



Reconstructing the position of Hmar women through Traditional sayings and Customary laws

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Abstract

This paper examines the position of women through the customary laws and practices of the Hmar community with special emphasis on marriage and inheritance. Hmar community is a patrilineal society where children adopt their father's surname and generally the youngest son inherit the father's property, however it differs depending upon the clan. The Hmar customary laws play an important role in defining the duties and regulations of both man and women. It determines the women's access to authority, property and decision-making in family and society. According to customary laws, the women were assigned to do household chores, child care, animal care, cook and spin yarn or thread. Whereas, men work outside the house, work in the forest and do heavy works, build the house and work in the field. Apart from customary laws, the paper also explores the Hmar traditional sayings and proverbs which reflects the position of women especially in terms of wisdom and morality. Thus, the paper tries to reconstruct and elucidate the position of Hmar women by interpreting such traditional sayings beside the customary laws. Both primary and secondary sources along with oral traditions have been used to provide better understanding of the gender dynamics within the Hmar community.

Keywords: Hmar community, position of women, customary laws, traditional sayings, gender dynamics.

Introduction:

In North-East India, the customary laws of the various tribes are mostly unevenly distributed and male centric, and often marginalizes feminine perspective because the custodian of these customary laws were elderly men. As a result, since time immemorial the customary law – encompassing people's beliefs, customs, social norms, precepts, rites, and usages practiced has not according to the interest of women. In particular, customary laws relating to property and marriage have been described as highly oppressive to women (Nongbri,1998:20). This paper tries to explain how customary laws influence the position of Hmar women, focusing on the ways traditional norms shape women's rights, roles, and participation in family and social life.

Historical background of the Hmar:

Hmar are one of those ethnic groups of North East India who constituted a part of the great Mongolian race found all over South-East Asia. According to Anthropologists, they belong to the Tibeto-Burman stock of the Tibeto-Chinese race. Of this, linguistically they belong to the Lushai-Kuki-Chin family. The Hmar neither belong to Kuki nor the Lushai but

independent tribes as large as the other tribes like the Lushai, Garo, Mikir, etc., speaking their own unique dialect and practicing their own culture. The Hmar are basically a large group of tribes having clans and sub-clan forming a scattered section of the tribal groups living in North East India. They are found mainly in Cachar and North Cachar Hills of Assam and the adjoining states of Manipur, Meghalaya, Mizoram and Tripura in India, Bangladesh and Myanmar. There are no written records of their past history except the colonial records but in these records, they were mentioned as Kuki or Lushai. In 1921, Shakespear has included some of the Hmar clans like Khawlhing, Ngente, etc; under the term Lushai. Not only Shakespear but also William Shaw (1929), W. Mc. Chuloch (1959), T.C. Hudson (1911) and D.N. Mazumdar (1944) have used the term Kuki and listed different ethnic populations under it. This has created a great confusion for the present-day social scientist. The term Kuki was first used by Bengalis and Assamese and later by the British to identify the hill tribes. In any case whatever may be the thinking we may consider the Hmar as a separate tribe with their own cultural identity but broadly belonging to Kuki-Chin-Lushai group of tribes. It may also be noted that in the Scheduled Castes and Scheduled Tribes List (Modification) order 1956, issued by the Government of India, Ministry of Home Affairs, vide their notification No. S.R.O. 2477-A, dated 29/10/1956, the Hmar are regarded as a separate tribe independent of the Kuki or Lushai tribes (Ghosh, 1992:117). It is known that, before having the name Hmar, they were also once called as *Khawthlang* (westerners) by their neighbour *Khongsai-Thadou* group as the Hmar were known to have advanced slightly ahead of the other two groups; while the *Khongsai-Thadou* groups were also called as *Khawchung* (easterners) by the *Khawthlang* (Lalsiem, 2005:204, 205).

Customary Laws:

Tribal communities commonly believe that their customs are sanctioned by their ancestors. These customs encompass customary laws, worldviews, principles, values, rules of conduct, and established economic practices that are enforced by community institutions and may carry specific sanctions. Such laws are locally recognised, orally transmitted, adaptable, and continually evolving (Swiderska, 2009). Embedded within social, economic, cultural, and spiritual domains, customary laws regulate behaviour and provide mechanisms for conflict resolution.

Customary law forms an integral part of tribal traditions and practices and is regarded as intrinsic to their identity and culture (Fernandes and Bharali, 2009: 95). It may be understood as an established system of immemorial rules that emerged from the lived experiences and basic needs of the people. These rules developed within a shared social context and were reinforced through precedents applied to specific cases, preserved in the collective memory of chiefs and their counsellors across generations until they either faded or became part of established tradition (Bekker, 1989:11). Customary laws function as mechanisms for maintaining social order and cohesion. Whether written or unwritten, their authority rests on gradual moral acceptance by community members over time. Consequently, any examination of the historical development of legal systems must take into account the customary laws prevalent among tribal populations.

For women, customary institutions proved to be both favorable and disapproving. It is favorable in terms of its fast-delivering solutions whereas it has limitations as the institutions is mainly dominated by male elders and therefore tends to be gender-biased. According to

Lalzikpuii and Talukdar customary laws are pervasive in tribal societies and can broadly be divided into two categories:

1. "Family and kinship laws governing marriage, divorce, inheritance, and related matters; and
2. laws regulating different forms and levels of tenure rights over land, forests, and other natural resources" (Lalzikpuii and Talukdar, 2019:18).

Marriage and Lineage System:

In marriage, a Hmar could marry almost every girl except his sister. In other word, marriage could be within the same lineage group or outside the clan or tribe. However, the tribe intend to impose restrictions on marrying outside the tribe thus, the tribe prefer to be endogamous whereas clans are exogamous. It is also legitimate to marry first cousins; however, the preferred marriage was matrilineal cross-cousin marriage and some people held a prejudice against patrilineal cross-cousin marriage. Though Hmar practised monogamy, there were few instances of polygamy but after their mass conversion to Christianity the practice was discouraged. Christianity had great impact on the Hmar marriage; the society as well as the church ostracizes a person who marries a non-Christian.

In Hmar society, two basic types of marriages take place; firstly, '*Pathien samsui*' this type of marriage takes place when a girl or a boy marries inspite of his/her parents or clan's objection. Secondly, '*dan a innei*', this happens when both the parents and the clans support the marriage and a formal traditional/ Christian marriage takes place. However, according to Buongpui (2016), there were four different types of marriage prevalent in the pre-Christian Hmar society: 1) *Chawngmolaka Innei*: engagement of the girl and the boy by their parents from childhood; 2) *Sawnpuia Innei*: marriage with parental approval; 3) *Arasi hnuoia innei*: literally meaning marriage under the witness of stars, an eloped marriage without parents approval; and 4) *Tluna Innei*: marriage in which a woman/man enters the house of the man/woman that she/he loves and insists on living there as his/her wife/husband even against the wishes of the members of the members of her/his family (Buongpui,2016: 18).

There are few steps to be followed before a traditional marriage takes place which are as follows: Firstly, when a man wishes to marry a girl, he informs his parents and negotiated with their kinsmen. Some selected kinsmen (*laibung*) and the boy's brother-in-laws (*makpas*) would act as the go-between (*palai*) and go to the girl's parents. The *Palai* bear with them a blue and white cloth, a hoe and a pot of rice beer (*zu*) or tea. Blue and white clothes are *inhawi* (pleasant home) and the hoe is called *thirdam* (instrument of peace). After three sitting and formal negotiations at the girl's home, finally the marriage date and bride-price are decided. The amount of bride-price differs from clan to clan and it cannot be interpreted as a commercial transaction. The bride-price was normally classified into various shares; 1) *manpui*: if received in kind, it consisted of mithun, gong etc. and this went to the bride's parents; 2) *panghak*: some portion of the bride-price given to the bride's parent's kinsmen; 3) *pusum*: a portion given to the bride's maternal uncle (Pu); 4) *nisum*: a portion given to the bride's father's sister; and 5) *zuorman*: a small portion given to the bride's friends and cousins (Dena, 2008:27). A send-off ceremony known as *inthlana* is hold at the bride's parents by killing a pig and feast with the groom's parents and relatives. The actual marriage takes place at the bridegroom's house, however, after the mass conversion to Christianity marriage are solemnised at the Church.

The practice of bride-price, prevalent among many tribes and ostensibly rooted in recognising women's economic contribution as productive workers, has paradoxically provided men with a justification to treat their wives as commodities (Nongbri, 1998:22). Rather than safeguarding women from exploitation within the family, the payment of bride-price often restricts women's ability to initiate divorce, as it entails the obligation to return the amount paid to the husband (Krishna, 2005). In Hmar customary law, marriage is closely tied to the payment of bride-price, known as *man le muol*, which symbolises the formal recognition of the marital union between two families. When a married woman seeks divorce, she is required to return the bride price which is known as *Sum insuo*. This requirement places a significant burden on women, as it makes divorce economically difficult and discourages them from leaving even unhappy or abusive marriages. The obligation reflects the idea that the marital bond is validated through an economic transaction rather than solely through mutual consent. In case of *sum insuo*, the woman even could not claim the child or children custody as women do not own anything except the *Stridhan* which she could take along with her after the divorce is finalised (Bapui, 2025:14).

Furthermore, if a woman who has returned the *Sum insuo* later regrets the decision and wishes to rejoin her husband, no bride-price is paid again. This practice carries important social implications. It suggests that once a woman has been returned to her in-laws, her status and value are reduced, as she is no longer regarded as deserving of a renewed bride-price. In contrast, the man does not face a comparable loss of status or obligation, highlighting the asymmetrical power relations embedded in the customary system.

Thus, these practices reveal the inferior position of women within Hmar customary law. Marriage and divorce are regulated in ways that prioritise male authority and economic control, treating women less as autonomous individuals and more as dependents whose social worth is tied to customary transactions. This reinforces gender inequality by restricting women's freedom to exit and re-enter marital relationships on equal terms with men.

Inheritance:

In matter of inheritance, the general rule is that the youngest son inherits all properties. However, there are certain clans such as Leiri, Faihriem and Changsan, who give inheritance to the eldest son. Inheritance, however less or large, has always been a problem among the Hmar, and the eldest son expect at least a portion of it, but nothing is done to remedy the practice. In a patriarchal Hmar society, women have no right over their parent property. According to the Hmar customary law, if a women died her *stridhan* may be inherit by her daughter and incase if she does not have daughter, the youngest son may inherit.

Thus, although women shoulder substantial responsibilities, often exceeding those of men, customary laws continue to deny them equal rights to property and inheritance – an exclusion that significantly undermines their empowerment (Agarwal, 1994). In matters of property inheritance, most tribal communities follow patrilineal systems, with Meghalaya being a notable exception due to its matrilineal structure. However, even in these matrilineal societies, customary practices do not necessarily favour women. Among the Garo, while women inherit ancestral property, its actual management remains in the hands of men, and the consent of the maternal uncle is required for its alienation. Thus, despite the existence of female inheritance, the system remains effectively patriarchal, with control over resources continuing to rest with men. Similarly, in the matrilineal Khasi society, the *Khatduh*

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Deeper Understanding of The Traditional Sayings:

Position of Women: In Hmar traditional social life, a woman had no rights within the family and society. Actually, from her birth till marriage both in body and mind she belongs to her father and after marriage to her husband. She owned nothing in reality but she actually does most of the work within and outside the house. The following are some famous sayings which clearly demonstrate the inferior position of a Hmar woman in the past, which are as follows: *Nuhmei varin tuikhur ral a kai nawh* which means that 'the wisdom of a woman does not extend beyond the banks of a river', *nuhmei le dai hlui chu iengtik lai khawm thlak thei a nih* which means 'a woman (wife) and old fencing can be replaced any time', *nuhmei le ui chu an dit angin an nguk rawhai* she which means 'let women and dogs bark as they like', *nuhmei le aiin sakhuo an nei nawh* which means 'women and crabs have no religion' etc.' (Dena, 2008:36).

Image of women in many tribal societies are rather negative as is depicted by male-centric attitudes, and the Hmar are not exceptional in this matter. Such proverbs in Hmar are; 'A woman's word is not a word as crab is not a meat', 'A woman's word and a bird chirping at evening should be ignored', 'A woman and a dog giving birth should take care of themselves', 'Woman and earthen pot depends on the one who caress them', 'A tigress cannot hide her colour', 'person who could look after a woman can also look after the community', 'woman and boil (swelling and inflammation of skin) does not know where to stay', 'woman and dog follows whoever endures to flirt' and so on.

Women and wisdom:

Women are also systematically excluded from formal decision-making processes within traditional systems of governance, where authority is overwhelmingly exercised by men, relegating women to the role of passive observers. There are popular sayings which underestimated the wisdom of woman in the Hmar society such as; "A wise woman builds a home" acknowledges women's intelligence and capability, but only within the domestic sphere. It suggests that a woman's wisdom is basically important in managing household affairs, nurturing family relationships, and maintaining harmony within the home. The sayings indirectly confine women within the four walls of the home, within the family and does not acknowledge their potential contributions beyond the domestic domain.

Related to wisdom the another saying which indirectly underestimates women's intellectual capacity is "a woman's wisdom does not cross beyond the edge of the river bank". In the above saying the river bank represents the boundary between the private and public spheres. The saying thus assert that a woman's wisdom cannot go beyond this boundary, which implies that women lack the quality of decision-making, leadership, or community affairs. It substantiates the fact that women's knowledge is limited, situational, and subordinate as compare to men.

Women and morality:

Some of the traditional sayings compare women with animals, for example: "Let a woman and a dog bark as they like to pacify themselves" which undervalued their emotions, opinions, and expressions of distress. It suggests that women's voices should not be taken seriously and can be ignored – whether complaints, protests, or expressions of suffering. By portraying women's speech as mere "noise," the saying reinforces the idea that women lack

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rationality and authority, thereby legitimising their exclusion from meaningful dialogue and decision-making.

Some of the saying questions women's moral and spiritual commitments, for example: *nuhmei le ai'n sakhuo an nei nawh* which means "Women and crabs have no religion". By comparing women to crabs – often associated with inconsistency or unpredictability – the saying implies that women lack moral steadfastness or religious commitment. This reflects a belief that women are inherently unreliable or morally weak, which justify their exclusion from religious leadership. The above sayings reflect deeply patriarchal attitudes toward women and morality, exploring how traditional sayings are used to normalise women's inferiority and devalue their social importance.

Thus, the traditional sayings particularly within marriage normalise the idea that particularly women can be removed and replaced, thereby reinforcing their vulnerability to neglect, abandonment, or exploitation. Overall, sayings revealed that 'language and cultural expressions' acts as tools of social authority. They preserved the stereotypes that represents women as subordinate, morally doubt, and replaceable, thereby sustaining gender inequality and legitimising discriminatory practices within the Hmar community.

Conclusion:

In conclusion, customary laws play an important role in gender dynamics within the Hmar community. The traditional institutions limit women's rights, particularly in matters of inheritance, property ownership, and decision-making but they are not static or unchangeable. With the process of modernization due to education and the influence of Christianity, there is a growing consciousness and activism among women which gradually reshape the customary practices. At present the Hmar women are increasingly enquiring their position within both traditional and contemporary social frameworks, trying to break the traditional norms while finding ways to recontextualize customs in more comprehensive and unbiased ways. There is a lot of potential for reformation from within the community itself and it is essential to record the experiences and voices of Hmar women for promoting gender equity while respecting cultural traditions. The study highlighted the demand for continuous dialogue, awareness, and community-based initiatives that encourage a more proportionate explanation of customary laws so that cultural heritage coexists with the principles of justice, dignity, and equal opportunity for women.

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