

Human Rights in the Mizo Society: Individual Rights vs. Community Rights

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Abstract

In the beginning of the twenty-first century, human rights issues have become an important discourse in the Mizo society. Though there is consensus on the very concept and meaning of human rights, there is lack of agreement on its nature, whether individual rights should enjoy precedence over all other rights. Being a young society, the Mizo society is at the crossroad to resolve various issues concerning human rights. Therefore, this paper purports to explore the relationship between the protection of human rights and maintenance of social harmony in the context of traditional Mizo society. This paper is also an attempt to resolve clash between individual human rights and community rights in the context of the transition of the Mizo society from tradition to modernity.

Key words: Individual rights, Community rights, Human rights, Mizo society, NGOs, Western society.

Introduction

Mizoram, a small state having a total area of 21,087 sq. km is one of the eight states of north-east India, and it currently has a population of 1,091,041 as per 2011 Census. It is mountain-locked and the terrain is rugged. Nature has left on this state a stamp, among others, of isolation, even if idyllic, from the rest of the country. It was not until 1947 that Mizoram could be said to have been firmly integrated, politically and administratively, with the rest of newly independent India. Being a late comer in the national mainstream, it has its own legacy of emotional and psychological ambivalence in its

relationship with the rest of India, though such a feeling is not uniformly prevalent throughout Mizoram after 29 years of peace and moreover, is increasingly feeble with the passage of time.

This feeling of a certain uniqueness marking the state from the rest of India is more than match by a sense of social autonomy. Its people are traditionally an atomized group and the society is characterized, more than anything else, by a nearly total absence of social intercourse with members of other community for a very long time, though it is changing very fast as the society has been more and more exposed

to the rest of the country. Yet, it still try to maintain its own uniqueness and identity in certain areas, of which issues on human rights is one of them where even laws find it hard to impregnate the social autonomy. It is in this backdrop that this paper purports to analyze how the maintenance of social harmony comes into conflict with the promotion of individual human rights in the state, how the NGOs and Church leaders interpret human rights in the context of Mizo society, and how human rights activists in the state try to resolve clash between individual human rights and community rights.

Human rights, which are those rights which every human being is entitled to enjoy and to have protected, have assumed a global importance during the past few decades. India has also established the National Human Rights Commission in December 1993 and acceded to several international treaties on human rights, including Universal Declaration of Human Rights (UDHR), 1948. Mizoram has also come under the watchful eyes of global and regional organizations concerning human rights. In fact, the insensitivity of the government towards alleged violation of human rights by some NGOs has increasingly (and controversially) sensitized the issue of human rights in Mizoram. Added to that, the emergence of civil society and the formation of NGOs such as Human Rights and Law Network (HR & LN) dedicated to the promotion of human rights further encouraged debate about the role of the state and civil society in guaranteeing

individual human rights in the State (Lallian Chhunga, 2005) In recent years, a controversial debate has been triggered in the Mizo society regarding the promotion of individual human rights, whether it should take precedence over the community or vice-versa. This has happened at a time when the watchdogs of human rights and the so-called defenders of Mizo civil society seem to cross their path. The issue of the relationship between human rights and civil society has assumed great significance in the context of the transition of the Mizo society from tradition to modernity. In fact, the link between human rights and civil society is questioned when one group accused the other of unleashing a ‘reign of terror’ unmindful of human rights and dignity in the name of cleansing the Mizo society.

Human Rights vs. Community Policing

Ikuteyijo, Laure and Kemi Rotimi highlighted the story of Community Partnership in Policing from experience of Nigeria.¹

Community policing is a concept which entails community partnership in creating a safe and secure environment for all in which people take active part in their own affairs. A serious controversial issue of human rights in Mizoram is the validity, nature and form of community vigilance organized by local Village Defence Party (VDP) or Joint Action Committee (JAC) in collaboration with police personnel. Many Local Councils in Aizawl city and Village Councils outside Aizawl in the

state used to form these VDPs and JACs in collaboration with local Non-governmental Organizations (NGOs) with the objective of maintaining peace, security, social harmony and cooperation at the grassroots level. Here, the role of local community is crucial in checking crimes due to the relative strength of the communitarian relations at the grassroots level. The members of Village Council and Local Council are also directly involved in issues of public order and crime fighting because their reputation depends on their effort to control them. Community policing has singlehandedly been done by local VDPs or JACs, and many a time it involved in violating and abusing individual human rights against the principles of human rights regime. Sometimes after being assaulted, alleged offenders are handed over to the police.

As per the provision of human rights laws, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (Art.5 of UDHR, Art.7 of International Covenant on Civil and Political Rights, Art 3 of European Convention, Art 5(2) of American Convention). There is no denying the fact that inflicting severe physical punishment to thieves and those who are involved in the supply of intoxicant drugs, throwing out of the furniture and goods from the houses whose owners have been allegedly indulging in the sale or supply of locally made alcohol are serious acts of violation of human rights. A question has, however, risen which is rather more controversial

if viewed from another angle: Do the suppliers of heroines or drugs’ peddlers, sellers of local-made liquor and criminals have a lawful rights to indulge in such activities? The Church leaders in Mizoram have also blamed the increase in violence and other social vices afflicting the state on alcohol consumption²; the Presbyterian Church believes that “crimes such as murder, rape and accidents are mostly committed under the influence of alcohol”. According to the Church’s assessment in 1994, 65 per cent of women lost their husbands due to alcohol abuse. In connection with this, the Mizoram Liquor Total Prohibition Act, 1995 was enforced during 1997-2014 very recently, it has been replaced by the Mizoram Liquor Prohibition & Control Act, 2014 which allows sale of liquor in the State. Even then, the Churches, especially the Synod, Baptist and UPC (NEI) have opposed the sale of Indian Made Foreign Liquor (IMFL) in the state. Under the influence of the Church, many localities in Aizawl and District Headquarters do not allow the opening of wine shops within their localities. Their objective is the maintenance of peace and security at the local level, in addition to encouraging people not to live under the influence of intoxicants.

The church leaders are of the opinion that liquor and drugs have been affecting future of the Mizo youth; it has spoiled the peaceful atmosphere of the society and work culture giving rise to social insecurities and evils in Mizoram. Many families have lost their sons and

daughters due to drugs. Many people even fear to come out from their houses after sunset owing to the nuisance of drunkards (Lalrinmawia, 2006). It is against this backdrop that personal freedom to choose one's own lifestyle can no longer be a family problem now, but a societal problem, the solution of which must be found within the boundary of the Mizo community. It is in this connection that there has been an attempt to make individual human right subservient to the collective rights of the community.

Individual vs. Community

One of the most important human rights issues in Mizoram is the debate between community rights and individual human rights. This emerged from the argument that 'what characterizes western societies is that they tend to put rights and privacy first, whereas collectivist societies tend to value harmony and duty' (Diagne, 2009). The Mizo society is a close-knit society, where individual life has been secondary to community life for many years, and it is this community life that has shaped and re-shaped Mizo identity for many generations. Even after the exposure of this society to the outside world, many members still have a very strong inclination towards community life. This community life has been built on the premise of 'traditional Mizo values'³, which is expressed in the various roles they are being played by the members within the social structures and the way these social structures are so deeply structured. However, when a society is exposed more and more to the

outside, new ideas and knowledge began to step in, which shape and mould (perhaps challenge) the values cherished by the members of the society; and, this would naturally lead to the reshaping of their world view system.

This debate (yet controversial) is inherent in the origin and development of human rights itself over many years. Many scholarly literatures concerned with the origin and development of human rights draw selectively from the history of ideas to identify various doctrines (legal, political, religious, etc). Typically, these doctrines have been associated with the history of western civilization, hence the ongoing controversy regarding their 'universal' applicability (Elliot, 2007). In Human Rights Reader⁴, Laqueur and Rubin traced the roots of contemporary human rights to the ideas of John Locke in his *Two Treatises on Government* (1689-1690) and the works of Enlightenment philosophers (Montesquieu, Rousseau, Voltaire) whose notions of individual autonomy and freedom in the face of governmental authority are considered fundamental launching pad. Certain legal documents from this period of western history (e.g. the English *Bill of Rights* [1689], the US *Declaration of Independence* [1776], the French *Declaration of the Rights of Man and Citizen* [1789]) are also included as important forerunners of contemporary human rights (Elliot, 2007).

Conversely, human rights are also rooted in notions of duty and responsibility towards others, notion that

all great religious traditions of the world share (Lauren, 1998). Therefore, many scholars have attempted to generate a cross cultural consensus based on multiple cultural traditions and belief system as human rights foundation. Added to this, western notion of human rights may not fit the culture and traditions of many societies, which has developed its own notion of rights even before the advent of the foreigners. It is in this domain that the relevance of human rights from community lens or perspective in the Mizo society has fitted in for the purpose of maintaining Mizo identity.

When the Department of Political Science, Mizoram University organized a Public Lecture and one-day Workshop on 'Universality of Human Rights' on the 14th and the 15th April, 2005 most of the local participants spoke about gross violation of individual human rights in the hands of alleged Mizo Tlangval⁵ (MTV) and local Young Mizo Association (YMA) groups. This, they did, in the absence of representatives of the Central Young Mizo Association (CYMA) in the Workshop. Same thing used to happen in seminars organized by some NGOs wherein the CYMA did not bother in sending its representatives, which naturally send wrong impressions about the CYMA in general, and its 'war against drugs' in particular (Chhunga, 2005).

The refusal of CYMA to send its representative to various seminars concerning human rights situation in the state has only alienated itself from the

intellectuals of the Mizo society. During the discussion in the Workshop, some participants had initially accused both the CYMA and Mizo Zirlai Pawl (MZP- Mizo Students' Association) of violating individual human rights. The MZP representatives had a chance of defending their case by stating that their alleged violation of human rights against some non-Mizo traders had been always for the overall interests of the Mizos. While this author does not approve of such a position or defense by the MZP in the workshop, the point is that they did come out with their viewpoint. The CYMA is also claiming that it is working for the welfare of the Mizo society, especially for the law-abiding citizens. Recent incidents in state capital, Aizawl⁶ and Bairabi⁷ have also unleashed a series of controversial arguments in the Mizo society regarding individual human rights issues. These incidents, however, are designated by many as 'the duties of members vis-à-vis the Mizo society, in order to reflect the unique importance of community and maintenance of identity of the Mizo society'. The argument, here, is that the CYMA should send its representatives to seminars or workshops on human rights where they can defend their case and say what they are working for. This will help in sorting-out the wide communication gap that currently exists between the intellectuals and the CYMA. Showing tolerance for criticisms has not helped the organization if it sends wrong signals to the intelligentsia. Further, such interactions with the intellectuals will

enable the CYMA to examine its conduct with respect to alleged human rights violations.

In Mizoram, the war on drugs and liquor is blamed for the increasing NGOs' repression, adding to the woes of people already worn down by poverty. In their effort to reduce the supply line, they are rolling back the rule of law, taking their cue from the parent body's war on drugs and illicit liquor. The CYMA as the unrivalled hyper-power also sets the tone for governmental behavior, and is accused of trying to 'subcontract torture'. When one of the most powerful NGOs in the state thumbs its nose at the rule of law and human rights, it naturally grants license to others to commit abuse with great impunity. Apart from that, the insensitivity of the government towards human rights abuse by verbally supporting and defending such activities of NGOs maintain the existence of harmonious interests between government and such voluntary, civil association in Mizoram. It is for this reason that what begins as an endorsement of the value of community and social harmony ends in an assertion of the supreme status of the NGOs regime and its leaders in the State. In view of this, there is a need to maintain a degree of separation between the government and civil society that can provide a public space for the flourishing of human rights culture in the Mizo community.

Conclusions

If the claim that human rights emerge in the context of particular social,

economic, cultural and political conditions is correct, the circumstances that prompted the institutionalization of human rights in the west may not exist in Mizoram, but the Mizo society has been experiencing tremendous changes to drive the state in the direction of imbibing a robust human rights regime. The importance of maintaining core identity and the community in Mizo Society is incompatible with the primacy of the individual, upon which the western notion of human rights rests. The relationship between individuals and community, coupled with the primacy of 'traditional Mizo values' constitutes the key difference between Mizo society and western society. Increasing rate of all types of crime and the fear of social breakdown can be cited as evidence that bond of community and cooperation within community can be an effective instrument in checking this unwanted trend in the Mizo society. However, identification of those societal problems that can jeopardize social harmony and integrity of Mizo community should be of central importance before moving too far from global human rights regime.

Therefore, the fundamental challenges in this 21st Century before the human rights movement in Mizoram are sensitizing the people and updating the State arms of judiciary and legislations. The first challenge before the Mizo civil society is to sensitizing the people about human rights in a more effective manner, though educating and sensitizing the

people on human right is in full swing. Human rights have no meaning to persons who are ignorant of human rights. Evolution of human right awareness from the common people can only help us to achieve what Former Chief Justice of India, Shri Misra calls 'human rights culture' in the state.

Besides, the State should be a central pillar in guarantying various human rights of its citizens. This, however, is possible only when the state administration assumes utmost responsibilities by equipping the judicial machineries with necessary powers and facilities. Establishment of Human Rights Commission in the State, providing necessary equipments to the State Forensic Science Laboratory and establishment of District Mobile Forensic Science Unit thereof, making important changes in the existing redundant laws and rules, training of judicial officers and District Magistrates with state of the art facilities and improvement of judicial

man-power infrastructures in all districts are the exclusive responsibilities of the state government in matters of human rights protection in Mizoram.

Let me quote Xiaorong Li (1999) for my conclusion-

"I don't think that the Universalist would insist that human rights can be immediately or effectively implemented in all societies, given their vastly different conditions. No one imagines that human rights will be fully protected in societies that are (*being*) ravaged by violent conflict (*crime*) or warfare (*breakdown of social harmony*);... The list could go on. As we shall see, however, to acknowledge that the prospects for effective implementation of human rights differ according to circumstances is not to legitimize violations under these unfavorable conditions, nor is it to deny the universal applicability or validity of human rights to all human beings no matter what circumstances they face"⁸. (Emphasis mine).

Notes

¹Ikuteyijo, Laure and Kemi Rotimi, *Community Partnership in Policing: The Nigerian Experience*, Retrieved from https://www.open.ac.uk/Arts////////copp/Community_Partnership_Nigeria.pdf (Accessed on 11.8.2015)

²http://www.telegraphindia.com/1140310/jsp/northeast/story_18063641.jsp#.VaYkRF-qqko (Accessed on 15.7.2015)

³ Many Asian Scholars and Government leaders talked about 'Asian Values' that cherished 'Order and Discipline' as opposed to 'Western Value'. Here, 'traditional Mizo Values' simply refers to 'the willingness to do community services by members of the Mizo society'.

The idea of society, according to Mizo, is a community of trust rather than merely a system of adversarial relationships, and that human beings are duty-bound to respect their family and society.

- ⁴ This book is considered a standard reference on the origin and development of human rights worldwide by scholars.
- ⁵ Mizo Tlangval, popularly known as MTV during 2005-2007 was an unofficial anti-drugs squad alleged formed under Central YMA to take war against drugs. Later Official anti-drugs squad called Supply Reduction Service (SRS) was formed, which was replaced by Central Anti-drugs Squad (CADS) till early 2013. Since April 11, 2015, Supply Reduction Service (SRS) has been revamped to wage war on drugs in Mizoram by the Central YMA.
- ⁶ In Aizawl, CYMA investigated the number of non-Mizo traders who illegally borrowed trading licenses from native Mizo. The CYMA claimed that there were more than 256 “Benami Traders” in Aizawl city alone. Retrieved from <http://centralyma.org.in/ram-leh-hnam-humhalh/> (Accessed on 15.7.2015). On 10th Aug.,2011), the YMA leaders convened a meeting in Aizawl where alleged benami traders were called. Lal Chungnunga, the president of YMA, said benami transaction was an illegal practice and should be stopped immediately. Retrieved from <http://timesofindia.indiatimes.com/city/guwahati/YMA-serves-quit-notice-on-benami-traders-in-Mizoram/articleshow/9571680.cms> (Accessed on 15.7.2015). The YMA, the largest and the most influential NGO in Mizoram, issued a quit Mizoram notice to non-Mizo traders in Mizoram on 11 August 2011. The YMA urged all non-tribal businessmen engaged in illegal trade practices to leave the state by the end of August. Retrieved from <http://www.epw.in/reports-states/quit-mizoram-notices.html> (Accessed on 15.7.2015)
- ⁷ In Bairabi, two Mizo women were told to leave hometown Bairabi for marrying non-Mizos. A coordination committee of local NGOs had on October 18, 2011 issued the quit notice to Mapuii and Zorampari, both in their 30s. They were found responsible of marrying traders from outside the state. Bairabi NGOs claimed that the sons and daughters of a Mizo women marrying non-Mizos could no longer claim tribal benefits. Retrieved from <http://www.hindustantimes.com/india-news/mizo-women-reprimanded-for—marrying-non-mizos/article1-760016.aspx> (Accessed on 15.7.2015)
- ⁸ Li, Xiaorong (1999) “Asian Values and the Universality of Human Rights” *Business and Society Review* 102/103 Issue I, p. 86

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A man is never as big as when he is on his knees to help a child.

- Pythagoras

Men in great place are thrice servants: servants of the sovereign or state; servants of fame; and servants of business.

-Francis Bacon
Essays of Councils