

Equality vs tradition in Mizoram

ABIGAIL CHINZAH

The Mizoram Legislative Assembly's unanimous passage of the Mizo Marriage and Inheritance of Property (Amendment) Act in February 2026 marks a revision of customary family law in the state. The amendment bans polygamy and bigamy, requires divorcees to produce a divorce certificate before remarriage, and allows women to claim up to half of property acquired jointly during marriage in the event of separation. These measures aim to modernise Mizo customary law by strengthening women's economic rights and reinforcing monogamous marriage norms.

Yet the legislation also introduces a controversial clause on inter-community marriage that has triggered debate over gender equality and identity rights. Under the amended law, Mizo women who marry non-Mizo men lose their recognised Mizo identity and are no longer eligible for the protections of the Act, including their children's entitlement to Scheduled Tribe (ST) status. This departs from the earlier 2014 Act, which applied to all Mizos regardless of whom they married. In effect, the amendment applies only when both spouses are Mizo or when the husband is Mizo, excluding Mizo women who marry outside the community.

Some provisions are widely viewed as progressive, particularly the prohibition of polygamy, which codifies what had long been a social norm in Mizoram, where Christian values discouraged bigamous marriages. More significantly, the Act introduces property rights for women by allowing a divorced spouse, usually the wife, to claim up to 50% of jointly acquired matrimonial assets. This addresses criticism that customary laws treated women as outsiders and provides greater economic security after divorce. By recognising contributions of both partners, the amendment moves towards gender parity in marital property rights.

However, these reforms have been overshadowed by the identity clause on inter-community marriages. Chief Minister Laldhuma explained that traditional Mizo custom viewed a woman marrying outside the tribe as "entering" her husband's family and losing her place in the Mizo community. Under the new law, if a Mizo woman marries a non-Mizo man, she forfeits her Mizo identity, and her children become ineligible for ST status and

reservation benefits. In contrast, Mizo men who marry non-Mizo women retain their tribal identity and pass it to their spouses and children. Mizoram's largest women's organisation, the Mizo Hmeichhe Insuihkhawm Pawl (MHIP), demanded withdrawal of the amendment, calling it "unsafe" and "inadequate" for women. Activists and members of the Mizo diaspora argue that the law legitimises a discriminatory double standard by penalising women who marry outside the community. Supporters argue the amendment reflects longstanding customary practices and the right of tribal communities to define membership. In the Assembly debate, legislator Baryl Vanneihsang stated the measure would help prevent cultural assimilation and preserve Mizo identity. According to customary understanding, lineage traditionally follows the male line.

Nevertheless, the provision raises constitutional concerns, as Indian constitutional principles, particularly equality before the law, sit uneasily with gender-based distinctions in identity rights. The Supreme Court has repeatedly held that caste or tribal status is primarily determined by birth and cannot automatically be lost through marriage. It has also affirmed that a woman does not lose her SC or ST status by marrying outside her community and that children may claim such status through the mother's lineage if raised within that social environment. Even the government circulars cited in support of the amendment, including a 1977 Home Ministry note and a 2019 directive from the Ministry of Social Justice, do not endorse a blanket prohibition. They emphasise case-by-case evaluation and allow the possibility that children raised within their mother's tribal community may qualify for tribal certification.

The amendment reflects a broader tension between tribal autonomy and constitutional equality. While Article 371G grants Mizoram authority over customary laws, such autonomy does not exist outside democratic and constitutional values. The state's legal review committee, including representatives from women's organisations, did not unanimously support the identity clause, and the chief minister acknowledged the need for further review. For now, the law remains in force, though its implications remain uncertain.

(The writer is a PhD scholar, Department of Political Science, St. Joseph's University, Bengaluru)