



# CUSTOMARY LAW AND GENDER INEQUALITY OF TRIBAL SOCIETY WITH SPECIAL REFERENCE TO TAGINS OF ARUNACHAL PRADESH

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## ABSTRACT

*Customary law is unwritten traditional law which is usually prevalent in tribal society has great impact on live of the Tagin in the regard to matters such as marriage, inheritance, traditional authority, guardianship, and so forth. By focusing on this particular study was carried out in Tagin community of Arunachal Pradesh. This present study is attempted to examine the customary law and its impact on gender inequality among Tagin is considered for the study which is more descriptive and qualitative in nature. Study reveals that Society set norms and values are patriarchal in nature, this patriarchal structure sidelines woman by male domination in almost everything whereas men are considered as superior to women in given society. Customary Norms and values of this particular Community have been beautifully structured the role of genders which would bring social stability in society wherein women are assigned with easy task and men are hard on the basis of sex. In this community women are treated as inferior to men in any social setting.*

**KEY WORDS:** Customary laws, Gender inequalities, Tagin, Women status.

## INTRODUCTION

The Tagin is one of the major tribe of Arunachal Pradesh inhabitant in different part of Upper Subansiri District, the members of this group is larger designation of Tani clan. Tagin are well known for their warm hospitality, friendly and pure hearted being.

The customary law is made to believe that it helps its members to maintain the peace and order with other fellow members in societies. The traditional legal system of the Tagin is composed of following sources of Tagin customary law. It's legitimized form of law which is usually prevalent in tribal society. People act according to customary law. These systems are largely ethnic in origin and usually operate within the areas occupied by ethnic group.

It has been noticed that author highlighted the discrimination against daughters according to inheritance rules derived from customary law where traditional law is commonly applied in the matters of inheritance of family property. Supreme Court addressed matrilineal versus patrilineal land ownership where one argued that if there is no surviving of males in the family and women have right to inheritance the land property. Another claimed that women cannot have own land. The island court decision found that women to be the custom owner (Governance group, 2017, p. 28). Indigenous women are facing discrimination and violence from within their own

society where women are excluded from participation in decision making, especially outside the domestic sphere. As women are often stereotyped a being fit only for domestic work and excluded from community affairs. Women are inferior to men in many societies and all public affairs and local government are dominated by men (Christian Erni and Shimreichon Luithui, 2012, p.3). Traditional leaders are primary male elites who enjoy the significance social and political power. Women who challenge customary norms as violation of gender equality rights often enjoy considerably less political power within their community. Furthermore, the act of openly challenging custom and tradition exposes those women to increase stigma and ridicule within the community (Williams, Susan H. 2011, p.73).

Tagin is patriarchal in nature where men can have more than one or two wives. But women aren't allowed. The society doesn't endorse pre-marital sexual freedom. The virginity of girl is much valued in this community. Once bride price is paid to bride's family, girl considered to be the property of groom's family (Ashan Riddi, 2006). The stereotype notion of women being inferior to men still exist as is clearly seen in the traditional idea of women being confined to domestic domain only. Women are treated as inferior or lower to men in almost every sphere of life. Customary laws that are set for welfare of society have biases where women are inferior or subordinated to men (Kamei Pamei Roselina, 2014, p. 60).

The unwritten tribal customary laws recognized as binding their communities interact with the larger corpus of the



law enacted and enforced by the formal state. This interaction often overlooks their role in the maintenance of tribal solidarity and identity. Tribal customary laws focus on role they play not merely as traditional and normative rules of regulating their societies but keeping the tribe together (Walter Fernandes, Melville Pereira and Vizalenu Khatso, 2005, p.23). The marriage within an indigenous law system deprives women of her rights as equal partner in the marriage have been made by authors (Rita N. Ozoemena and Michelo Hansungule, 2009, p. 3).

Customary law is used to promote patriarchy and disempowered women. Exclusion of women from heir ship and consequently from being able to inherit property was in keeping with the system dominated by patriarchy which reserved for women a position of subordination (Tamar Ezer, 2016, p.66, 67). The system of inherited conception is expressed in symbol forms by which mean men communicate, perpetuate, and develop their knowledge about the attitude of life. Customary law is legal expression of cultural norms and values, it is dynamic and change based on social, economic, and legal development. Women aren't seen as active members of religion and cultural communities, notion of discrimination against women without attention to the multiples side of oppression in women's lives (Jahonna E. Bond, 2010, p.519).

## OBJECTIVES OF THE STUDY

To study the customary laws of Tagin tribe related to the gender inequality and its impact on gender roles.

## METHODOLOGY

The methodology approach for present study is descriptive and qualitative in nature. Participant observation technique is used in entire period of study. In order to examine the objectively, primary and secondary data were followed where secondary data has been collected from books and articles which are broadly focus on customary law and gender inequality. Primary data was collected through face-to-face interaction and unstructured interview guides with reference on customary law and gender inequality. A purposive and stratified sampling technique was applied to select 40 respondents (tentative) as a simple size for the study. The respondents were stratified into categories that were consisted of 5 Gaonburahs of village, 30 elderly persons (15 men and 15 women) and 5 youths.

## FINDING AND DISCUSSION

Tagin is traditionally rooted in customs and mythology of the community. Tagin society of Arunachal Pradesh is patriarchal in nature where men enjoy higher social status compared to women. Gender's role among Tagin tribe of Arunachal Pradesh can be best described through the nature of involvement in various socio-economic spheres.

## WOMEN PARTICIPATION IN ECONOMIC ACTIVITIES

Traditional economy of Tagin is mainly based on agriculture. It's based on extensive practices of Jhum or shifting cultivation. Every members of the community participated an equally in various agriculture activities. Tagin women play important role in agriculture production. They perform almost

numerous tasks which are assigned to men. Clearing of jungle is done by both men and women. Activities like sowing, weeding, harvesting, threshing and winnowing are mostly done by women. There is no hard and fast work to differentiate the occupation of men and women. But it's the moral and social obligation that the female members are assigned with easy task and males are assigned with hard works. Tagin, women usually share economic responsibilities by taking an active role in agriculture activities. Other secondary activities such as weaving, rearing of animals and birds are solely depended upon womenfolk.

## WOMEN IN RECREATIONAL ACTIVITIES

Tagin women have given right to perform all recreational activities if they desired. Generally unmarried women taking active participation in dance and song but married women busy in household activities and when they get time, they participate in these activities like song and dance on occasion. Their participation based on the nature of song and dance. There is song and dance for women only. Again there is song and dance for both men and women. Song and dance of women are very important in society because such activities make function enjoyable, and attractive. Generally men enjoy the dance performance of women.

## MATTER OF MATRIMONIAL RELATIONSHIP

In the matter of Matrimonial relationship, members of this particular tribe are governed by Local customary Laws, traditional customary law allowed its members to meet the girls after proper engagement but physical relations aren't permitted by the society. Marriage or sexual relation can be happened after becoming puberty. After engagement, girls are not allowed to choose her owns life partner as per the customs. In case of, girls committed such mistake should be punished as per the law set by society and moreover all paid bride prices have to be returned to groom's family. Bride price plays very important role in marriage as a medium of Transaction. After payment of bride price girls become the property of her husband. In Tagin, girls enjoy lower status than boys.

## GENDER IN HOUSEHOLD PARTICIPATION

In Tagin, the head of the family is male who has been given important tasks. Women are not traditionally entitled to the succession of the family. However boys and girls are equally welcome in family but somehow sons are preferred more. All important decision of family is usually taken by male members and women followed it. Household activities are divided on basis of sex performance. Women are assigned with important task of household activities after getting marriage. Meanwhile they worked along with outdoor activities. Traditionally women are assigned with all the domestic chores like looking after children, preparing of food, brewing of local drinks, carrying water, collection of vegetables, collection of firewood, cleaning and washing of utensils, clothes, , pounding of rice while men are assigned with house maintenance.



## PROPERTY INHERITANCE SYSTEM UNDER THE CUSTOMARY LAW

Inheritance of property right of Tagin community isn't governed by law which is enacted by Central or State government. It's fully governed by local customary law which is set by society itself. In this community women aren't entitled to obtain any immovable like community land except some share of mother's ornaments. As customary law girls aren't given right to inherit any share or have no claim over land property, but she can use it as long as she is survived. The mode of inheritance of property would be discussed as below:

1. When deceased is survived by son or daughter. Property will be inherited by son only.
2. When deceased has no son but only survived by daughter or widow. Property will go to widow not daughter. Widow will be entitled the ownership of property till her life time. In case of death or remarriage, property will return to descendant of death brother.
3. When woman has acquired property by purchased or gift. Her property could be offered to daughter. But deceased is survived with no children then property will be entitled to descendant of her husband.

Inheritance in Tagin is fully determined by local tribal customary law which is patrilineal in nature. Most of time immovable property like land is entitled by male, not female. Society's structure is set up in patriarchal in nature wherein men enjoy entitled property of his ancestors. .

## GENDER PARTICIPATION IN RELIGIOUS ACTIVITIES

Traditionally Tagin believed in existence of supreme God "Donyi and Polo" by which means Sun and Moon. At the same time they believed in existence of Spirits which are traditionally rooted with indigenous believers. There has been role of women priest but their roles are lured with small or limited form. However in the religious ceremony women's role confined offering at altars, serving food and rice beer to priest, guests and relatives coming from different place.

## GENDER AND EDUCATION

In Tagin community, girl's education isn't given much important because they believed that after marriage girl become the primary members of groom's family and all property acquired her will be enjoyed by her husband's family. Most of women are usually engaged with household activities and other activities lie weaving from mother, relatives and elders of family. They are made to believe that they should look after the parent when they are at parent's house. And after married they are made to look after the husband's economics, children and domestic chores. Now government took various steps and schemes to provide best education to both girls and boys and motivated parents to send girl child to school. Now a day Tagin mothers are interested to provide the best education to their daughters in order to free from old system.

## STATUS OF WOMEN MARRIAGE

In traditionally Tagin women are given lower status compare to men in the terms of social position. In Tagin polyandry is strictly prohibited but polygamous forms of marriage is accepted where man can have more than one or two

wives and women are believed to look after husband's economics and domestic chores separately. Pre sexual marriage is not allowed in Tagin where virginity of girls is given much value and such mistakes committed by girls are to be punished as per the customary laws. Mithun play much important role in marriage ceremony as an economics transaction. And it's believed that once brides are paid to bride's family, girls become the property of husband. After death of husband, widow woman is to be married with kins brothers of her death husband. In case, widow woman married to outside of family members, all paid bride price have to be returned to death husband family. However, in Tagin Tribe, men enjoy higher social status in marriage.

## CONCLUSION

Tagin is patriarchal in nature followed by Patrilineal, Patriloc and inheritance of property is all set in male line accept movable property of female site such as Mother's local Ornaments. Marriage is patriloc in nature wherein married couples starting living with groom's family after being married. Family structures are all set in patriarchal where men are regarded as head of the family. All system of society is governed by local customary laws. In this particular community, gender inequality exists right from the beginning wherein gender's roles are divided on the basis of sex. People behave or act according to the norms and value set by society. Somehow women are unsatisfied with setting of customary laws which is sideline women by male domination in every social spheres such as political, economic, education and so forth wherein women are always put in inferior position compared to men in given society. However, government has brought some schemes to provide good education to both boys and girls. Now parents are aware about importance of education which are motivated to their children especially girls child to impart the education. Regard to this, an education system play significant role in changing the mindset of the people. Now changes can be seen in Tagin Tribe wherein women are actively participation in socio-eco and political Spheres.

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