

Status of Women in Arunachal Pradesh vis-à-vis the Property Rights.

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Abstract:

To understand the progress and development of a society, one of the crucial indicators is how women in that society are being treated. What are their rights, what limitations and prejudices do they face, and what opportunities do they have? Though half the world's population consists of women, they do not enjoy the same footing as their male counterparts in almost all fields of activity, be it social status, economic status, or political participation. They are still struggling in most of the countries in the world to make their presence felt. This paper attempts to understand and highlight the disparity in the social status of women in Arunachal Pradesh's indigenous tribal societies by analyzing women's rights to property in these societies. Women's social standing and their value can be determined from the perspective of the treatment given to them by society. Although not universally, right to own the ancestral property or parental property is recognized in most societies, however that is not the case for women in Arunachal Pradesh. Tribal women in Arunachal Pradesh face a different predicament when it comes to owning and inheriting property.

Key words: women, patriarchy, immovable property, movable property, customary laws, marriage

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I. INTRODUCTION:

Women assume a unique position in every society. Though their role in human society is indispensable, nowhere are they treated as equals. Whether it is a developed, developing, or underdeveloped state, discriminatory and prejudicial attitudes towards women are always present. Therefore, to have a better understanding about the status of women in Arunachal Pradesh, especially their property rights, it is pertinent to have some idea about the land and people of Arunachal Pradesh.

Arunachal Pradesh is situated in the North Eastern part of India. It became the 24th state of Indian Union on 20th February 1987. It lies in the Trans-Himalayan region between the latitude 26 28' and 29 33' north and longitude 91 31' and 97 30' east. It shares international boundary with three neighboring countries-the Republic of China on the north (1030 kms), Myanmar on the east(441 kms) and on the west lies the Kingdom of Bhutan(157 kms), and on south and south east its shares domestic boundary with the state of Assam and Nagaland. Arunachal Pradesh has been endowed with diverse topography, biodiversity, and demography. Demographically, Arunachal Pradesh is inhabited by more than 26 major tribes and 110 sub-tribes and minor tribes¹. Each of these indigenous inhabitants of Arunachal Pradesh has a distinct culture, customs, language, and traditions of their own² making Arunachal one of the most diverse and culturally rich states in India. Linguistic diversity is also there in Arunachal Pradesh, with as many as 42 different languages being spoken³ belonging to Tibeto-Chinese, Siamese-Chinese and Tibeto-Burman groups. It is a sparsely populated state with a total population of 1, 383,727 out of which the male population is 713,913 and the female population is 669, 815⁴. It is predominantly a tribal state with 951,821 scheduled tribe population and out of this male population is 468,390 and female population is 483, 43. On the basis of numerical strength, the major tribes of the state are Nyishi, Adi, Apatani, Tagin, Mishmi, Monpa, Nocte, Wancho, Khampti, Aka, Miji, Shingpho, etc.

A strong and deep sense of family, clan, and kinship exists within the various tribes of Arunachal, serving as the building blocks of tribal society. The tribes are governed by many social controlling mechanisms like traditions, customs and customary laws⁵. And to look after the developmental, welfare, and judicial activities, each tribe has their own traditional political organization or village council. The village council is known differently in different tribes and is structurally different; however, all these village councils have some similarities⁶.

STATUS OF WOMEN:

Tribal societies in Arunachal Pradesh are patriarchal and follow a patrilineal system to count their lineage. The family is the fundamental unit on which a society is built. Depending upon the different customs of different tribes, it is either the eldest son or the youngest son that has to take care of their parents in old age. Hence, higher value is attached to the birth of a male child, daughters are not ill treated or unloved, but a male child is considered a necessity to continue one's lineage.

Women are not considered permanent members of the family. Daughters are supposed to get married and leave their parents. Women enjoy free movement and are not confined to the four walls of their home, and can freely participate in social, religious, and cultural functions. However, when it comes to the role and responsibilities of men and women within the family, there is a clear division. Household chores are considered the primary responsibility of the women, from cooking to collecting firewood and water, washing clothes, looking after the children, weaving clothes, helping in agriculture activities like sowing, weeding, and harvesting, looking after domesticated animals, and managing all other household affairs. Social and religious activities are incomplete without the participation of women; they are responsible for making all the necessary arrangements, from the preparation of food and beverage (locally brewed wine) to the distribution of food. Women are an integral part of a family; no family is complete without them, and they devote their time and energy to looking after the household, rearing children, and also helping in agricultural activities. However, women are not consulted when important decisions regarding family are taken.

Most of the tribes in Arunachal follow clan exogamy and prefer tribe endogamy. Inter-tribal marriage has become common and accepted in modern times. Those who fail to comply with the clan exogamy rule sanctioned by the tribe are punished, ostracized or penalized. After marriage, women leave their parents' house and move in with their husbands and in-laws. Though marriages are considered sacred, divorces are not uncommon. Divorce cases are mostly decided by the village council and are solved through compensation. The process of divorce can be initiated by either party, and this will decide who will pay the compensation, and what amount is to be paid will depend on the case. Remarriage by a divorcee or a widow is not considered taboo. Remarriage is socially accepted and there is no discrimination. A widow and divorcee enjoy the same social status as before.

PROPERTY RIGHTS OF WOMEN:

Women in Arunachal probably face the most discrimination when it comes to their property rights. Just as there is a division of role and responsibility when it comes to social roles and work among the male and female members of society, a clear division can also be found in the rights and obligations enjoyed by them. The rights and obligations are based on traditional beliefs and customary laws of tribal society and are often discriminatory towards women. Being a Patrilineal society male child is preferred and considered necessary to carry forward family lineage, family property is inherited by the sons. Since a daughter is not considered a permanent member of the family, she does not have any right over the family or ancestral property owned by her family. All the agricultural fields, real estate, domesticated animals, and other property that a family owns are inherited and divided among the sons of the family. How the property will be divided depends on the customary laws of the tribe. In some tribes, it is the firstborn that has the largest share of the property, and in some, the youngest that takes care of the parents in old age has the largest share. The division of property among the sons is different in different communities. Immovable property is not inherited by daughters, but daughters may receive some movable property like local beads, bracelets, traditional bowls and plates, etc. from their mother when they get married.

Different tribes follow different marriage rituals; most of the time, marriage is not a contract between two individuals but a contract between families and clans. During marriage rituals, the bride and groom's families may exchange reciprocal gifts in order to strengthen the marriage contract. The practice of paying a bride price is common among tribes like the Nyishis, Tangsas, Noctes, and Singhpos. During such rituals, the daughter receives movable property from her family and relatives, most preferably traditional local ornaments such as beads, bangles, bracelets, and traditional brass bowls and plates. She has absolute rights over these immovable properties that she received as gifts and that are often later passed down to her daughter. In the case of a married woman, she enjoys some right over the immovable property of her husband and his family. Couples can also build property together and benefit from it. In most cases, a woman has the right to claim equal shares of properties that have been earned during their conjugal life⁷. However, these rights are neither permanent nor absolute in nature. Since the real owner of these immovable properties like agricultural field, house, land etc is her husband, she enjoys it as long as she is together with her husband. An unmarried woman had absolute right over her own earning and personal belonging in all the tribes⁸.

Divorces in tribal societies are uncommon but not unheard of and may take place due to a variety of reasons: infidelity, infertility, difference in temperament, alcoholism, domestic violence, or other irreconcilable differences. Divorce cases are mostly decided by the village council following the customary laws of various

tribes. Customary laws of different tribes adopt different rationales when it comes to settling divorce proceedings and the division of property between husband and wife. Divorce settlements are usually done by paying compensation. The process of divorce can be initiated by either party, and this will decide who will pay the compensation, and what amount is to be paid will depend on the case. If the couple does not have any children, solving divorce cases is relatively easier. When the children are involved, deciding on divorce becomes complicated and depends on the customary laws followed by the tribe. In most of the tribal communities, the custody of children is not given to the mother, especially if it is a male child; if the child is an infant or a daughter, the mother may be allowed to keep the child until the child reaches a certain age.

Although different tribes might take a different approach or outlook towards divorce cases, most often these customary laws are found to be discriminatory towards tribal women. Divorces are usually settled by compensation, and it is rare that property owned by the husband is transferred to the wife, especially if the wife is at fault or initiated the divorce proceedings. In most cases, women move back to their father's or brother's house after divorce; sometimes, if the woman is financially independent, she may arrange her own accommodation. However, if the husband is at fault, the village council may allow the wife to live in the house with her children and, in some cases, even continue to make use of agricultural land owned by her ex-husband, but this should not be mistaken for ownership of the house or the land. She is more of a caregiver than an owner; if she has a male ward, he will automatically inherit the house and land. The ex-wife will have to give up whatever rights she has to the house and land if she decides to remarry. Once remarried, she no longer has any claim to any rights from her ex-husband or his family, and her new husband will have to take responsibility for her wellbeing.

In the event of the demise of a husband, there are three possible scenarios that widows have to face. Firstly, a widow can decide to remarry one of the brothers of her deceased husband. Levirate marriages are recognized and preferred among most of the tribes in Arunachal Pradesh. Among the Akas, it is usually the younger brother who has to take on the responsibility of his widowed sister-in-law⁹. And among the Nyishi, when a man dies, his sons may inherit his wives other than their own mother¹⁰. Women are treated as an asset among tribes that practice the tradition of paying a bride price. She is not independent and does not have the freedom to cut off her ties with her in-laws, even if her husband is no more. Levirate marriages are especially preferred when widows have young children. This type of marriage is encouraged because children are better cared for because they are raised by their immediate uncle, and the deceased husband's property remains in the family. In such a scenario, widows do have the right to the property left by their husband.

If a widow does not want to marry any of her brother-in-laws, she is free to remain a widow and care for her children. Widows among most of the tribes do have the freedom to decline to remarry. In such cases, a widow does have usufruct rights over her husband's properties. She will take the responsibility of raising her children and will render help to her in-laws in running the family affairs. If she has any male issue then they will inherit their father's property once they attain maturity. And if she has a daughter or she is childless then a widow has a temporary right over her dead husband's property, and she can use the property till her death or as long as she stays with the family and can maintain herself and her daughter. However, in no case can she sell the property on her own. She needs the prior permission or approval of male members of the deceased husband's immediate family or clan.

In the third scenario, if a widow decides to remarry someone outside of her husband's family, the customary dictum is different in different tribes, but certain commonalities are found. First of all, she will have to relinquish all her claims over her husband's properties. Her husband's family may claim some compensation in the form of cash or kind from her current husband in lieu of the bride price that they paid to her parents at the time of marriage. After remarriage, her new husband will take up the responsibility to look after her, and she will cut her ties with her deceased husband's family. If she has a male child, then the custody of the child will go to her deceased husband's family, and the child will then later on inherit his deceased father's property. And in the case of a daughter, if the dead husband's family decides, they may give custody of the daughter to the mother and her new husband, but the daughter will be raised with the clan name of her dead father.

II. OBSERVATIONS:

In Arunachal Pradesh, societies are still dominated and guided by traditional patriarchal arrangements that keep women out of all major decision-making apparatus. Societal structure is devised in such a way that women are not disrespected or subjugated, but their position in society is still low. Chatur Bhuj Sahu voiced his opinion on the position of women in his book *Tribes of North-East India* (2002), saying, "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 is evident in all walks of life, generating an imbalance in terms of access to education, employment, political power, and property rights.

Property rights conceded to women in tribal societies of Arunachal Pradesh is next to non existential. Patriarchy dictates that no daughter could inherit her father's property in any case¹¹. Kamla Bhasin has appropriately summed it up in her paper, *Challenges for Women's Empowerment and Education in South Asia* (2008) "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". The plight of every woman in Arunachal Pradesh can be identified in these lines. She can utilize and benefit from the property owned by her father, husband, and sons, but she does not have any share in ownership of that property. Having only daughters is equivalent to having no children at all. Examples can be cited from Adi society where after the demise of father if there is no male heir but only daughters than the closest male relative that perform the last rites will inherit the property, daughters, even though biological cannot claim immovable property. Women have to be contented with whatever movable properties like beads, ornaments, traditional brass bowls and plates and sometime livestock she receives from her family. However, women do have absolute right over her earning. She has complete discretion over the movable properties gifted to her by her parents or properties acquired by her through her earnings. Among the Membas women possess ownership right on the inherited or purchased articles till their death without any disruption, but on the death of women only ornaments or other movable properties are passed on to the daughters¹².

The advent of education has ushered a new era of changes in these tribal societies, adoption of modern lifestyle have also brought changes in outlook of the people. Well-to-do parents these days do not hesitate to present immovable property like houses and land to their daughters. Despite their small number, these parents are challenging societal stereotypes.

Education has also brought empowerment to the women of Arunachal Pradesh. With more women getting an education and taking up jobs, they are becoming financially independent. Women in Arunachal Pradesh are laborious and hard-working, but competing with their male counterparts in terms of economic status is still a distant dream as most of the resources that can yield high economic benefits are owned by the male. Arunachal Pradesh State Commission for Women Chairperson Radhelu Chai Techi raised her concern while delivering a keynote address on "Gender and Patriarchal Society." She said, "The women in the state have no property and land rights, whereas women under Hindu law can enjoy these rights..... and it is time to consider granting land and property rights to the APST women of Arunachal"¹³. There is a growing consciousness around this issue of disparity. However, the road ahead for women to get equal rights in terms of equitable distribution and inheritance of property is not going to be easy.

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