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Women, Conflict, and Governance in Nagaland

**Paula Banerjee
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Paula Banerjee and Ishita Dey *

Once conflict starts in the developing world, it is a protracted process. Numerous countries in Asia and Africa have endured decades of armed conflict. Other countries have lived under the permanent menace of political violence. Indeed, in many countries ceasefires and peace accords have resulted in increased violence, as in the case of Afghanistan and Iraq. Most of these developing countries suffered greatly in the colonial period. The colonial masters often followed a divide-and-rule policy. One group of people was treated better than others. In the post-colonial period these bitter rivalries between religious groups, tribes, clans and ethnicities continued. Often post-colonial governments inherited this mantle of recurrent conflict between different groups of people and became a player in this whole process. The ruling elite, having learnt from the colonial masters, persisted in siding with one group against the other. That is where our narrative begins.

Women are often portrayed as passive victims during conflicts but that is certainly not the only role they play. Stereotypical essentializing of women as victims and men as perpetrators of violence denies each their agency and voice as actors in the process. In previous studies, we have seen that women play multiple roles in conflict. They can be both the aggressor and the peacemaker. Women are among people killed and belong to the thousands displaced by ensuing violence. They witness their children killed and maimed by the conflict. During conflict they live, laugh, cry, sometimes miscarry or give birth to their children in the bush and always try to survive. Some lose their livelihoods; others lose their crops. Conflict leads to impoverishment of many women and so their protection needs are heightened. Governance in the post-conflict period is also a matter of serious implications. It is often the cause for reemergence of conflict.

Sometimes, however, conflict governance produces some other phenomena. As has been stated earlier, women play multiple roles in conflict. They can be both the aggressor and the victim. But in both capacities they are always unequal to men and this inequality can bring forth unusual alliances. In different parts of the world, women often ally with their own men during conflict and their actions can range from encouraging their menfolk to wage war, cooking for the warriors and secretly transporting weapons. For example among the Kisii tribe, women scream to declare the start of war between the Kisii and the Maasai. Women who refuse to scream are divorced by their husbands because it is the women who are supposed to scream to announce the beginning of a conflict. Kisii women collect stones for men to fight. The women also sharpen arrows and poison them in preparation for war. In some cultures, women taunt men for cowardice if they do not seem ready to participate in a conflict between their community and other communities. In India, we were brought up with the story of the women from Rajputana who refused to recognize husbands who fled from the battlefield. Pastoralist women give blessings to young men to go to war. They transport arms and food for warriors and pass on important information. It is futile to think that women will

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stay away from supporting their communities when they are embroiled in violent actions. However appeals can be made and are made to these women so that they favour political and non-military solutions. In this process they can enter other creative alliances that can have the potential of changing the nature of conflict and are what seems to have happened in the Northeastern state of Nagaland in India.

In Northeast India both the state and non-state military forces recognize women as agents of peace. What does agents of peace in conflict situations imply? Does it merely mean playing the role of negotiator or mediator to resolve immediate conflicts or does it entail engaging with the larger socio-political framework that produces conflicts? The immediate role in resolving conflicts lies on the shoulder of the women of Manipur as the chief minister is quoted saying in a leading daily: “As saying Manipur is today veritably on fire and the major onus of dousing this fire rests on the shoulders of our womenfolk who have always taken a major role in the shaping the history of the land. He said there are no sons who will not listen to their mothers, no brother who cannot be influenced by their sisters”¹

In this context, it is important to remind ourselves that the experiences of women as “victims” and as agents are varied owing to their affiliation to various religious, ethnic, tribal and clan groups. Women are often marginalized within their own ethnic groups and they are constantly fighting for their socio-economic and political rights. The rising conflict has its own demands from the women to play as negotiators which have increased the role of women in the civilian sphere. In Northeast India women from all the ethnic groups have taken part in resistance movements and one of the common points against state oppression shared by all the women’s groups in the region is the demand for the repeal of the Armed Forces Special Powers Act (AFSPA; 1958/72). They claimed it to be merely the most recent state action against women in the region, where women have faced multiple injustices from the colonial period onwards. They also claimed that the brunt of injustices came after the passage of AFSPA in Northeast India in 1958. This is an Act passed through a constitutional process but it has facilitated some of the most gruesome human rights abuses in Northeast India. In this essay we hope to portray how the women living in Northeast India’s Nagaland, a border state that has been marked as hostile by the majoritarian state of India, negotiate with both the government and the underground movements. I also intend to show that women do not accept their situation of vulnerability passively and have innovatively created alliances at times with the Indian state and at other times with the rebel movements to create a space in which they can be heard, and that can be considered as their own space of empowerment. Over the course of the conflict, they have shaped and reshaped their responses to the state and innovated and changed techniques of negotiation. In this way they have had a profound impact on governance and conflict resolution and in the process reshaped gender relations in their own societies. As for those in governance found women as their ally in trying to push for ceasefire. With few other such options they tried to strengthen this alliance by giving women certain essential rights that was at times denied by their own communities, like 33 per cent representation in village-level representative institutions. In this way, governance merely by violence changed to a mixed mode of governance where delivering essential socio-economic necessities was recognized as an important role of the state.

Therefore, on its part the state began by trying to combat all forms of opposition through violence but after extensive bloodshed recognized that only violence does not work. They eventually decided to temper violence with development and promise of more. In the process when they could conclude a ceasefire with the rebels they prioritized development over punitive measures and tried to reconcile recalcitrant communities by sponsoring alliances with different groups including young women and men who had less potent memories of conflict. In this way the contest over sovereignty

was subtly governmentalized. Conflict over sovereignty changed to a contest over governing. The young women definitely aided in the process by demanding that governing should also be about service providing and ensuring rights. The state was aided by the fact that with the receding of the mega conflict smaller competitions appeared on the horizon in which the state positioned itself as arbiter. The new generation of women understood that they could use the state and its new mode of governance as their ally and push for their rights agenda. In this way the state polarized the society on the basis of ethnicity, age and gender and controlled the impulses of a mega opposition. The women on the other hand used state mechanisms to negotiate for mitigating traditional wrongs and pushing for individual rights that they could not during the heyday of conflict.

In their negotiations with the state the women undertook many innovative actions to fight violence and traditional injustices and create a more just society. Their negotiations over the years will help us to understand the way the women's groups in Northeast India and in other regions have been instrumental in redefining security, be it their fight against repeal of AFSPA, ensuring food security, ensuring securitization of life and livelihood through patrolling in the neighbourhood and resorting to non-violent dialogues with the underground movements and the army to resolve and prevent conflicts and creating innovative ways of engaging with governments or fighting for women's land rights and reservation of seats in elections.

This paper is meant to fill the lacuna in the existing literature. It deals with women in the state of Nagaland in Northeast India and analyses their negotiation with a state that traditionally privileges values that maybe patriarchal. Through their activism they made the state realise that upholding their cause will help the cause of justice and peace and also change contest over sovereignty into a question of governance and the former is always more problematic for a state to handle than the latter. Women's engagements with conflict and peace in Nagaland have transformed the traditional definitions of engagement and resistance and thereby had serious impact on both gender roles and governance.

Northeast India: A Cauldron of Conflict

Northeastern India share borders with Bangladesh, Bhutan, China and Myanmar and so the eight states can be called border states. The British began administering the area through a series of Acts such as the *Schedules District Act of 1874* and the *Frontier Tracts Regulations of 1880*. In 1873, the British passed the Inner Line Regulation. According to one analyst the logic behind this regulation was that the "unrestricted movements which existed between the British subjects in Assam and the wild tribes living across the frontiers frequently led to quarrels and sometimes to serious disturbances".² The British administration also wanted to control the rubber trade that was still in the hands of the hill people and that caused frequent skirmishes between the groups. The Inner Line Regulation was a means to separate the *civilized* plains people and the *wild* hill people. The inner line did not in any way give the sovereignty to the hill people rather it was a means by which administrative zones of the hills and the plains were separated ostensibly because the civilized faced problems with cohabiting with the wild. The Government of India Act of 1935 classified the hill areas of Assam into excluded and partially excluded areas. This was done mainly to exclude the hill areas of Assam from the jurisdiction of the Reformed Provincial Government that included the plains of the Brahmaputra and Barak valleys. This policy resulted in a separate political evolution of the hill and the plains. The excluded areas were not demarcated to protect regional autonomy. Rather it was meant to keep recalcitrant groups at bay. It also meant that the hill areas remained excluded from all constitutional experiments that were embarked upon within the jurisdiction of British India. To justify such demarcations there

was a process of demonization of certain groups of people, at least in the official discourses that were considered recalcitrant and the Nagas were one such people.

During the Constituent Assembly Debates the process continued. During the debate on the provisions of the Sixth Schedule, such a mentality was apparent particularly among members of the dominant groups. When there were discussions about giving the Naga Hills an autonomous council, some of the responses of the members of the Assembly reflected the attitude of the architects of the Constitution towards these people. Kuladhar Chaliha from Assam was particularly vocal. He said:

The Nagas are a very primitive and simple people and they have not forgotten their old ways of doing summary justice when they have a grievance against anyone. If you allow them to rule us or run the administration it will be a negation of justice or administration and it will be something like anarchy...³

Although not as vociferous as Chaliha, there were many who made it obvious that the Nagas did not belong. Brajeshwar Prasad from Bihar during the same debate stated that “responsibilities of parliamentary life can be shouldered by those who are competent, wise, just and literate. To vest wide political powers into the hands of the tribals is the surest method of inviting chaos, anarchy and disorder throughout the length and breadth of this country.”⁴ Even Gopinath Bordoloi who drafted the Sixth Schedule commented that hardly any of the tribes could be called self-governing but “the time may come when they may become fit to govern themselves”.⁵

Discussions on the Sixth Schedule were a precursor of things to come. The members of the Constituent Assembly who were deliberating on the creation of a democratic constitution for India were not merely obsessed with the idea of maintaining order as Paul Brass has suggested.⁶ That was just one of the things that they concerned themselves with. They were also in the business of constructing a citizenship that would be loyal to the order that they were seeking to maintain. On the basis of this criterion they constructed notions and discourses of who belonged and who did not. They created a hierarchy of citizenship and in that hierarchy many Northeastern tribal groups were at the bottom rung, particularly the Nagas. Their avowed difference was considered deviance and they were at best patronised and at worst vilified. At the back of everyone’s mind was the fact that these people were not *us* and so unworthy of any autonomy or self-rule. Even as early as in the Constituent Assembly the nation’s leaders were using the language of their colonisers to deal with all those they considered as *other*/deviant. This was decisive in shaping state attitude towards the region. An analysis of laws such as AFSPA, the National Security Act, etc. will also show how groups were marked recalcitrant by evolving border laws and then they were treated as criminals. Thereby the ground was laid to treat these people with disdain and violence because what they were claiming was sovereignty over their self. But such claim could only be entertained from those who could be seen as “people”.

A Look from Inside

The historiography of North East India from the other side, i.e. from the side of Manipur and Nagaland looks very different. It is vivid with “treacherous” accounts of accession by the “Indian state” post the declaration of independence of the Indian dominion by the British Crown on 15 August 1947. Most of the armed resistance groups are said to be fighting for autonomy under the leadership of those who believe in the right to self-rule. In Manipur, some of the armed resistance groups are Manipur People’s Army (the armed wing of United Nations Liberation Front), People’s Liberation Army (PLA), People’s Revolutionary Party of Kangleipak (PREPAK). The list is endless. The number of armed resistances is on a rise and the only way of coping with the conflict that the

Indian state has resorted to is through militarization of Manipur. The massive militarization that Manipur has witnessed over more than six decades is further legitimised by the existing AFSPA, which enables army officials of any rank to resort to violence to maintain law and order. Present-day Manipur is flagged with multi-layered problems with the parallel existence of democratic functionaries and institutions like the panchayats, municipality and state legislative assembly on the one hand and the day-to-day challenges posed by militarization by the state and the increasing number of armed resistance groups on the other. The presence of military forces has created frictions between ethnic groups and a clear divide between the valley (an area dominated by Meiteis) and the hills (areas dominated by Naga and Kuki tribes).

The Naga struggle is embedded in a much deeper history of ethnic identity and territoriality, which can be traced back to the Treaty of Yandabo of 1826, which brought the British to the Northeastern part of India. According to Achumbemo Kikon, for administrative convenience, the British established the Naga Hills District in 1866, which was later on merged with Assam in 1874.⁷ With the formation of the Naga club in 1918, the Naga voices became consolidated to assert the sentiments and voices of the people. A memorandum submitted to the Simon Commission in 1929 made it quite clear that “Naga areas be left out of the proposed reform scheme”. In 1946, under the leadership of Angami Zapu Phizo, the so-called “father of the Naga Nation”, the Naga National Council (NNC) was formed. Under its banner, Nagas declared their independence on 14 August 1947, a day prior to “Indian” independence. The sentiments of the Naga people went unheard and the nascent Indian state in order to safeguard the “integrity” of the Indian nation “adopted repressive policies and suppressed the Nagas with its military strength”.

From 1948 onwards, the Naga problem escalated. In 1947, the Naga Hills were divided between Assam and Manipur and the next year many Nagas, including Daiho Mao, were arrested following their efforts to blockade an entry point to the Naga Hills. Within the mainland it was widely held that Burmese Communists infiltrating into Assam were aiding the Nagas. By early 1951, the Nagas asked for a plebiscite and were predictably refused. Under the auspices of NNC, the Nagas themselves called a plebiscite in which almost everyone voted in favour of independence. On 16 May 1951, that plebiscite was held in which 99.9 per cent voted to reassert the Naga position in favour of an independent homeland devoid of domination and political control of any sort. Following the plebiscite, the Nagas boycotted the two Indian general elections in 1952 and 1957. In 1963, Nagaland was created on the basis of what is known as “Sixteen Point Agreement”, which has been the subject of critique, with some like Achumbemo believing that this agreement was offered to the Naga People’s Convention (NPC), a group handpicked by Indian intelligence agencies to mediate between the Naga resistance groups and the Indian government. Nagaland was created based on this memorandum which never incorporated the views of the Naga people or resistance groups. Thus, after independence, Nagas were distributed over four states: Manipur, Assam, Arunachal Pradesh and Nagaland, which had the majority. In the 1950s, the Government of India placed restrictions on NNC. The movement for Nagalim spearheaded by NNC was divided into two factions in 1980. Under the leadership of General Secretary Th. Muviah, NNC vice-president Isak Swu and president of Eastern NNC S.S. Khaplang, a group broke away to form National Socialist Council of Nagaland (NSCN). In 1988, there was another split, creating two groups now known by the name of the leaders: the Isak-Muviah faction and the Khaplang faction.

The Indian state chose to cope with the crisis of sovereignty and autonomy movements through militarization of Manipur and Nagaland. A paternalistic top-down securitization approach through militarization and enforcement of AFSPA in Nagaland and Manipur has been the reason behind many a bloodshed and atrocities. The ceasefire agreement between Government of India and

the National Socialist Council of Nagalim (NSCN) has been in place for more than fifteen years. The contradictory nature of ceasefire lies in the very existence of AFSPA in Nagaland, the presence of the Indian Army and the way women continue to become victims of community honour in this transitional phase of political instability. The violence generated by state and non-state actors has been responsible for loss of human dignity and gross violation of human rights that has completely engulfed the lives of people. Before getting into any other discussion it is essential to explore the nature of violence.

Governance through Extraordinary Powers: The Armed Forces Special Powers Act

One of the preferred modes of governance in Nagaland and Manipur for the Indian government in the last century was through extraordinary powers. AFSPA was a takeoff, with certain modifications, from the Armed Forces (Special Powers) Ordinance 1942 of British India. Only it is much harsher than the previous ordinance. In the previous ordinance, power to take action was authorized for an officer of the rank of captain but in this act power rests even with non-commissioned officers. Also the previous ordinance was meant for the whole of India unlike the present one. Protests escalated in the Naga Hills when the state promulgated the Assam Maintenance of Public Order (Autonomous District) Regulation Act in 1953. It was operative in the Naga Hills and Tuensang districts. The act empowered the governor to impose collective fines, prohibit public meetings and detain anybody without a warrant.⁸ While protests continued, those portions of the Naga Hill districts that formed parts of Assam were placed under military rule in 1955 on the basis of the recently formulated Assam Disturbed Area Act. The same year, NNC set up the “Federal Government of Nagaland”, which had a military wing. Before the year ended it was said that there were “nearly one security troop for every adult male Naga in the Naga Hills”.⁹ The 1958 AFSPA Act was meant for only the Naga Hills and parts of Manipur. But like the ordinance the AFSPA is meant to suppress civil society, curb dissent, and legitimize state violence. As one observer has maintained, “logic demanded that an India that fought against such powers would, when independent, get rid of such legislation. Events, however, have proved the contrary”.¹⁰

G.B. Pant, the then union home minister, introduced the bill stating that it was intended to quell “arson, murder, loot, dacoity etc. by certain misguided sections of the Nagas”. It was because of such violent actions of the Nagas that “it has become necessary to adopt effective measures for the protection of the people in those areas”. So it was in the name of the people that this bill was introduced, which gave the armed forces almost unlimited power over the lives of these same people. There were some members who cautioned against such blanket powers to the army but their voices were generally disregarded. The deputy speaker of the Lok Sabha criticized the government, stating, “It pains me that we have an occasion in this House to give our assent to martial law which was forced on us by an Ordinance ... Why have they (the Congress government) smuggled this legislation in this way? It is really a challenge to the concept of democracy and freedom that we have.”¹¹ Among other critics, there were some that felt the “Parliament is giving its seal of approval to a legal monstrosity to quell another kind of monstrosity”.¹² Even the Speaker asked the Home Minister:

Does the Honorable Minister feel that this is the procedure, he can shoot if it is a disturbed area, that is the procedure established by law? *He can shoot* [italics added]. Anybody can be killed or shot at, but is this procedure established by law, does it go to that extent? Article 21 says that no person can be deprived of his life. Here any person can be deprived of life by any commissioned officer, *he can shoot* [italics added].¹³

When the bill was being debated both the Members of Parliament (MP) from Manipur vehemently objected to it. Laishram Achaw Singh, MP from Inner Manipur Parliamentary Constituency, argued:

In my humble opinion, this measure is unnecessary and also unwarranted. This Bill is sure to bring about complications and difficulties in those areas, especially those which are going to be declared as disturbed areas. I fail to understand why the military authorities are to be invested with special powers. I have found that these military authorities have always committed excesses in many cases, especially in the sub-divisions of Kohima and Mokokchung. In such a situation, I do not like that the officers should be invested with special powers ... This piece of legislation is an anti-democratic measure and also a reactionary one. Instead of helping to keep the law and order position in these areas, if they declare some areas as disturbed areas, it would cause more repression, more misunderstanding and more of unnecessary persecutions in the tribal areas. This is a black law. This is also an act of provocation on the part of the Government. How can we imagine that these military officers should be allowed to shoot to kill and without warrant, arrest and search? This is a lawless law.¹⁴

Even after such ringing protest from MPs of the region the Armed Forces (Special Powers) Act (AFSPA) of 1958 was enacted after a mere three hours of debate in the Lok Sabha and four hours of debate in the Rajya Sabha. The act was meant to be in the statute books for only one year but it is operative even today. AFSPA of 1958 gave the state government the power to define any area as disturbed. Pant argued, when faced with the criticism that he was wresting power from the state governments, that he was actually increasing the powers of the state as by this act they had the power to summon the military whenever they wanted to do so. That this was hardly the case would become apparent when in 1972 this provision was changed. For then, the state government had the power to declare any area as disturbed. AFSPA is a prime example of how democracy legitimizes violence on people that it considers errant/deviant. The evolving history of this act will show how a state, by institutionalizing violence, securitizes a certain area and how that leads to the securitization of the whole region.

Among the many articles in AFSPA, there is one that says that anyone can be shot dead even on suspicion of being a terrorist by a commissioned member of the armed forces. A decade back a young woman named Irom Sharmila started a protest against this act by fasting unto death. Today, she is kept alive by force-feeding through the nose as the state can little afford another martyr with a history of non-violent protest that is the speciality of many women protestors in the region, be they Naga, Kuki or Meitei. The operation and history of the act demonstrates how women have suffered under this act and in the hands of the two patriarchies – the rebel and the armed forces.¹⁵ The act militarized the entire region of Northeast India, particularly Manipur and Nagaland. A result of this act is that it has caused an inflow of men working with the security structures of the government. Hence in many parts of Northeast India infrastructure work such as road-building for safe movement of troops necessitated the presence of skilled labour and technical hands and so it mostly attracted men. Also the inflow of security personnel in the region increased the share of male migrants. Such a situation affected the sex ratio negatively. It coincided with the growing violence against women in the region.

After almost half a century, AFSPA continues to occupy the centrestage of a bitter debate over its existence. Vociferous calls for its repeal from civil rights activists have been acknowledged by the Second Administrative Reforms Commission, which has recently recommended its repeal. As with previous recommendations of repeal, such as the Reddy Committee's in 2005, government officials reacted with immediate and emphatic disapproval. They concede possibilities of improvement in the law but categorically reject its repeal.

One of the biggest debates on AFSPA was generated in 1997. Discussing the Supreme Court rulings on AFSPA in *NPMHR v. Union of India* in 1997, the Human Rights Features stated the following:

In the 1997 case *Naga People's Movement of Human Rights v. Union of India* the Supreme Court upheld the constitutionality of the AFSPA but placed various checks on the armed forces' exercise of power thereunder. Specifically, the Court rejected the petitioners' argument that the AFSPA was unconstitutional because it transferred to the armed forces *full* power to maintain public order in a disturbed area whereas the Constitution only permits Parliament to enact laws relating to the 'use of the Armed Forces *in aid* of civil power'.

But in rejecting this argument, the apex Court also held that the 'in aid of civil power' clause mandated the continued existence and relevance of the authority to be aided. Under the AFSPA, therefore, the armed forces cannot 'supplant or act as a substitute' for a State's civilian authorities in the maintenance of public order, but are strictly required to act in cooperation with them.

Accordingly, the Court understood the armed forces' power under AFSPA Section 4(c) to arrest any person without a warrant for suspected commission of a cognisable offence in light of Section 5, which requires handing over the arrested person to the nearest police station with the 'least possible delay'. The Court further stressed that the 'least possible delay' language of the AFSPA reflected the requirements of the Criminal Procedure Code (CrPC) and the Constitution, which mandate production of a detainee before the nearest Magistrate within 24 hours of arrest.

Similarly with respect to the search and seizure powers granted under Section 4(d) of the AFSPA, the Court interpreted the AFSPA to require the armed forces to transfer custody of seized property to local police forces. Furthermore, in conducting searches and seizures under Section 4(d), the armed forces were bound by relevant CrPC provisions that would otherwise bind civilian authorities....

Following the *NPMHR* ruling, the Gauhati High Court, which has jurisdiction over the conflict-prone Northeast States, has faithfully applied *NPMHR's* reasoning to restrict the power of the armed forces to act independently of State authorities. For instance, the High Court held that the armed forces' refusal to involve local police in an operation to track down suspected militants in Assam overstepped the bounds of the AFSPA. Similarly, the Court held that the armed forces' failure to hand over arrested persons to local police authorities represented violations of the AFSPA. In such situations, the Gauhati High Court has insisted that the armed forces demonstrate adequate factual circumstances to justify non-compliance with the requirement of handing over custody to civilian authorities with the 'least possible delay'.¹⁶

However, on 2 May 2007 in the *Masooda Parveen v Union of India and Ors* it was argued that:

It is Mr. Ganesh's plea that despite the fact that police station Pampore was a stone's throw away from village Chandhara, no effort had been made by the army to convey the information to the police at the earliest and the police had been called in only on the morning of 3rd February, 1998 after Regoo had been done to death. Mr. Ganesh has also placed reliance on the judgment of this Court in *Naga People's Movement of Human Rights vs. Union of India* (1998) 2 SCC 109 to contend that while upholding the vires of the Armed Forces (J&K) Special powers Act, 1958, this Court had laid down certain guidelines which would *mutatis mutandis* apply to a search, seizure and arrest under the Act as well. He has pointed out that the basic principle which governed the exercise of authority under the Act was that the army was to act in aid of the civil power meaning thereby that the pre-eminence of the civil authority had in no way been diluted. He has, in particular, placed reliance on the specific conclusions drawn in paragraph 74 of the Report and has pointed out that this Court had clarified that the civil power continued to function even after the deployment of the armed forces.¹⁷

Not accepting these arguments the Supreme Court ruled that what the army did was very much within its authority and therefore no punitive measures were to be entertained. In the *Thangjam Manorama* case in 2005, the initial ruling of the Guwahati High Court was the following:

The State of Manipur is not the appropriate Government having any administrative control over the armed forces deployed in the State. On the other hand, the members of the Armed Forces are entitled

to protections as per provisions of Section 6 of the Act of 1958 which provide that no prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government. The Central Government being the appropriate Government and having absolute control over the armed forces deployed in a disturbed area has to deal with the report and take follow-up action as may be necessary in accordance with the provisions of law. Since the subject-matter of dispute is a definite matter of public importance, the Union Government is required to take appropriate decision without least possible delay.

In the result, both the writ petitions are disposed of with direction to the State of Manipur to hand over the report to the Union Government in the Ministry of Home Affairs without delay. The Union Home Ministry, represented by the Secretary, will examine the report and pass orders/take appropriate action against the 17th Assam Rifles personnel, if any, indicted in the report without loss of time. The Union Home Ministry shall also take an immediate decision about publication of the report in tune with the citizens' right to information. The people of Manipur seek justice and it should be done forthwith to restore their confidence in the Constitution and the laws.¹⁸

A ruling of the principal bench of the Guwahati High Court made on 31 August 2010 clearly said that the state government was competent to conduct an inquiry over the armed forces and the inquiry commission set up by the state government to probe the killing of Thangjam Manorama was legitimate. Hence, the state authority could take action against the accused army personnel. This ruling was followed by the Gauhati High Court ruling on 10 January 2011 in which a double bench of Gauhati High Court comprising of Chief Justice Madan Bhimrao Lokur and Justice Ashok Potsangbam issued a notice of motion regarding the case of Thangjam Manorama.¹⁹ It asked the Union of India and 17 Assam Rifles as to why Manorama was not handed over to civil custody. Assam Rifles filed a petition and took the case to the Supreme Court.

The AFSPA created a milieu of uncertainty, fear and violence within states and the spectre of this violence hung over the mode of governance. Naga women argue that women are the greatest victim of this violence. Not just women from Nagaland but most women from Northeast India are of the opinion that AFSPA should be removed immediately. In Manipur, women launched a major campaign on this in 2004. In Nagaland, too, such a campaign is on though it is not as dramatic as the one in Manipur. The last few decisions of the courts and the government over AFSPA have demonstrated that there is a growing ambivalence about AFSPA and a realization that violence alone is not a solution to problems. The government, therefore, has changed its tenor and embarked on a programme for the development of the people, particularly women. It was slowly taking up the cause of Naga women particularly because it found in the women strong supporters of the ceasefire. This was happening exactly at a time when the Indian government was opening itself up to the East through the Look East Policy, due to which peace in northeast was becoming a priority.

Government Policies and Strategies for Women

Side by side with governance through extraordinary laws and then beyond it continued a more civil form of governance as there was a growing realization that violence alone cannot solve a political problem. In the days of Look East it was becoming that much more essential to address issues of sovereignty by means other than violence. In its programme for development the state looked upon women, particularly younger women, as both its audience and allies. The government constructed a plethora of policies and strategies in Nagaland towards empowerment of women which were both social and economic. A review of some of the social and political institutions in Nagaland will reveal the nature of gender mainstreaming in development initiatives. "Gender mainstreaming refers to the systematic examination of all general policies and measures, and taking into account their possible

effects on the respective situation of men and women when defining and implementing them. This approach considers the promotion of gender equality as a question of promoting long-lasting changes in family structures, in institutional practices and it also concerns men and the whole of society.”²⁰ Gender mainstreaming in development initiatives in post-conflict societies is considered an effective tool of non-traditional security approaches and sustainable approach in reconstruction. The participation of women in former political spaces is still negligible in Nagaland. The Indian Constitution guarantees the participation of women in electoral politics through the 73rd and 74th amendments passed in 1992 and 1993, whereby a total of 33 per cent of seats have been reserved for women candidates in panchayati raj and municipal institutions. But often women civil society leaders look upon women politicians with suspicion. There is, therefore, a chasm in the women's movement and the women representative of the panchayati raj institutions (PRIs).

One of the newer innovations for getting support of the Naga women for the administration is the formation of the Department of Women's Development. This department has entered into a partnership with apex women Hohos in all the districts. The partner NGOs have been instrumental in implementing various schemes of the department. The main thrust of the department was to encourage and strengthen women-centred self-help groups (SHGs). The Annual Administrative Report of 2011-2012 outlined the following as the primary focus of the department: 1. To better the socio-economic status of women; 2. To safeguard the rights of women; 3. To provide support services. A total outlay of Rs. 1,025 lakh has been provided by the state to implement ongoing programmes of the department.²¹ Some of the activities which are in relation with the spirit of the Committee on the Elimination of Discrimination against Women (CEDAW) and UN Security Council Resolution 1325 include the formation of:

1. Nagaland State Commission for Women: This commission was created to safeguard women's rights and to promote their empowerment through the Nagaland Women Commission Act, 2006. As per provisions of the relevant act, the commission, consisting of a chairperson and two members, was constituted in 2007-2008.
2. Nagaland State Social Welfare Board: A new scheme called Integrated Scheme for Women Empowerment of the board was launched to support SHGs.
3. Grant in Aid to NGOs: The department has worked out a system whereby it has partnered with the apex women's organizations (Hohos) in each district. Under this partnership, selected NGOs are assisting the department in implementation, verification and supervision of the schemes and activities of the department. It closely coordinates with partner NGOs and assists them in their work on rehabilitation and support of women in difficult circumstances, including women in extreme poverty, destitute and deserted women, women in conflict situations, women affected by natural calamities, physically and mentally challenged women etc.
4. Financial assistance to destitute women: Destitute women are provided with a financial assistance of Rs 200 per month. In 2011-2012, 3,000 women received the financial assistance.
5. Establishment of rehabilitation-cum-support centre: The rehab-cum-support centre caters to the special needs of commercial sex workers, HIV Aids affected women, victims of sexual exploitation and marital violence, deserted women and victims of trafficking. The services being provided, include training in various trades and alternative livelihoods, free legal aid, counseling and spiritual guidance.
6. Implementation of acts: With the enforcement of The Protection of Women from Domestic Violence Act, 2005, the state government has approved the designation of EACs as

protection officers and the Nagaland State Social Welfare Board as the service provider under the act. The Prodigal's Home in Dimapur has been designated as the "state shelter home" to provide shelter and counselling to victims of domestic violence.

Most of these developmental programmes started in 2004-2005 but at that time Naga women were still reeling from the effects of conflict. However, even in the midst of trying to cope with the effects of conflict they were articulating their desire for a better, more prosperous life.

Lived Experiences: Impact of Conflict on Women

While all these were happening, the Naga women were still trying to make sense of the conflict. Nira Yuval-Davis once stated that women have a dualistic relationship with the state: "On the one hand women are always included, at least to some extent, in the general body of citizens of the state and its social, political and legal policies; on the other – there is always, at least to a certain extent, a separate body of legislation which relates to them specifically as women."²²In the case of Nagaland such dualistic nature of women's engagements with the national and ethnic collectivities led to further discrimination against them. The situation of women in Northeast India shows that in times of crisis women are controlled/victimized not merely by power structures from outside but also by power structures/systems of their own communities. AFSPA is often used as an excuse to rape and brutalize women who appear non-conforming. Unless there is an effort to change such structures/systems with gender-just policies it will only result in cosmetic changes. Feminist interventions in security discourse have helped us in widening the paradigm of "security" measures to be taken in conflict zones. Conflict zones, as we are all aware, produce and reproduce hierarchies instead of resolving tensions. Testimonies bear evidence to the multi-layered gendered nature of violence, physical, emotional and social. They also uncover women's overarching desire to survive. In the Northeast, the state has often appealed to women to be agents of peace reasserting their role as mothers and sisters. The testimonies below reveal some of the contradictions of the women's movements and also highlight how women's political engagement either in democratic political institutions or voluntary organizations provides the scope to bring in their perspective in managing conflict situations and carries the possibility of transgressing stereotypes which often centres on the control over sexuality. Given below are testimonies of Naga women living in Nagaland or Manipur.

I was born after World War II. The Naga Insurgency began during our childhood. When we were in primary schools, we were frightened from all corners. There were frequent encounters between Naga UGs and ARs. Most of the parents warned their children that when you hear gunshots you have to roll down. If Army comes you must not talk too much. For a long time parents advised us to keep our essential commodities ready as at any moment we had to hide in paddy fields. No free movement was allowed in Ukhrul. Ukhrul was declared a disturbed area under AFSPA. My father was called by the Army because he was found in possession of a country-made rifle (licensed). He was a government employee in the Health Department. I was in class two when this incident happened. The court case continued for two-three years and my parents spent all their earnings on this case. Government of India has ignored our area as it is a border district. There is hardly any development at all.

In 2004-2005 I personally met some of the key persons of UG groups and urged them to stop killing. It is important to internationalize our women's body of Naga women. We need to form a network of Naga and Manipuri women. Women should come out and talk to their respective groups and bring the UG groups on the same platform to enter into dialogue so that we could achieve our larger goals.²³

In another instance another woman stated:

We are three sisters. My father was a head teacher. My father was taken away to a detention centre in the month of July-August 1990 with 13 men, of which 12 men were detained for three days and my father detained for 5 days. Army grouping was a common feature. Whenever we heard the noise of the “vehicles” we ran away. We used to shout uniform is here and we would rush back to our homes. Our culture does not treat us as equals. It is with great difficulty I could inherit some property after I fought for my case in Tangkul Naga Long Court. Our culture does not accept women to take up decision-making roles.²⁴

In another testimony a woman gave a slightly brighter picture:

My husband died in January 2006 in a firing. He went out of the house saying he would be getting money from the bills of his contract work. My house is at Thongu Part II close to Manipur University. I made no demand for ex-gratia. I had never worked before my husband's death as he never allowed me to go outside though I was always interested in social work. I made no demand for ex-gratia. What would I have done with ex-gratia? After I became a Gram Panchayat member, all eyes are on me. I am now a public face. People come to me with appeals of funds release for NREGS jobs card, allocations, pay etc. BPL cards do not even reach people. Women should be encouraged to take part in decision-making process. I have set an example, people say. When I go for Sports Meet and share the dais with other members they always point towards me. I feel proud when I hear words of appreciation from school children.²⁵

All these testimonies are rife with tales of how women struggle to create pockets of normalcy for themselves and their family and continue their everyday lives and keep their hope for a better future alive. They also show that women's struggle is never on one front. They battle not just armed violence but also a society that is bent on devaluing their presence and their contributions. They fight against traditions that is bent on marginalizing them and all of these they do in course of their everyday lives. Women have been marginalized within their own ethnic groups and they are constantly fighting for their socio-economic and political rights. Gender is one of the most important cross-cutting issues that works across ethnicity (and race). Thus, the conflicts produced by gendered forms of violence never cease to end. Gender-based violence, particularly reported incidents of “rape” and sexual abuse, has been on the rise in all conflicts in the last few decades. Our research in Northeast India shows how gendered violence have almost become mundane in its everyday occurrence. One particular incident highlights how lightly such incidents of violence against women are taken by the local police who are meant to work as custodians for protection of women. *The Telegraph* reported that on 27 August 2007, four college students abducted a pregnant woman from Showuba village near Dimapur after assaulting her husband. The woman was then raped in a moving Maruti Swift car. The four youths were arrested after a case against them was filed at a local police station. Reportedly they were all in their early twenties. Showuba Village Council court tried them and let them off after imposing a fine on them of Rs 15 each. The Nagaland Women's Commission and various other civil society organizations were critical about this decision. A rally organized on 4 September 2008 was reportedly attended by 10,000 people from various Naga organizations which included Naga Hoho, Gaonburahs and Dobashis Joint Forum, Dimapur Naga Students Union, Western Sumi Hoho and various other organizations cutting across tribal boundaries. This portrayed an interesting phenomenon about Naga women. The more traditions failed them the more they were willing to invoke modern modes of redress and carry the community with them. This flexibility of the Naga women enabled them to ally with the state when all other forms of redress failed. This alliance for justice proved extremely effective as it also contributed towards peace.

Traditional Form of Women's Activism in Nagaland

In most of the Northeast, women are marginalized in institutional politics and so in the traditional framework women's activism for peace acquires great political value and gives legitimacy to their other struggles. Even in Nagaland, women hardly ever figure in electoral politics and their only one Lok Sabha member was Rano Shaiza. Electoral politics in the Northeast is thus completely dominated by men. They dominate the seats of power. Sometimes women are given token representation but very often they become invisible. According to Aparna Mahanta, this exclusion of women from electoral politics is a "deliberate exclusion" imposed on them by the men. Thus electoral politics has in no way empowered women in the Northeast rather it has led to their further marginalization. However, there are other areas in the public sphere where women have created spaces for negotiation. It is in the politics for peace that they are able to negotiate some spaces of action. The peace movements when not led by women are overwhelmingly supported by them. Women dominate the peace movements in sheer numbers.

Women also often make strategic use of gender roles to enter the masculinized space of conflict. Motherhood can be viewed as such a strategy. Various women's organizations have played a key role in translating their "traditional" roles as "mothers" to social and political agents and have successfully used the social sanction of being a "protector" that "motherhood" offers. "Motherhood" has been time and again evoked to challenge the masculinist discourse of nationhood. The image of "motherhood" and "nation-building" can be seen as problematic because most of the debates centre around "natural", innate qualities of women as mothers and often challenge the feminist discourse where "motherhood" is seen as performative; a product. It is important to see what roles are used for peace-making. Most of the feminist writings on Mother's Groups have been critical about the stance of the groups where women's political negotiation in a conflict situation is drawn from her "emotional" attachment as mothers to sons and daughters who have died. According to Malathi de Alwis, by appealing as mothers, the state-defined role for women, they reveal the contradictions between the state's own rhetoric and practices. In her discussion on Mother's Front, de Alwis argues that "by appealing for a return to the 'natural' order of family and motherhood, these women were openly embracing patriarchal stereotypes that primarily defined them through familial/domestic subject positions such as wife and mother". Through this acceptance, she argues, they were revealing the transgression of the state that otherwise valorizes women as mothers were now "denying women opportunities for mothering, through a refusal to acknowledge life by resorting to clandestine tactics of disappearance".²⁶ Why then do so many women use "motherhood" to enter peace politics? This is because it is regarded as one of the "tolerated" space of protest by women. Once entering the masculine space of conflict how well women subvert it to build solidarities is portrayed by women's activism for peace in Northeast India.

The most notable of the Naga women's peace groups are the Naga Mothers Association (NMA) and they been very active in the politics for peace in Northeast India. The NMA has rendered valuable service for the cause of peace. It came into existence on 14 February 1984, with a preamble that stated, "Naga mothers of Nagaland shall express the need of conscientizing citizens toward more responsible living and human development through the voluntary organisation of the Naga Mother's Association."²⁷ Membership of NMA is open to any adult Naga women irrespective of whether she is married or single. Members can join through the women's organizations of their own tribes. The organization encourages human development through education and tries to eradicate social evils and economic exploitation and work towards peace and progress. It mediated between the Government of Nagaland and the Naga Student's Federation over age limit for jobs and

came to an equitable settlement. An achievement of NMA is the formation of the Peace Team in October 1994 to confront the deteriorating political situation. Their theme was “Shed No More Blood”. NMA spoke against killings not only by the army but also by the militants. In a pamphlet released on 25 May 1995, the representatives of NMA wrote that “the way in which our society is being run whether by the overground government or the underground government, have become simply intolerable”. NMA celebrates the 12th of May each year as Mother’s Day and renews their appeal for peace. Apart from peace initiatives, NMA has worked for social regeneration. In Nagaland, there is rampant abuse of alcohol and drug. The NMA provides facilities for de-addiction. They collaborate with the Kripa foundation of Mumbai for rehabilitation of drug doers. NMA has also started anonymous HIV testing. They are probably the first women’s organization in the Northeast to test pregnant women for HIV virus. NMA is providing pioneering service for care of patients afflicted with AIDS. An important issue that is preoccupying the doctors of NMA is the increase in HIV positive cases among pregnant women. NMA’s greatest achievement is that most Naga women’s organizations are its collaborators. The members of NMA also collaborate with the Naga Women’s Union of Manipur. The rallies organized by NMA are always well attended by other Naga women’s organisations. NMA traditionally worked very closely with the Naga Hohos, which in recent years have somewhat changed. That NMA has assumed enormous influence in Naga politics is borne out by the fact that they are the only women’s group in South Asia who has participated in a ceasefire negotiation. In 1997, they mediated between the Indian government and the NSCN (IM) faction and facilitated a ceasefire. NMA has always shown its commitment to peace by participating in all kinds of community dialogues on peace within and outside the region. They went to Sri Lanka in 2001 under a CRG-WISCOMP initiative to urge peace in that island. They trekked to Myanmar to discuss inter-ethnic peace with Khaplang. They even went to the UN to deliberate on peace. They are now recognized as one of the most legitimate women’s peace group in the region.

From this short analysis it becomes apparent that women’s groups such as NMA who have a broader definition of peace are more successful than those who think that peace is only an end to armed conflict. These groups believe that peace can be achieved through dialogue and political negotiation. They believe that only military solutions cannot bring peace. They work towards the betterment of their own society and in this way they equate peace with justice and development. They feel that peace is possible only if there is good governance. Apart from NMA, there are other organizations such as the Tangkhul Shanao Long (TSL) who work towards peace. As its very name suggests, this is the women’s organization of the Tangkhul tribe. TSL was formed on 8 May 1974 as a platform to safeguard the rights, modesty and dignity of the women. On 3 March 1974, a number of women of Grihang and Kumram (Ngaprum) were sexually assaulted by BSF personnel. Among the rape victims was Ms. N.S. Rose of Ngaprum (now Kunmram). She committed suicide. As P. Veronica Zinkhai (1996) states, “This was only one out of the many incidents in which security forces had behaved towards Naga women like beasts. Realizing that unless a platform of women is formed the same torture, harassment, assault etc. would continue in the days and years to come.” Initially TSL was known as East District Women Organization. While membership comes from every village, the main concentration is in Ukhrul and Senapati districts. The head office is in Ukhrul Headquarters. TSL have been instrumental in lobbying against human rights violation in the Hill districts. On 9 May 1994 when AR fired at random, killing three people, destroying property, etc; TSL took a leading role in organizing the biggest ever rally in Manipur on 2 June 1994 which was attended by activists from valley and hill districts. “With the initiative of TSL the Naga Women Union of Manipur first met at Kohima on 4 December 1993 (Naga week 1-5 December 1993) then at Imphal on 7 January 1994, which resolved to form a union. TSL apart from lobbying against

AFSPA and atrocities by the security forces have launched a struggle against illegal liquor sale, human trafficking and drug peddling. The two village units in Shirui and Lunghar of TSL have been instrumental in redefining peace and conflict prevention.

Shirui siege (19 January-2 February 2009)

Shirui village is located about 13 km away from the district headquarter of Ukhrul. It is a popular trekking destination and is famous for the world famous Shirui Lily. According to Sorin, President, Shirui Shanao Long, “NSCN (IM) cadres stayed in the Government Tourist Lodge within the village for almost two years. We had no idea that NSCN (IM) cadres were not allowed to stay here.”²⁸ Incidentally, there are three camps in Manipur for NSCN (IM) one each in Tamenglong, Chandel and Senapati districts. On 19 January 2009 reportedly at around 2 am the villagers realized that 17 Assam Rifles had laid siege to the village with *jawans* surrounding the camp and the village. Their main objective, as Sorin states, was to pull out the NSCN cadres located in the periphery of the village. The women and men met in the community hall of the village and the women decided to act as a barrier between the army and the NSCN camp. They formed human shields between the army and the cadres as the army insisted on pulling out the cadres through repeated announcements on 20 January 2009. Assam Rifles had erected barbed wire fences around the camp and water supply to the camp was snapped. As Sorin recalls, “We braved the cold winter and kept a vigil near the main thoroughfare fearing every moment that there might be a shootout. Around 2,000 women had taken part in the vigil from 20 January-2 February 2009. We took turns to keep a vigil. We walked up and down from the tourist lodge to the village five to seven times. For the first two days only women from Shirui participated in the daylong vigil; later women from other villages also participated. We made repeated appeals to the Indian Army to withdraw to avoid conflict.”

Other than women’s peace groups in Nagaland there are Naga women’s peace groups in Manipur. The Naga Women Union of Manipur (NWUM) is the foremost among them. NWUM organized the first meeting to form a union on 7 January 1994. The union comprises all the organizations of the Naga tribes of Manipur. It came into effective on 5 October 1994 with the approval and adoption of its constitution during the first assembly-cum-seminar held on 4 and 5 October 1994 at Ukhrul. Gina Sanghkhram, president of NWUM, pointed out that it is a membership-based organization and unlike other women’s organizations it has been able to address the disabilities women face in their own customary laws in relation to inheritance, participation in the village council and has encouraged electoral participation of women. Aram Pamei (1997) in the report presented in the 4th Annual Assembly, October 10-12 1997, emphasized the non-violent means that NWUM would employ to resolve the Naga-Kuki conflict. To heighten awareness, the union undertook peace campaigns by conducting seminars in different localities with the support of the Fraternal Green Cross and Legal Education and Aid Society. The report also mentions the willingness of NWUM to work with their Kuki sisters to resolve conflict. NWUM has been also engaged in on-the-spot fact-finding investigations with other member groups involved in human rights issues, particularly Naga Peoples Movement for Human Rights (NPMHR). NWUM in this report also extended support to the women candidates contesting in the Lok Sabha elections to uphold the rights and dignity of the women and for equality. The union says that “by custom whether it is in the general administration of the village or in the administration of justice, there is nothing which denies women’s participation. The Union wishes to claim that this custom of the Nagas should be made to be seen by including women as their representatives to their respective village councils”. NWUM also demanded equal wage for men and women and equal inheritance

rights to both movable and immovable properties for both male and female children. NWUM clearly approaches the securitization of rights of women from a different paradigm which ensures and encourages women's participation in decision-making level right from the village council to the Lok Sabha. Grace Shatsung, president, NWUM,²⁹ and Gina Sangkham,³⁰ former president, NWUM, also said that there have been efforts by North East Network through peace workshops to bring all the groups under one platform. There is much need for a sustained effort to stand up for the rights of women in all levels.

The traditional form of women's activism was undertaken in certain particular ways. None of these women's groups worked for issues that seemed relevant only for women. They may have been concerned about women's rights or gender roles in society but that was not the focus of their campaigns. Their campaign issues were larger political and human rights issues. Their mode of campaigning was also different in the sense that it was all about building solidarities. They inevitably worked with other groups and solidarities such as the human rights groups, student groups, the HoHos, etc. They did not believe in going it alone. For them the larger adversary was the state. Their contest was usually with the state or state-like structures. Therefore, they tried to keep social tensions to a minimum. Much of their activism was in the realm of state-versus-community conflicts. They critiqued most types of developmental projects as foreign and refused to participate in the project of making India. But that could be changed with a long ceasefire, receding memory of conflict and coming of age of another generation. By the new millennium probably Nagaland was ready for such a change. But for now they had to contend with the realities of conflict.

Women's Engagement with the Underground

On a previous occasion, we had written that in conflict areas women do not face only one patriarchy but multiple patriarchies.³¹ Another reality in a conflict area is that women are forced to deal not just with the state machinery of violence but also with the rebel groups. They might often find themselves in sympathy with the rebel groups who they might perceive of as fighting their own cause. But sometimes they might be at odds especially on questions over resource-sharing. Such was the case in Phangrei Hill. According to NPMHR (South) annual report (April 2008-March 2009), in mid-2008, the public was informed of a proposal to start chromite mining at the Phangrei and Shirui Kashong range. The report states that at the request of the Research Committee on Conservation of Natural Resources, Shirui village, NPMHR (South) provided assistance in writing a response paper to the Forest and Environment Ministry of the Government of the People's Republic of Nagalim (GPRN) to demand a review of the proposal to start mining. It is against this backdrop that we need to situate the conflict over resources, in this case the conflict between Lunghar village and Shihai village over control over the Phangrei Hills. Both Lunghar village and Shihai village had claimed ownership over the Phangrei Hills. Chromite deposits are found to be plentiful in the Phangrei Hills.

The villagers have been preserving the hills and water near the village as it provides them with the source of livelihood. The villagers realized that chromite mining would lead to environmental degradation; particularly the only source of water, the Kashong river water might be contaminated. When the NSCN came to know that Lunghar village was in a dilemma about allowing chromite mining in the Phangrei Hills and might oppose the proposed mining activity, Sihai village offered the Phangrei to NSCN, which resulted in further confusion over its ownership. According to villagers, Administrator General (Retd) V.S. Atem, Emissary to Collective Leadership, NSCN, taking advantage of the situation, issued an order that the headmen of the two villages would have to appear for "water judgments" as there was no substantial evidence regarding the ownership of the Phangrei

Hills. NSCN also issued a threat to Lunghar and Shihai that whosoever refused to participate in the water judgment would be deemed the loser. Clause 8 of the water judgment clearly stated that “if any part of the body is visible out of the water level then it shall be deemed as floating hence disqualified”.

In this case, when the two headmen of the two respective villages, Lunghar and Shihai underwent the trial and the Shihai village headman’s feet was visible. Seeing this, according to a press release by Lunghar village, the NSCN emissary raised a voice but then decided to remain silent. The Shihai village headman was declared the winner and a fine of Rs 5,000 was imposed on the Lunghar Village. The villagers refused to pay the fine and published it in the local Tangkhul media, following which an arrest warrant was issued to the village secretary and headman of Lunghar village on 16 November 2008. NSCN cadres led by Ukhrul Town Commando reportedly came rushing to the headman’s house fully armed and the women’s unit of Lunghar village stood guard for thirty days holding torches. When NSCN cadres came to attack them, the women said, “You bought guns with our money and now time has come that you will kill us with our guns!” L.W. Joyly, president, Lunghar Shanao Long, recalled that for a month women of all ages took part in the night vigils fearing that NSCN cadres might resort to violence. Women constructed a gate at the main entrance to the village and kept a vigil with torches. She recalled with joy that the women managed to secure their livelihood rights through this struggle to reclaim the Phangrei Hills. She further asserted that though they were devoid of landed property rights they depended directly or indirectly on the natural resources available in and around the area and hence their main foci was to preserve the natural reserves.

The Lunghar Shanao Long, by taking on the role of a human shield and stepping in to contain conflict, managed to break the boundaries of the village council which had been exclusively a male domain of village governance.³² After the nightlong vigil the village council recognized that women are important stakeholders in crisis-management and passed a resolution which said that in the coming years there will be provision for two-third participation of women in the village council.³³ Women’s encounter with the rebels varies, depending on which rebel groups they come across and what is their own location in society. In Nagaland, the rebels in general do not have a history of targeting women unlike what we have seen in armed conflicts in many other parts of the world such as Sri Lanka. The rebels have often proved to be receptive to arguments made by mothers’ groups. This has given particularly older women some space in negotiations for political negotiations. This perhaps reflects women’s somewhat elevated position in society. In general, older women community leaders are addressed by all as “aunty” and treated with deep respect. Probably that is why the NMA achieved some success in negotiating for a ceasefire. However, this particular respect for older women has had a negative fallout because it has made it difficult for younger women to assume leadership roles in the community. There is often a polarization on the basis of age. One of the past presidents of NMA confessed that even though she wanted to she could not make a younger woman the president of NMA.³⁴ The older generation is often unwilling to give up their leadership roles. However there is a realization among many women that much of the issues that they face today are different from the nineties, the heyday of state-versus-community conflict. Now secession is hardly ever mentioned and good governance and justice has become an important demand both from the state and sometimes the rebels in control of certain areas.

Good Governance and Women in Post-Ceasefire Nagaland

Good governance is generally characterized by accessibility, accountability, predictability and transparency. The concept of good governance goes beyond specific problems related to government actions over specific problems, and is broadly understood as social capacity for providing a system of government that promotes the objectives of human rights and human development. The system should have socio-political structures, rules and procedures, within which its members can lead a life, interrelate, make decisions, and resolve their conflicts in a reasonably just and ethical way. More than that, democratic governance occurs when public decision-making by authorities and the resolution of conflicts follows a system of rules and procedures that furthers justice. Good governance is also related to rule of law. Rule of law is sometimes defined as a system of independent, efficient, and accessible judicial and legal systems, with a government that applies fair and equitable laws equally, consistently, coherently, and prospectively to all people, without discrimination. More generally, rule of law is created when all social and state action is based on legal and ethical norms and the norms are followed and enforced. Also, and importantly, the power of public authorities should remain subordinated to the legal structures that govern the society. There are no single, universally accepted conceptions of good governance and democracy. Since the 1990s, the EU has preferred to speak of democratic principles when it refers to the principles upon which the organization of states and the guarantee of fundamental rights and freedoms should be based. After fifteen years of ceasefire in Nagaland we have two different generations, one with a strong memory of conflict and another without such a memory. The priority for the generation that did not have a strong memory of conflict is good governance. They want to reap all the benefits that the state can offer and they would like to take advantage of what it means to be an Indian. They often find themselves at cross-purposes with the older generation which has made sacrifices for the dream of liberation. Women's agenda for activism in Nagaland in this post-ceasefire period is often evolved through the interface of these two generations.

The state-versus-community conflict led to a fairly stable ceasefire in 1997. That conflict unified much of the Naga opinion. People sacrificed much of their personal interest for the cause of nationalism. The roots of this conflict ran deep. The Naga's considered that they had always been a sovereign people that the Indian government colonized. They considered this colonialism unjust. The Naga's often referred back to the referendum of the 1950s when supposedly 99.9 per cent Nagas voted for freedom. This particular conflict unified the Naga people as never before. But even then there were fissures in society and some factional fighting. But now that conflict is all but over a number other contests are affecting the Naga people. These contests are between the settled and the migrants, between ethnicities, between generations and between genders and interestingly the state is progressively appearing as an arbiter in these conflicts rather than as a party to it. One of the reasons for this is that the state has from the 1990s tempered counter-insurgency with development. Also it has skilfully and successfully marketed its developmental agenda through the so-called Look East policy. The state now needs allies in among the people of the Northeast to pursue this policy. Hence, such a great stress on the developmental agenda and creating for itself a reputation of provider of justice and good governance.

In 2002, the Indian government started in Nagaland a project entitled the Good Governance Project. The objectives of the project are:

1. To evolve working models of good governance and actualize them through pilot projects;
2. To strengthen structural linkages to ensure delivery of development;
3. Improving infrastructure of government systems; and

4. Updating skills, attitudes and responsibilities officials.

The steering group for the project took advice from all the districts and came up with a list of action points that included the following:

1. Timely allocation and release of funds;
2. Transparent and fair tenure, transfer, posting policies;
3. Maintain flow of information from top to bottom;
4. Maintain clarity in job and role descriptions and rationalized work allocation;
5. Proactive steps by HODs/Secretaries to support/build capacity at DPBD levels.³⁵

The state is aware that it has to make a fine balance between ensuring good governance and maintaining peace. Officials posted away from the capital have had to deal with great difficulty because it is here that the rebels are strongest and have been able to keep the memory of their fight for liberation alive. However, by 2004 everyone realized that there was a good chance for lasting peace. To placate Naga sentiment, the Indian government tried to revive the village councils and village development boards (VDBs). In this new millennium, these two institutions were given special importance. In the recent Human Development Report it was stated that the “VDBs have become the cornerstone of decentralized planning and development in Nagaland. In many places VDBs’ performance has been exemplary. They have played a pivotal role in the in the creation and maintenance of infrastructure in the villages.”³⁶ One of the major changes in post-conflict Nagaland has been the growth of urban centres. In 1981, only 120,234 people lived in urban areas but in 2001 that number went up to 352,821. Too rapid urbanization might lead to lack of services but over a period of time greater urbanization often leads to lower mortality rates and higher literacy rates and both happen to be true in present-day Nagaland. To bear this out, one has only to look at the nutritional status of children in Nagaland. Although children in urban areas might be underweight, they get higher levels of essential vitamin A and iodine supplements, which reduce the chances of morbidity. Health care centres are also in far greater numbers in urban areas. Also people have to spend more on food in rural areas than in urban areas. The Nagas have a life expectancy of 73.4 years when the national average is only 60.7 years even when their per capita income is far lower.³⁷ The literacy rate is 80.11 per cent where the national average is 74.04 per cent.³⁸ Between 1991 and 2001, the literacy rate had increased only by 4.94 per cent when the all-India increase was 12.63 per cent. But between 2001 and 2011, the literacy rate in Nagaland has grown by 13.52 per cent, when the national average has grown only by 9.21 per cent. To put matters in perspective, the increase in Nagaland is the highest in Northeast India. This increase surely seems to be the direct result of comparative peace between 2001 and 2011.

Relative peace has brought in some other changes as well. Through exercises like Imagine Nagaland, transparency and accountability seminars, capacity-building programmes, Nagaland is moving towards positive changes. The people who were born in the eighties and nineties have much less animosity towards the state.³⁹ Progressively these people will come into leadership roles. It is a state with underutilized potential. The total irrigation potential in the state is for 165,000 hectares of which only 49,000 hectares have been developed by 2004. Production of certain commercial crops is beginning to show signs of growth of over ten times.⁴⁰ The growing stock volume of wood in Nagaland is today assessed at 94,887 million cubic metres with an annual increment of over 1.9 million cubic metres. With this sort of potential, the growth of wood-based industry is merely a matter of time. One decade of peace in the state has already brought in many changes. Now there is an office of the Confederation of Indian Industries in Kohima, which was unthinkable a decade back. In Nagaland, the death rate has decreased from 4.3 in 1994 to 3.6 in 2009. Between 2001 and 2011, the sex ratio has increased from 900 to 931. There seems to be no incidence of foeticide or

infanticide in Nagaland. The gap between the literacy rates in rural and urban areas has also decreased from 9.7 in 2001 to 6.6 in 2011.⁴¹ Nagaland has shown tremendous improvement in power supply for domestic consumption. More than 99 per cent of households in rural areas and all households in urban areas have electricity today.⁴² However, there has been a decrease in the number of households with basic amenities such as drinking water and latrines. Nagaland presents a picture of greater development in the decade from 2001 to 2011 than in the previous decades.

With the state-versus-community conflict receding, newer fractures are, however, appearing. One, as has already been stated, is the difference of opinion between generations. The other relates to growing disparity between regions or districts of Nagaland. We have statistics from three districts of Nagaland including Kohima, Phek and Mon. As far as basic amenities such as water are concerned, there is a great disparity between districts. In Nagaland 46.80 per cent of people in rural areas and 60.30 per cent of people in urban areas have drinking water in their houses. In the rural areas of Phek district, only 27 per cent have drinking water whereas in urban areas the figure is 61 per cent. There are, however, more community wells in rural areas than in urban areas. In Kohima district, only 35 per cent of households have drinking water. In terms of literacy rate, Mokokchung tops the list at 92.68 per cent, while Mon is at the bottom with only 56.60 per cent. However in the Mon area, the death rate is as low as 3.21 for every 1,000 people, while in Phek where the literacy rate is 70.31 per cent, the death rate is as high as 8.43. Also infant mortality is slightly less in Mon than in Phek. The total number of towns in both the districts is the same but in Mon the density of population is 145 per sq km., while in Phek it is only 73 per sq. km. In Mon, the sex ratio is very low at 881, whereas in Phek it is 923 and in Kohima 944. In all of Nagaland it is 931 (as per Government of India Census, 2011). Attitude towards women also differs in all the three districts. In Phek, 74.32 urban women and 67.64 rural women are in favour of property rights for women; 63.81 and 50.61 per cent of men in rural and urban areas and 75.32 per cent in rural and 32.99 per cent women in urban areas support women in decision-making roles and 82.38 per cent men in rural and 38.25 per cent men in urban areas and 91.82 per cent women in rural and 43.24 per cent women in urban areas support the Women's Reservation Bill. In Mon district, support for 33 per cent for women is much higher. 92.51 per cent of rural males and 92.45 per cent of urban males support it whereas 87.62 per cent of rural women and 93.46 per cent of urban women support it. 42.88 per cent of men in rural areas and 57.23 per cent of men in urban areas support women in decision-making roles whereas 64.34 per cent of women in rural areas and 62.74 per cent of women in urban areas support it. 79.66 per cent of men in rural areas and 56.60 per cent of men in urban areas and 42.72 per cent of women in rural areas and 72.54 per cent of women in urban areas support property rights for women. Notwithstanding this women as per customary law do not inherit property in most of Nagaland.⁴³

Women's Activism Today

Where women are concerned, Nagaland is a country of great contradictions. It is said that women down the centuries have cultivated land, raised families, woven cloth, provided food and marketed local produce. Today, however, they are getting into newer fields, seeking greater avenues for personal and professional fulfilment and taking up new challenges. Women's activism has also evolved during the fifteen years of ceasefire. There is grave disagreement between groups over whether the traditional forms of protest are adequate for Naga women in this day and age. With the conflict receding into the background, new contentious gendered issues are coming up which are putting women and men in contest with each other and the state is appearing as the new arbiter. In the traditional governing system under the village council or informal council of elders, women were

excluded from decision-making. Today the VDBs, which governing powers in the villages and form the village councils, have to allocate 25 per cent of its fund for women only and employ female representatives to administer it. This has been ordained by the state. In village councils there are very few female chairpersons. Tokheli Kikon is the first woman village council chairperson in Nagaland. She initially started off as a social worker and village council member of Naharbari Village, Dimapur. Kikon recalls that in 2005 when she contested the village council election, she was the only woman candidate contesting against three male candidates. She recalls with pride that out of twenty-one votes she received thirteen, with two votes not being cast. After she became the village council chairperson, she ensured that 25 per cent of the VDB fund was utilized solely for the women's unit of the village. She encouraged capacity-building of women. She says her motto is "work and eat". Under the National Rural Employment Guarantee Scheme she has encouraged villagers to focus on the drainage system of the village. She has also restored a water body close to the village and encouraged villagers to take up pisciculture, which is one of the major sources of livelihood for men and women.⁴⁴ Women are taking up these examples, showing that women in decision-making roles can bring forth real changes. In 2009, Mrs. Vamuza, the chairperson of the Naga Women's Commission, also felt that the women's groups need to generate awareness about the Government of Nagaland's efforts to make participation of women mandatory in village councils/VDBs. In a memorandum (No LR/1-1/94), the government has announced that women will have a separate share in the village development board fund. Some women have even used this fund to buy land for themselves and disprove the myth that Naga women do not own land.

In Nagaland, cultivable land is the most valued form of property both for its political symbolism and economic value. It is something that can give people a sustainable livelihood. There are paradoxes. In Nagaland, girl children are equally cared for and infanticide does not exist; dowry deaths or starvation deaths are unheard of. Also women have the right to divorce their husband anytime but they do not have the right to inherit ancestral property. There is a broad debate going on among Naga women about their land rights. Women are claiming that land rights will give them the ability to take decisions about agricultural production and increase their decision-making role in society. It will also give them better economic status, protection from desertion, pauperization, etc. It might also save the land, particularly when men become addicts. Also, rural women totally depend on the land and they also form the main workforce. Often men migrate from rural to urban centres and when that happens, the women have to protect the land. Also, for women with disabilities it becomes extremely essential that they inherit property to save them from added vulnerability and morbidity.⁴⁵ In this newer mode of activism, land has become a contentious issue between men and women today.

It is not as if the traditional mode of activism has been completely forgotten. Another contest that has surfaced is a contest between the different underground movements. The former president of NMA, Khesheli Chishi, reported that they are actively trying to formulate a process of reconciliation with other human rights groups.⁴⁶ This process continues under the aegis of the Forum for Naga Reconciliation (FNR). Originally there were eighteen community members representing organizations such as NPMHR, the Hohos, NSF, church groups, with two women's organizations, the NMA and NWU. The FRN brought six of the underground groups together on a common platform. All important rebel leaders are taking part in this process, including Th. Muivah, I. Swu, Gen. (Retd) Khole Konyak, Kitovi Zhimomi, Birg. (Retd) S. Singya and Zhopra Vero. The process began on 20 August 2011, with the leaders acknowledging the hurt they had caused each other and apologizing for it. They also promised to work towards "the formation of one Naga National Government."⁴⁷ This process is gathering momentum particularly because even in 2 February GPRN

and NSCN (IM) cadres were killed by members of the Khaplang faction, which was not in the peace process. On 29 February 2012 there was a historic meeting in Dimapur where all these rebel leaders addressed the public. One major newspaper carrying the news wrote:

The Naga Reconciliation meeting which has long been pending, saw the light of day Wednesday under the aegis of the Forum for Naga Reconciliation, supported by the signatories of the “Covenant of Reconciliation,” the “Naga Concordant”, churches, Naga peoples and its tribe organizations and a record of 20,000 people gathered to listen to the Naga leaders.

The more than 5-hour marathon meeting not only brought out views on reconciliation but also asserted on the long-pending demand for sovereignty and the ways to achieve it.⁴⁸

That the FRN was built on the traditional model of Naga activism is portrayed by the fact that it tried to include all relevant organizations in the process of reconciliation including women’s groups. Their ultimate aim was political as Isak Swu commented that Naga reconciliation “is highly political as the Nagas are divided or united in the line of politics, not on moral or individual ground”.⁴⁹ Also their ultimate call was against the state as their main goal was sovereignty. The women leaders worked in tandem with the men on the side of reconciliation. They did not raise any gendered demand unless sovereignty is considered as one. The leaders were also mindful of this saying this was a political demand. However, they were also mindful of new realities and did not talk of violence but rather of reconciliation with India, which they called their neighbour.⁵⁰

Another contentious issue today is that of public health. HIV/AIDS is also polarizing Naga society. Bordering Myanmar, Nagaland is one of the six states with the highest incidence of HIV-positive people in India. It has been found out that 80 per cent of women suffering from HIV come from families below the poverty line. Other than societal attitude, poverty makes lives of HIV-positive women even more debilitating. The government, therefore, developed a nutritional support scheme for women living with HIV. The programme initially covered 500 women but by 2011 over 765 women was covered by this scheme. This helped HIV-positive women to come together as a group and form a support system of their own.⁵¹ This is another evidence of the state’s support for women.

Perhaps the most dramatic of women’s contests in Nagaland is over the question of 33 per cent reservation local elected bodies. Women are poorly represented in the formal decision-making processes in Nagaland including the village, regional and national levels. To facilitate women’s participation in the political process and involve them in decision-making the Government of Nagaland passed the Nagaland Municipal Act of 2001, the Amendment of 2006 and the **108** Amendment Act (is this correct?), and the Women’s Reservation Bill of 2008. The Nagaland State Commission for Women is an apex organization meant to look after the needs of Naga women. In 2009 Mrs. Sano Vamuzo,⁵² who was the chairperson at that time and who was also one of the founder members of NMA, pointed out that there is a need to generate awareness about women’s role in decision-making bodies by encouraging them to participate in electoral politics. She cited two instances of the state efforts for women’s engagement in political spaces, the state initiative to ensure 33 per cent reservation for women in local bodies. She recalled the commission’s efforts to bring together various civil society actors on 13 February 2009. The group unanimously adopted two resolutions: 1. In favour of immediate support for reservation through the women’s bill; and 2. the reservation of seats for women as per the Nagaland Municipal Council Amendment Act 2006.

Yet during the Mokokchung municipal elections of 2008 this bill could not be implemented as women filing nomination papers were stopped by volunteers from 16 wards of Mokokchung town arguing that reservation of seats for women was irrelevant for Aos as it was against customary law.⁵³ The situation got so bad that the women under the leadership of NMA petitioned the courts asking for implementation of the bill. When the municipal and town elections

were postponed as a result of the controversy over women's reservation bill the women asked the court to continue with the election and implement the reservation under article 243 T(3) of the Indian Constitution and Section 23A of the Nagaland Municipal (First Amendment) Act 2006. Even the chief minister of Nagaland supported the women in his speech on 8 October 2010 when he said that there is "a commonly held view amongst some Nagas that traditionally women do not have any role in public governance in Naga society. However, it is also gratifying to note that many enlightened people in the state no longer subscribe to this view. In modern times, societies which do not accord an equitable and honorable status to their women are considered to be backward, underdeveloped or even primitive."⁵⁴ The women petitioners, including Rosemary Dzuwichu and Aboiu Meru, representing NMA won this case; article 35 of the court order stated that elections had to be undertaken by 20 January 2012 honouring the 33 per cent stipulation for women.

Women's activism over 33 per cent reservation witnesses the appearance of a new form of activism for Naga women. No longer were questions of sovereignty allowed to sweep questions of women's rights under the carpet. With conflict shifting from people's immediate memory there was no longer any justification to gloss over other rivalries be they on the basis of ethnicity, location or gender. In these contests, the people are going to the state machinery for arbitration and the state is also allying with certain groups to facilitate governance. An IAS officer clearly said that NMA is always welcome in our offices as we think of them as allies in our good work.⁵⁵ That is not to say that everything has changed given that out of a total budget of Rs 7,911.85 crore in Nagaland 2012 only Rs 14.98 crore is specially designated for women's development. However, it is possible to deduce that alongside the old forms of activism women are developing a new form of activism in which they are strategically allying with the state which was almost a taboo in the old form of activism.

This is a tale of how the state came to realize that the answer to the Naga problem is not merely violence but also development. In this way the state convinced the Nagas to observe a ceasefire. In this they were aided by Naga women who wanted to end violence. Once the state-versus-community conflict could be put on the back burner it was possible to convince younger people that what they needed was resources so that they could take their rightful place in the world. This nudge towards resources also brought forth other smaller disparities in society that were not grand enough to threaten the state but large enough to keep the people fragmented. The state could now act as a grand arbiter dispensing resources and justice.

The women for their part through their lived experiences of conflict started working for peace. In their activism for peace they acquired a legitimacy to enter the space for political decision-making that was denied to them. In their commitment for peace they motivated their society to observe a ceasefire. The state found in them an unusual ally and could see their far-reaching influence in society. When the state decided to move away from their mode of conflict with the Naga people it reinvented its indispensability by championing the cause of women. It was around the same time that women's activism was going through a generational change. Younger women leaders decided to innovate with new agenda for women and brought in the question of women's rights. In this they found much of the traditional leadership allied against them. They found the state keen to ally with their cause in its role as an arbiter. This mutual coming together of Naga women and the government of Nagaland is reflected in the activism for a Women's Reservation Bill. The women used all government institutions to further the cause for peace, justice and equity. This coming together was timely although the alliance is bound to be fragile. Both the sides are giving lip service to this alliance to further their own interest. However, for now this alliance has proved transformative for gender roles in society, helping the cause of peace, stability and justice. It remains to be seen whether this

alliance can in any way be liberating for Naga society as a whole otherwise it will soon become redundant.

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