



Title of paper: Right to Property of Women in Apatani Tribe of Arunachal Pradesh: An Analysis

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Abstract: The treatment of women serves as a key indicator of societal progress. Despite constituting half of the global population, women face inequality in various domains, including social, economic, and political spheres. This paper examines the disparity in women's rights and social status within the tribal societies of Apatani Tribe of Arunachal Pradesh, with a focus on their property rights. Unlike many societies where the right to ancestral or parental property is acknowledged, women in Arunachal Pradesh's tribal communities often encounter significant challenges in owning or inheriting property. This reflects broader societal attitudes towards their value and social standing.

Introduction

Tribal People in Arunachal Pradesh has since ancient time lived in harmony and has immensely been depended upon the societal norms for its smooth functioning. Customs for any tribal society has always been greatly significant.

The impact of Apatani customary law on women is a complex issue rooted in the traditional norms and practices of their society. Apatani customary laws, which govern various aspects of daily life including marriage, inheritance, and social conduct, play a significant role in shaping the position and rights of women within their community. Apatani has a societal structure which can be featured into the following kinds:

1. **Patriarchal Structure:** Apatani society is traditionally patriarchal, where men often hold primary decision-making authority within families and communities. Customary laws, handed down orally through generations, reflect and reinforce these patriarchal norms. This can result in women having limited autonomy and decision-making power in matters that affect their lives.

2. **Marriage and Inheritance:** Customary laws concerning marriage and inheritance can impact women significantly. Practices such as arranged marriages and inheritance rules that favour male descendants can perpetuate gender disparities. Women may have less say in whom they marry or may face challenges in inheriting property compared to their male counterparts.
3. **Social Roles and Expectations:** Women in Apatani society are often seen as bearers of culture and tradition, responsible for upholding societal norms and family values. This cultural expectation can place additional pressures on women to conform to traditional roles and behaviours, which may limit their opportunities for personal and professional growth outside of these prescribed roles.
4. **Challenges in Legal Recognition:** Apatani customary laws, being oral and not codified, can pose challenges in terms of legal recognition and protection of women's rights under broader legal frameworks. This lack of codification may lead to inconsistencies in how these laws are interpreted and applied, potentially impacting women's access to justice and protection under the law.
5. **Impact on Women's Participation:** Studies suggest that Apatani customary laws may contribute to lower participation of women in societal and decision-making processes. Discriminatory practices or norms that limit women's roles or opportunities can hinder their full participation in economic, political, and social spheres.

Apatani Customary Law and right to property law:

Apatani customary laws serve to maintain cultural identity and social order, they also reflect and perpetuate gender inequalities within the community. Addressing these issues requires careful consideration of cultural sensitivity and the promotion of gender equality through education, legal reform, and community dialogue. Efforts to empower women and ensure their rights are respected and protected within both customary and modern legal frameworks are crucial for fostering inclusive and equitable societies

In Apatani Tribe, Buliang is a significant social and political structure. The Buliang serves as a key political institution for maintaining peace, order, and justice within the Apatani society. It was not involved in resolving individual or family disputes unless they escalated to become public issues, Apatani society is described as patriarchal, where men predominantly held decision-making roles in village administration. Women were primarily seen as homemakers and caregivers, with limited participation in political or administrative spheres, Women were excluded from participating in the Buliang and village council proceedings due to traditional values and customs. This exclusion was justified by beliefs about physical capability (women being seen as physically weaker) and cultural taboos (related to menstruation and purity),

Hereditary Nature of Buliang: The position of Buliang was hereditary and passed down through male members. Women, even if widowed, could only temporarily hold the position until a male heir reached maturity. If no male heir was available, a male relative from the Buliang clan would assume the role.,

Cultural and Ritual Restrictions: Women were restricted from certain public spaces and activities, such as stepping on the lapang (traditional public platform) due to cultural taboos associated with menstruation,

Limited Influence of Female Buliang: In cases where a woman temporarily assumed the role of Buliang due to widowhood, her authority was nominal, and she would pass on the position to her son once he became capable.

Overall, the text portrays a society where traditional gender roles and customs deeply influenced political and social structures, resulting in significant gender disparities in governance and decision-making processes.

While these societies maintain traditional patriarchal and patrilineal structures, there are also aspects of flexibility and adaptation seen in modern practices such as inter-tribal marriages and acceptance of divorce and remarriage. Women's roles are pivotal in various domains, although decision-making within the family remains predominantly male-dominated.

In Arunachal Pradesh, women are likely to experience the greatest discrimination with regard to their property rights. Similar to how men and women in society have different tasks and responsibilities in terms of social positions and labour, there is also a distinct difference in the rights and responsibilities that each gender enjoys. The rights and obligations are frequently discriminatory toward women and are founded on tribal society's customary rules and traditional beliefs. Male children are favoured and seen as essential to preserving family heritage in this patrilineal society, and sons inherit family property. Since a daughter is not regarded as a family member for life, she has no claim to the family's assets or ancestral property.

Women in Arunachal Pradesh experience significant discrimination regarding property rights. Just as societal roles and responsibilities are divided based on gender, rights and obligations are similarly segregated, often to the detriment of women. These inequalities are rooted in the traditional beliefs and customary laws of tribal communities. As a patrilineal society, sons are preferred for carrying forward the family lineage, and they inherit family property. Daughters, considered non-permanent members of the family, are excluded from inheriting ancestral property, which includes agricultural land, real estate, and livestock. However, daughters may receive movable property, such as beads, bracelets, and traditional items, from their mothers during marriage.

Tribal marriage customs vary, with marriages often serving as agreements between families or clans rather than between individuals. Bride price is a common practice among tribes like the Nyishis, Tangsas, Noctes, and Singhpos, during which daughters receive traditional ornaments and items as gifts. These movable properties become the woman's absolute possession, which she may later pass on to her daughters. Married women may have limited rights to their husband's immovable property, but these rights are conditional and cease if the marriage ends. Unmarried women, however, retain absolute rights over their earnings and personal belongings across tribes.

Divorce, though rare in tribal societies, can occur due to reasons such as infidelity, infertility, domestic violence, or incompatibility. Divorce proceedings are managed by village councils following tribal customary laws, which often disadvantage women. Settlements typically involve compensation, and it is uncommon for property owned by the husband to transfer to the wife. In most cases, divorced women return to their father's or brother's home, though financially independent women may arrange their own accommodation. If the husband is at fault, the council may permit the ex-wife to stay in her husband's house or use his agricultural land, but she remains a caretaker rather than an owner. Remarriage nullifies any rights a woman may have had over her ex-husband's property.

In cases of a husband's death, widows face three main scenarios. First, they may remarry within the deceased husband's family through levirate marriage, which is common among tribes such as the Akas and Nyishis. This ensures that the children remain cared for within the family, and the deceased husband's property stays within the lineage. If the widow declines to remarry, she retains usufruct rights over her late husband's property and assumes responsibility for raising their children. Sons inherit the property once they come of age, while daughters or childless widows have only temporary rights to the property, which they cannot sell without approval from male family members.

If a widow chooses to remarry outside her husband's family, she must relinquish all claims to her late husband's property. In some cases, the deceased husband's family may demand compensation from the new husband for the bride price they had paid. After remarriage, the widow's new husband assumes responsibility for her, severing her ties with her former in-laws. If she has a male child, custody typically remains with the deceased husband's family, ensuring the child inherits his father's property. For daughters, custody arrangements vary by tribe but are generally subject to the deceased husband's family's discretion.

In Arunachal Pradesh, traditional patriarchal structures continue to dominate society, excluding women from significant decision-making roles. While the societal framework does not overtly disrespect or subjugate women, their status remains subordinate. Chatur Bhuj Sahu, in his book *Tribes of North-East India* (2002), remarked, "The position of women in their society is relatively low, they have to remain under the control of male members. They are not free to enjoy any individual liberty, no right over the property of their husband because society is Patrilineal, patriarchal, and patrilocal. They are found always busy in doing domestic or other work." Male privilege permeates all aspects of life, resulting in inequalities in access to education, employment opportunities, political participation, and property rights

In the tribal societies of Arunachal Pradesh, property rights for women are virtually non-existent. Patriarchal norms dictate that daughters cannot inherit their father's property under any circumstances. Kamla Bhasin, in her paper *Challenges for Women's Empowerment and Education in South Asia* (2008), aptly described this reality: "A daughter (i.e., a woman) is forever homeless. Father's home is not Her's—nor is the husband's home Her's. She is a home-maker but not an owner of homes. She is a farmer, but does not own any land." These words reflect the plight of women in Arunachal Pradesh, where they can only utilize or benefit from property owned by their father, husband, or sons, without any ownership rights. In Adi society,

for instance, if a father dies leaving no male heir, the property is inherited by the closest male relative who performs the last rites, while daughters are excluded from claiming immovable property. Women are often limited to receiving movable property such as ornaments, beads, brass bowls, plates, or livestock. However, they do retain full rights over their earnings and any movable property gifted to them or acquired through their income. Among the Membas, women may hold ownership of inherited or purchased items during their lifetime, but upon their death, only movable items such as ornaments are passed on to their daughters.

Property Rights of Apatani Women

The traditional concepts of property rights in Apatani Society is that, the women were gifted the movable properties in form of beads and cash. Traditionally women did not inherit the immovable property. This clearly shows that there was a serious gender inequality. Below is a detailed analysis of the issue of gender inequality.

1. Classification of Property:

- **Movable Property:** Includes traditional jewellery, brass objects, and animals like Mithun, cows, and pigs.
- **Immovable Property:** Includes land (ancestral and personal), rivers, and hills.

2. Gender Inequality in Property Rights:

- Women have **no rights to immovable property**; it is inherited exclusively by male heirs.
- Daughters are not entitled to inherit immovable property, even in the absence of a male heir; the property devolves to the father's male relatives, such as the brother's children.
- Women's access to **movable property** is conditional and linked to marriage. Items like traditional jewellery are given only during marriage, and animals are part of the **bride price**.

3. Bride Price and Marriage:

- Animals (Mithun, pigs, cows) are used as valuable items in marriage negotiations and are exchanged as part of the **bride price**, which is given to the bride's paternal family.
- The value of the bride price often dictates the distribution of property in case of marriage annulment.
- Disparities in the value of bride price and the bride's family contributions can result in property retention by the groom's family, often decided by the **traditional council**.

4. Bias in Traditional Adjudication:

- Decisions by village councils can be influenced by the social standing and wealth of the disputing parties.
- However, impartial and honest council members can mitigate such biases.

5. Impact of Modern Judiciary:

- Dissatisfied parties increasingly turn to courts to challenge decisions made under customary laws.
- Legal rules and principles are now being invoked to question the **legality** of these customary practices.

6. Inheritance and Succession:

- Succession rights are reserved for male heirs.
- In the absence of a male heir, the property does not pass to daughters but instead devolves to the deceased's male relatives.

Challenges and Implications of Right to Property

1. Patriarchal Norms:

- The exclusion of women from inheriting immovable property perpetuates patriarchal structures and economic dependence on male family members.
- Customary laws fail to acknowledge women as rightful stakeholders in family property.

2. Link Between Marriage and Property:

- Women's access to movable property is contingent upon marriage and the associated bride price, limiting their economic independence.
- This system commodifies women, as their value is tied to the bride price negotiated during marriage.

3. Inequitable Dispute Resolution:

- Traditional councils may favor the wealthy or socially powerful, undermining justice and fairness.
- Honest and impartial adjudicators are crucial for fair dispute resolution, but their influence is inconsistent.

4. Modern Legal Interventions:

- The shift towards modern judiciary systems demonstrates growing dissatisfaction with customary practices.
- Legal challenges can help reform discriminatory customary laws, but they may also lead to cultural tensions.

Recommendations for Reform

1. Codification and Reform of Customary Laws:

- Encourage tribal councils to codify customary laws, incorporating principles of gender equality while respecting cultural traditions.

2. Awareness and Advocacy:

- Conduct awareness programs to educate communities about the importance of gender equality and women's rights to property.

3. Promote Women's Participation in Governance:

- Include women in village councils and decision-making bodies to ensure their perspectives are considered in property disputes.

4. Legal Protections for Women:

- Advocate for laws that ensure equal inheritance rights for women, including rights to both movable and immovable property.

5. Strengthen Modern Judicial Access:

- Improve access to modern legal systems for individuals dissatisfied with traditional adjudication, particularly for women.

By addressing these systemic challenges, the tribal societies in Arunachal Pradesh can move towards a more equitable framework, ensuring women's economic independence and empowering them as equal participants in family and community life.

Research Methodology:

This research is descriptive and qualitative in nature. Based on the nature of the study descriptive research design is constructed to make the study scientific. The design of the study involves the universe of the study, sampling, types of data, and tools and techniques of data collection.

The data has been collected from both primary and secondary sources. The primary data were collected with the help of the interview method through a structured interview schedule. Moreover, secondary data has been collected from the range of research articles, books, state gazetteers, journals, and official documents available in soft and hard copies.

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