



Patriarchy and Property: The Intersection of Customary Law and Women's Empowerment Among the Lotha Naga

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Abstract

Women, in history, have been in a marginalised and discriminatory position in property acquisition, and issues of property rights and women's empowerment have been of worldwide concern for many years. Indeed, knowing the connection between property rights and women's empowerment will be salient when discussing the social and economic advancement of women within specific cultural contexts. In this instance, the Lotha Naga is studied. Here, the concept of property rights is mostly determined by customary law, firmly rooted in traditions, practices, and cultural beliefs. These patriarchal-shaped customs often restrict the rights of women and preserve inequalities based on gender. The research study examines the effects of property rights under Lotha Naga customary law from a feminist perspective on discrimination, inequality, and disparities. It also tries to draw attention towards the difficulties Lotha Naga women face when trying to inherit, possess, and manage property in a society where patriarchal structures have a significant impact on status and rights.

Keywords:

Property Rights, Empowerment, Customary Laws and Women

INTRODUCTION

Women's empowerment is inextricably connected to property rights, as these rights give women legal ownership and control of property that will directly influence their participation in social, political, and economic life. Given that land ownership disputes are primarily governed by customary laws established from patriarchal customs, land ownership is of large socioeconomic significance to the Lotha Naga people. These customary laws, established mostly through patrilineal norms, perpetuate gender inequality by regularly denying women's access to ownership through the possession or inheritance of parental and ancestral properties. Carruthers and Ariovich (2004) aptly argue, "To have absolute right over property is to have absolute power," emphasising the transformative potential of property ownership. Similarly, Kelkar (2014) observes that 'women who own property, especially land, experience greater autonomy within households and communities, enhancing decision-making power and protection against domestic violence'. Lotha Naga women still face significant obstacles even though patriarchal customs maintain property ownership and control among male relatives. In addition to this structural exclusion, women's vulnerabilities in society are increased by the ongoing associated economic dependency. Family land may be given to daughters on occasion, but this practice is typically reserved for affluent families. Despite reflecting the long-standing patriarchal bias in property distribution, these gifts are uncommon rather than common, so even in these situations, they cannot be used as justification for greater gender equality. In the Lotha Naga context, property rights, or the lack thereof, offer a crucial lens through which to examine broader issues of gender inequality and disempowerment. By custom, women are denied access to or authority over ancestral land, which is usually passed down to male descendants. Patriarchal norms are further cemented by the fact that, although

girls are occasionally granted parental land, it usually returns to male relatives after the father's death. Joireman (2008) highlights the socioeconomic subjugation resulting from these exclusions, pointing out that customary rules in different groups frequently disadvantage women. The United Nations (2001) defines empowerment as the capacity to exercise autonomy and make choices in areas that were previously off-limits to women. The empowerment of Lotha Naga women through property rights is still a long way off because of deeply rooted legal and cultural traditions. This study examines the relationship between women's empowerment and property rights in the Lotha Naga community, with a particular focus on the sociocultural and legal factors that perpetuate gender-based inequalities. The purpose of this study is to shed light on how women's access to parental and ancestral lands affects their social, economic, and political empowerment in this patriarchal society.

LOTHA NAGA COMMUNITY

With 1,66,343 members, the Lotha Naga community is a significant tribe in Nagaland, according to the 2011 Indian Census. Its home district is Wokha, one of Nagaland's sixteen districts. Ngullie and Khyriem (2023) define "Wokha" as "counting the number of people" (p. 3). Wokha is located in the midwestern region of Nagaland and shares a western border with the Golaghat lowlands of Assam. The district, which is mostly inhabited by the Lotha tribe, is made up of the Wokha (upper range), Sanis (middle range), and Bhandari (lower range) ranges (DCHB, p.8). Throughout the district, Kyong-yi, the native tongue of the Lotha people, is spoken with a range of accents. The Lotha Naga people follow a patrilineal system wherein ancestral property rights are governed by customary laws that have a solid historical basis. In order to preserve family lineage and property continuity, these regulations, which are a reflection of attitudes and customs that have been maintained over many generations, favour male succession. Historically, men have been tasked with taking care of family property, and women have not been given the ability to inherit, despite their significant contributions.

LOTHA NAGA FAMILY SUCCESSION

The Lotha Naga family typically consists of a husband, wife, and children, with the father serving as the family's leader and guardian of the family's ancestral property. Because he is the primary heir, the eldest son (Eramo) usually inherits a larger portion of the ancestral property, which is only available to male members of this patrilineal group. The oldest son is supposed to continue his father's legacy and take on social and political responsibilities as the family's potential heir. However, the youngest son (Okharo) inherits the ancestral home and movable belongings because it is customary for him to care for the elderly parents. If the youngest son dies without having any male children, his share of the property is divided among the other sons. If a man is childless, his brothers split his inheritance equally, and any debts are settled with the sons' assistance or through the sale of movable property. The community's historical efforts to preserve social obligations, clan identity, and ancestry are the roots of this male-centered succession plan. However, because customary law sees marriage as a transfer to a different family, it forbids women from inheriting ancestral property. The clan owns communal lands and forests and is made up of male members who can be traced back to a common ancestor. Women are usually restricted to supporting roles and do not directly participate in decisions pertaining to property or more general community issues, despite their significant contributions to the home and economy. This framework reflects the deeply ingrained patriarchal traditions of the Lotha Naga community and provides a basis for the cultural identity of the group to be preserved.

Parental land, as opposed to ancestral property, is land acquired by the parents during their lifetimes. Rich families sometimes give their daughters a portion of their parents' land, even though daughters are frequently not entitled to either kind of property. But these gifts often have limitations and are rarely considered equal inheritance. Additionally, according to customary law, sons have full ownership rights over family property unless specifically granted otherwise. Women's lack of inheritance rights, whether parental or ancestral, restricts their ability to make independent decisions about their property and helps to maintain gender inequality by making them more dependent on male family members. These traditions, which stem from patriarchal norms, demonstrate how the community values upholding established structures and family relationships more than recognising women's property rights.

PROPERTY RIGHTS AS DAUGHTERS

In contrast to the Hindu Succession Act (2005), which grants daughters the same inheritance rights as sons, customary law forbids daughters in the Lotha Naga group from inheriting family property. However, in some modern circumstances where there are no male children, fathers may grant their daughters a portion of their ancestral property, including land. Oftentimes, these gifts come with conditions that grant the daughter total control over the property for the rest of her life. According to Vitso (2003), male relatives may nevertheless assert claims to the property, claiming that customary norms forbid women from inheriting ancestral land. Rarely, fathers will give their daughters property even when their sons are around. However, the sons' prior acknowledgement or consent is frequently required for such gifts to remain valid after the father's passing. In the absence of this, the property usually passes back to the male heirs. Although daughters are allowed to possess and utilise the land that has been gifted to them, they are typically not allowed to sell it unless they give their father a small sum of money, which gives them complete authority, including the ability to sell (Kikon & Bhattacharjee, 2016). In the Lotha Naga community, where patriarchal norms prefer male inheritance to maintain lineage and customs, these practices highlight the conditional and restricted nature of daughters' property rights. Giving property to daughters may seem progressive, but it is still the exception rather than the rule, and it is typically observed in affluent households. Furthermore, such gifts do not equate to equal inheritance rights and cannot be used as an excuse for the continued exclusion of women from parental and ancestral property. These limitations demonstrate how patriarchal traditions still affect women's socioeconomic status and empowerment in society (Ngullie & Khyriem, 2023).

PROPERTY RIGHTS OF LOTHANAGA WIFE AND WIDOW

Women in the Lotha Naga community are not inherently entitled to inherit ancestral land. She might, however, be given parental land as a wedding present. Despite their importance, these gifts do not give her the wider ownership rights that come with ancestral property (Fernandes et al., 2008). After her husband passes away, a widow continues to live with her husband's family as the household's guardian. Until her children, particularly the male heirs, reach adulthood, she takes temporary charge of her husband's self-acquired and ancestral property (Goswami, 1981, as cited in Fernandes et al., 2008). In the absence of a male child, the ancestral property usually passes to the deceased husband's brothers, nephews, or closest male heir (Kikon & Bhattacharjee, 2016). The widow's rights are usually limited to housing and child care, even if she decides to stay with her husband's family. If she decides to remarry, she is required by custom to leave her husband's home, keeping only the land her parents gave her or any other belongings she brought with her (Goswami, 1981). The situation for widows without children is even more challenging. In these cases, the deceased husband's brothers or other closest male relatives make decisions about her future. She is frequently compelled to return to her parents' home after losing any claims to her husband's property (Fernandes et al., 2008). Similarly, upon the death of a childless man, all of his property, both movable and immovable, passes to his male relatives (Kikon & Bhattacharjee, 2016). These customs reflect the community's dependence on traditional rules that favor male heirs, leaving widows with limited autonomy and security.

CONCLUSION

Patriarchal customary laws that deny Lotha Naga women their property rights have perpetuated gender inequality, dependency, and marginalisation. These discriminatory practices need to stop in order to advance social justice and empower women in the community. Land and property are more than just financial resources; they are symbols of autonomy, authority, and participation in decision-making. Therefore, granting women equal inheritance rights is necessary to remove the structural barriers preventing their advancement and contributions. Through a transformative approach that incorporates community engagement, education, and campaigning, patriarchal norms can be challenged and gradually altered. Legislators, civil society, and traditional custodians must collaborate to achieve a balance between gender justice and cultural preservation. By protecting women's property rights, the Lotha Naga community can initiate a paradigm shift, empower them to become change agents, and promote a more equitable and inclusive society. Such a change is necessary for the advancement of society and sustainable development, in addition to being morally right.

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