

Research Paper



Customary law and women's property rights among the adi tribe of arunachal pradesh: a socio-legal analysis

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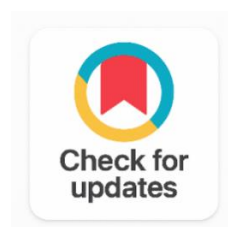
Adi Tribe

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ABSTRACT

The Adi community of Arunachal Pradesh follows a patrilineal system of land and inheritance governed largely by customary law, which has historically excluded women from rights over ancestral property for the longest time. Adi women have made important contributions to agriculture and household economies and cultural traditions but they still face social exclusion from land ownership rights and inheritance rights. This research studies Adi tribal inheritance customs to show how they affect women's social status and legal status and economic standing. The study evaluates ongoing discrimination against women who seek ancestral land rights by examining secondary literature and empirical evidence from similar tribal societies and current constitutional and judicial developments. The analysis focuses on current legal conflicts which include the Supreme Court's interpretation of tribal women's inheritance rights and the Arunachal Pradesh Marriage and Inheritance of Property Bill 2021 legislative proposals. The paper demonstrates that constitutional protections with judicial actions establish paths to gender equality while traditional customs maintain barriers that prevent women from accessing property rights. The study concludes by emphasizing the need for culturally sensitive legal reforms, increased legal awareness among tribal women, and dialogue between state institutions and indigenous communities to reconcile customary practices with constitutional ideals of gender justice.

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1. INTRODUCTION

The Adi community is one of the largest tribal groups in Arunachal Pradesh and follows traditional land and inheritance systems based on patrilineal customs [1], [2]. The word Adi literally means “hill people.” They are primarily settled in East Siang, Upper Siang, West Siang, Lower Dibang Valley, and Dibang Valley districts [3].

The Adi trace their mythological origin to Pedong Nane, considered the ancestral mother of Tani, who in turn was the descendant of Sedi Melo, the creator [3]. Cultural practices show deep respect for ancestral lineage heritage yet property rights only follow the father-realm system of inheritance.

Gender-biased customary norms grounded in patrilineal descent make the inheritance of ancestral land an arduous endeavor for women. Daughters are generally excluded from immovable property and inheritance passes through male heirs [4], [5].

Indian law acknowledges the existence of customary law applicable to Scheduled Tribes while the Hindu Succession Act 1956 according to Indian law does not automatically extend to this community [6]. The interaction between customary practices and constitutional equality rights protected under Articles 14 and 15 of the Constitution of India creates complex legal challenges in this situation.

1.1 Objectives of the Study

1. To examine the customary land and inheritance practices of the Adi tribe of Arunachal Pradesh.
2. The research studies how patrilineal customary law governs property rights of Adi women.
3. The research investigates how Adi Kebang Ayon influences inheritance practices and gender role expectations.
4. The research studies how customary law interacts with the constitutional principles that guarantee gender equality rights.
5. The study evaluates current court rulings and ongoing policy discussions about tribal women's right to inherit property.

2. RELATED WORK

Scholarly literature on tribal customary law and gender rights in Northeast India shows how traditional systems and governmental structures and constitutional rights create complex relationships between these three elements. The governance system in Northeast India operates through multiple levels which combine state legislation with indigenous customs according to Baruah [1]. The access to resources in Indian communities depends more on social status and cultural customs than on existing legal systems according to Béteille [2]. The studies on tribal culture in Northeast India reveal that kinship-based inheritance systems hold crucial value for preserving community identity according to research [3].

The research on gender and land rights shows that customary inheritance systems exclude women from inheriting property rights according to study findings [4]. Devi demonstrates through her research on Arunachal Pradesh that tribal women in his study area lack the right to claim property ownership despite their economic contributions to their communities according to customary law [5]. Legal scholarship shows that Scheduled Tribes maintain multiple inheritance systems because statutory laws like the Hindu Succession Act of 1956 do not apply to them automatically [6]. The conflict arises because customary practices face restrictive boundaries which the constitution protects through its equality provisions in Articles 14 and 15 [7]. The research found through empirical studies together with sociological analysis proves that customary institutions in Arunachal Pradesh still maintain their authority to control social interactions and inheritance customs within their communities [8]. Nongbri uses her research about gender relations and customary law in Northeast India to show how traditional practices sustain male control over land ownership and decision-making authority [9]. The studies establish both theoretical and practical bases which researchers use to study women's property rights in the Adi customary system.

3. METHODOLOGY

The study adopts a descriptive and analytical approach. The research uses qualitative methods because it relies on secondary sources which include academic books and journal articles and government reports and legal documents [8], [9]. The study used qualitative research methods because the research utilized secondary sources that included academic books and journal articles and government reports and legal documents [10].

The Galo tribe and other tribal communities from Arunachal Pradesh provide comparative insights that researchers use to study the regional patterns of inheritance exclusion. The study also draws upon theoretical works on gender and land rights in South Asia [11], [12].

The research study depends on secondary sources because it lacks primary field research. The research method provides a wider understanding of women's property rights that exist within tribal customary systems.

3.1. Historical and Cultural Background of the Adi Community

The American Constitution governs the country yet many tribal communities choose to maintain their social systems through traditional customs. The Adi community considers Adi Kebang Ayon to be their most important traditional leadership position [13].

The Kebang functioned as a male-dominated village council which handled disputes about land and marriage and inheritance matters [14]. Women play a vital role in agriculture and food systems and cultural preservation yet they have always been kept out of official decision-making roles [15].

The practice of excluding women from inheritance rights developed into an established social custom which maintained existing patriarchal systems of property transmission.

3.2. Customary Inheritance and Property Norms

- **Patrilineal Succession**

Most tribes in Arunachal Pradesh follow patrilineal inheritance systems where ancestral property devolves through male lineage [4], [16]. Daughters receive temporary residence status in their birth families which prevents them from inheriting their family's permanent property.

The Galo tribe research shows that women experience similar exclusion because they inherit ancestral land only through gifts and purchases [10].

- **Customary Law and Constitutional Law**

Scheduled Tribes use customary law as their primary system for determining inheritance rights instead of using statutory law [6]. The system shows legal pluralism because constitutional equality rights exist together with customary rules that maintain gender discrimination [17].

The scholars demonstrate that legal pluralism in tribal societies creates conflicts between constitutional rights and community autonomy [18].

3.3. Legal and Social Status of Adi Women

Research about tribal society's shows that women create economic value for their communities but their presence in property ownership remains limited [5], [19].

Economic independence depends on land ownership which allows people to achieve financial control over their lives [11], [20]. Nevertheless customary laws in the Adi community prevent women from obtaining legal property rights because they serve essential functions in agricultural work and food production activities.

3.4. Constitutional and Policy Developments

The Constitution of India guarantees equality before law under Article 14 [7]. The recent judicial discussions established that discriminatory inheritance systems need to pass constitutional testing.

The Arunachal Pradesh Marriage and Inheritance of Property Bill 2021 proposed in Arunachal Pradesh aimed to establish clear property rights for Scheduled Tribes [21]. While supporters considered it

a move toward gender equality certain tribal groups opposed it because they believed it would disrupt their traditional rights.

The Arunachal Pradesh State Commission for Women has organized programs to educate people about inheritance rights and traditional customs [22].

3.5. Gender, Empowerment and Property Rights

Property ownership improves women's ability to negotiate better deals with other people in their households and within their entire community [11], [12]. The research demonstrates that secure land rights programs lead to economic empowerment and social security benefits for individuals who participate in these initiatives [20].

Arunachal Pradesh tribal communities require legal reforms to empower their people because their customary practices and identity systems are deeply rooted in their cultural heritage.

4. RESULTS AND DISCUSSION

The analysis shows that women in tribal societies who belong to the Adi community control agricultural operations while managing both household economies and cultural traditions which they preserve [15]. The system prevents women from acquiring property rights because its customary inheritance rules grant male family members exclusive rights to inherit property and exercise their powers.

Tribal areas show legal pluralism because their community members follow customary laws while their constitutional equality rights exist beside these traditional legal systems [16], [17]. Customary law enables indigenous groups to maintain their cultural identity, but it creates gender discrimination because it permits only male heirs to receive property rights [18].

Execution of women's inheritance rights in Arunachal Pradesh demonstrates slow development based on official institutional assessments and local research findings. Women achieve financial independence through property rights which also grant them social security and greater power to make decisions in their domestic and community situations [20]. The implementation of gender-fair inheritance systems progresses at a slow pace because people worry about preserving their traditional cultural practices and maintaining social ties.

The policy discussions about the Arunachal Pradesh Marriage and Inheritance of Property Bill, 2021 demonstrate the struggle between traditional values and necessary reforms which need to happen [21]. Tribal organizations opposed the bill because they perceived any legal changes to their customary practices as a direct threat yet it managed to create clear rules for inheritance rights. The Arunachal Pradesh State Commission for Women has conducted various initiatives which have successfully raised public awareness about women's property rights and their associated legal rights [22].

The results demonstrate that successful reform needs to establish a balance between constitutional gender equality and traditional governance system customs. The combination of community dialogue and legal knowledge development together with institutional changes shows greater success than legislative approaches that only focus on passing new laws.

Table 1. Comparison between Customary Inheritance Practices and Constitutional Principles

Aspect	Customary Practice (Adi/Tribal Context)	Constitutional Principle	Impact on Women	Reform Possibilities
Inheritance Lineage	Property inherited through male lineage (patrilineal system)	Equality before law (Article 14)	Women excluded from ancestral land	Gradual inclusion of daughters in inheritance
Ownership Rights	Land ownership mostly restricted to male members	Non-discrimination (Article 15)	Limited economic autonomy	Gender-inclusive customary reforms

Decision-making Authority	Male-dominated customary institutions (Kebang)	Equal participation in public life	Women rarely influence inheritance decisions	Representation of women in customary bodies
Legal Framework	Customary law governs inheritance	Constitutional supremacy and gender justice	Legal ambiguity in inheritance claims	Harmonization of customary and constitutional law
Property Transfer	Women access property through gifts or purchase	Equal property rights principle	Lack of long-term land security	Legal literacy and policy support
Social Status	Property linked with male authority	Right to dignity and equality	Reinforces dependency	Community dialogue on gender justice

As shown in Table 1 a comparison between traditional inheritance customs observed by tribal communities in Arunachal Pradesh and the constitutional principles which guarantee equality and protection against discrimination. The study demonstrates how men and women experience different rights to inherit property and land and to make decisions about their land holdings. The table demonstrates how traditional governance systems and official constitutional law create a system of dual legal authority. The table presents a systematic comparison between customary inheritance practices and gender-equal property rights which demonstrates the difficulties that arise when trying to merge these two systems.

Table 2. Role of Institutions in Women's Property Rights Awareness in Arunachal Pradesh

Institution	Type	Role in Inheritance Matters	Contribution to Gender Awareness	Challenges
Adi Kebang Ayon	Customary Institution	Resolves inheritance and land disputes	Limited involvement of women	Strong adherence to tradition
Village Councils	Customary Governance	Local dispute resolution	Informal awareness through community discussion	Male-dominated structure
Arunachal Pradesh State Commission for Women	Government Body	Advocacy and awareness programs	Promotes legal awareness on property rights	Limited outreach in remote tribal areas
Judiciary (Courts)	Legal Institution	Interpretation of inheritance rights	Reinforces constitutional equality	Limited accessibility in rural regions
State Government	Policy Institution	Legislative initiatives (e.g., Property Bill 2021)	Policy-level gender reform efforts	Resistance from tribal organizations
Academic Institutions	Research Bodies	Study of customary law and gender	Documentation and awareness through research	Limited policy implementation
NGOs and Civil Society Groups	Social Institutions	Legal awareness and women's empowerment programs	Support for women's rights education	Resource constraints

As shown in Table 2 how the major institutions established in Arunachal Pradesh lead to public awareness about women's inheritance rights and their corresponding policy development work. The study considers three types of institutions which include customary institutions and state agencies and judicial

bodies. The table in question shows how actors-particularly the state landless-persons and agricultural workers-collaborate in order to influence the shift of gender norms and property rights in rural society.

The system of institutional frameworks operates to demonstrate which systems require collaborative efforts between community leaders and government agencies and judicial bodies to establish equal rights for women in inheritance matters.

5. CONCLUSION

The Adi tribe's patriarchal inheritance customs create difficulties for Adi women and all tribal women throughout Arunachal Pradesh to obtain equal property rights. The Constitution and recent court rulings establish gender equality in inheritance rights but customary law continues to prevent certain individuals from inheriting property. The proposed legislative reforms and women's commission advocacy efforts which seek to balance traditional customs with women's rights face opposition from some individuals.

Some Policy Suggestions Are:

- **Legal Literacy Campaigns:** Encourage tribal women to learn more about their rights as citizens and how they should go about obtaining legal help.
- **Making Inheritance Laws Official:** Cooperate with tribal communities to further formal inheritance issues that could respect cultural identities and ensure equality between men and women.
- **Judicial Integration:** Direct the lower courts to interpret cases involving customary law and rights to property by means of constitutional principles.

Future research ought to concentrate on the practices of the Adi community, emphasising fieldwork on inheritance disputes, women's perspectives, and the evolution of norms to enhance policymaking and social reform.

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Author Contributions Statement

Name of Author	C	M	So	Va	Fo	I	R	D	O	E	Vi	Su	P	Fu
Mary Perme	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓

C : Conceptualization

M : Methodology

So : Software

Va : Validation

Fo : Formal analysis

I : Investigation

R : Resources

D : Data Curation

O : Writing - Original Draft

E : Writing - Review & Editing

Vi : Visualization

Su : Supervision

P : Project administration

Fu : Funding acquisition

Conflict of Interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

Informed Consent

All participants were informed about the purpose of the study, and their voluntary consent was obtained prior to data collection.

Ethical Approval

The study was conducted in compliance with the ethical principles outlined in the Declaration of Helsinki and approved by the relevant institutional authorities.

Data Availability


The data that support the findings of this study are available from the corresponding author upon reasonable request.

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