribes to reproduce the tribal knowledge which could be used for the imperial expansion found a use in another barely explored region such as the Nagas Hills in the province of Assam. As soon as the British came in contact with the Nagas, they identified a group of people who were conversant in Assamese and used them as *Dobashis* (interpreters), also called the ‘delegates’ when Captain Gregory was the political officer, into a system of governance, thereby enabling communication between the Naga people and the colonial government. The similarity between Punjab and the Naga Hills lay in the practice of customary traditions, in which male descendants shared the land of the original founder, in a social structure which lay outside caste hierarchies and limits of sacred text. However, the similarity ends quickly since Punjab customary practices, once codified, were written into law in whereas Naga customary law remains to this day remains an oral tradition sanctioned by the constitution of India under 371A.

Besides, the coming of the American Baptist Mission to the Naga Hills hastened the process of change in the lives of the Naga people in many ways. The differences in approach and ideas of the British, on the one hand, and the American Baptist Mission, on the other, makes for a different arrangement of government in the Naga Hills. This chapter therefore analyses three themes: 1) the early customary practices of the Nagas, at the point when they were recorded by the missionaries and colonial authorities, 2) *apotia* and *amungs*, ‘heathens’ and Christians who came under the colonial courts, 3) the attempt to standardize custom.

Early customary practices of the Nagas

Before the British invasion, every Naga village had its own cultivable land, its water resources, its own livestock for meat, and a wide range of forests around the village for building materials, fire-wood and leisurely pursuits. A village was surrounded by lands which the villagers could hold as common land, clan or *khel* land, family or individual land, depending on how the land was distributed when the village was founded. In a village, every *khel* had its own field-working group of ‘batchers’ (batch: peer working group) organized according to age, and included both the sexes. A

⁵ *Ibid.*, p. 31

person entered a group as soon as s/he was old enough to look after herself/himself and left the group as soon as s/he has a son/daughter old enough to work with their own gangs. The batchers were a democratic group who elected a leader among themselves and who decided whose field came next in rotation. Once they became batchers all worked and obeyed the leader of the group including the chief's son.⁶ Without the batchers system, it was practically impossible for a man to cultivate more than a small patch of ground and so every member of the village was entitled to help from the batchers. As the batchers worked on the rich man's fields, they expected a liberal supply of meat and rice. But the poorest in the village also get their work done without promising anything in return. An essential feature of the batcher system was the communal singing which accompanied each phase of cultivation. Sometimes a well-to-do-man of the village could hire the batchers' for a day and feed them in return [liquor and rice].⁷ They were also paid in some amount of rice which they would store for use during festivals. Batchers played a very important role in village life, especially during the festivals when each batcher group had a feast of their own apart from celebrating together in a community, which was a way of bonding the villagers as one family.

What were the kinds of practices that were tantamount to customary law in the Naga society which the British recognised as binding on the Nagas? The Customary practices of pre-literate Naga societies operated in two major ways; observance of *gennas* in terms of social matters, and, imposition and realisation of fines in kind equivalent to the wrong committed in legal matters. John Henry Hutton, the Deputy Commissioner, defined *gennas* as 'acts of worship.' *Genna* was derived from the Angami practice *kenna* representative of 'forbidden' that became a regular used word when various magico-religious rites were performed and observed by different Naga communities.⁸ It later came to be ordinarily called *Genna* by English writers.⁹ Custom ruled in the absence of written or scriptural law and observance of *genna* was a pivotal duty that no one could evade. Those who violated the *genna* were ostracized

⁶ J. H. Hutton, *The Sema Nagas*, Macmillan and Co., Limited, London, 1921, p. 153.

⁷ *Ibid.*, p. 154

⁸ J. H. Hutton, *The Angami Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 2003, pp. 189-90.

⁹ Milton Katz, 'Genna in Southeastern Asia', *American Anthropologist, New Series*, Vol. 30, No. 4 (Oct. - Dec., 1928), pp. 580-601, <http://www.jstor.org/stable/661117>, accessed, 20-10-2015 15:41, p. 580.

from the village for a particular period of time and even faced the wrath of the supernatural being in the form of sickness for the wrong doer or natural calamities for the whole village according to the gravity of offence committed.¹⁰ The *genna* consisted of three distinct elements of, *Kenna-penna*, social *genna*, and the erection of memorial *genna*. *Kenna* was a kind of relaxing no-work day observation, and *penna* was ‘an obligatory holiday’, both of which fell within forms of taboo, and the days on which they were observed varied. A village that was observing *kenna* prohibited its villagers from leaving the place. Likewise, no stranger was allowed to enter the village, no trade or conversation was allowed between the villagers and strangers. A house that was observing *kenna* was recognized by through the leaves/herbs that were kept hanging outside the door. Generally, *penna* was observed as a complete ‘no work day’, but it was also relaxed to include certain forms of work.¹¹ Social *Genna* was observed for the purpose of social advancement of a person in a society. The social prestige and recognition gained by a person was the result of ‘giving successive feasts to the village, clan or invited guests, each feast involving a larger expenditure than the one that preceded. The erection of memorials was to commemorate the ‘performance of religious or social *gennas*, or to recall a great feast, or to mark the grave of a rich or distinguished man.’¹²

Gennas played the role of a binding force in the life of a Naga. Everyday life was regulated through the observation of certain *gennas*, which were then performed and participated in by individuals, families or villages. Among the Angamis, *kenna* implied the prohibition was imposed on a certain group of the community, was *penna*, was imposed on the whole community. When *penna* was observed the whole village was put to rest from agricultural activities as it was taboo for people to go out of the village.¹³ *Chini* an equivalent of *penna* among the Angamis was practiced by the Semas. When a Sema was observing *chini* it implied that it was taboo to converse; it meant that a person was ‘unable to speak to strangers, or he might be unable to speak to anyone at all or to be addressed by anyone.’ It meant that contacts with others were

¹⁰ Adino Vitso, *Customary Law and Women: The Chakhesang Nagas*, Regency Publications, Delhi, 2003, p. 31.

¹¹ Katz, ‘Genna’, ‘Kenna may be rigorous or mild: a household will on occasion maintain Kenna only toward members of another village, or of another clan; sometimes personal Kennas are directed merely to outsiders; and mutual Kennas, especially between husband and wife, are common,’ p. 582.

¹² *Ibid.*, p. 583.

¹³ Hutton, *Angami*, pp, 192-93.

forbidden. Hutton, while demonstrating the case of *chini* in the Sema context gave the example of how he heard a man spoke of how ‘it was *chini* to be imprisoned.’ By this the person was meaning to convey that going to prison was beyond comprehension and ‘that they would not dream of doing anything which would entail such a consequence.’ Both *chini* and *pini* fell within *genna*, the former of a more severe nature and the latter of a general forbidden category where work was forbidden, in which case going to fields being majorly forbidden.¹⁴ On the other hand, just as observance and adherence to *gennas* were central to societal harmony and co-existence, the punishment for breaking these *gennas* was equally central in maintaining law and order. Among the Angamis, the offence of breaking *genna* was punished with a fine paid either to the village fund or to the clansmen the concerned person has wronged¹⁵ among the Lothas, if a man of another village broke the village *among* (*genna*) he was put in the stocks until his friends paid for his release.¹⁶ And among the Chakhesangs, a person who violated the observation of a *menyi* (*genna*) was ‘ostracized from the village’ depending on the severity of the offence. Moreover, the guilty had to face the fury of the supernatural being called *romi* through sickness or natural calamity befalling on the whole village or particularly on the guilty concerned.¹⁷ *Genna* functioned as a socio-religious-economic space that revealed the beliefs and practices of everyday life. With colonialism, however, came the court of law that wanted to investigate, interpret, remake and enforce the traditional system for transmitting it back to the people from whom it extracted knowledge in the first place.

There were accounts of the Naga people written by various military and civil officers but with Hutton’s Monographs, a detailed and systematic account of the people came into written form. *The Angami Nagas*, 1921, and *The Sema Nagas*, 1921, written by him and *The Lotha Nagas*, 1922, *The Ao Nagas*, 1926, and *The Rengma Nagas*, 1937, by J. P. Mills, were produced within the same structure and composition. Hutton rightly pointed out that the word for ‘clan’ in Sema was called ‘*ayeh* or *aya*’ where the same word *ayeh* or *aya* serves for ‘custom.’ He assumed that it was an indication of the differentiation of clans and the customs they followed. This brings to light how following certain customs by different clans worked as the force of law and order in a

¹⁴ Hutton, *Sema*, p. 220.

¹⁵ *Ibid.*, p. 148.

¹⁶ J. P. Mills, *The Lotha Nagas*, Kohima, Directorate of Art and Culture, Government of Nagaland, 1922, Reprint, 1980, pp. 101-02.

¹⁷ Vitso, *Customary Law*, p. 31.

community that had now written tradition.¹⁸ Indeed, there were various prohibitions, taboos and punishments that fell within the jurisdiction of law and order that kept the society intact, but there were serious customary practices relating to family and property that regulated the whole social structure. The theory and practice of the administration system defined societal custom and in the Naga Hills, patriarchal custom was renewed and extended, while allowing new ones. Generally, the law of inheritance among all the Nagas was that only males could inherit immovable property in the form of land and forest, with slight variations from tribe to tribe, in the nature of the inheritance. Cases as early as 1902 have been settled in court for the division of property among male heirs brought forth by the mother in the case of *Sibonlomba widow of Sabanjiba of Lanchung. Sibonlomba* (1904), the second wife and widow of Sabanjiba of Lanchung brought to court the petition to divide the property of her deceased husband between her son and two other sons by a former wife of the deceased. The court held that the property be divided in three shares, one for each of the deceased's 'male' children.¹⁹ In another case, *Yikashe of Senomi v Hoele of Senomi* (1930), Yeholho, the husband of Hoele died leaving four daughters with no male heir. In this situation, the deceased father's brothers, namely paternal uncles, four in number: Yikashe, Hozekhu, Inazhe and Zukiche, automatically became the heirs of the deceased. The court held that the 50 fields that belonged to the deceased must be sold and the prices were to be 'eaten' by the mentioned heirs. Likewise, the four daughters were to remain with their mother (Hoele) but their marriage prices would go to their grandfathers, who had become heirs to their father. Also, the court ordered that after all the daughters were married, the household property was to be divided equally between the above named heirs and Hoele, the mother.²⁰ The cases used here is to highlight the internalized conception of having a male heir get his due share of property, initiated by the woman who thought her 'male' child would be deprived of his rightful share, which was equally reciprocated by the court's order. Secondly, no matter how long people have been litigating cases of different kinds in the colonial court, the perception of male inheritance did not change even slightly, either with the local inhabitants or the colonial court as shown clearly from the case of *Yikashe of Senomi v Hoele of Senomi*. The important point in

¹⁸ Hutton, *Sema*, p. 125.

¹⁹ *Sibonlomba widow of Sabanjiba of Lanchung*, dated, 24 March 1904, Case Records, NSA.

²⁰ *Yikashe of Senomi v Hoele of Senomi*, dated, 26 January 1930, Case Records, NSA.

these two cases is that despite a gap of almost three decades the court judgment reflected the same values on male inheritance.

The fundamental practice of the Naga society was; only male could inherit immovable property. Among the Angamis, for example, were a man to leave no son(s) on his death, his property would be divided among his first cousins equally.²¹ Among the Lothas, were a man to die without sons or grandsons, a brother or brother's sons or the first cousins in the male line would be sought until the last of the last is found suitable to inherit the dead man's property.²² Among the Semas, on the other hand, a son was allowed to marry his step-mother after his father's death, and this arrangement worked in two ways: firstly, the widow retained the care of her children, which was possible only when she married the son of another women of her deceased husband, and secondly, it allowed her to retain her ornaments that were given to her at the time of marriage. However, the son, did not gain any larger share of his father's property by marrying his step-mother – it was, as Hutton emphasised, 'a temporary postponement of division of property, one of courtesy to the dead man's wife.'²³ It also appeared that the widow often had better knowledge about the debts and dues that concerned her husband and her heirs, and therefore marrying the widow of his father by the son was a functional arrangement. These kinds of arrangements were more common with chiefs' families who had many wives and also among some rich men of the village, although it was not mandatory for the widow to marry her step-son after the death of her husband: there was no obligation or penalty attached to the refusal of the widow to this kind of arrangement. On refusal, the widow could take her customary share of movable property of her late husband's and leave the house.²⁴ The practices of the widow remarrying into the family to keep the inheritance can also be seen among the Haryana-Punjab inhabitants of North India who were associated with the characteristic of the Rig-Vedic tradition of a levirate marriage called *Kawera*. In the *Kawera* system a widow remarried the brother of her deceased husband or to a patrilineal family member so that control of the deceased husband's land, which she had the right to use in her lifetime, could be transferred to the brother the widow was marrying. This kind of widow remarriage meant that the women in question had to

²¹ Hutton, *Angami*, p. 135.

²² Mills, *Lotha*, p. 98.

²³ Hutton, *Sema*, pp. 136-37.

²⁴ *Ibid.*

continue wearing jewels and clothes that were colourful²⁵ because remarriage takes away the limited right she possessed in the land after the death of her husband even if she married the brother of her deceased husband.²⁶ There were similarities in remarriage pattern of the Naga widow and Haryana-Punjab widow. The widow retained the ornaments which were given to her at the time of marriage and to a certain extent the usufructuary rights over land as long as she remained unmarried. The difference being that in the case of a widow in Haryana-Punjab, she held a certain right to her deceased husband's land to an extent that 'she could claim a partition of the property' by proving in the court that the required maintenance due to her was not being met from the undivided land. However to get her share of land partitioned was hard because the court operated on the preconceived view that the woman in question's 'required maintenance was being granted to her by her deceased husband's agnates.' The court's biased notion towards the widow's rightful interest in her husband's land was validated by the revenue officials' admittance that as long as the land was undivided it was hard for the widow to realize her 'fair share of produce.' Were the land to be divided, it meant the widow could arrange for workers other than her deceased husband's agnates, which was out of the question. Customarily, the widow could not undertake agricultural work all by herself, not because she could not, but because she was not allowed to as it was put in saying 'a widow may be able to sow sugarcane, but it needs a strong man to press out the cane.' All these were done firstly, to protect the interest of the landowning classes who wanted to retain the land within the family, and secondly, the colonial government's invested interest because of Punjab's economic, political and military importance. For example, Haryana had provided the best recruiting ground for the British Indian Army: this region provided one-fifth of the total recruitment of the whole of Punjab in World War I.²⁷ In this case, all rights whatsoever was in principle available to the widow were diminished in the interest of the dominant patriarchal culture of Punjab and the vested

²⁵ Generally, in India, women ceased to wear colourful cloths after the death of a husband and starts wearing plain clothes thus distinguishing her status as a widow.

²⁶ Prem Chowdhry, 'Socio-Economic Dimensions of Certain Customs and Attitudes: Women of Haryana in the Colonial Period', *Economic and Political Weekly*, Vol. 22, No. 48 (Nov. 28, 1987), pp. 2060-2066, <http://www.jstor.org/stable/4377793>, accessed, 18/09/2012 05:44, p. 2062.

²⁷ *Ibid.*, Punjab's economic, political and military importance, was too important to colonial government to displease the community in any sense which the colonial government identified right from the start. The colonial government pursued the policy of 'Preservation of village community.' Without a doubt the British understood that strengthening the hold over land was the way to get hold of the peasant society and to allow widows to claim her share of land would break-up this consistency and therefore widows claiming their share of land were 'disallowed.'

interest of the colonial government. On the contrary, a Naga widow never held the right to claim the partition of her deceased husband's landed property nor did she made an attempt to claim one in the court, although she could cultivate the land as long as she lived provided she did not remarry. Would Haryana-Punjab widow's right to claim her deceased husband's share of land without realising it in reality be considered as enjoying better amenities than a Naga widow who could not claim her deceased husband's land? Methods of sanctioning certain rights without implementing in reality is often a strategy to subjugate without making it appear coercive and therefore in both the case of the Naga widow and the Haryana-Punjab widow the real rights concerning land cannot be considered given and hence no actual rights of widows over land existed in both the cases.

Coming back to the Naga practices of settling disputes, for those communities that were governed by the council of village elders, like the Angamis, the case was brought before the old men of the clan and the decision of the old men in regard to custom was final. The process of settling disputes involved suggesting that 'so-and-so died as a result of taking a fake oath' and there were firm beliefs that false oaths were followed by death by swellings.²⁸ Hutton, writing about the consequences of false oath wrote on how he witnessed 'a man [who] swelled a ghastly sight and pustuled all over his body, a sickness particularly associated with false oaths, in a land dispute involving Kekruma and Shihama.'²⁹ People believed that it was only a matter of time before a person died due to a false. A case brought to court and settled in 1912 at Namkam can be used here to highlight the issue. The case of *Toshikhaba Goanbura* (hereafter GB when referring to a case), *Yaphang GB, Namkam v Mariba, Khajinkhaba, Chikiyangba, Namkam* (1912), was about the defendants cultivating land which was considered public land but they refused to give up the land. When the colonial court suggested the taking of an oath to locate the rightful owner of the land in question, both sides were ready to take the oath. The court, however, administered the oath to the litigating parties 'according to the Ao custom.' Clearly, the colonial courts were adapting customary practices in their adjudication processes, yet with important differences: the court made an intriguing observation stating 'now after 30

²⁸ Hutton, *Angami*, p. 143-44. The author cited an example of how a man swelled a ghastly sight and pustuled all over his body, a sickness particularly associated with false oaths, in a land dispute involving Kekruma and Shihama.

²⁹ *Ibid.*, p. 143-44.

days neither side has suffered any loss.’ The court held that, under these circumstances, the disputed land was not to be cultivated by either party and the land was to remain a *sarkari* (government) land. It further directed the defendants not to cultivate above the spot where Toshikaba *Goanbura* and Yapang *Goanbura*, representing each side had taken the oath. The Magistrate decided to go on the spot and put up proper boundaries on the disputed land himself.³⁰

When the court cited ‘30 days’ and no loss, it was referring to the waiting period of Naga oath, where according to superstition, anyone who took a false oath was stricken either by sickness or death. The preceding examples reflect how the colonial officers did not deny the existence of traditional beliefs and its consequences and also took them into consideration themselves. But of course by interpreting the concept of the oath taking literally, despite the customary provision of a temporal lag before the death or sickness occurred, the court was deploying customary law only with some cynicism.

One of the commonest modes of taking an oath was to bite on the tooth of a tiger, swearing that that if the oath taker were wrong, the tiger or the leopard would kill him.³¹ An *apotia* death was most dreaded among the Nagas and to confront death in the oath was symbolically the highest oath a man could take. However, the British had already introduced and administered a different kind of oath-taking since Captain Butler’s time in 1845. Butler has elaborately explained a particular incident that happened at Khonoma on 11 December 1845:

all the chiefs were summoned to witness the taking of the oaths administered to them according to their own most solemn ceremonies. Written agreements were drawn out by us (for the Nagahs have no written language), and thoroughly explained to them, and, to show their assent to the proceedings, they placed a double-barrelled gun between their teeth, after this a sword and a spear, and declared that, if they swerved from their oaths, they would fall by the one or the other.³²

³⁰ *Toshikhaba GB, Yaphang GB, Namkam v Mariba, Khajinkhaba, Chikiyangba, Namkam*, dated, 20 March 1912, Case Records, NSA.

³¹ Mills, *Lotha*, p. 102, When a person take an oath biting the tooth of the tiger or a leopard it meant s/he was swearing that s/he will die and *apotia* death, because being mauled by the tiger or a leopard was an unnatural death, where the whole village would perform *genna* and purify themselves in fire, p. 103.

³² John Butler, *Travels and Adventures in the Province of Assam*, Smith, Taylor and Co., Bombay, 1854. In the Naga agreements, the Nagas promised not to assault their neighbours in future; ‘to abstain from plundering excursions, cutting off the heads of any Nagahs [sic] or other clans, refer all disputes to British authorities, and not initiate hostilities with any clan. Nagas were also to pay an annual tribute to the British as a token of allegiance to the British Government, who, in return, would redress their

It is then evident that the early colonial innovative feature of putting together a barrel of a gun, a sword and a spear, and making the Nagas to swear that death would befall whoever was proved to have given a false oath or not kept to his promise, did not really cohere with the traditional system of taking oaths. These symbolic acts taking of oaths by the Nagas and further threat of committing murder to 'being hung' because such was British law, did not make sense to the Mozemah chief who was being briefed by Butler.³³ To the extent customary law was observed, it was more in form than in substance.

Punishments varied according to the intensity of the crime committed. Homicide was treated with utter severity. Among the Aos, were a man to commit murder, the relatives of the victim demanded publicly the life of the murderer in lieu of the victim he had claimed. It was then the duty of the public to intervene, urging that no more blood should be shed in the village again, so the aggrieved party resorted to wrecking the murderer's house, pillaging the murderer's property.³⁴ Colonial writing also stated that 'the right to loot' the murderer's house or his father's house if he had not yet owned one was customary among the Semas, irrespective of whether murders were accidental or intentional. So also did the Angamis who took to wrecking the house of the offender's house and plundering his property. The general practise among the Nagas however was, exacting a fine in the form of a cow or a pig, 'The payment of this pig stamped a man as a thief, and his descendants forever could be reminded of the incident of impunity.'³⁵ Among the Lothas, if a man committed murder, he was either banished from the village or his property confiscated and divided among the villagers. The severity of the crime was such that the, victim's clan was not even allowed to touch the property of the murderer, let alone take part in its distribution by the villagers. Under no circumstances could any of the relations of the murdered man ever partake food with the murderer, otherwise it was believed that their teeth would fall out. The taboo of partaking food by either of the sides continued as a practice among the descendants which was unlikely to be changed.³⁶

grievances, protect them from aggressions, and secure their general welfare by such measures as would conduce to their happiness.' p. 39.

³³ *Ibid.*, dated, 13 December 1845, p. 45.

³⁴ J. P. Mills, *The Ao Nagas*, Directorate of Art and Culture, Government of Nagaland, Kohima, 1926, Reprint, 2003, p. 193.

³⁵ *Ibid.*, pp. 193-94.

³⁶ *Ibid.*, p. 101, When the author was writing he came across a families who could not eat together.

If a person committed theft, he/she had to return to the owner the goods in full, or equivalent, and also pay a large pig or a cow to the clan he stole, were he unable to pay the fine he (thief) was sold as a slave.³⁷ In the case of the Angami, if a person committed theft, a fine was exacted seven times the value of the stolen property from the thief.³⁸ In the case of homicide, the perpetrator of crime was banished from the village for seven years.³⁹ For the punishment of a rape a man was beaten by the 'kindred of the woman' and driven out from the village for three months.⁴⁰ For committing adultery, there was a clear distinction between 'adultery by a man of the husband's clan and adultery by a man of another clan.' In the case of adultery committed between the wife and the man of the husband's clan, it was rather overlooked but in the case of the wife committing with another clan, a fine was levied on the adulterous man by the husband of the wife. In general terms, the person found guilty 'had to hand over to the husband's and woman's families all his clothes, personal ornaments, a cow or a large pig.' However, the husband was not allowed to take any these of fines as it involved his wife's 'immorality.'⁴¹ The attitude towards women not liable to fines or punishments tantamount to women not being counted as equal partners no matter what act they might engage in.

Hutton was of the opinion that the Nagas made no distinction between social-sanction and magico-religious sanction while imposing a punishment on the wrong-doer. Treating the crime of breaking a *genna* to a fine to be paid to the village fund or to the clansmen whose *genna* the person concerned broke, and the taboo of partaking food between the murdered family and the murderer's equally involved the magico-religious as well as social-sanction that looked at these acts of crime as equally social wrongs as well as taboo.⁴² In terms of disputes involving two villages, the village in dispute sent a messenger to fix a day to enable the respective village elders to meet and settle the matter. This kind of meeting was arranged in the open, on the path half-

³⁷ *Ibid.*

³⁸ Hutton, *Angami*, p. 148.

³⁹ *Ibid.*, p. 150.

⁴⁰ *Ibid.*, p. 148.

⁴¹ Mills, *Lotha*, p. 101. The offence committed by the clansman was often pardoned on the promise by the guilty that it would not be repeated again in the future. See Hutton, *Sema*, p. 242, Among the Semas, if divorce occurred owing to the wife's adultery, it was her parents or her relatives who had to pay a cow to the aggrieved husband along with the marriage price, in case the wife committed adultery within three years of marriage. On the other hand, if the paramour was caught he was beaten, but if a man happened to meddle with the chief's wife, he was banished from the village and his property confiscated.

⁴² Hutton, *Angami*, pp. 148-50.

way between the two villages, where foods and drinks were exchanged. The village elders from both the village shared the dividends of the fine gathered from the dispute settlement or given to the village which was wronged.⁴³

The participation of Nagas in World War 1, and their return home materially altered customary rights with the colonial court rewarding their favourites with benefits such as village labour. A certain amount of days of village labour was a privilege enjoyed by the chiefs and their families in the Sema village system. In the case of *Lhikye GB v Giyakhu Alaphumi* (1919), the dispute was about redistribution of village labour after the death of Giyalho. There were two *khels* in Alaphumi village and when Giyalho was alive, he used to enjoy six days labour of the whole village in a year. While Giyakhu had six days labour from one *khel*, and Vikishe and Khikeshe three days labour each from the other *khel* of the village. Giyakhu succeeded Giyalho to become the Chief of the village which entitled him to have six days labour from the whole village. The share of Vikishe and Khikeshe's remained as before. In the case of Khikeshe, he earned these labours of the *khel* in return for his help rendered in War, otherwise he had no hereditary right to the village labour. Therefore, when he dies his heir(s) were not entitled to his free labour, rather it would go to Vikishe. Also, if per chance Khikeshe wished to relinquish his right to *khel* labour, it would go to Vikishe.⁴⁴ There is no trace of whether the grant of village labour by the paternal disposition of the colonial court found its way to the court for reinstatement by the heirs of the colonial war veteran.

On the contrary, when it came to situations that did not directly contribute to colonial government's immediate scheme of plans, custom was adjudicated in tune with traditional practices. The case of *Lukheshe of Baihmo v Sazeshe (and Sazeshe) of Alapfumi Sotoemi* (1919) is an example of the kind of approach the court took when it chose to uphold, rather than overturn, custom. The complainant was a Baimho man who ran away to another village, Alapfumi. Before he ran away, he had he sold some of his land to Shazeshe of Sotoemi. The court ordered that the land, namely, *Kulbo* and *Apuboizekha* was Baimho's land, and therefore the sale was cancelled and the money returned. Since Lukheshe, the absconder, had already left Baihmo, he was ordered by the court to leave the land he owned at Baihmo to members of the family

⁴³ Mills, *Lotha*, p. 100.

⁴⁴ *Lhikye GB v GiyakhuAlaphumi*, dated, 4 June 1919, Case Records, NSA.

who were still in the village. At the same time, the two defendants were fined Rs. 5/- each for buying land outside their village.⁴⁵ The judgement punished not only the one who sold the land to another village, which violated customary practice, but also the two defendants who bought the land from another village.

These examples illustrate the contradictory approaches of the colonial courts to the customary practices of the people. It was sometimes a means of imposing an alternative authority, even at odds with customary law. Even when it upheld customary law, there was an unflinching interest in performing a paternalistic role in the disposal of cases. This may be seen in *Alongba v Alemla of Chantiongia* (1919) in which the defendant was the aunt of the complainant. Alemla used to share a house with the father of Alongba, when the latter's father was alive, because they were siblings. On the death of the Alongba's father, the defendant sold the house site, to Sarinangba, which the complainant claimed belonged to his father. The court acknowledged that Purtuba, the father of the complainant, and his sister Alemla, the defendant, lived together on the house site that was in dispute. There seemed to be no evidence of the defendant funding the purchase of the house site and therefore the court held that she had no right to sell the house site. However, the court's also agreed to a limited estate in the property, that is, the woman should be entitled to live there till her death. Thereafter, the sale of house site to Sarinangba was cancelled and the money returned.⁴⁶

A similar case of making elaborate arrangements for the litigating parties to be reconciled is shown in the case of *Shovishe of Natami v Tazakhu of Sukomi* (1919). This was a claim for property of Yezada of Sukomi and the custody of his daughter Mevili which was brought to court. As practised in Sema tradition in certain situations, Yezada was 'given a wife' by Shovishe Natami. Yezada was Natami by origin, but after his marriage he left his ancestral village and settled at Sukomi, where he lived and died, leaving a widow, a son Tilizu and a daughter Mevili. After the demise of her husband, the widow married Tazakhu. Tilizu, the son had become a 'practice-wallah'⁴⁷ who had left home in search of a better livelihood outside the

⁴⁵ *Lukheshe of Baihmo v Sazeshe (and Sazeshe) of Alapfumi Sotoemi*, dated, 12 June 1919, Case Records, NSA.

⁴⁶ *Alongba v Alemla of Chantiongia*, dated, 1 September 1919, Case Records, NSA.

⁴⁷ See J. H. Hutton, 'Problems of Reconstruction in the Assam Hills', *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, Vol.75, No. 1/2 (1945), pp. 1-7,

village life. When Yezada died, a search for Tilizu was made everywhere in vain. The court held that since Tilizu had made no effort to support his mother and little sister, he would not be allowed to make any claim in the matter of his Father's property even if he returned. Within the very small amount of property Yezada left, part of it went to Shevishe of Natami who married him off. Mevili, who was four or five years old, was made to remain with her mother till she was married. And her marriage expenses were to be borne by Shovishe and Tazakhu in terms of providing clothes and ornaments and, in return her marriage price was to be shared equally between them. The court also added that Tazakhu could not make any claim for maintenance apart from what the court had decided.⁴⁸

Village life, before the advent of the colonial court, *Genna* regulated the lives of the people and people adhered to the observance of *genna* seriously. The British acknowledged the importance of *genna* performance and sometimes made alternative arrangement for those observing *gennas* when it coincided with government work.⁴⁹ Property and inheritance were based on patriarchal practices, false oath was avoided and criminals were banished from the village. After the arrival of the British, the colonial court, introduced a new paternalism, which was arbitrary in its invocation of customary practices, for example, as seen above, to a world war veteran, a privilege enjoyed only by hereditary right. The court soon became the site for intervention in family disputes, and in their resolution, only sometimes in tune with customary law, as seen in the cases discussed above. The acknowledgement and compliance to Naga customs to a certain degree by the colonial administration was to a larger driven by the imperatives of governance in the region.

***Apotia* and *amungs*, the 'heathen' and the convert**

The term *Apotia* was used by the colonial writers in the Naga Hills to describe those deaths that occurred in unnatural ways.⁵⁰ All deaths that were not normal deaths were considered *apotia*, and hence the *genna* observed in connection to *apotia* were same.

<http://www.jstor.org/stable/2844275>, accessed: 19 April 2013 06:35, p. 2. With the inflation of prices after WW1, it created a class who had wealth and class and who were 'both scornful and ignorant of tribal tradition.' 'Practice-wallah' was a local name given to such persons.

⁴⁸ *Shovishe of Natami v Tazakhu of Sukomi*, dated, 11 October 1919, Case Records, NSA.

⁴⁹ See Lazami village rendering annual free coolie coinciding with their village *genna* in Chapter 2, Section 1.

⁵⁰ J. P. Mills, *The Rengma Nagas*, Directorate of Art and Culture, Government of Nagaland, 1937, Kohima, 1937, Reprint, 1982, p. 221. See also, Mills, *Ao*, p. 283.

Mishaps specifically leading to accidental deaths, were treated with stringent observation of *gennas* by the whole community and it was considered taboo to break a *genna*. Example, a man who died a violent death, by falling off a tree, were ‘simply tied up near the spot where they fell, without covering or ornament, as their death was attributed to their having incurred the special disfavour of their gods,⁵¹ or if a woman died at childbirth.⁵² This kind of taboo observance was attached both to the person and properties of the concerned unfortunate person amongst all the Naga communities.

A close observation shows the severity of customary rules that was particularly attached to *apotia*. However, this whole concept of taboo related to *apotia* death and its practices seemed to have found relevance in the colonial court. The colonial court made no effort to give reasons, let alone make some mitigating laws, against the most severe punishments people could suffer for no fault of hers/his. The cases of *apotia* were treated in different ways; first, compared to the way people reacted and treated the *apotia* victims and their family, there was no such reaction when the case(s) were reported to the colonial court or the Magistrate in person. Secondly, Christianity had an effect on the temperament and attitude of the people, particularly those who were now converts and formed a part of the population in a village. Thirdly, the colonial court capitalized on *apotia* both in terms of cash and converting it to labour for government establishments.

Apotia death was not an isolated occurrence away from the colonial officers. Woodthorpe’s experience of witnessing an *apotia* death body while on an expedition read:

Outside Boralangi village, which we passed through during the day, we saw the body of a young man, only a few hours dead, stretched on a small *maichan* (raised platform) without any covering except his cloth. This circumstances, and the fact that he was lying far from the regular resting place of the dead, excited out curiosity, and we were informed that he and another man from the next village (Susu) had been at Boralangi the day before to attend a merry meeting, and had the path just outside the stockade a narrow

⁵¹ Lieutenant R. G. Woodthorpe, R.E., Assistant Superintendent, No. 6 Topographical Survey, Report on the Survey Operations in the Naga Hills, 1875-76, Printed at the Assam Secretariat Press, Shillong, 1876, dated, Shillong, the 15 June, 1876, From, Lieutenant R. G. Woodthorpe, R.E., Assistant Superintendent, Topographical Survey, To, Captain F. Badgley, in charge No. 6, Topographical Survey, para. 29.

⁵² Hutton, *Angami*, p. 216, ‘If a woman die in childbirth or “before the completion of the five days” *genna*, she was taken out, not by the door, but through a hole made in the side of the house, and buried with all her property. Her baby was taken out and buried with her, if the baby died as well.’

and tortuous one amid a forest of long *panjies*, he had tripped and fallen, and a *panji* had passed tight through him from side to side below the ribs, and he had died a few hours later. My informant added that man who does violent deaths in this way by accidents were simply tied up near the spot where they fell, without covering or ornament, as their death is attributed to their having incurred the special disfavor of their gods. I noticed a similar custom last year among the Nagas about Bormutan and Senua.⁵³

No single factor can be alluded to as being the sole reason for the declining severity of punishments and taboos attached to *apotia*. As the cases will show, there were many factors that were emerging to undermine the customary practices associated with *apotia*. By the early twentieth century, cases pertaining to the utilisation of formerly tabooed property were being adjudicated in the magistrate's court. In *Yangkosao of Changsi v Zikishe of Nantang* (1903). Yangkosao, the complainant reported to the court that Zikishe, the defendant, came to Changsi village to take the cattle that belonged to a man who died an unnatural death. The accused mistook one of the complainant's cows for one of the deceased's cows and killed it. The complainant wanted Rs. 50/- as compensation. The magistrate made provisions for the accused to go back to Changsi and bring back all the cattle that belonged to the deceased so that the government would put them up for auction, by which the accused would be able to pay the dues. The defendant refused the court's offer and chose to pay a sum of Rs. 45/- to the complainant according to the court's settlement.⁵⁴

The question arises as to why in the first place the court would be interested in helping out the defaulter-defendant as in the case of *Yangkosao of Changsi v Zikishe of Nantang*. In this case the question of custom or customary practices of the people did not even arise. Instead the administration was quick to encourage the defendant to gather all the tabooed cattle and make good his fine not to mention what would have become of the position of the defendant in the community. Properties belonging to *apotia* related death were forsaken and were made to perish in their own time. In this case, the defendant was making an unusual venture by trying to make use of the *apotia* deceased's property, which in normal circumstance was left wild and unclaimed by the village community. In his tryst with chance, the defendant accidentally killed the complainant's cow for which he was sued for a sum of Rs. 50/-. What makes the case interesting is the way the court tried to make provisions for the

⁵³ Report on the Survey Operations in the Naga Hills, 1875-76, By Lieutenant R. G. Woodthorpe, R.E., Assistant Superintendent, No. 6 Topographical Survey, Printed at the Assam Secretariat Press, Shillong, 1876, para. 29, dated, 14 February 1876.

⁵⁴ *Yangkosao of Changsi v Zikishe of Nantang*, dated, 18 October 1903, Case Records, NSA.

defaulter-defendant, asking him to go back to the location of the accident, 'fetch the remaining cattle' for auctioning it in the district sub-division and pay his fine. The court was willing to 'repay Rs. 45/- at once to the complainant' and make the defendant 'make his own arrangements to recover this amount by local sale.' The plan could not be carried out, to quote the magistrate, 'he (defendant) raised all sorts of difficulties and will not settle one way or the other', and therefore paid a fine of Rs. 45/- to the complainant. What was special about the case or the defendant in person or circumstance is not sure as no detail worth the doubt has been laid. Would writing off taboo practices be the sole cause for the court to show favour to the defendant? Or was the court in some way interested in innovative application of customary practices of killing animals and eating it them within a specific time and hence remaining lenient to the defendant, who wanted to use the tabooed cattle as food? Or was the court trying to incorporate certain native powers such as that of the village chief providing a 'necessary sum' to the person in need which was to be repaid later on? What can be read from the case of *Yangkosao of Changsi v Zikishe of Nantang* is the colonial court giving legitimacy to *apotia* animals by putting values upon the cattle heads and making it appear profitable and enterprising. It also indicates that the people retained the power of complying with court requests in the limited rather than the expansive punishments, thereby retaining a degree of power and agency, even if it undermined the customary rights of the complainant on the question of taboo animals.

There was a thin line between observing *apotia* and the *gennas*. In practical terms, they both represented taboo/forbidden practices. In the case of *Khensa GB v Khensa GB* (1917), three issues came up: the matter of observance of *amung* (*genna*), cultivation, and a new site for Christians. The court judgment freed Christians from observing any of the *amungs* that the 'heathens' observed, provided they lived in a separate village. However, the court also gave its judgment that both the Christians and Heathens would together cultivate a field site decided upon by the *Gaonburas*, Bariks and the Christian *mabangsir*. In the matter of the new site, Techiyoba, the in-charge of the new site was given three small areas by Imtisua a Christian, as he had lost his land. The names of these three fields were *acheulu*, *arethemoklu* and *sensanakong* and the new site the Christians occupied was called *makili*.⁵⁵ The

⁵⁵ *Khensa GB v Khensa GB*, dated, 19 February 1917, in the court of J. P. Mills, Sub-divisional Officer, Case Records, NSA.

unwillingness of the Christians to associate with the followers of indigenous religion was no secret. This withdrawal of the Christians from all 'heathen' practices impinged directly on the social and economic activities of the former. While people like Techiyoba, in-charge of the new site inhabited by Christians, was said to have lost his land, it must be noted that the Christians would rather leave behind their possessions behind and move to a place where only Christians would inhabit then to live in the old 'heathen' village.

Here is a brief note on how it started. Back in 1872, Reverend Edward Winter Clark, of the American Baptist Mission, was sent as superintendent of the Mission Press by the Union from Boston to relieve Dr. William Ward, a fellow Missionary stationed at Sibsagar. During his stay at Sibsagar, Clark came in contact with some Nagas and was able to build his influence among the Ao Nagas, and on March 1876, Reverend E. W. Clark left Sibsagar and reached Dekha Haimong (Molungkimong), an Ao Naga village, to live there. Clark got the permission from the Viceroy of India, but before leaving for Dekha Haimong (Molungkimong) he was warned that while he may 'live beyond the British flag' he could not 'expect any protection from the British arms.'⁵⁶ This was a time when Assam had become a separate province (1874), and Samaguting was the only village in the Naga Hills (in fact it was the outpost established by the British) paying revenue to the government, and the government was unwilling to 'extend the "red line."⁵⁷ And therefore, Clark went beyond the British flag thus disengaging the metaphor 'where the flag went, the cross was never far behind'⁵⁸ as he set forth before the flag and started his mission. The Mission work began in earnest with Clark's effort, however, differences began to appear as Clark began to insist on observing Sunday as a 'day of rest.' This call for a day off in a week disrupted the 'rhythm and routine' of the village life of the Nagas⁵⁹ which the villagers opposed. Naga community life depended on working with each other every day and in all

⁵⁶ Ketholenuo Mepfhu-o, 'Body, Mind and Soul: Missionary Intervention in the Naga Hills', MPhil Dissertation, JNU, New Delhi, 2011, p. 11.

⁵⁷ James Johnstone, *Manipur and the Naga Hills*, Gyan Publishing House, New Delhi, 2002, p. 56. J. Johnstone blamed the government of its disinterest in the Eastern Frontier tribes, and put in his own words, 'except so far as to coax them or bribe them to keep quiet.'

⁵⁸ Ian Copland, 'Christianity as an Arm of Empire: The Ambiguous Case of India under the Company, C. 1813-1858', *The Historical Journal*, Vol. 49, No. 4 (Dec., 2006), pp. 1025-1054, <http://www.jstor.org/stable/4140149>, accessed, 28-02-2016 13:07, p. 1025.

⁵⁹ Richard M. Eaton, 'Comparative History as World History: Religious Conversion in Modern India', *Journal of World History*, Vol. 8, No. 2 (Fall, 1997), pp. 243-271, <http://www.jstor.org/stable/20068595>, accessed, 20-10-2015 13:41, p. 251.

activities of hunting, fishing, sowing, and harvesting, and it became impossible to maintain different work cultures within the same space. The friction in the village compelled Clark and his followers to finally decide on leaving, and in 1876, Clark abandoned Deka Haimong with the faithful fifteen. Richard Eaton has picturesquely described the exodus from Deka Haimong, 'Clark and his tiny band of fifteen followers abandoned the stockaded walls of the first village in which he had been preaching and established a separate, all-Christian village named Molungyimsen.'⁶⁰ This description of Eaton perfectly describes what Saraubh Dube call the involvement of the mission project in the 'conscious creation and fashioning of the boundaries of the "community" of White settlers, which served simultaneously to overcome their internal economic and social differences and disparities.'⁶¹ The insistence of Clark on the villagers of Deka Haimong observing Sunday as a day of rest falls within the scheme mentioned by Dube: 'the spatial organization of activities in the mission station, governed by Western divisions and notations of time'.⁶² In the history of Naga Hills, Reverend Edward Winter Clark was the first person in whose leadership leaving the old village and founding a new one driven by religious fervour was made.

Resistance to village traditions was becoming a constant feature in the village life of the people as the converts stopped associating with the rest of the villagers who were identified as 'heathens' or 'ancients.' Cases of 'Christians v Heathens' varying from matters of *genna*, *morung*, field work,[etc] came up frequently in the magistrate's court for settlement. In the case of *Gaonburas v Christians of Mobongchokit* (1918), the *Goanburas* filed a suit against the Christians for neglecting to do any work of in the *morung* or stack wood torches near the church. The case appeared to be of a repetitive one, as the Sub-divisional Officer was unhappy that his previous orders have been disobeyed. He therefore gave a stern order to Christians to work in the company of those of indigenous faith, and start involving themselves in contributing to the common stock of wood and torches at the *morung* 'according to custom.' The Sub-divisional Officer further added that the Christians need not take any interest in any of the ceremonies that were connected with the *morung*, but they must fulfill their full measure of work. Since the Christians had breached the Sub-divisional Officer's

⁶⁰ *Ibid.*

⁶¹ Saurabh Dube, 'Issues of Christianity in Colonial Chhattisgarh', *Sociological Bulletin*, Vol. 41, No. 1/2 (March - September 1992), pp. 97-117, <http://www.jstor.org/stable/23620175>, accessed, 28-02-2016 13:33, p. 102.

⁶² *Ibid.*, p. 102.

orders in the previous occasion the Christians were ordered to supply 100 ‘punishment coolies.’⁶³ The converts were influenced by the missionaries who ‘forbade male converts to live in the *morung*.’⁶⁴ In another case, *Heathens v Christians of Kabza* (1918), the ‘heathens’ wanted the J. P. Mills, Sub-divisional Officer, to pass an order according to the amicable argument both parties had arrived prior to meeting the Sub-divisional Officer. Based on their decision, the order was passed that required the Christians of Kabza to observe not more than what was sanctioned by the court (See table 1 below).⁶⁵

It had become quite clear that the wedge between the Christians and the non-Christians was becoming wider. In *Marimayang v Shiluchiba, Sangyuba of Waromung* (1920) a dispute about the land called *alunginden* was brought to court. In this case the two parties were quarrelling for their respective shares in the land. After inquiry the court found that the land was held as payment for doing a yearly *genna* called *Changchanglong kulam* at the stone called *Changchanglong*. The Christians felt they could not constantly contribute to any heathen *genna* or even sleep in the village *morung*, the court held that the Christians can have no right to the land. The order read that the non-Christians could cultivate the land in common on condition that the yearly *genna* was performed. The order further carried, if they (non-Christians) adopted Christianity, the *genna* was no longer to be performed and the land would go back to the village and become common land.⁶⁶

In pre-literate society, clothes and ornaments were markers of identity and status of a person. As shown in the preceding chapter, every design, colour, and every embellishment was hard earned by the wearer through performances of various activities of social and religious *gennas*. These customary practices of maintaining social standard of the village communities, which was also what kept the different clans in the village amenable was breaking away through the influence of Christianity. The case of *Bariks v ...hamnangneu, ...mtuba, ...kemchang, ...amchang of Sangrachu* (1920) [file destroyed in the extreme left corner thus starting alphabets of the names lost], is a good example. J. H. Hutton, the Deputy Commissioner, while reviewing the case in question found the old case of a similar kind between the Aujivi

⁶³ *Gaonburas v Christians of Mobongchokit*, dated, 25 May 1918, Case Records, NSA.

⁶⁴ Eaton, ‘Comparative History’, p. 254.

⁶⁵ *Heathens v Christians of Kabza*, dated, 22 August 1918, Case Records, NSA.

⁶⁶ *Marimayang v Shiluchiba, Sangyuba of Waromung*, dated, 31 January 1920, Case Records, NSA.

and Mongsentsinger clan. Traditionally, the Mongsentsinger clan was forbidden from eating beef, and in return enjoyed the privilege of wearing ivory armlets on both arms. However, after being converted to Christianity, they started to eat beef which stirred unrest among 'all the clan of the village' who were clamoring to 'usurp' the rights of the Mongsentsinger clan and wear ivory armlets on both the arms. The judgment in the old case retained the right to wear ivory armlets on both the arms to the Mongsentsinger clan and one to Aujivi clan. In the meantime, coming back to *Bariks v ...hamnangneu, ...mtuba, ...kemchang, ...amchang of Sangrachu*, between the Wozunger and Mongsentsinger clans of Sangrachu village, the claim of these four defendants, all from Mongsentsinger clan, was such they 'preferred beef to armlets.' However, the Deputy Commissioner was of the opinion that these members were a minority and 'for the sake of uniformity', the Deputy Commissioner wrote, 'I ordered that ancient prohibition against beef be re-enforced.' The interesting turn out of the case was, in spite of the Deputy Commissioner's prohibition, the four defendants in this case ate beef. They declared they were Christians and were thereby released from all old prohibitions, and that 'the question of rights in ivory armlets does not interest them as they have no wish to wear any.' Upon which the Deputy Commissioner asked the defendants if they would give up clan privileges, such as land and property, as they do ivory armlets? To which the defendants promptly replied in the negative. While expressing his dismay about the attitude of the defendant, the Deputy Commissioner also countered that there was no 'warrant whatever in religion' and hence the attitude of the defendants. In Sangrachu village, all the clans, other than Mongsentsinger clan, were entitled to only one armlet by tradition. However the villagers were demanding that if Mongsentsinger clan ceased to observe the abstinence from eating beef, which entitled them to two armlets, they will regard themselves at par and would start wearing two ivory armlets.⁶⁷ The case shows no court order being carried out by defendants, instead it challenged the very order that was given. The defendant would rather enjoy both worlds of the converts (prefer beef to ornaments) and the rights of the ancestors (not give up ancestral property). Social set up of the village life was becoming more and more complicated with the clash of interest between the traditional and the emerging social order introduced through Christianity.

⁶⁷*Bariks v ...hamnangneu, ...mtuba, ...kemchang, ...amchang of Sangrachu*, dated, 21 September 1920, Case Records, NSA.

The colonial courts in the Naga Hills tried to reinforce what was considered traditional and customary. The re-ordering of customs and traditions contributed to the creation of hierarchies in the community whether intentionally or unintentionally. In the court of C. R. Pawsey, the Sub-divisional Officer, the case of *Christians v Akhoia Ancients* (1921), several 'aksu due' (*ekytsu* - customary obligatory fine/fee) was re-ordered. The court ordered that; a) *Aksu* was to be paid by Christians from the day of the court order, b) *Aksu*, previously paid by the clan to a member who has had his wife abducted was not be paid anymore, c) *Aksu*, was no longer to be paid by the Christians to any ancient religious significance. Also, Christians were not to pay anything that had to do with *mithan* sacrifice, d) Christians who sacrificed *mithan* prior to conversion were allowed to wear the appropriate dress and ornaments, e) among the Christians, those who have served on government expeditions could wear the dress peculiar to a warrior without any payment to village authorities, f) those Christians who, prior to conversion, paid the village authorities for the privilege of wearing warriors dress, could continue to do so, g) Christians who sacrificed *mithun* prior to conversion were allowed to build their houses according to the pattern requirement, and finally, h) with the exception of the above specified categories, Christians would wear plain dress, and build their houses of the ordinary pattern.⁶⁸ According to the records, a copy of the court judgment was sent to Reverend B. Anderson in Kohima, which also indicated that the authority of the administration was binding to mission activities. However, discrepancies and ambiguities of law operating in the Naga Hills reared its head every now and then alongside the court orders. While C. R. Pawsey, the Sub-divisional Officer, drew a long list of orders, beginning with the first order where 'Aksu was to be paid by Christians from the day of the court order', there was no mention of whom or where the fine had to be paid. As was the pattern of colonial court documentation, with no details of the court proceedings, one can only assume, following other cases where fines were normally paid to the government, that *aksu* fine was paid to the government. Secondly, the restriction imposed on the converts to wear 'plain dress' let alone ornaments, and how to build their houses in 'ordinary pattern' as opposed to the elaborate decorations signifying the achievements and status of a person, was a contrast to what his predecessors have been trying to encourage – traditional practices among the Nagas.

⁶⁸ *Christians v Akhoia Ancients*, dated, 31 August 1921, Case Records, NSA.

Does this then suggest that it was not only the Christians and the Ancients who were having differences but also the colonial officers?

Some people were finally disassociating themselves from observing *apotia*. The case below shows that ‘one of the owners’ gave permission to the defendant to reap the paddy in the field that belonged to the person who died *apotia* which would mean that ‘one of the owners’ could be the spouse or the children. Here is the case, in case of *K. E. v Christians of Nankam* (1922), six boys were accused for removing articles from an *apotia* house. The court held an interestingly detailed account of the *apotia* stating that it was quite clear that the full custom of ‘*apotia*’ was not kept, because 1) The corpse was not disposed of at once, 2) the *apotia* body was smoked for six days and laid out on a platform with other corpses, instead of apart, 3) the owner of the house does not appear to have given up all his property. And therefore based on these points of non-observance of *apotia* death, the boys were not punished. However the court ordered the boys to return the articles taken from the *apotia* house.⁶⁹ In this connection case the case where the defendant reaped the paddy cropped up, the case of ‘X’ of *Nankam v [...]isang of Nankam* [starting initials to the name destroyed] (1922). Just like the six Christian boys who took articles from the *apotia* house the defendant who was a Christian went to reap crops in the aforementioned *apotia* field to which X objected and hence the suit was filed. However, since the owner of the house reclaimed all valuables and granaries and did not observe the full custom himself, the court held that it was ‘not prepared to enforce it against the defendant. The court allowed the defendant to cut the crops, having obtained permission to do so from one of the owners, on condition that he must use the paddy himself and not sell it or give it to guests.’⁷⁰

The earliest case of legitimizing *apotia* was cited in *Yangkosao of Changsi v Zikishe of Nantang* (1907) in this chapter. Legitimizing the use of *apotia* cattle can also be seen in the case of the two Angamis of Kohima (1925). Two Angamis of Kohima, Visale and his friend, came and took away *apotia* cows from Minu village against the orders of the J. P. Mills, the Deputy Commissioner, thus ‘showing direct disobedience to the Deputy Commissioner’s orders.’ The record read that one cow was sold to Noasa *Goanbura* of Tseminyu for Rs. 18/- and one to Chichama village. Along with

⁶⁹ *K. E. v Christians of Nankam*, dated, 30 August 1922, Case Records, NSA.

⁷⁰ ‘X’ of *Nankam v [...]isang of Nankam*, dated, 30 August 1922, Case Records, NSA.

the cows, the two men allegedly killed a pig, which was killed and eaten, as well as carried off as pork.⁷¹ In connection to this case, a Themokedima *Goanbura* complained of the ‘two Angamis’ to the Deputy Commissioner. The *Goanbura* stated that these men brought *apotia* cattle and sold them in his village. The concern of the *Goanbura* was more because the Christians in his village bought one for ‘their Christian’ gathering and were going to eat it. Therefore the complaint of the *Goanbura* to the Deputy Commissioner was, ‘ought they be allowed to do so?’ In Deputy Commissioner’s own words:

any way the village was now tainted and it made no odds whether the cow was killed or not as far as that went, and that ‘apotia’ food was very proper Christian fare and they had right to be fed on it, to which he heartily agreed. As for the other, the man who bought it came with a howl that he had been sold a pup.⁷²

The Deputy Commissioner assured the *Goanbura* that he ‘would deal with the sellers’, and further added ‘that he had better pass his purchase on to some Christians.’⁷³ Although the *Goanbura* was complaining about the two Angamis selling the *apotia* cow to the Christians of his village, the concluding remark of the Deputy Commissioner suggest that the *Goanbura* himself had bought the *apotia* cow which made the Deputy Commissioner make a snide remark at him to pass his purchase to the Christians. The case showcases the anxiety suffered by the community that housed both the non-Christians and the Christians in the same village. The differences that cropped up between the non-Christians and the Christians was a reality that created a space for the court to intervene.

With the colonial court ready to hear any suit that was brought before the magistrate, people began to seek courtroom solutions instead of resorting to the old system of village dispute settlement. This tendency to press for colonial judgment was a product of various reasons; firstly, the mobility of the people was increasing people’s knowledge of what lay beyond the border of their villages was growing. Secondly, at the village level, employment to posts of privileges such as *Goanbura*, which in many cases was appointed by the government, was generating new power tussles within the village. Thirdly, the influence of the Missionaries whose preaching was opposed to

⁷¹ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the months of November and December, 1925, dated, 12 December 1925, camp: Minu, PRM.

⁷² *Ibid.*, dated, 14 December 1925, camp: Therugunyu (Themoketsa upper).

⁷³ *Ibid.*, See *Village of Lungla v Tsenyimo of Lungla*, dated, 2 July 1933, ‘Breaking Custom’, in the court of Lambert, Sub-divisional Officer, Mokokchung, Case Records, 1931-36, NSA, in Chapter 2, section 2.

the records shows that, starting from the 1890s, cases were becoming more commonly between individuals. After the first decade of the twentieth century, many cases involved disputes between the converts and the non-converts. There were times when the Christians openly admitted to their actions when the case was brought before the court. In the case of *GBs of Chare v Christians* (1928), the former refused to carry the 'village public rice.' When inquired in the court of C. R. Pawsey, Sub-divisional Officer, why they did not help in carrying rice, they said they were stopped by Tsutargsu, who told them that he wanted 'a clear arrangement' and hence stopped them. According to Tsutargsu, arrangements were made for the Christians of Chare to carry the rice for that particular year alone and not in future years, and said he wanted a clear arrangement and therefore stopped them joining that year. For taking the decision at his will, Tsutargsu was fined Rs. 20/- which was to be given to the village. The court gave an order for the Christians to help in 'carry up the rice' in the future. Before leaving the court, the defendants requested Semsalepzung of Jakpa to go with them as Pastor to which the court held no objection. 'Provided', the court added 'that he scrupulously respects the general wishes of the village.' The *Goanburas* of Chare insisted on the court to record the *amungs* to be kept by Christians in the village.⁷⁴ Accordingly the court drew the following *amungs* to be observed by the Christians (see table 1 below).

Cases like *Zeckiya GB of Aochagalimi v Nahoi, Hoekiya of Aochagalimi Xtians* [sic] (1929) were common and came under hereditary rights in the traditional system of village authority. However, as mentioned, those who were 'converts' were unwilling to associate with the non-converts in the activities of the village. In this case, the complainant was the *Goanbura* of the village who brought the case to court as the defendants and their followers would not work in his field, which the complainant claimed was 'his right.' The court ordered the defendants to work in the fields of Zeckiya three times in a year.⁷⁵ In 1929, Akhoia village was burned, hence the villagers were called for a meeting. Non-attendance in the community meeting is shown in the case of *Christians of Akhoia v Ancients of Akhoia*. In this case, the Christians refused to pay a fine of Rs. 2/- demanded by the Ancients for refusing to attend the 'panchayat', which was called to discuss the burning of the village. C. R.

⁷⁴ *GBs of Chare v Christians*, dated, 6 December 1928, Case Records, NSA.

⁷⁵ *Zeckiya GB of Aochagalimi v Nahoi, Hoekiya of Aochagalimi Xtians*, dated, 22 October 1929, Case Records, NSA.

Pawsey, Sub-divisional Officer, settling the dispute, pointed out that ‘there has been continual ill feeling in the village which has culminated in this case.’ The Sub-divisional Officer ordered the Christians to pay the fine as demanded by the Ancients, and also pressed an additional charge on the Christians to provide 25 coolies to carry *mal* (goods) from the plains, on payment, in the cold weather. Moreover, the Pastor’s name was struck off from the house tax exemption list which may be replaced in the cold weather on condition the village behaves.⁷⁶

The case of *Aos of Longmisa v Christians of Longmisa* (1929) reveals that the anxiety of the ‘ancients’ in the village was increasing steadily (refer to the comparative Table 1 below). In this case order was passed regarding the number of *amungs* (*gennas*) to be observed. Apart from fixing the *gennas* to be observed by the Christians, the court also held that *Aksu* would be paid by the Christians when due, either by clan or by village, which was also to be paid when friendships were made.⁷⁷ However, *aksu* was not to be paid when animals were slaughtered and intended to be offered to images.⁷⁸

Below is a comparative Table 1 showing the kinds of *amungs* and the number of days Christians were made to observe by the order of the court in 1918, 1928 and 1929:

Table 1

Sl. No.	Kabza village* 22/8/1918	No. of amung days	Chare village** 6/12/28	No. of amung days	Longmisa village*** 22/10/929	No. of amung days
1.	Talenmasu	1	Yemkalamshi	2	Lejabamung	1
2.	Alumesu	1	Aktsung	2	Khikulak	2
3.	Tendenmo	1	Tsungromong	4	Chongrimon	1
4.	Mosumo	1	Aintsumong	4	Moatsu	1
5.	Lichaba	1	Motumong	2	Mongkutrong	1
6.	Asamyemung	3			Yemkhushiba	1
7.	Yemkole[...]si	1			Amangwaloh	1
8.	Sichimo	1			Khirangsemyok	1
9.	Akulepset	1			Chamicha	6
10.					Tendenmong	6

**Heathens v Christians of Kabza*, dated, 22 August 1918, Case Records, NSA.

***GBs of Chare v Christians*, dated, 6 December 1928, Case Records, NSA.

****Aos of Longmisa v Christians of Longmisa*, dated, 22 October 1929, Case Records, NSA.

⁷⁶ *Christians of Akhoia v Ancients of Akhoia*, dated, 2 August 1929, Case Records, NSA.

⁷⁷ See Mills, *Lotha*, p. 104. Friendships were of great importance to a Naga and there were formal initiations in forging a friendship. When two men become friends, they exchanged gifts which consisted of meat of half of a pig, a spear or *dao*, and a piece of iron as part of gift. Where fathers were friends, sons too became friends. See Hutton, *Sema*, p. 180, it was believed that ‘iron breaks all *gennas...*’ and hence included on important occasion.

⁷⁸ *Aos of Longmisa v Christians of Longmisa*, dated, 22 December 1929, NSA. Refer *Chinirao Mungya v The Baptist of Mungya*, dated, 27 February 1936, Case Records, NSA, where *genna* was performed on the stone by the ‘ancients’ in p. 237.

There was a sense of earnestness in the approach of the non-Christians when they plead for the court to draw the days of *amungs* that the Christians of the village should observe,⁷⁹ which also signalled the vulnerability of the position of the non-Christians. However, if we compare the data of the population of the Naga Hills, and within that, the population of the Christians, it was not possible for the community to experience severe challenge in terms of shortage of working hands. A three decade census from 1911 to 1931 shows that the rise of Christian population of 2.2 percent in 1911 to 12.8 in 1931, which indicates that a huge majority was still practicing traditional religion (refer to Table 2 below).⁸⁰

Census of 1911, 1921 and 1931 showing the percent of Christian population in the Naga Hills is shown below in Table 2.

Table 2

Sl. No.	Year	Total population	Christian population	Total percent of Christians
1.	1911	149,623,	3,308	2.2
2.	1921	160,960,	8,734,	5.4
3.	1931	178,844,	22,908	12.8

Source: Richard M. Eaton, 'Comparative History as World History: Religious Conversion in Modern India', *Journal of World History*, Vol. 8, No. 2 (Fall, 1997), pp. 243-271, <http://www.jstor.org/stable/20068595>, accessed, 20-10-2015 13:41, p. 246.

Were cases like this then more of a power struggle between the non-Christians and the Christians? Did the sympathetic attitude of the colonial court encouraged the 'heathens/ancients' to bring cases to court? Or was it the radical attitude of the converts that was hurting the sentiments of the community? These are questions one has to contend with. On the other hand, on closer investigation, the attitude of the Christians sometimes seemed to be negligent about their obligations to the *amung*. For example, in the case of *Khecheshe of Senomi v Xtians of Senomi*, the complainant, who was the Chief stated, 'they will insist on sending small boys to my fields.' The court order read, 'The Christians are forbidden to send small boys to the Chief's fields.' And it added that should the Christians avoid their share of work 'like this' in

⁷⁹ *Aos of Longmisa v Christians of Longmisa*, dated, 22 October 1929, 'We want recorded the *Amungs* that the Christians of our village will do,' echoing the same with what the GBs of Chare in *GBs of Chare v Christians*, dated, 6 December 1928 asked the Sub-divisional Officer, 'we want recorded the *Amungs* to be kept by Christians.'

⁸⁰ Eaton, 'Comparative History', p. 246.

future, they would be fined Rs. 10/- for each offence where the fine would 'be eaten by the chief.'⁸¹

Another case related to a work dispute in which the Christians refused to help the Ancients, in *Baptists of Molongtsu v Ancients of Molongtsu* (1932). The village was building a *morung* and a drum house, to which the Baptists objected, and refused to help their fellow villagers. The Baptists refused to give 'free labour' to the *tir* (leader). G. P. Stewart, Sub-divisional Officer's order read: 'The Baptists need not give free labour to the "tir", but will continue as these appear to be of the nature of civic duties common to all members of the community. The "tir"s' functions seem to be exclusive in connection with religious practice, and on this ground Baptists, owing similar allegiance, to their "pastor", are exempted.' It further stated, 'Baptists need not take part in any purely religious ceremony of the Ancients, but for the rest, they will keep the old customs as far as possible.'⁸² This kind of court verdicts to a certain extent salvaged the village community from completely breaking away from each other based on religious beliefs. Work, *genna* and community life disruptions were not the only dispute related cases that were settled in the magistrate's court: the post of leader was also becoming a contested issue. The case concerning *Christians of Kulingmen v Ancients of Kulingmen* (1933), involved four *Bariks*, who were called the Head *Bariks*. E. T. Lambert, Sub-divisional Officer, re-arranged the composition of the existing four *Bariks* into two Christian *Bariks* and two Ancient *Bariks*.⁸³ An evident compromise made for maintaining the equilibrium in the village life.

How far did the perception of the 'sacred' go on in the minds of the people in terms of how they perceived what was sacred in the 'ancient' belief and what was sacred in the Christian belief? The case of *Chinirao Mungya v The Baptist of Mungya* (1936), serves as an example of this question. In this case, the defendant used the stone that was considered sacred, as it was used as *genna* stone traditionally. Chinirao, the complainant, while pleading the case in the court, could not establish whether the stone belonged to any of his relations. However, his grievance was that the stone was 'an ancient object', and the defendant knowingly used the stone for the construction of the chapel which was a 'desecration of *genna* stone.' The court ruled that Pichamo

⁸¹ *Khecheshe of Senomi v Xtians of Senomi*, dated, 9 November 1930, Case Record, NSA.

⁸² *Baptists of Molongtsu v Ancients of Molontsu*, dated, 4 August 1932, Case Records, NSA.

⁸³ *Christians of Kulingmen v Ancients of Kulingmen*, dated, 5 February 1933, Case Records, NSA.

a Baptist, knowing well that the stone was a ‘*genna* stone, uprooted it and used it in the building of the chapel.’ That, Pichamo had ‘no business to wound the feelings of the ancients who still hold to their own faith.’ Based on these facts, Pichamo was therefore fined Rs. 10/- which was to be paid within one month. The court also ordered that he should replace the stone from where he took.⁸⁴ How does this case reflect the understanding of Christianity who still wanted to incorporate the ‘sacred’ of the ancient to the new religion he had embraced?

A powerful argument had been put forth by Saurabh Dube about whether the missionaries at times ‘lost the initiative’ when they came in contact with the traditional societies. In this Dube was talking about the ‘scene’ where the Satnami guru and the missionary Oscar Lohr met at the home of the former in Bhandar in 1868. The epiphany of Lohr was how he was seated next to the Guru and provided with refreshments, and given a warm welcome by ‘the great mass of the Satnamis.’ Lohr further went on to reveal on how ‘the Satnamis stroked his beard to show him great honour and affection in their traditional way.’ Dube considered that Lohr ‘inadvertently ventured into the realm of ethnographic representation and the pursuit of indigenous meanings.’ He questioned whether stroking the beard of was ‘an enactment of a timeless, mysterious and customary ritual? Or was it a mere display of Satnami curiosity?’ This is when Dube was critical of whether ‘the missionary lost the initiative?’ and whether in the process ‘had unwittingly signified his acceptance of - and his incorporation as an affiliate in the domain of the guru's authority.’⁸⁵

The whole purpose of dwelling in the above narrative is to bring home the point of the characteristic anonymity of what was traditional and what was not as seen in the case of Lohr among the Satnamis and Pichamo in the case of *Chinirao Mungya v The Baptist of Mungya* discussed above. It is true that Lohr was a Missionary whereas Pichamo was a Baptist convert, different in status but same in professed faith. If, therefore, participating in the traditional practices without critically weighing the situation much like Lohr among the Satnamis which tantamount to ‘unwittingly accepting the guru’s authority’, then Pichamo uprooting the *gennas* stone for the chapel stand not far apart from acknowledging the authority of the traditional idea of the sacred.

⁸⁴ *Chinirao Mungya v The Baptist of Mungya*, dated, 27 February 1936, Case Records, NSA

⁸⁵ Dube, ‘Issues of Christianity’, p. 99.

Differences between the Ancients and the 'Xians', as the case records maintain the Christians' name, were not about to come to an amicable settlement any time soon and this remained the case even until the 1940s. In the case of *Ancients of Sangratsu v Xians of Sangratsu* the dispute was over the killing of a cow by the Christians when the Ancients were 'in the fields or elsewhere.' It was also alleged that the Christians swore that they would not help the Ancients in the 'fields or elsewhere', and also 'would not aid a sick Ancient or help to bury one etc. etc.', and that 'it was agreed that anyone breaking these rules would be fined a cow.' When the Christians were summoned to court and the court asked about these allegations, the Christians admitted to these facts. The court held that the Christians 'cannot be allowed to split the village like this.' The court also held Pastor Merangsoba, as the leader responsible for these disputes and demanded that unless the Pastor and the Christians withdraw the oath against the Ancients the Pastor would be fined Rs. 50/- and the Christians three days of punishment labour. With the court's order the Christians withdrew the oath and the court realized a fine of Rs. 50/- from the Christians.⁸⁶ Would dwelling in the discourse of how Pichamo of *Chinirao Mungya v The Baptist of Mungya* and Oscar Lohr's unconscious act of acknowledging the traditional idea of the sacredness and authority be applicable in this case of *Ancients of Sangratsu v Xians of Sangratsu* above? The case rests on the fact that no matter how huge the forces of outside/new influences might be, to uproot the traditional practices wherein springs the identity of a community, was a hard bargain. Christians of Sangratsu readily admitted to the fact that they swore against the ancients: we can look back for reflection on village community life to the preceding chapter where a village Patriarch stated: '...issues must be settled within one's own people because they have lived together, toiled the soil together, breath the same air from the same fields, seen the birth and death of its people and therefore how can an outsider know who is right and who is wrong in this kind of close knitted family?'⁸⁷ Forming a particular village has its reason: it meant sharing life where every person was accountable to the other, in this context even if the Christians of Sangratsu spoke upholding the Christian principle of true witness it was also the traditional rootedness that made them open up to the issue that concerned their fellow villagers. Therefore, compromises and negotiations shown in the above cases are a result of the interlocking of the traditional values of the local people and

⁸⁶ *Ancients of Sangratsu v Xians of Sangratsu*, dated, 17 September 1942, Case Records, NSA.

⁸⁷ Vimedo Rutsa, see Chapter 4.

the influence of missionary activities where the colonial court intervened. And rightly so, the colonial court appeared to be the one salvaging the situation although in practise it was manipulating the situation to its own imperial convenience.

Standardizing custom

Taking over the traditional system of administration by recognizing the Chiefs was followed by the mandatory election of a *Gaonbura* post Anglo-Naga War of 1879-80, offering them a symbolic red blanket which marked the beginning of a new order of village authority in the Naga Hills. The new system recognised village elders as the head while the real power rested with the colonial officials, who sat in the administrative headquarters drawing up plans on how effectively they could make use of these village power points. This whole process of creating and appointing *Gaonburas* was what Peter Robb called ‘the obvious social engineering and standardization in the interests of the state.’⁸⁸ Creating such a source of authority in the local level was a strategy to strengthen the policy at the centre. In this scheme of British rule, Robb noted, ‘professional fiefdoms were carved out, as new supporters had to be wooed and old interests appeased’, and along with this system of identifying and acknowledging the strategic traditional sources of power, ‘new protests and problems appeared in the economic, social and political transition.’ By wooing and appeasing the people according to this social position, ‘the narrow internal frontier spread of definite, measured and recorded categories, and their subjection to a single, centralized rule or sovereignty.’⁸⁹

Acknowledging the local system was a part of local management and hence the British, while negotiating their way into the region, began to highlight traditions and customs of the locality they encountered. This way they learned the local system in operation and interpreted it back to the people themselves. Herein lies the power of literacy. Nagas, coming from largely oral traditions, gave the British the satisfaction of being the harbingers of Naga customs and traditions. Take for example, the law of borrowing paddy in the Sema system was; ‘the tally of paddy loans was kept by stringing sword-beans, one bean equal to three baskets of paddy that was lent, if the

⁸⁸ Peter Robb, ‘The Colonial State and Constructions of Indian Identity: An Example on the Northeast Frontier in the 1880s’, *Modern Asian Studies*, Vol. 31, No. 2 (May, 1997), pp. 245-283, <http://www.jstor.org/stable/313030>, accessed: 20-10-2015 14:34, p. 261.

⁸⁹ Robb, ‘The Colonial State and Constructions’, p. 251.

borrower could not pay back the same year it multiplied to five baskets in the next harvest, and to 100 per cent the next-next harvest, by way of interest.⁹⁰ Practices like this were lived-out in visual and memory, but when reproduced in writing, become a powerful tool that translated everyday practices into written documents which then became a source of knowledge. Indeed, one cannot rule out the fact that colonialism introduced local people to knowledge they were not aware of previously, and the colonial court was one important instrument. The Law of borrowing as practised by the Sema was obviously good for those who could pay back within a harvest year since it was based on compound interest. But for those who could not, the interest multiplied to insurmountable amount as the years were added. With the introduction of the colonial court, the owners of bad debts dragged the debtors to court to realize their customary dues. Bad debts and court fights led to an establishment of a new law of debt among the Semas initiated by Inato, chief of Lumitsami, who was also an interpreter at Mokokchung. In the new law of debt, the increase by interest after the second year was forbidden, this way the principal was doubled in the first year, and on the second year the whole outstanding sum redoubled in the following year, if the principal was not fully repaid, and stopped on the third year.⁹¹ Articulating this kind of new initiative in a documented form then became community knowledge through colonial rule. Innovative systems of functioning within the customary practices began seeking the court's intervention which is also shown in the case of *Nangpungshang of Muger and his clan v Pandangkemba Susu* (1918). Contrary to the Sema system of the new law of debt, this was one of those cases that the magistrate himself lamented the divisive nature of the court order. In this case, which concerned a land dispute, the Magistrate declared 'It was impossible to divide the disputed land without sowing the seeds of many future disputes.' The court put up the disputed land to auction that amounted to Rs. 237/- out of which Rs. 10/- was paid to Nangpungshang as an old debt, the rest divided to the proportion of Panchung and 2/3 to Nangpungshang.⁹² Below is Table 3 showing the share of land each man bought.

⁹⁰ Hutton, *Sema*, p. 160.

⁹¹ *Ibid.*, p. 161, in both the case of cash and grain this law was applied.

⁹² *Nangpungshang of Muger and his clan v Pandangkemba Susu*, dated, 20 July 1918, Case Records, NSA.

Sl No.	Name of person*	Name of field bought	Amount in Rs.
1.	...bongsangb	Anentsuonglu	30/-
2.	- do -	Akhoiaponchalu	20/-
3.	...mungha	Chiyangtonglu	36/-
4.	Sobuchiba	Naronglu	32/-
5.	- do -	Anunzulu	12/-
6.	Chanemba	Sangasanglu	17/-
7.	...maten	Mongtilenmonglu	5/-
8.	<u>...tumchen</u>	<u>Lishionglu</u>	85/-
9.		Total	237/-

*alphabets in the stating names of persons on the extreme right destroyed in the file
Source: *Nangpungshang of Muger and his clan v Pandangkemba Susu*, 20 July 1918, Case Records, NSA.

There were cases that had similar problems specifically related to livelihood, and in this case, fishing. Back in 1881-82, a resolution was adapted where Nowgong and the Nambor forest in the Naga Hills were respectively placed under the control of Assistant Conservator of Darrang and Sibsagar. By this resolution, every Forest Officer was made a direct subordinate to the Deputy Commissioner of their respective districts. This arrangement of placing the district forest under the care of the District Forest Officer was made to reduce the double agency and simplify the administration and accounts.⁹³ The Resolution empowered the District Officers to maintain reserved forests which in turn restricted the customary rights of the local people of its forest resources. In the Naga Hills, the Desoi River fell within the reserved forest and several villages livelihood was being affected in the form of fishing, where upon the villages combined, Longu Khaba, Japu, Semsu (Lekam) and Lakhu, approached the Deputy Commissioner to retain their fishing rights. The Deputy Commissioner was quick to answer the villagers, ‘as I presume fish are forest produce, I have dealt with these claims under section 7(V) of the Instructions for Forest Settlement Officers, Assam.’⁹⁴ The villagers got no relief. Lakhu village approached the Deputy Commissioner again, and the Gaonbura of Lakhu Village, Chiptak Yamba, on March 1902, pleaded:

I ask for permission on behalf of my village to be allowed to fish in the Desoi river and its tributaries flowing through the proposed reserved forest. We have exercised this right from time immemorial. We do not use poison. We catch the fish in traps, erecting dams when necessary. We dam the river when we cut our dhan (grain) in October and the

⁹³ Home Department, Forests, February, No. 5 to 8, 1883, Report on the Forest Administration in Assam for 1881-82, Sibsagar Division, para. 199, NAI.

⁹⁴ General Department, Revenue, A, Nos. 14-48, File No. Revenue, A, September/02=14-48, 1902, No. 19, No. 2235G, dated, Kohima, 10 March 1902. From, Captain W. M. Kennedy, ISC, Officiating Deputy Commissioner of Naga Hills, To, The Secretary to the Chief Commissioner of Assam, NSA.

dams remain for about fifteen days, during which time we fish, after that we open the dams and use them no longer that year.⁹⁵

Yamba's petition was answered by the Forest Settlement Officer citing a long order of restriction sanctioned against fishing rights prescribed by the Local Administration. The Officer reiterated that he was abiding by the 'proclamation' of 1901 that declared Desoi as reserved forest. The 1901 proclamation entitled no right over the land unless it was acquired by grant or contract, that, all private rights to water-course or use of water extinguished, and if anyone claim any right, he/she may appear before the authority and make such claim.⁹⁶ With a gap of nearly thirty years after the 1902 petition, an interesting court case had been made by the Deputy Commissioner the case of *Rephyim village - Inter Khel*. What makes the case interesting is because it looked like the case was settled for perpetuity. In this case, fishing rights at Lamktsao was brought to court because the 4 *khels* had trouble fishing in the waters of Lamktsao as their times of fishing clashed. C. R. Pawsey, the Sub-divisional Officer, after hearing the case divided the years each *khel* could fish. He stated 'The *khels* will take it in turns to enjoy the fishing.' Thus he fixed the years as:

- Nyamao to fish from 1 January 1929 to 31 December 1929
- Zarenchi to fish from 1 January 1930 to 31 December 1930
- Rensathung to fish for the year 1931
- Sachamo to fish for the year 1932. The ordered held that the *khels* carried on in the same rotation.⁹⁷

The purpose of bringing in the metaphor of the Sema law of borrowing and the Ao case of land auctioning in the first two sections is to bring home the point that no uniformity was achieved in terms of drawing up specific laws and norms for the local people although in paper it looked like precedent, was created. In the second section regarding fishing rights of the Lothas, the former case showcases how government acted on, as Peter Robb would say, 'the assumption of state responsibility for the

⁹⁵ *Ibid.*, No. 23, Claim No. 1 (Class V), in the reclaim of the villagers of Lakhu to fishing rights in the proposed reserved forests in the Desoi Valley, p. 9, NSA.

⁹⁶ *Ibid.*

⁹⁷ *Rephyim Village - Inter Khel*, dated, 20 November 1928, Case Records, NSA.

well-being of the people in a kind of contract between ruler and ruled'⁹⁸, and deprived the right to livelihood of the people. Whereas in the second case of fishing dispute, the officer settled the dispute for generations to come. The disparity of executing justice was because no effort was made to put into paper certain rules and regulations that could be applied uniformly in the region.

Richard Eaton argues that the shift in the village authority (recognising the chiefs by the government) made the traditional village authority 'lose their hold over their young warriors' and he attributed this phenomenon to the influence of Christianity. He emphasized that this 'gradual erosion of traditional village authority' to the 'rigid discipline' in the village chief system which did not appeal to the 'younger warriors' who responded most readily to Christian teachings in the village school.⁹⁹ However, if we look back, we can see that American Missionaries residing among the Sibsagar Nagas since 1840s, and opened a mission school, 'many of the chiefs sent their sons for instruction.'¹⁰⁰ This reflects that the attitude of the chiefs were not as rigid as assumed. The fact that some Nagas were enjoying government patronage in the form of *Dobashis* from 1842 and chiefs being recognised in 1874 and instituting the headmen (*Gaonburas*) by 1880 (see chapter 1), and the amount of coolie works that Nagas were made to do within and outside their villages (see chapter 2), well before Christianity had taken roots, makes it appear that the younger generation was more aware of opportunities and what they could do more than their parents' generation. Eaton himself has shown that till 1941, the total population of Nagas were 189,641, out of that the Christian population was 34,000, and the percent of Christian population was 17.9.¹⁰¹ He also has shown the data from 1876 to 1955, where major Mission work were involved in the three regions of the Naga Hills that included Ao, Angami and Sema regions. The data showed the number of missionaries involved in Ao area was: 17 missionaries for 170 years, starting 1876–1954, among the Angamis: 7 missionaries for 117 years, starting from 1880–1955, and among the Semas: two missionaries for seven years, starting from 1948–1955.¹⁰² This is not to nullify

⁹⁸ Robb, 'The Colonial State', p. 249.

⁹⁹ Richard M Eaton, 'Conversion to Christianity among the Nagas, 1876-1971, *The Indian Economic and Social History Review*, vol. 21, Number 1, January-March, 1984, pp. 1-44, p. 21.

¹⁰⁰ Gertrude M. Godden, 'Naga and Other Frontier Tribes of North-East India', *The Journal of the Anthropological Institute of Great Britain and Ireland*, Vol. 26(1897), pp, 161-201, p. 164.

¹⁰¹ Eaton, 'Comparative History', p. 246.

¹⁰² *Ibid.*, p. 247.

Eaton's argument, rather it in an attempt to add to his argument that Christianity no doubt remains a huge influence on the Nagas, however, the degeneration of village authority cannot be attributed to the younger generations who did not take the traditional system seriously. To look at the village chiefs as having a 'rigid' identity would be to argue in line with the missionaries who called these village leaders 'heathens.'

The problem with the colonial administration in the Naga Hills was that, they ventured into the region, investigated the customs, traditions and the viable options where they could manoeuvre the situation and reinforce it in the lives of the local people to assume paternalism. Christianity alone could not have penetrated into the Naga Hills without the protection of the colonial rule although it was also a fact the one of the main reasons of re-occupying and establishing Samaguting as the district headquarters in 1866 was to counter Missionary activities because the British thought the missionaries were winning Naga people to their side. Early British officials like Major John Butler talked about the need for the missionary hand in civilising the Nagas. Butler was one among the early colonial officials who valued Christian Missionary activities to influence the 'thoroughly primitive' Nagas and 'awake in them a sense of the saving virtues of Christianity.'¹⁰³ Butler talked about how he was invited to the boys dormitory in the Hosang-Hajoo village, where forty boys assembled and how he inquired if they wanted to learn Assamese to which the boys answered in the affirmative. The extract read:

A schoolmaster was accordingly at once located in the village, and the Bible in Assamese and Bengalee [sic], with other books, was supplied. In the course of a year, several boys learned the first rudiments of the language and one has attained such proficiency as to be able to write an Assamese letter. Who shall say that the Bible will not be the means of changing the habits and ideas of these wild savages? The experiment is worthy of trial; they have no caste or prejudices of creed to deter them from adopting Christianity; and, if successful in one instance, it cannot be deemed visionary to anticipate that the darkness and ignorance that now overshadow the land may be speedily dispelled, when our rule will prove a blessing to these benighted tribes, who would henceforth enjoy the fruit of their labours in peace and prosperity.¹⁰⁴

He was of the opinion that if the American Baptist Missionaries should succeed in 'raising up a Christian community', the result would be most advantageous for the colonial government. He was delighted that an institution in Nowgong was imparting

¹⁰³ John Butler, *A Sketch of Assam*, Smith, Elder and Co., 60, Cornhill, London, 1847, p. 150

¹⁰⁴ John Butler, *Travels and Adventures in the Province of Assam*, Smith, Taylor and Co., London, 1854, pp. 66-67, camp: Hosang-Hajoo, dated, 28 December 1854.

‘temporal and moral wants’ to students who would eventually form Christian village of cultivators and spread the gospel throughout the province. Butler was confident that the American Baptist Missionaries, would, through their various activities, ‘diffuse useful knowledge with morality’, broaden the minds of the local people and give them ‘correct ideas of the English Government and other nations.’¹⁰⁵ Needless to say, as British administration took over the Naga Hills and the officials began to see the cultural transformation among the Nagas who has access to missionary education and influence, new tensions emerged between missionaries and Government. If John Butler, who in 1840s and 1850s was genuinely and confidently looking up to the Missionaries for preparing the Nagas for the colonial government’s advantage, John Henry Hutton in 1920s had a completely different thing to say about the same Missionaries Butler was talking about with hope. On the reverse, as shall be seen, Hutton thought of the Missionary influences as denigrating, aloof, quarrelsome, double standard violent, all in all a bad influence. The very late influence of Christianity among the Semas with only two missionaries actively involving among the local people for seven years between 1948-1955, compared to her neighbours Aos and Angamis¹⁰⁶ makes an interesting comparative study and therefore most of the incident concerning observation and remarks made about the Christian community are of the Semas. Hutton’s experience with Rev. G. W. Supplee, an American Baptist Missionary in the summer of 1922 read:

On the July 5th I met the Impur Missionaries. The new man, one Supplee, is I understand from Mr. Mills, a terrible fellow who preaches hell fire, (literal) for all the unbaptized without exception, as well as for all baptized who disagree with his interpretation of scripture. As far doctrine goes most Nagas’ views compare exceedingly favourably with this. I really think that it is very wrong to allow Medievalists of this sort to get loose among simple people who take them seriously – knowing no better. The fear of hell as an alternative to baptism has made many converts (one cannot call them converts) in the Mokokchung Subdivision already and Nagas ought to be protected against spiritual terrorism of this sort. As for myself, I take comfort in the thought that all the best company will be in hell, anyhow.¹⁰⁷

On another occasion, Hutton was on tour and as he reached Tesangki he found that a case pertaining to Kuki Christians for Paona was already waiting for him to settle it. Songlhu was a Kuki village that was temporality vacated. Whereas Christian Kukis

¹⁰⁵ John Butler, *Travels and Adventures in the Province of Assam*, Smith, Taylor and Co., London, 1854, pp. 250-51. In using the word ‘cultivators’, Butler was meaning metaphorically of spreading the Gospel throughout the province.

¹⁰⁶ Eaton, ‘Comparative History’, *Ibid.*, p. 247.

¹⁰⁷ Tour Diary of J. H. Hutton, Esquire, CIE, Deputy Commissioner, Naga Hills, during the months of June and July, 1922, dated, 1-5 July 1922, camp: Mokokchung, PRM.

from Paona village got granted to settle in the new site called Thenjol, they straight away went and settled in Songlhu without even asking the permission of the Chief of Songlhu village or for that matter no one, and they refused to come to any negotiation with the chief of Songlhu. This attitude, Hutton pointed out was, 'so like the American Baptist.'¹⁰⁸ It was not only the attitude of the Christians that bothered Hutton, physical appearance was something that came forth distinct and strong in his description of the Christians. In the winter of 1926, while on his way to Kohima, Hutton 'met some unpleasant looking Angami of Chazubama' and to put it in his own words he, 'discovered were Christian converts, whence their untidy and generally disheveled appearance.'¹⁰⁹ An interesting encounter awaited Hutton as he met Ghukiya, the chief of Ghukiya village who said he was a Christian but of the Christianity of Kohima which drinks and not of the persuasion of those at Mokokchung, who are prohibitionists,¹¹⁰ thus giving an insight into the differences that was emerging between the Christian Centres. This was soon to be followed by another encounter with an evangelist on whom Hutton commented as 'a horrible fellow from Changi in the rudiments of European clothing and a huge mop of hair hanging over his eyes' as Hutton made his way to Sagami, a Sema village.¹¹¹

Interesting information was travelling around and in this case it was regarding the previously considered 'notorious crook' Yezetha reached the Deputy Commission that he (Yezetha) had become a leader of the Sema Church in Mokokchung. The element of the information was not merely of the latter becoming the Church leader, it was more of what he did: Yezetha was said to have asked a *dobashi* to come and drink *zu* (ricebeer) inside his house with him as he dare not drink outside his house. As much as he wanted to drink he dare not drink outside because he feared 'God would see him.' 'This Yezetha', the Deputy Commissioner wrote, 'interned in his village for years and let out a year ago but had to be returned again last year for his multifarious misdeeds.'¹¹² As much as Hutton sees the Christians as the unwieldy, dishevelled and a dissident lot the Christians too had something to convey. As Hutton made way towards Mokokchung he met a group of Christians, he first met the male group followed by a female group. As soon as he arrived before them they 'broke into

¹⁰⁸ *Ibid.*, during the month of August and September, 1922, dated, 29 August 1922, camp: Tesangki.

¹⁰⁹ *Ibid.*, for the months of January and February, 1926, dated, 22 February 1926, camp: Chazubama.

¹¹⁰ *Ibid.*, for the months of July and August, 1926, dated, 27 July 1926, camp: Ghukiya.

¹¹¹ *Ibid.*, dated, 22 August 1926, to Saghemi.

¹¹² *Ibid.*, for the months of January and February, 1926, 22 February 1926, camp: Chazubama.

spiritual song' to which he found the males sang very well. To his dismay, Hutton realized that the song was called 'Have you been to Jesus.' Hutton wrote, 'I cannot help suspecting that the Deputy Commissioner is regarded as not yet saved.' However, as Hutton enter this singers village, Mukuli, a new settlement since Hutton's time, he found it decent, clean and one at peace with the world. As always, Hutton had to add a concluding remark and it read: 'It seemed to be Christian without being sophisticated or spoilt, a rare phenomenon in the Naga Hills.'¹¹³

There were instances where cases were fought primarily between the Christians and the Ancients: for example, while on tour at Themokedi, the deputy Commissioner was met by 'a frantic horde of litigants' mostly disputes between the Christians and the Ancients where he heard cases till 8 P.M. by the end the Deputy Commissioner was happy that the whole days event 'battered the litigants.'¹¹⁴ Certain practises were becoming an important social and religious concern for both civil and religious societies especially of the polygamous marriage practices. One of the important discussions that happened in a meeting on 9 February 1928 at Mongsemdi between the Deputy Commissioner and the Missionaries from Impur was the question of the evangelization of the Semas. The Deputy Commissioner asked Dr. James R. Bailey, a Medical Missionary, on how he proposed to deal with the question of a Sema who had several wives, and who wished to become a Christian. Dr. J. R. Bailey suggested that he could baptize all of them - the man and his wives, and let them go on living together. Hutton pointed out how the New Testament forbade only bishops to have one wife, and therefore does not apply to other men who had wives to which Bailey agreed. However, Bailey was considering what J. P. Mills had told him about making the husband look like an accomplice were he to give baptism to all the wives and husband and make them dwell in the same house. Hutton assured Bailey that as long as the polygamists were not married under the 'Christian Marriage Act' they could not be convicted of any offence at all. Hutton also gave the concluding remark that, as no converts in the district were married under the Christian Marriage Act, it was satisfactory that the Mission do not propose to insist on monogamy in the case of polygynous converts. Hutton's rather enthusiastic intervention in the issue of polygynous converts was because he objected to the 'old game' of men turning into a

¹¹³ *Ibid.*, for the months of November and December, 1926, dated, 15 November 1926, camp: Mokokchung.

¹¹⁴ *Ibid.*, for the months of March and April, 1927, dated, 23 March 1927, camp: Themokedi.

Christian in order to avoid responsibility for the aged wives which he preferred to call the 'more antique wives.'¹¹⁵

It was the visit of the Sema Christians in the summer of 1928 that provoked the denigrating sense of Hutton back to action. The Sema Christians of the Anabaptist group came to see Hutton while he was in Mokokchung. These were group of people who were intimately associated with old cloths and evidently looking haggard enough to frustrate Hutton making him resign to thinking if these people were hurrying their life to 'phthisis and the other germs in which second-hand garments are so prolific' thereby hastening life on earth for a better world after life. Hutton wondered why these Anabaptists would carry themselves in a manner so deprived unless they were a cast-off among other sect, or were ill-educated and discarded by all.¹¹⁶ Drawing vivid pictures of the community stricken with sickness and poverty was another way of emphasizing the good works of the colonial government and true to its strategy Awohumi (Sema) village happen to fit well into the category of needing the government's providence. Hutton wrote, 'Awohumi all have goitre and a lot of the village look only half developed. They badly need a supply of iodine salts.' The villagers complained of a sacred stone 'torn out' and destroyed by Christians, however, the community were unable to identify the offenders. Hutton remarked, 'I should have had much pleasure in applying a section of the Penal Code which is provided for this sort of gratuitous iconoclasm.'¹¹⁷ Was Hutton's angst the outcome of the situation the village where what the village needed was healing intervention than dealing with vandalism produced as a result of doing away with things related to old religion? Or was he in tune with the law and order situation where the culprits really had to be brought to book? With so much of dislike against the transforming lifestyle of the converted community, the sagacity of the officer remains shrouded in doubt even if he had the right intention of rewarding miscreants with befitting punishments.

¹¹⁵ *Ibid.*, for the months of January, February and March, 1928, dated, 9 February 1928, camp: Mongsemdi.

¹¹⁶ *Ibid.*, for the month of July, 1928, dated, 20-24 July 1928, camp: Mokokchung.

¹¹⁷ *Ibid.*, for the months of March and April, 1929, dated, 16 March 1929, camp: Awohumi. See Bronislaw Malinowski, *A Diary in the Strict Sense of the Term*, University Press, Cambridge, 1988, dated 19 December 1914, at Nauabu, Trobriand, p. 50. Destroying symbols of traditional identity was not peculiar to Nagas alone. Malinowski back in 1914 had written in his diary about how not a single 'gahana' and tombstone was left because it was destroyed by missionaries. A circular heaps of flat stone slabs with a rough stone seat in the centre was called *gahana* – it was a place where the prisoner was bought after a raid.

Colonial records show the problems of conversion to Christianity to be always at draggers drawn with community harmony. A month and a half after being embroiled in Awohumi problem, Hutton was confronted by Khonoma dispute over the site where the school building stood. The owner of the site which housed the school expressed his intention of building his house on the site in question. This issue would have been avoided if the village in the first place provided a site for the school because it was the duty of the village to provide the same. And therefore, the Deputy Commissioner was of the opinion that he had no objection for the school to be closed if the villagers so wished. The villagers were, however, not ready to give up the school that easy although they could not agree on a site where the school can be build and it aggravated the situation. On the other hand, it was learned that the school master have turned a Christian and the non-Christians were not happy about it. They complained that the school master was evangelizing the students and blamed the teacher of forcing moral pressure on their children under the guise of secular teaching. Although the school master denied the allegations about his proselytizing, it was believed he was not that innocent as he claimed to be. The Deputy Commissioner thought it was bad for the peace of the village at large and the progress of the school in particular, if the school master was truly proselytizing students enrolled under his tutelage.¹¹⁸ The same problem of school teacher turning a convert was creating problems in Henima (Tening) too, a present day Tening town in the Peren District inhabited by the Zeliang community. Henima School was abandoned 5 years ago because the School Teacher converted to Christianity and ‘both Kukis and Nagas of the ancient influence withdrew their children’ from the School.’ The report cites of 25 students; 17 Nagas and 8 Kukis, doing well in the School after the School being reinstated after a lapse of five years.¹¹⁹ The exceptional appreciation of the school meant that the teacher of the school was not a Christian and the community as well as the government was happy with the arrangement.

This brings us to what Tiplut Nongbri had said about colonialism and Christianity running their own separate course and not as popularly believed that Christianity worked as the handmaiden of colonialism. Nongbri writes:

¹¹⁸ *Ibid.*, for the month of May 1929, dated, 7 May 1929, camp: Khonoma.

¹¹⁹ *Ibid.*, dated, 19 May 1929, camp: Henima.

Many students on conversion in India tend to view Christianity as the handmaiden of colonialism, and missionaries the agents of the British Empire, whose primary objective was to consolidate the rule of the Raj by transforming the colonial not docile subjects through evangelical propaganda and conversion. ...of course, attempts have been made to highlight the 'craftiness' of the missionaries who used education, western medicine and other material inducements to lure the ignorant and unsuspecting people to Christianity, but the picture remains incomplete, failing to bring out the complex dynamics on the ground.¹²⁰

Touring the district was one of the major duties of the Deputy Commissioner. Intimate knowledge of the local community would not have been possible if not for these tours and the records maintained in these tours. Official correspondences could not feature these close observations and sometimes a personal outburst, and to bridge the gap, tour diaries made the perfect stop gap. Cases discussed have depicted the rising tension between the non-Christians and the Christians that needed settlement through colonial court's order in the official level and the cases that were unresolved and raging through the tour diaries at the village level. Eventually it can also be seen by 1940s, cases challenging historical facts were tried in the colonial court. Historical facts here would mean practices, beliefs, status and identity that the community had been carrying on in day to day living. In the case of *Chamir Clan of Chuchulimbang v Village of Chuchulimbang* (1946), the plaintiffs were heard singing, in one of their *gennas*, about liberating Chuchulimbang by contributing a cattle, *dao* and cloth to Litim after Litam village was founded. Understandably, the Chuchulimbang inhabitants objected to this claim and clarified that it was the whole village of Chuchulimbang that gave the head of the cattle to Litam, and that, Chamir clan contributed only a *dao* and a cloth. The court held that Chamir clan may 'enumerate only *dao* and cloth in their song as liberators of Chuchulimbang village' not including cattle also as the head of the cattle was given to Litim by the whole village.¹²¹ Studying cases like this gives the impression of a slow progression towards altering historical facts where colonial court intervened as a forceful alley of tradition and custom.

Needless to say, the colonial court records are an important source for the kinds of legal practices of the society that had no written law. It is the source to understand how written documents could have possibly been manipulated intentionally or

¹²⁰ Tiplut Nongbri, 'Deconstructing Masculinity, Matriliney, Fatherhood and Social Change', in *Development, Masculinity and Christianity: Essays and verses from India's North East*, Indian Institute of Advanced Study, Rastrapati Niwas, Shimla, 2014, p. 65.

¹²¹ *Chamir Clan of Chuchulimbang v Village of Chuchulimbang*, dated, 24 November 1946, Case Records, NSA.

unintentionally because of the orality of subjugated cultures. As stated in the beginning, comparing the status of Punjab and the Naga Hills, Punjab was annexed in 1849, however the codification of the customary law of Punjab was complete by 1881. As for the Naga Hills, from the time the British encountered the Nagas in 1832, the local people belonged to a community of oral traditions. When the British left India in 1947, the Nagas were still practising oral tradition. The colonial court settled every dispute that was brought to court – in fact, even unreported crimes were searched and brought to court, but there was no indication of initiating the codification of customary law in the Naga Hills. This therefore brings to conclusion that the British in the Naga Hills were only standardizing and formalizing the existing customary practices of the people, taking in the essence of social-economic and religious significance.

Conclusion

In 1842, when Captain Brodie settled some disputes amongst the Konyak tribes and fixed for the chiefs to pay annually in cash and kind for the offence they committed in the past. He also levied a fine in cash of Rs.100/- per annum on a particular chief¹ and a fine of buffalo and a gong imposed on another chief, along with fixing an annual tribute of Rs. 10/- from all the villages dependent upon his authority.² Little did Brodie know that he was laying down the foundation of how the future administration in the Naga Hills would follow the same pattern of subduing the local inhabitants, force a fine out of them, settle their disputes and impose a revenue after they (colonials) set foot on a particular village. From 1832 to 1850-51, military expeditions imposed punishments and fines upon the vanquished, which almost appeared like court judgements, in that, the punishments and fines were awarded according to the level of offense each of these villages allegedly committed ordered by the Political Officer. But better said than done, military oppression could not sustain the British interest in the Naga Hills and hence the non-intervention decision in 1851. The need for securing frontier control to guard the British interest in the tea plantation in the plains of Assam made Lieutenant J. C. Haughton write to his superior with a proposal. In early January 1864, Lieutenant J. C. Haughton, Officiating Agent to the Governor General, North East Frontier wrote to A. Eden, Secretary to the Government of Bengal, pleading for an officer to be posted in the Naga country and work towards winning over people and resources by building a relationship with the local inhabitants. The extract of the letter read:

I do not propose a repetition of the annual military expeditions into the country, but that an officer should be appointed to the charge of it, he should declare our sovereignty over it, and endeavour to get all the Chiefs or chief villages to submit to our rule – the token of submission to be an annual tribute and general obedience to orders. The parties should bind themselves not to wage war on their neighbours, but to submit all quarrels to the officer placed over them, in return for which they should receive our aid and protection. The communities not submitting should be, as far as practicable left untouched, and a conciliatory line of conduct adopted towards them. They should be told that, though we hold them bound to obedience, we do not wish forcibly to interfere with their concerns, and will not do so if they will but remain at peace with those who have submitted to us. Only in case of aggressions should coercive measures be used towards them.³

¹ Foreign Department, Foreign Correspondence, 17 August, Nos. 185-91, 1842, para. 8, National Archives of India (hereafter NAI).

² *Ibid.*, para. 9.

³ From, Lieutenant Colonel J. C. Haughton, Officiating Agent to the Governor General, North East Frontier, To, The Hon'ble A. Eden, Secretary to the Government of Bengal, No. 60C, dated, 4 January 1864, para. 15. Foreign, Political, A, January, Nos. 46-51, 1866, NAI.

Haughton also informed Eden about the problem of continued feeding of the troops from Dheemapore [sic] would be difficult. He therefore suggested that a grain store be established immediately so that a 'tribute of grain imposed' on each village could be stored for regular supply then to depend on the government supplies. He further stated that, when the villagers were 'submitting the tribute' it should represent the value of Rs. 2/- per house.⁴ The first Revenue Settlement, concluded with the Rengma Nagas in the Nowgong Zillah in Assam on February 1848, shows 32 villages enlisted for revenue with the name of each respective chief.⁵ What Haughton was proposing in 1864 was a continuation of the old order with an exception of the enhancement of revenue amount from Rs. 1/- to Rs. 2/- which was to be imposed on grain. The difference being that Haughton was already planning for a permanent occupation of the Naga country where military forces would be deployed to force submission on the indigenous inhabitants, and hence the need for a sufficient supply of food grain. Haughton's proposal also foretells how judiciary powers were to be vested in the hands of the administrative officer by taking over the role of the local village authorities. By proposing to take in 'the chiefs or the chief villages', and making them 'submit quarrels' to the officer instead of the traditionally practised system of the Nagas where disputes were settled in by the village elders in some communities and by the chief in others, he was already laying a foundation to the way the colonial administration was to function after the establishment of a permanent administration in the Naga Hills.

There were far sighted officials like Haughton who saw huge returns in re-occupying the Naga Hills, and there were also enthusiastic officers like Guybon Henry Damant who thought with the arrival of the British administration, certain way of like, including their 'dialect must disappear.' He was referring this to the Eastern part of the Naga Hills, where people lived in 'small villages' whose insignificant dialects must disappear and be replaced either by Assamese or the language of one of the stronger tribes.⁶ On the contrary, the government gave incentives to make officials

⁴ *Ibid*, para. 19.

⁵ John Butler, *Travels in Assam*, Manas Publications, Delhi, 1994, p. 123.

⁶ G. H. Damant, 'Notes on the Locality and Population of the Tribes Dwelling between the Brahmaputra and Ningthi Rivers', *The Journal of the Royal Asiatic Society of Great Britain and Ireland*, New Series, Vol. 12, No. 2 (Apr., 1880), pp. 228-258, <http://www.jstor.org/stable/25196848>, accessed: 20-10-2015 14:36 UTC, p. 230.

learn local languages. The government's intention of granting incentives to its officials for learning local language was to bring to effect the total subjugation of the local people. Unlike the power of the *sepoys'* bullets, the half-hearted language scheme does not seem to have the desired effect because the system of keeping the *dobashis* remained the colonial government's forte till the end of their reign, and retained by the Indian government. On the other hand the *goanburas* emerged as the reckoning power that drove home the point for the colonial administration. Since the chiefs studied mostly in this work are about the Sema community, an example will also be about the said community. As have studied Sema chiefs can be seen holding two identities; he was referred to as a 'chief' and a 'father to his orphans' when the issue of settling the ligation and looking after his subjects came up, but as *goanbura* in matters relating to government orders or when he filed a suit in the court. This explanation is necessitated to bring in the complex situation created by the colonial court. Sema chieftainship system is based on hereditary, but, the government is seen appointing *goanburas* in villages for favours in lieu of the services rendered by these individuals and granting them privileges of the hereditary chiefs in terms of village labours. Although it was mentioned that the privilege would die with the bearer and not hereditary, one is not sure if all of these honorary *goanbura* post came to an end with the death of the entitled person or opened up ways for some son/brother to claim the succession rights based on British government conferring the right to the father/brother as the case maybe. Nevertheless, delegating power to the chiefs, who were now officially recognized as *goanburas* at large, with a working structure within their customary practices, saved the government effort, time, money and physical involvement.

The institutionalization of the *goaburas* that included both the chiefs and the elected headmen had a huge impact on the village judiciary system as the traditional judiciary functions were taken over by the colonial court. In the end, the Naga village authorities now became the agents of the colonial administration and through them the colonial administration held command over the villagers as they were called to duty as when the government need arose. One of the most important and significant forms of that duty was the mobilization of coolie labour that saw the village leaders supervising their own groups everywhere the colonial government demanded them to be present. Coolie work comprised of, carrying supplies for the military forces and

government officials, road making, expeditions, cutting jungles, working in government bungalows, etc. Records go back as far as 1840 where Nagas were made coolies for making the Manipur road. In this connection, Captain Gordons, Political Agent of Manipur wrote a helpless letter to the Regent of Manipur, 'the carrying of baggage caused much distress to the Nagas, and they on that account ran away, and I cannot, therefore, carry it. The *Sechadars* have been directed to be diligent in the performance of their work.' To this the Regent replied that he will see to it that the Naga coolies carry baggage, as he had 'no wish to impede the company's work.'⁷ Haughton was aware of the coolie problem with the Nagas and he wrote to the Secretary to the Government of Bengal, 'One of the greatest obstacles in the hills being the annoyance given to the people by a perpetual demand upon them for coolie labour; the exemption of the Nagas from this cause of complaint should be a matter of steady endeavour.'⁸ However, nothing was done to solve the coolie problem and the impressment of coolies went unabated that caused much distress to the Nagas. Nagas were referred to being 'wild and like birds', running away in spite of the officials providing them buffaloes, tobacco and salt,⁹ which indicated that distribution of articles or imposing force could not induce the Naga to be a porter or a coolie.

The procurement of coolies changed after the Anglo-Naga War of 1879-80 in the Naga Hills. The *goanburas* were now instructed to arrange coolies from within the existing village authority system. In this arrangement the Deputy Commissioner had to send an order to the *Goanburas* to bring in as many men to the recruiting centre and register. Every man was to bring his spear and a *dao* and rice for 15 days – intended to last him till he returns from expedition. The number of men recruited for coolie work, ranged from 5 to 25 in each village.¹⁰ The colonial records talk about 'voluntary' labour but in reality it was forced labour as opposed to the records showing a very congenial picture of Nagas willingly offering themselves as coolie labour. Flight from labour and delay in supplying labour always invited double punishments: village and granaries being burned, cattle killed and double the number

⁷ Foreign Department, Political, 26 October, Nos.126-7, 1840, No. 27, NAI.

⁸ From Lieutenant Colonel J. C. Haughton, Officiating Agent to the Governor General, North East Frontier, To, The Hon'ble A. Eden, Secretary to the Government of Bengal, No. 60C, dated, 4 January 1864, Foreign, Political, A, January. Nos. 46-51, no. 49, para. 18, 1866, NAI.

⁹ Foreign Department, F.C., 11 October, nos. 23-28, 1841, NAI.

¹⁰ 'Military Report on Presidency and Assam District', vol. III, Southern Frontier Tracts, General Staff, India, 1920, Catalogue No. 'I' 71, Case No. 28998/M.O. 3/Books, Government of India Press, Simla, 1930, pp. 240-41, Pitts Rivers Museum, Oxford, UK, (hereafter PRM).

of coolies imposed. In enforcing forced labours, the colonial court played a huge part. The slightest of resistance to call for coolie labour was taken over by the colonial court in summoning the dissenting parties and imposing on them fines that was to 'be worked out in labour' to the government. On the other hand, with each village brought to subjugation a house tax of Rs. 2/- was imposed which necessitated the Nagas to do coolie work to pay the house tax. Barter system was prevalent and to pay the house tax it became imperative to earn money through wage and hence the Naga was pushed to wage market.

During the Anglo-Naga War, coolies from outside were arranged. The Times of India reported that 2000 men being impressed from Assamese villages as transport coolies for the Naga expedition; specifically mentioning that one district alone has furnished over 300 coolies. A different story attached to men from Assam being impressed to coolie was; 'their wretched wives follow them, throwing themselves down before any European they meet telling their pitiful tale with tears and sobs. Most of those who return will come back to beggary, for who will cultivate their land during their absence. It also mentioned that these men were mostly land-owners and well-to-do, and this wholesale slavery was a cruel hardship to them.'¹¹ The report portraying the picture of the Assamese women being deprived of the care of their men, peculiar to ideas of colonial masculinity, can be seen which also was in line with the typical colonial policy of keeping the plains as 'civilised' as opposed to the 'barbarous' hill districts of the Province of Assam mentioned in regulations such as the 'simple system of administration' in The Scheduled District Act of 1874.¹² The segregation of plain and hill districts meant different perception and treatment based on the place of residence; the 'civilised' versus the 'barbarous' which denoted lesser gender sensitivity in terms of people residing in the hill districts according to the British categorization. On the contrary, the simplification or rather the ignoring of hustling away Naga men to coolie labour and Naga women making no complaint against it like her Assamese counterpart, are instances that made colonial officers made such remarks that Naga women were strong and contributed to the presumptuous colonial

¹¹ *The Times of India* (1861-current), Feb 13, 1880, ProQuest Historical Newspapers: The Times of India, pg. 4.

¹² Report on the Administration of the Province of Assam (hereafter RAPA), for the year 1879-80, Shillong, 1880, para. 96, p. 376, <http://www.bodleian.ox.ac.uk/dbooks>, Aleph system no: 014660057 (hereafter Bodleian, ASN: 014660057)

belief that Naga women enjoyed equal rights with men. Also, it must be recalled that the intention behind the Scheduled Districts Act, XIV of 1874 was to make the position of the valley districts of Assam equal to the legal status of other parts of India¹³ and therefore evidently not applicable to a hill district like the Naga Hills. The reverse and the double meaning of the Acts like Scheduled Districts Act, XIV of 1874 was choosing persons of special qualification for the post of a district officer to silence the voice of dissent which was the case in the Naga Hills, whereas on the other hand the Act choose to elevate the status of valley inhabitant of the Assam Province with other parts of India. The colonial government's treatment of the Nagas, or for that matter, the hill inhabitants never seem to tire of wrecking their heads to bring out new kinds of punishments. For example, while the High Court heard the suits in the valley, the District Officers in the Hills were authorized to use physical force by whipping. The Assam Hill Districts Whipping Regulation, 1875 had come into force on the 14 September 1875¹⁴, thus defeating the very proclamation the government made for the simple system of administration to be pursued in the hill districts.

Amidst these pushes and pulls, women in the Naga Hills were making little headway by being able to take their complaints to court, which did not necessarily found favour in the court all the time. However, it was a huge move away from her usual position although it did not mean that she had, by going to court and litigating her case, gained the right to participate in decision making on a larger matter. However, by taking her case to court the women litigants had already started the process of documenting her position in a society thus participating not only in registering her suit in the court but had started the process of writing the history of her times. The observation that women did not had the chance to participate in decision making is based on the cases indicated by the emerging agreeability between the Christian and non-Christian through court orders over *genna* disputes. This is to bring out the difference of the early and the later period cases brought to court where disputing male parties, because dispute over *genna* was always between village male leadership, agree to compromise practices, beliefs, and religion to keep the peace of the village. This way male sociability based on old practices was renewed by negotiating in the court with the colonial court's intervention. However, even within the new social order, when it

¹³ Edward Gait, *A History of Assam*, Thacker, Spink & Co., Calcutta, 1906, p. 330.

¹⁴ RAPA, report for the years 1874-75 and 1875-76, para. 162, p. 138, Bodleian, ASN: 014660057.

came to the traditional sphere of village authority, a domain that belonged to male, women did not figure in the scene. Thus even if old values were slowly changing, for women, certain space was found but not enough to let her participate in decision making, although certain flexibility and agreeability were shown in negotiating *gennas* practices by both the Christians and the non-Christian communities.

While it was the colonial court that first pulled the 'allegedly erring' Nagas to colonial court thus producing the litigants, litigation was not a new system introduced to the Nagas by the colonial rule. Disputes are a part and parcel of every society and likewise with the Nagas; the difference being that it was heard and settled within the confines of the village, and was settled by the village chief or the elders as the case maybe according to each community's practices. With colonial court, cases travelled to places where the magistrate was to camp on tours in the villages and to the court rooms in the administrative headquarters. Thus the power of the village authority slipped away with every court case that reached the colonel court even as the colonial court reinforced the customs and traditions back to the people.

Appendix 1

Table 4

Military expeditions and occasional interventions made by East India Company with the allied forces of Manipur and Cachar from 1832-1851 against the Nagas

Sl. No.	In the commanded of	Year	Season	Remark
1.	Captains Jenkins and Pemberton	1832	January	Set out to open a route from Manipur to Assam
2.	Lieutenant Gordon, with Raja Gambhir Singh of Manipur	1832-1833	Winter	To punish the Nagas for opposing opening route through Naga country
3.	Mr. Grange, Sub-Assistant Officer, with Cachar levy	1839	January	Expedition to straighten Nagas who were allegedly raiding North Cachar villages. The expedition failed because of 'difficulty of transport.'
4.	Mr. Grange, Sub-Assistant Officer	1840	NA*	Angami villages of Chekwema, Togwema, Paplongmai along with five other villages burnt in connection with the raids made in the 'company's villages'
5.	Lieutenant Biggs	1841	January	Successful friendly negotiation made with several villages to open a salt depot at Dimapur, and, to open a road from Samaguting from the plains
6.	Lieutenant Biggs	1841-1842	Winter	To lay down the boundary. Some Angami 'chiefs' visited and 'declared their willingness to pay a yearly tribute'
7.	Captain Eld	1844	December	To punish the villages for not keeping the 'promised tribute' made to Lt. Biggs. Proposal put up to occupy Naga country with a 'strong force'
8.	Captain Butler (Father of Captain Butler who succeeded Lieutenant Gregory in 1869 and became the Political Agent of the Naga Hills)	1845	November	In this expedition much survey work was done in the Naga Hills
9.	Captain Butler (-do-)	1846-1847	Winter	Opening of the road from Mohengdijua to Samaguting, where a market was established
10.	Daroga Bhogachand, Police Personnel, in-charge of PripHEMA [sic] outpost	1849	May	Marched to disputing villages of Mezoma and Khonoma and ambitiously tried to play the arbiter. Arrested several person involved in dispute. Mezoma village did not take the intervention well and took Bhogachand's life along with other <i>sepoys</i> on the night of arrest
11.	Captain Vincent	1849	December	Expedition to avenge the death of Bhogachand. Captain Vincent fell ill. The expedition was a failure
12.	Captain Vincent	1850	March	Subdued Mezoma and burnt Khonoma
13.	Captain Blake	1850	December	Relived Captain Vincent. Villages that assisted Mezoma and Khonoma were searched and burned. The troop of Captain Blake stayed posted in the camp overlooking Mezoma and Khonoma, which was built by Capatin Vincent, till March 1851

Source: 'Military Report on Presidency and Assam District'. Volume III, Southern Frontier Tracts, General Staff, India, 1920, Catalogue No. 'I' 71, Case No. 28998/M.O. 3/Books, Government of India Press, Simla, 1930, PRM.

*NA = Not Available

Table 5

Immediate short term punishment in rice, cash and unlimited labour post Anglo-Naga War of 1879-80

Sl. No.	Name of village	Fine of rice and cash.	Auxiliary coolie fine
1.	Jakhama,	300 <i>maunds</i> of rice	Supply 600 coolies free for transport purposes
2.	Jotsoma		Labor whenever Political officer demanded or anyone on his behalf
2. a	Tolloma and Khoma <i>khel</i>	400 <i>maunds</i> of rice when next crop ripens	1000 coolies for conveyance of stores from Piphima or elsewhere to Kohima free of cost to government
2. b	Choyama <i>khel</i>	300 <i>maunds</i> of rice when the next season crop ripens	600 coolies for conveyance of stores from Piphima or elsewhere to Kohima free of cost to government
3.	Khonoma,		Tebboma and Merrima <i>khels</i> to pay 1000 coolies each for transport purposes between Piphema and Kohima
4.	Kigwema,	400 <i>maunds</i> of rice	Supply 900 coolies free of cost to the state
5. a *	Kohima: Chutonoma <i>khel</i>	Rs. 500/-	Supply 1000 coolies for transport purposes
6.	Lakema,		200 coolies free of cost
7.	Merema,	Rs. 100/- and a supply of 100 <i>maunds</i> of paddy,	200 coolies free of cost
8.	Phesama,		Village supply labor whenever demanded by the political officer
9.	Piphima,	50 <i>maunds</i> of rice to be realized by the autumn of 1880	1. 150 coolies free of cost for conveying supplies from Piphima to Kohima for the troops 2. Labor to be given when asked for by the Political Agent
10.	Puchama,		Comply with the demands of Political Officer for free and other labor
11.	Sachema	200 <i>maunds</i> of clean rice to be paid before December 1880	Supply permanent coolie corps free of cost to the government
12.	Sephama,	Rs. 200/- inflicted and paid immediately, or in lieu, 200 <i>maunds</i> of dhan,	1. Supply 1000 free coolies to convey government stores from Piphima to Kohima 2. Other labor be supplied for government purposes whenever demanded by the political officer, and for which the current rate of wage will be paid.
13.	Viswema.	600 <i>maunds</i> of rice	1. Supply 1200 coolies for transport purpose 2. Other labor whenever needed

* Cheswejuma *khel*, *Khel* (b) of Kohima village was not imposed extra punishment, but the uniform permanent imposition of house tax, 15 days free coolie annually and the election of headmen

Source: Foreign, Political A, August 1881, Nos. 616/40, NAI.

Table 6

Table showing division of Labour Corps during Abor Operation 1911-12

Sl. No.	Name of the Corps	Name of the Tribe(s)
1.	No. 1 Corps	Western Angamis Konyak Nagas Kukis
2.	No. 2 Corps	Semas Eastern Angamis
3.	No. 3 Corps	Semas Lothas
4.	No. 4 Corps	Aos
5.	No. 5 Corps	Tangkhuls

Source: 'Military Report on Presidency and Assam District', Volume III, Southern Frontier Tracts, General Staff, India, 1920, Catalogue No. 'I' 71, Case No. 28998/M.O. 3/Books, Government of India Press, Simla, 1930, p, 239, PRM.

Table 7

Table showing the wage of an individual during Abor Operation of 1911-12

Sl. No.	Designation	Rs	Anna
1.	Interpreters	60	0 per mensem
2.	Clerks	45	-do-
3.	Havildars	35	-do-
4.	Headmen	1	-do-
5.	Mates	0	14 per diem
7.	Carriers	0	12 -do-

Source: Military Report on Presidency and Assam District. Volume III, Southern Frontier Tracts, General Staff, India, 1920, Catalogue No. 'I' 71, Case No. 28998/M.O. 3/Books, Government of India Press, Simla, 1930, p, 242, PRM.

Table 8

Scale of rations fixed in the Abor Operation of 1911-12

Sl. No.	Item	Quantity	Substituted by
1.	Rice	2 lbs	
2.	Dal	4 oz	1lb meat
3.	Salt	2/3 oz	
4.	Chillies	1/6 oz	
5.	Onions	1 oz	½ oz potatoes
6.	Tobacco	½ oz	
7.	Mustard oil	1 oz	½ oz tea and 1 oz gur

Source: Military Report on Presidency and Assam District. Volume III, Southern Frontier Tracts, General Staff, India, 1920, Catalogue No. 'I' 71, Case No. 28998/M.O. 3/Books, Government of India Press, Simla, 1930, PRM.

Table 9

Rations while on Totok-Chinglong Expedition 1913

Sl. No.	Items	All coolie	Sema coolie
1.	Rice	1 seer	12 chataks
2.	Salt	1 chatak	1/3 chatak
3.	Chillies	½ chatak	1/6 chatak
4.	Dal	1 chatak	2 chatak
5.	Tobacco	Little [sic]	
6.	Sugar		¼ chatak
7.	Tea		1/8 chatak

Source: Foreign Department, Government of India, External, A, July, Nos. 1-4, 1913, No. 1. No. 2717-P, Enclosure No. 3, NAI.

Appendix II

Fines/punishments 'to be worked out in labour on government road'

Source: Case Records, 1891-1904, in the court of E. Muspratt, Sub-divisional Officer, Mokokchung, Naga Hills, NSA.

Empress v Are Yantham (1891), the village roads were not cleaned as directed and therefore a fine of Rs. 20/- was imposed which will be worked out in labour on the government road. Dated, 26 November 1891.

Empress v Pangty (1891), the case against this village was the refusal of the villagers to turn out in full number of coolies required for the Sub-divisional Officer to hire to his camp. An additional fine was also because they 'neglected to clear the village road of jungle.' A fine of Rs. 150/- was imposed which was to be worked out in labour on the government road.

Dated, 26 November 1891.

Empress v Mungatung (1891), 'the village roads have not been cleared of jungle as directed.' A fine of Rs. 80/- was to be worked out in labour on the government road.

Dated, 27 November 1891.

Empress v Okhotso (1891), 'the village roads have not been cleared of jungle as directed.' A fine of Rs. 40/- was to be worked out in labour on the government road.

Dated, 26 November 1891.

Empress v Longmisa (1891), 'Longmisa failed to supply coolies to the Deputy Commissioner and the *sepahis* with him on the 24th December 1891.' Longmisa was fined Rs 300/- by order of Deputy Commissioner, where labour worth Rs. 300/- was to be worked out in labour on the government road.

Dated, 24 December 1891.

Empress v New Kanchung (1892), 'disobedience of orders not clearing the road of jungle.' Fined Rs. 10/- to be worked out in labour on the government roads.

Dated, 1 January 1892.

Government v Leremen (1892), the Sub-divisional Officer ordered to send 10 coolies to Gazang to help carry his luggage but only 4 coolies turn up. For this offence, Leremen was fined 25/- which was to be worked out in labour on the government road.

Dated, 28 January 1892.

Empress v Mokokchung (1892), Mokokchung failed in supplying coolies to trans-Dikkoo [sic] expedition. Fined Rs. 100/- which was to be worked out in labour on government road.

Dated, 5 May 1892.

Empress v Ungma (1892), the case reads 'Refusal to obey orders' with no specification. Ungma was fined Rs. 50/- which was to be worked out in labour on government road.

Dated, 5 May 1892.

Empress v Chota Susu (1892), the village failed to supply coolies as ordered and was therefore fined Rs. 50/- which was to be worked out in labour on government road between Susu and Mokokchung.

Dated, 8 August 1892.

In *Empress v Sitemi Village* (1899), a fine of Rs. 10/- was imposed for 'failure to supply coolies' to Sub-divisional Officer, and the fine was to be 'worked out in labour.'

Dated, 5 July 1899.

1. *Shendongkaba* 2. *Temsingyamba of Moladabiya v Village of Upper and lower khels of Moladabiya* (1899), the complainants brought a human head into the village of Moladabiya. The villagers of both *khels* held a '*pujah*' in honour of the head. The court ordered five months rigorous imprisonment each and the villagers of both the upper and lower *khels* of Moladabiya were fined Rs. 150/- in each *khel* to be worked out in labour.

Dated, 22 August 1899.

Imsoyeva of Solaga v Lanbukam of Sologa (1899), the complainant filed a suit in the court that the accused abused him. The accused was ordered ten days free labour.

Dated, 26 October 1899.

Emperor v (1). Latesami village (2). Phenising village, (1901), there was a dispute between these two villages over certain land. They fixed a date to meet on the land in question and went for one another with sticks. The court gave a ruling for the four ringleaders to imprisonment and ordered Rs. 10/- worth of labor from both the villages.

Dated, 16 February 1901.

King Emperor v Tongponkhaba of Susu, Talisua, Mulangba, & co. (1903), these accused were headmen of the *Khels* of Susu. It was found that there was a lapse of revenue collection the previous year. Some homes were made to pay Rs. 4/- and some people who had been exempted were made to pay a rupee. The result was that Rs. 20/- remained as a balance in the hands of these accused, 'which they ate.' The court gave the order that the whole of thirtyeight men in total accused in this particular case were to give 'eight days free labour each.'

Dated, 9 November 1903.

GBs of Lakhuti v Puyanchamu of Lakhuti (1903), the *Goanburas* filed a case against the defendant on two grounds, that, the accused refuses to perform his share of coolie work, that the accused generally disregard the orders of the *Goanburas* of the village allowing a *phaltu* (vagabond) to live in their village for two months. The court order read, '*phaltu* has been dealt with criminally' and the punishment for the offence committed was for the accused to give ten days free labour.

Dated, 10 November 1903.

King Emperor v 1. Racham GB of Pangti 2. Itiyebao GB 3. Riomo GB 4. Niyamu GB 5. Chunchio 6. Zangthangu 7. Bhandariam 8. Piangao, this case has a connection with the above case matter. The accused in the above case is involved here. The court order read, accused 1 and 2 were *Goanburas* of the *khels* in which the *phaltu* put up. They are fined Rs. 20/- each. Accused 3 and 4 were *Gaonburas* who are known to repeat a matter of this kind, they were fined Rs. 10/- each. Accused 5, 6, 7, and 8,

were villagers who allowed the *phaltu* to be with them. They were each do one month free labour.

Dated, 11 November 1903.

King Emperor v Upper Khel of Rotomi, the case was about 'Failure to supply coolies.' The *Khel* in question was fined Rs. 50/- to be worked out in labour.

Dated, 14 December 1903.

Chota Kanching village v Tamlu village, the complainant village filed a suit that Tamlu, the defendant village, had trespassed on their land in spite of orders passed by the Sub-divisional Officer the previous year. The court found that Tamlu had disobeyed the magistrate's orders. Therefore Tamlu was fined Rs. 150/- which was to be worked out in labour.

Dated, 26 February 1904.

King Emperor v Nungsachiba of Lungzung, the accused in the case gave fake evidence to certain case No. 96 of 04 in the magistrate's court. The court ruled that there was no doubt that the accused could not have been in the spot where he said he had been and could not have seen the occurrence as stated by him in his evidence. The accused was therefore ordered to give two months free labour.

Dated, 6 June 1904.

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