



From Patriarchal Exclusion to Gender Equity: Reassessing the Changing Trends in Property Distribution among the Zeme Tribe of Nagaland

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Abstract

The study explores the changing trends in property distribution amongst the Zeme community of Nagaland. The Zeme tribe is a male-dominated community and follows a patrilineal inheritance system. The Inheritance practices are mainly passed down through the male children of the family, with the female children often left out. However, due to recent socio-economic improvement, urban migration, increase in formal education and legal awareness, the property distribution practices among the Zeme tribe are slowly evolving.

The study uses ethnographic observation and a qualitative approach. This paper attempts to analyse the causes of changes in property inheritance practices. The study will also examine the challenges faced by Zeme women in accessing property.

Keywords: Property distribution, Customary laws, Property Inheritance, Zeme, Gender, Equity

Introduction:

Property distribution can be referred to as the allocation of properties, land, and resources owned by a person. Property can be distributed amongst families, groups, or individuals. Distribution of property, particularly land, impacts the socio-economic, political, and gender relationships in society. Property is not only about material assets, but also reflects the customary laws and traditions. Among the Zeme tribe, these patterns of property distribution are shaped by a patrilineal inheritance system, wherein property is passed down to male children and female children are often left out. These traditions are not formally codified in written documents. But they are preserved and reinforced through oral tradition and communal practice. This gendered pattern of property distribution has reinforced male-controlled authority and has limited women's activity within the household and community. But with the increasing participation of state organizations, legal awareness, education, and economic progress, traditional property distribution systems are slowly changing among the Zeme tribe. These evolving movements are

beginning to reshape property inheritance practices, gradually opening discussions around inclusion, fairness, and gender equality.

The main objective of the paper is to analyse the changes in property practices. It also examines the challenges Zeme women face in accessing property. This study employs qualitative methodology and ethnographic research design to observe changing inheritance practices within the Zeme community. It also relies on secondary sources such as books, journals, articles, etc, to provide a comprehensive analysis of this subject. The author being from a Zeme tribe incorporates personal experiences into this paper.

Zeme tribe in Nagaland:

The Zeme tribe is one of the 16 major tribes in Nagaland. Their settlements are mainly found in the Peren district of Nagaland. The Zeme are also settled in Dima Hasao district of Assam, formerly known as the North Cachar Hills district, Tamenglong, and Senapati district of Manipur. While many individuals of the Zeme tribe have migrated to other parts of India and even abroad, the majority still reside in the Peren district of Nagaland. The Zeme community belongs to a male-dominated society, where the social roles and responsibilities are being passed down through the male children. The local governing system in the Zeme community is administered through the Customary laws and traditional institutions. Decisions are often made in the common interest and for the community's well-being. The Zeme's are peace-loving individuals, known for their rich culture and traditions. A core value they hold dearly is selflessness in Zeme's native dialect, called 'leirau.' It is an assurance to put others first. That shows their friendly nature and strong community bonds of the Zeme community (Gonmei, 2019, p. 22). However, the sense of togetherness does not extend to the inheriting practices as it continues to be administered by customary laws.

Customary Inheritance Practices:

The Zeme tribe adheres to a patrilineal inheritance system. Wherein property is passed down through the male lineage, with sons inheriting all their father's property, both movable and immovable assets (Elu & Ndong, 2014, p. 32). The immovable assets, such as land, fishery ponds, and paddy fields etc, are divided equally among all sons. The youngest son often retains the ancestral home and assumes responsibility for taking care of his parents (Newmei, 2018, p. 287). In cases where a family does not have a male heir, property is inherited by the husband's brother or the brother's sons. Whereas the girl children of the family are excluded from inheriting their father's property, they may receive a small share of movable things such as pottery, traditional attire, weaving looms, cane bamboo baskets, Axe, etc., as a gift from their parents when they get married. This reinforces patriarchal structures that continue to hinder female economic dependence. But, in recent years, there is a slow change in property distribution practices influenced by legal reforms, modernisation, and progressive socio-economic changes in a Zeme society. These changes are beginning to restructure how property and resources are distributed within Zeme families and communities.

Catalysts of Change in Property Norms:

While the Zeme community continues to adhere traditional property inheritance norms. It shows an evolving change in how movable and immovable properties are being distributed.

These changes are most noticeable in semi-urban and urban cities. Some of the most significant changes are due to a few of the reasons below:

1. Education and Legal Awareness:

With the rise in higher education pursuits, legal Awareness among the Zeme tribe has increased. Awareness campaigns are being run by Civil society organizations, such as the Naga Mother's Association and various other organizations. They play an important role in promoting equal property distribution through media campaigns and outreach programs advocating for women's lawful rights. Furthermore, as many of the Zeme individuals are becoming more rationalized, they have started to migrate to urban cities. This further influences changes in traditional practices.

2. Urbanisation and Migration:

In pursuit of higher education and job opportunities, mostly younger adults from the Zeme community are migrating to metropolitan cities and towns (Windani, 2024, p. 20). Migrating to urban cities weakens the rigid enforcement of customary practices that are followed in villages. This has significantly altered traditional property inheritance practices. As individuals get to know about formal legal frameworks and egalitarian social norms making the Zeme families living in urban cities inclined to operate in a more individualistic manner and follow mainstream legal norms. Though only a smaller number of urban Zeme families have fully transitioned to equal gender inheritance, there is increasing receptiveness to equitable property inheritance practices rather than following or practicing the old customs.

3. Reassessing Property Inheritance through Gendered Contributions:

The people from the Zeme community are experiencing a slow shift in property inheritance. Males were considered the main successors, while women were often left out. These changes are primarily due to the increasing financial independence of educated daughters. This gradual shift has led a few families to view property as shared family resources rather than exclusively male patrimony. Contemporary patterns have revealed that daughters who contribute financially to their household or support their parents in old age are being seen as deserving of a share in immovable assets, especially when their contributions match or exceed more of their brothers. In some cases, it shows emerging practices such as testamentary transfers through wills, both in movable and immovable resources. This change represents an important step towards fairer economic opportunities for women. By sharing property with daughters, families are finally recognizing their valuable contributions. It shows that daughters are just as deserving of their family's assets, whether they are married or building careers. This shift helps women become more financially secure while giving them equal status in the family and society.

4. Influence of the Indian Constitution and Human Rights Discourse:

Another significant impact stems from the Indian Constitution and international human rights frameworks, which have played an important role in reshaping gender norms within the Zeme community. There is a growing awareness among the younger generation, both men and women, who are becoming more aware of

their rights and understand the importance of treating everyone equally. Article 14 of the Indian constitution guarantees that every person should be treated equally before the law, and Article 15 prohibits discrimination based on gender, establishing important legal foundations for challenging patriarchal property inheritance practices. These fundamental rights are also supported by international laws and conventions that India has adopted, such as the Sustainable Development Goals (SDGs) and the gender equality targets under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Singh, 2017, p. 288).

All these factors, like education, urbanization, and constitutional awareness, etc, are serving as a powerful catalyst for change in the Zeme property inheritance system. Even though deep-rooted traditions remain influential, especially in rural areas, a growing push for gender-equitable practices indicates a slow but undeniable shift. Despite evolving trends in property distribution, many contradictions persist in the coexistence of customary law and constitutional ideals, creating a legal grey zone in which progressive developments in property distribution remain isolated, inconsistent, and vulnerable to setback. These challenges are rooted in legal, social, cultural, and institutional frameworks that simultaneously enable women's empowerment while perpetuating systemic challenges. The resulting dynamic produces an uneven landscape of change, where advances in gender justice coexist with enduring patriarchal structures.

Challenges faced by women in accessing property:

The Zeme women continue to face significant barriers in inheriting property due to the cultural, social, and legal challenges. The main issue of these challenges is the patriarchal system that enforces patrilineal inheritance systems. As Zeme customary laws state that property must remain within the male line to safeguard clan identity, with an assumption that females will be married into other households. This supports the belief that any property transferred to them would eventually benefit another family or clan. Thereby weakening the cohesion and continuity of their natal lineage. Women face many challenges in accessing property, some of which include the following:

1. Social Resistance and Patriarchal Mindsets

The subsequent barrier is due to community resistance and deep-rooted patriarchal mindsets. Village elders continue to uphold traditional inheritance practices that exclude women. A little change from these customs is often met with resistance (Borgohain, n.d., p. 59). Families that distribute property impartially among their sons and daughters are often faced with allegations of disrespecting their ancestral traditions. This results in families facing exclusion from their community or strained family relationships. Fear of being excluded has discouraged open-minded individuals from taking progressive steps. This has led many parents to withhold the gifting of land or property to daughters to preserve their family honour and acceptance from society. This shows how patriarchy functions not only through legal laws but also through entrenched societal pressure that reinforces gender inequality.

2. Lack of Customary Law Codification

Adding to the challenges is Zeme's Customary law's lack of codification. Zeme inheritance customs, like those of many other Naga tribes, are not written or

officially recognised in documents. Rather, these traditions are orally passed down and put into effect through village councils. These orally passed traditions have many individual interpretations, frequently influenced by their own personal interests or gender biases made by people in authority. Decisions made by the customary laws are inconsistent and sometimes contradictory even within the same areas or community. For example, a woman's claim of property may be supported in one village but dismissed in another village, depending on the council. The lack of codification creates a situation in which women cannot predict or rely upon a clear set of rules, undermining both legal certainty and community trust in the system (Bennett & Vermeulen, 1980, p. 212).

3. Property Disputes and Legal Inaccessibility

Zeme women face difficulties in pursuing property disputes due to legal inaccessibility. Many Zeme women living in remote or underdeveloped areas, seeking justice through the formal legal system, can be both intimidating and inaccessible. The lack of financial resources to hire a lawyer, low literacy or education to understand their rights, and the lack of community support to initiate legal proceedings against their own family are the challenges faced by Zeme women. Women often hesitate to challenge customary norms in fear of social stigma being labelled as rebellious, ungrateful and transgressors. The fear of consequences, either from brothers, village elders, or society at large, acts as a strong caution (Nazir, 2021; Priyanka & Preethi, 2024). As a result, women with valid claims to family property either remain silent or settle for token gifts in the form of movable property.

4. Article 371(A) and Legal Pluralism

A significant challenge lies in the special constitutional provision of Article 371(A), which grants the Nagas exclusive autonomy over their social customs, religious practices, transfer of land and its resources (Chaudhuri, 1986). While Article 371(a) was originally intended to safeguard indigenous identity and self-governance. This provision has inadvertently created legal pluralism that sidelines the applicability of national laws promoting gender equality. In practice, Zeme women are often barred from invoking legal laws that guarantee equal inheritance rights. The dual governance system of Customary laws and Constitutional laws creates legal uncertainty, and Zeme women find themselves on the losing end. Because customary laws remain uncodified and legally supreme under Article 371(A), this enables their continued importance over constitutional laws and acts. Unless this is resolved inheritance laws will remain constitutionally and politically sensitive, making reform efforts multifaceted and contentious.

These contradictions highlight the challenges of legal reform in the Zeme society though constitutional rights such as gender equality, non-discrimination, and equal access to property are clearly stated in national law. Their implementation is weak in contexts where customary laws are constitutionally protected. Reform efforts must be made to balance respect for indigenous autonomy with the urgent need to address gender inequality. Without addressing these structural barriers, legal uncertainty, patriarchal control, lack of codification, limited access to justice, meaningful and lasting change in property rights for

Zeme women will remain a distant goal, confined to inaccessible cases rather than transformative change.

Conclusion:

This study reveals that property distribution practices within the Zeme community are largely governed by customary patrilineal norms. However, there is a gradual positive shift in response to various social, legal, and cultural influences. Recent developments indicate a growing flexibility in these practices by giving equal property inheritance regardless of gender. A key finding is that this shift is more visible among urban areas and educated families. Exposure to constitutional principles like equality before the law (Article 14) and non-discrimination based on gender (Article 15) has influenced attitudes toward gender justice. The younger generations, both males and females, believe that one can uphold tribal identity while still advocating for equal property inheritance rights. Furthermore, Article 371 (A) continues to protect the customary laws of Nagaland. It also creates a legal grey area that limits women's ability to formally claim inheritance. In the absence of a written codified customary law, village councils and family elders often retain discretionary power. This can both enable and hinder progressive changes depending on individual biases.

The findings of the study suggest that the changing trends in property distribution among the Zeme community are still at an early stage. The traditional practices are not outrightly rejected, but a negotiation between the cultural values and contemporary thinking. The practices of Property distribution in the future among the Zeme community will depend on continued awareness campaigns, intergenerational discussion, and the ability to balance between respecting traditions while pursuing gender equity. If this continues Zeme community has the potential to lead a culturally rooted yet progressive model of property inheritance reform.

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