Despite land being a significant asset to a household, females are excluded from its ownership. Very few women the world over have control or ownership of land. This exclusion is mostly prevalent in the indigenous communities where tribal women are left with no support to bank upon in case of emergencies when they are reduced to a vulnerable lot. In the context of the Munda tribe in Jharkhand, it is observed in previous studies that they have patriarchal customs and traditions governing practices of succession and possession of land and assets. Land inheritance in relation to women has got scant attention. The study explores the relationship between land and women, its importance in the life of women, their awareness level with regards to land rights, and the present status at the ground level in the context of Munda tribe in Jharkhand. The methodology used for the study is both doctrinal and non-doctrinal for which primary and secondary set of data was collected and both qualitative and quantitative analysis have been used. It was found during the study that a majority of Munda women accepted the fact that getting land inheritance rights would empower them but they did not want to or care to claim it. In Jharkhand where the state has penetrated deep into the governing system of the village community even in the 5th Schedule Areas, the study helps to suggest a positive change in the area of Munda women’s land rights which can be brought from within the community.

Keywords: Customary law, Tribal land rights, Mundas, Inheritance.

Introduction

In Jharkhand, women are more related to land than their male counterparts. The lands, which keep them occupied are acquired in the name of development without opening up any avenues of employment for them. There is neither a real rehabilitation program in the region nor the system of ‘land in lieu of land’. The large-scale trafficking of tribal women from Jharkhand to industrial areas in other states of the country is a major repercussion of the above malaise. Initially attracted by such employment which gives them ready cash and trinkets, these women often land up being victims of economic exploitation. This economic exploitation is often accompanied by sexual exploitation. This has ultimately led to the break-up of family ties, erosion of the authority of the village headman and a general sanction of the traditional tribal social structure (Prasad, 1988). The root cause of their exploitations,
according to Madhu Kishwar, a woman’s rights activist, is present in
their own tradition i.e. non-inheritance of land by the tribal women.

The present study is one which tries to explore the kind of
relationship which Munda women have with respect to land as an
asset. It critically probes the differences in codified and customary
laws in matters of land inheritance and its applicability to the women
of the Munda tribe. Based in the Munda dominated Khunti district of
Jharkhand, the paper analyses the current scenario with respect to
inheritance rights of females and the changes which are slowly creeping
in. The paper also brings to light the level of awareness of Munda
females with respect to inheritance matters and the extent of their
sensitivity towards such issues.

**Review of Literature**

According to Food and Agriculture Organization of the United Nations
(2011), globally gender inequality in land rights are pervasive. Not
only do women have lower access to land than men, they are also
restricted to so-called secondary land rights, which they hold through
male family members. In India, Nepal, Vietnam, Laos, Phillipines
and Burkina Faso, less than eleven percent women own land. On the
higher side, 27 percent in Thailand, and 32 percent in Malawi and
about 19 to 20 percent in Ethiopia, Tanzania and Zambia own land. In
the absence of secure land right, women farmers fail to access
institutional credit and apply modern inputs for productivity
improvement. Even as agricultural laborers, they get comparatively
lower wages than men for the same or similar nature of work. In the
rural non-farm sector also, they are employed mainly in the low paid
informal activities. Consequently, the socio-economic conditions of rural
women in developing countries remain far from decent (Haque, 2015).

The dominant role played by cultural and customary practices
in depriving women’s rights and the non-implementation of laws and
rights have further exacerbated the ownership inequality. Gender
biases are also inherent in land markets. Lacking access to credit
facilities, women have poor purchasing power. In countries where only
a few women have legal land rights in their names, access to land
markets, credit facilities and technical assistance services is difficult
with the result that increasing number of women are landless or are
dependent on men for their tenurial security. In rural South Asia,
where arable land is most important form of property, any significant
improvement in women’s economic and social situation is crucially
tied to their having independent land rights. Despite progressive
legislation women in few South Asian countries own land; even fewer
effectively control any. A complex range of factors – social,
administrative, and ideological – are found to underlie the persistent
gap between women’s legal rights and their actual ownership of land,
and between ownership and control. Eight countries in Women’s Economic Opportunity Index (2010) do not have such rights of which three Asian countries i.e. Indonesia, the Philippines, Sri Lanka also make it to the list (Gaikwad, 2015).

The tribal society attaches its very identity to land as it is a major means of their livelihood (Roy, 2010). The alienation of land thus, is of prime concern for them. In such a scenario where women contribute equally to the household income (Adema et al., 2014) as their male counterparts with respect to the agricultural activities and nurturing of land, the issue of women’s land rights carries huge significance. However, it is a noted fact that the tribal society has not spoken much up till now on women’s land rights. Many within the tribal society believe that tribal women marrying non-tribal males is a big reason for the large-scale tribal land alienation (Anurag, 1995). A major repercussion of this is lack of social security among the tribal women of the state resulting in incidents of women trafficking (Kislay, 2016). There has been much resistance to recent amendments in the Chotanagpur Tenancy Act (CNT) and Santhal Pargana Tenancy (SPT) Acts of the state, but gender equality with respect to land ownership or joint titles of property among tribal is a notion not many dare to suggest as remedies, from amongst the tribal community. Enquiries about cases of tribal women’s land rights revealed quite a number of such cases but few of them reached the courts. The current study has been done in the backdrop of the aforementioned fact.

Unequal land inheritance rights among tribal women of Jharkhand

One of the prime reasons behind the disparity in the status of different castes and classes in India are the unequal land rights. In India, the matrilineal social system is found in small pockets in south and north-east India. The Nairs and Mappillas in Kerela, the tribal groups of Minicoy Island and the Khasi and the Garos of Meghalaya still follow the matrilineal system. Apart from this, very few communities in coastal Karnataka and Kerela practice matrilineal system of property inheritance (Haque, 2015). While this has been subject of much debate, their impact on the status of tribal women of Jharkhand has generally escaped attention (Das, 1991). In India, the concern for tribal women’s land rights was started way back in 1990’s when the case of Juliana Lakra was raised. The Supreme Court had the occasion to deal with gender discriminatory inheritance laws in a tribal community in 1996. In 1986, in the landmark case of Juliana Lakra v. State of Bihar, Madhu Kishwar, an activist and lawyer, challenged the provisions of the Chotanagpur Tenancy Act (CNT) 1908, under which land and property rights were inheritable only by the descendants in the male line among the indigenous communities of Jharkhand. She said that
patriarchal bias in land inheritance system among the Hos (a Mundari family tribe) has given rise to an assumption that if the male members of the family own land, the need of the female members of the family are simultaneously taken care of.

Citing Chotanagpur Tenancy Act, 1908 Madhu Kishwar, writes that the Act prohibits tribals from alienating land by sale, gift, will or transfer except with the permission of the Deputy Commissioner. Land rights are inalienable and hereditary and must pass-on to the sons; and if a Ho does not have a direct male issue, the land goes to his male agnate; and if no kith or kin, to the village community represented by the Munda. What happens in practice, she opines is that ultimately, the families which are powerful in the village, grab the land.

**Land rights of women as stated under CNTA**

The CNTA, 1908 (Pandey, 2009) under Section 3 largely contains a particular model of the Munda land tenure system. This is mostly based on the books - *The Munda World* by Hoffman (1979) and *The Mundas and their Country* by S.C. Roy (1912). Although the Act gives wide scope for operations of customs and usage, it makes specific provisions for inheritance and land rights of women. Section 7 and 8 of the Act while defining *Khuntkhattidar* and Mundari *Khuntkhattidar* exclude females (anyone not in the male line) based on the customs of Mundas and Oraons in which females have no inheritance in the ancestral properties. The proscription applied only to two tenure categories of 'raiyat having *khuntkhatti* rights' and Mundari *khuntkhattidar* which are restricted to descendants in the male line and the 'heir male in the male line' respectively. However, the court decision held that this definition was not exhaustive and did not exclude the usufruct right of the widow of a Mundari *khuntkhattidar* during her lifetime; although there is no specific mention of this right under the Act (Ekka, 2011).

In other cases, the exclusion of widows from property rights under the CNTA has been upheld. In Basant Kumar Kashyap v. Vishwajit Pardiya and others (No. 1073 of 1995, in Executive Magistrate Court, Ranchi) an Oraon women who tried to sell her late husband's land was challenged by other members of the community and the transfer was found to be in violation of Section 46(1) as well as other provisions of the Act under which tribal women cannot inherit or transfer any *raiyati* or *buinhari* land. In such decisions, the courts have apparently relied on their understanding of tribal customary law, which allegedly excludes women of all Adivasi communities from inheritance. Yet the CNTA prescriptions on this subject refer only to *khuntkhatti* rights, whereas a *raiyat* includes 'successor-in-interest of a persons who have acquired such a right' i.e. females or others not in the male line are not specifically excluded (Ekka, 2011).
Tribal women and customary law

Custom is a ubiquitous expression put to diverse social uses. To a student of history, it conveys the matrix as well as dynamics of a society changing through time. A sociologist as well as an anthropologist uses the term to identify and differentiate social groups. In jurisprudence, it is invoked for its legal possibilities and content. From the aspect of lexical meaning, custom connotes usual or generally accepted and long-established ways of behaving or doing things. It is further defined as ‘what one is wont to do’ or ‘usage’; regular trade or business; any of the distinctive practices and conventions of a people or locality, especially those of a primitive tribe, and usages of a manor or of a district (Sen, 2012).

There is a close link between the protection of customary law as provided by the constitution of India and its various enactments and tribal women’s land inheritance rights. The constitution of India under Schedule V calls for recognition of customary law even if it is not codified. Article 9, Clause 4 and 5 of the constitution says that the Scheduled Tribe be safeguarded from the operation of constitutional rights if they come in conflict with custom. Customary law is held to be operative with regard to inheritance, succession, marriage and other social practices in all Schedule V areas and among the tribal communities. This principle has been reiterated in PESA too. Further, the Hindu Succession Act under sub-section 2 (2) excludes Schedule Tribes unless otherwise directed by the Central government. This makes both the Hindu Succession Act and the Indian Succession Act non-applicable to the Scheduled Tribes (Ekka, 2011).

In Chotanagpur, the main sources of customary law are the books of S.C. Roy and W.G. Archer. While the former speaks about the customary law of the Mundas and Oraons, the latter enumerates those of the Santhalis. It is found that courts have generally upheld the ‘customary’ exclusion of female tribals in Chotanagpur from inheritance of land. Enquiries about cases of tribal women’s land rights revealed quite a number of such cases but few of them reached the courts.

Objectives

The study tries to explore the customary land inheritance practices of tribal women and how the present statutes are contradictory to it. It also tries to assess the present situation with regards to land inheritance of Munda women in Jharkhand. Moreover, it analyzes the awareness level of tribal women with regards to land and their inheritance rights.

Methodology and sources of data

The methodology used for the study is both doctrinal and non-doctrinal as the study uses both primary as well as secondary data. Primary
Data from household survey and focused group discussions were collected. For secondary data, readings of the Tenancy Manual, Gazetteer Report, Archer’s Report and District Gazetteer were done apart from literature from relevant books and chapters. 222 households belonging to Munda tribe in Jharkhand were covered in the study. The respondents selected for the purpose of study were divided into five categories. They were women and men of landed families, landless families, widows, childless widows and unmarried women. One block viz. Karra Block from Khunti district of Jharkhand was selected. Three villages viz. Madugama, Kasira and Ghorpinda were selected from Karra Block. Initially, a household survey was conducted in these three villages to know the status and categories of Munda women in these villages. All these three villages had a majority population of Munda families. The survey tried to know the perception and awareness level of Munda women with regards their land rights. Also, single, widow, married and destitute women were zeroed upon from these families. Focused Group Discussions were held with women from landed families, landless families, single women and males. Finally, case-studies of women in different situations with regards to their land possession were documented. Each of the given case study highlight the social factors and background in which tribal women are given land rights. It also explores the role of social norms opposite to state norms which had been denying the rights of land to females. The angle of challenges being faced by women owning land has also been encompassed.

Graph 1 and Table 1 presents the summary of the type of respondents included in the study.

![Graph 1](image_url)
*Both male and female respondents selected for the purpose of study belonged to the same household. The men included in the survey were largely spouses of women respondents. A total of 332 respondents were interviewed who were selected from 222 households.

**Table 1. Survey coverage by type of respondents**

<table>
<thead>
<tr>
<th>Respondents’ Categories</th>
<th>Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women belonging to households which own land*</td>
<td>207</td>
</tr>
<tr>
<td>Women belonging to households which have no land at all *</td>
<td>15</td>
</tr>
<tr>
<td>Single Women *</td>
<td>12</td>
</tr>
<tr>
<td>Male members of the household*</td>
<td>98</td>
</tr>
</tbody>
</table>

Graph I and Table I depict the categories of respondents. Four categories of respondents have been selected for the study i.e. women belonging to households which own land, women belonging to households which have no land at all, single women and male members of the household. The category of single women included in the study encompasses within it unmarried women, those who had been deserted, or abandoned, and widows with or without children. Households not having any agricultural land are those which are landless. A large number of landless households included in the sample had homestead land.

**Findings and analysis**

**Findings from quantitative study**

**Table 2. Circumstances under which a Munda women can be given land rights in a father’s property***

<table>
<thead>
<tr>
<th>Types of responses</th>
<th>Women belonging to households which own land(%n=207)</th>
<th>Women belonging to households which have no land at all (%n=15)</th>
<th>Single Women (%n=12)</th>
<th>Male members of the household (%n=98)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remains unmarried for life</td>
<td>90.6</td>
<td>78.2</td>
<td>80.0</td>
<td>91.2</td>
</tr>
<tr>
<td>Till the time she is unmarried</td>
<td>87.1</td>
<td>70.1</td>
<td>89.0</td>
<td>98.0</td>
</tr>
<tr>
<td>Destitute</td>
<td>13.1</td>
<td>60.02</td>
<td>58.13</td>
<td>24.47</td>
</tr>
<tr>
<td>If she has no male sibling</td>
<td>65.0</td>
<td>25.00</td>
<td>27.86</td>
<td>50.03</td>
</tr>
<tr>
<td>Even if she is happily married</td>
<td>00</td>
<td>2.0</td>
<td>14.0</td>
<td>25.00</td>
</tr>
</tbody>
</table>

*Since only the pre-dominant responses are depicted, the total would not make it to hundred percent. As multiple choice questions were used, so each option has a complete number as it’s denominator.
Table 2. depicts the circumstances under which a Munda woman can be given land rights in her father’s property. The chances of a woman getting land in her father’s property is maximum if she remains unmarried throughout life is what is primarily revealed by the different category of respondents. A majority of males say that a Munda woman has land rights in her father’s property till she is unmarried.

Table-3. Key indicators of Women’s awareness level about land*

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Married Women belonging to households owning land (%) n=207</th>
<th>Married Women belonging to households owning no land at all(%)n=12</th>
<th>Single Women (%)n=15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Had heard about land document</td>
<td>82.6</td>
<td>80.0</td>
<td>72.5</td>
</tr>
<tr>
<td>Had seen land document</td>
<td>74.6</td>
<td>75.9</td>
<td>50.6</td>
</tr>
</tbody>
</table>

*Since only the pre-dominant responses are depicted, the total would not make it to hundred percent. As multiple choice questions were used, so each option has a complete number as its denominator.

Table 3. clearly depicts that a majority of women respondents belonging to different categories in the study have heard about land documents but a less number of them have actually seen them.

Table-4. Reasons why Munda women do not want land / do not get land*

<table>
<thead>
<tr>
<th>Types of responses</th>
<th>Women belonging to households owning land (%) (n=207)</th>
<th>Women belonging to households having no land at all(%)n=12</th>
<th>Single Women (%) (n=15)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I would have a negative impact on relationship with my brothers</td>
<td>33.7</td>
<td>37.9</td>
<td>37.1</td>
</tr>
<tr>
<td>I am contented and do not need it</td>
<td>10.1</td>
<td>3.4</td>
<td>0.0</td>
</tr>
<tr>
<td>The land in my father’s home is very small</td>
<td>25.4</td>
<td>6.5</td>
<td>9.7</td>
</tr>
<tr>
<td>If I ask, my sisters will also make a claim</td>
<td>14.5</td>
<td>10.3</td>
<td>25.7</td>
</tr>
<tr>
<td>I never thought of claiming it</td>
<td>36.3</td>
<td>48.3</td>
<td>22.9</td>
</tr>
</tbody>
</table>

*Since only the pre-dominant responses are depicted, the total would not make it to hundred percent. As multiple choice questions were used, so each option has a complete number as it’s denominator.
It was found (Table 4) through discussions that a majority of Munda women included in the study did not want a share in their father’s land. Several responses for the reasons behind it were summarized into five types. While 33 percent women from landed families said that asking for it would spoil their relationship with their brothers, 36 percent of them revealed that they never claimed for it.

Table-5. Reasons for daughters inheriting parental property*

<table>
<thead>
<tr>
<th>Types of responses</th>
<th>Women belonging to households having land (%)</th>
<th>Women belonging to households having no land at all (%)</th>
<th>Single Women (%)</th>
<th>Male (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is the legal rights of daughters</td>
<td>15.7</td>
<td>27.6</td>
<td>25.0</td>
<td>31.0</td>
</tr>
<tr>
<td>It is the right of sons and daughters equally</td>
<td>46.7</td>
<td>69.0</td>
<td>57.5</td>
<td>47.0</td>
</tr>
<tr>
<td>She should only be given a right if she has no brothers</td>
<td>13.4</td>
<td>17.2</td>
<td>7.5</td>
<td>9.0</td>
</tr>
<tr>
<td>If her financial condition is not good</td>
<td>7.1</td>
<td>10.3</td>
<td>10.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>

*Since only the pre-dominant responses are depicted, the total would not make it to hundred percent. As multiple choice questions were used, so each option has a complete number as it’s denominator.

Table 5. depicts the reasons for daughters inheriting parental property. Responses from various categories of men and women summarily reveal two reasons behind it. The aspiration for letting them gain an equal status with their brothers was perceived to be a major reason for daughters be given land inheritance rights. Looking at it as their legal right was a secondary reason for they be allowed to be given rights of inheritance.

Table-6. Reasons for a wife having rights in her husband’s land*

<table>
<thead>
<tr>
<th>Types of responses</th>
<th>Women belonging to households owning land (%)</th>
<th>Women belonging to households owning no land at all (%)</th>
<th>Single Women (%)</th>
<th>Males (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is her legal right</td>
<td>35.2</td>
<td>55.2</td>
<td>40.0</td>
<td>37.0</td>
</tr>
<tr>
<td>Social Norm</td>
<td>8.8</td>
<td>10.3</td>
<td>7.5</td>
<td>80.0</td>
</tr>
<tr>
<td>It gives her security</td>
<td>43.8</td>
<td>72.4</td>
<td>62.5</td>
<td>3.0</td>
</tr>
</tbody>
</table>

*Since only the pre-dominant responses are depicted, the total would not make it to hundred percent. As multiple choice questions were used, so each option has a complete number as it’s denominator.
Table 6. depicts the reasons for a Munda wife having rights in her husband’s land. Whereas 80 per cent of the men cited social norm as the reason behind it, 35–55 per cent of them said that “It’s her legal right” and 43–72 per cent opined that, “It gives her security.” It was interesting to note that women considered land more as a future security than as a right. The opinion of the various categories of women varied largely.

Table 7. Reasons for a widow having rights in her husband’s land*

<table>
<thead>
<tr>
<th>Types of Responses</th>
<th>Married Women from households owning land (%)</th>
<th>Married Women from households owning no land at all (%)</th>
<th>Single Women (%)</th>
<th>Males (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n=207</td>
<td>n=12</td>
<td>n=15</td>
<td>n=98</td>
</tr>
<tr>
<td>It is her legal right</td>
<td>28.8</td>
<td>24.1</td>
<td>42.5</td>
<td>53.0</td>
</tr>
<tr>
<td>Social Norm</td>
<td>12.4</td>
<td>3.4</td>
<td>2.5</td>
<td>60.0</td>
</tr>
<tr>
<td>It gives her security</td>
<td>41.5</td>
<td>82.8</td>
<td>70.0</td>
<td>0.0</td>
</tr>
</tbody>
</table>

*Since only the pre-dominant responses are depicted, the total would not make it to hundred percent. As multiple choice questions were used, so each option has a complete number as it’s denominator.

Table 7. depicts the reasons for a Munda widow having rights in her husband’s land. While 60 percent of the males said that it is a social norm for a widow having rights in her husband’s land, 41 percent married women from landed families felt that it gave them security.

Table 8. Circumstances under which a young childless widow get rights in her deceased husband’s land *

<table>
<thead>
<tr>
<th>Types of responses</th>
<th>Women belonging households owning land (%)</th>
<th>Women belonging to households having no land at all (%)</th>
<th>Single Women (%)</th>
<th>Males (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n= 207</td>
<td>n= 12</td>
<td>n= 15</td>
<td>n= 98</td>
</tr>
<tr>
<td>Yes</td>
<td>14.5</td>
<td>13.8</td>
<td>30.0</td>
<td>9.0</td>
</tr>
<tr>
<td>Yes, only if she does not remarry</td>
<td>33.4</td>
<td>51.7</td>
<td>25.0</td>
<td>61.0</td>
</tr>
<tr>
<td>Yes, only if her in-laws decide to give</td>
<td>6.0</td>
<td>3.4</td>
<td>2.5</td>
<td>27.0</td>
</tr>
<tr>
<td>No</td>
<td>42.0</td>
<td>27.6</td>
<td>40.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Don’t Know</td>
<td>4.4</td>
<td>3.4</td>
<td>5.0</td>
<td>0.0</td>
</tr>
</tbody>
</table>

*Since only the pre-dominant responses are depicted, the total would not make it to hundred percent. As multiple choice questions were used, so each option has a complete number as it’s denominator.
Table 8. depicts the circumstances in which a young childless Munda widow gets rights in her deceased husband’s land. The specific rights of widows in the context of ‘young childless’, ‘young widow with child’ and ‘young widow who does not remarry’ elicited varied responses. It was found that the chances of a young childless widow getting a share of her husband’s land was fairly small since only 14 to 30 per cent women said “yes” whereas only 9 per cent male folk concurred to it. However, in case of a condition where a ‘widow does not remarry’, the percentage of affirmative responses went up i.e. 25 to 51 per cent of women and 61 per cent of men.

Qualitative findings

Interview with key stakeholders were conducted with the objective of conducting a qualitative study. In-depth interviews of identified women were done for the purpose of building case studies. Focused Group Discussions (FGDs) with men and women were also done. Selected case studies of Munda women in different circumstances with regards to their land rights are presented below:

Case study-1. A woman who has been deserted never claims her right to land – Serofina Munda

Serofina Munda, 35, lives in Madugama village, of Karra Block in Khunti district of Jharkhand. Though married, she is staying in her maternal home. Here, she lives with her mother, daughter, younger brother Kisto Munda and his family, that is, her sister-in-law and their three children, two sons and a daughter. Her father had passed away a year ago. She also has an elder brother who stays separately with his family in the same village. Serofina Munda has three married sisters, who stays in their in-laws homes in the villages nearby. Serofina has an eleven year old daughter. Serofina on being deserted by her husband, returned to her parents’ house, around 11 years back. At that time, she had a two-and-a-half-year-old daughter. It was then that she was also expecting her second child, Sisilya. She was married young to a man named Egnes. However, ever since she got married, she faced a lot of violence at home. She was physically abused by her husband and in-laws. The frequency of such harsh behavior increased all the more after she had delivered a female child. The situation worsened after her husband brought a ‘kept’. He started living with that women in the same house. Fortunately, the ‘sarpanch’ of her marital village came to her rescue. He had asked her to leave the village and return to her natal village because he feared that if she continued to stay in her marital home, she would probably be beaten to death. The ‘sarpanch’ also helped her monetarily to return to her natal village, Madugama. Serofina Munda belongs to the Munda tribe of Jharkhand. Practice of inflicting of domestic violence and denying
the rights of property to women consist of the major customary behavior of Munda males, though polygamy is observed as an exception. Although, the customary practices of these tribes vary from other communities, there exists a strange similarity amidst communities who deny property rights to their women. The women from the tribal community have had a tradition of being denied land rights in their natal and marital homes. Serofina Munda is not only a victim of physical abuse. Her case assumes greater significance when she compromises on her freedom as an individual in the face of acceptance of the fact that only the males can inherit property. Her elder daughter succumbed for want of medicines. In the meanwhile, Serofina’s elder daughter Sisliya was born at her brother’s home. She is not legally divorced for her husband Egnes. Egnes has not bothered to keep in touch with her. Thus, she is a single mother for all practical purposes. Serofina has been earning her livelihood by assisting her brother in his field where she does farming of crops. Further, she also supports herself by a poultry which she managed to build by the financial assistance given to her by a cooperative which was run locally. Serofina who believes that she has survived the pangs of an abusive marriage, owes her existence to two things. One is the poultry farming which she does and the other is the shelter given to her by her male sibling. There are ten acres of land in her natal family. This is yet to be partitioned between her father and her five uncles. However, portions of land have been allocated to each of her uncles. They do the cultivation in their respective portions. Serofina who has a cordial relationship with her brother, assists him in farming in exchange of which he has given her a shelter to live with him. Serofina firmly believes that a daughter must get a share in her father’s land. Despite this, she intends never staking a claim to it as she fears it might spoil her relationship with her brothers. She is all the more possessive of her relationship with her younger brother Kisto who has promised her of a separate home later on. Serofina remembers that on her marriage to Egnes, they had together bought 70 decimals of land. She had also mortgaged her jewellery for the purpose. Egnes got the land registered in his name at the tehsil office. She says that when they bought the land together, she was completely clueless of the fact that Egnes would leave her one day. She regrets not having insisted on a joint registration of the land. Torn between an abusive and eventually broken marriage and a sheltered life as an aide to her brother's family, Serofina accepts the fact that rights of land inheritance are an essential means to secure a dignified life. Serofina is now a transformed personality. She earns a living for herself, manages her daughter’s education, is an active member of the cooperative she belongs to but is reluctant to make use of the rights as has been stated under the law. She is complacent enough with the arrangement at her brother’s place. Serofina Munda’s case highlights the fact that, within
the Munda tribe, abandoned women have no land rights. Unlike widows, they are neither given pensions nor have any financial support to bank upon. On being deserted, they even do not ask for maintenance as marital properties are mostly in the name of husband or the male in-laws. The consequence is that the deserted woman is left with neither property nor a marital home. Such deserted women are often left at the mercy of the male members of the family for their economic security. The consequence is that these women are reduced to agricultural labours in their natal farms where land belong to their male siblings.

Case study-2. An adult woman who is unmarried lacks societal status in her village – Juwana Horo

Juwana Horo is a sixty-five year old unmarried woman from Kasira village in Karra block of Khunti district in Jharkhand. She lives in a tiny dwelling made of mud just opposite her sister’s house. She is the youngest among her siblings which consist of two brothers and a sister. Juwana’s elder brother Basil has two children whereas the younger one Mangra has three children. She also has a sister named Savitri who has three sons. After the death of his elder sister-in-law, she has been looking at his two children consisting of a son and a daughter. The reason she cites for her remaining unmarried is that her parents couldn’t find her a suitable match. Moreover, they never wanted that their daughter marries an alcoholic. Juwana’s family owns land in Kasira village; neither she nor her sister is aware of how much land they have, however. She is well aware of the fact that the household land is in her elder brother’s name and all the documents pertaining to it are in his custody. The tribal society approves of land partition and recognizes brothers as owners of separate plots. With no family to care for, Juwana has been sustaining herself by working on her brother’s land. She works as manual labour during the off-season. She receives a share of produce from the land on which she works, from her brother, for the purpose of sustenance. Juwana believes that land can only be owned by males. This never led her to think about her own land rights. She has accepted the fact that her brother’s land would be inherited by his male children. Despite toiling on her family field herself, she is financially dependent on her brother. Her elder brother Jay Horo has remarried and lives as a gharjamain in his in-laws house in Ghunsuli. His son from the first marriage also stays with him. Jay Horo visits Kasira every 15 days to enquire about her and also to visit his land in the village. Her younger brother stays in Kasira. Though he stays in the same village but keeps no connection with her two sisters Savitri and Juwana. He owns his own piece of land and cultivates it independently. The case of Juwana Horo clearly highlights the fact that despite laboring in the fields and performing tasks ranging from ploughing to marketing, she has no rights in her
family land even though she has remained unmarried for life. Even the extent of her usufruct rights depends on the discretion of her elder brother. She has been reduced to a labourer on her very family land. Juwana’s case is a paradigm of the fact that an unmarried adult women lacks social status and has no recognition in any social category. Juwana says that she is counted as part of her brother’s family rather than seen as a separate family, even though she lives on her own. “For me life is all about toiling in the farms and searching for alternative works during off-season. It is my brother who takes the significant decisions of my life. Society expects me to behave according to the set norms. Institutions like state and civil society are yet to break these set norms. I sometimes believe that if only I had been an educated women, I could have fought for my rights in an assertive way. My social status would have been better than what it is now despite me remaining unmarried throughout” revealed Juwana.

Case study -3. Making a claim to father’s land – Budhni Harenj

Budhni Harenj is a forty-five year old women from Ghorpinda village in Khunti district of Jharkhand. She and her husband, Turiya Harenj, have no ownership of any agricultural land. Despite residing in her natal village, she never claimed any land or property from her parents. Her sibling consist of her two brothers and a sister. Her deceased elder brother, has four sons whereas the younger one has three sons. The 5 acres of land owned by her father was equally partitioned between her brothers. Apart from it, her elder brother had also purchased 3.5 acres of land. The study depicts that amidst the Munda tribe in Jharkhand, inequality with respect to gender continues with respect to property and land. The system of land inheritance is largely in the male pedigree and even under the customary laws women are not given it’s inheritance rights. The case of Budhni Harenj is the same. Left with no land and property, Budhni deeply realizes the significance of owning an asset like land. Knowing about the equal share of sons and daughters in the family land, Budhni is determined to get her land share from her brothers. At the time when her father was alive, she use to cultivate 2-3 decimals of land. She also took care of him during the old age. However, post her father’s death, she gave up farming and has leased that land on a share-cropping basis. The lease has been made on a conditional basis. If she provides the seeds and fertilizers, she gets to keep two-third of the produce. If not she gets only one-third of the total output.

It was around three years back that she approached the tehsil office. Here she made a claim for her share of land through a written application. As she was informed by a clerk in the tehsil office that legally males and females have equal inheritance rights to agricultural land, she claimed one-third of it. She was also said that in order to do
this, she needed the consent of her brothers, all of whom had to visit the tehsil office together. She also sought the help of the village ‘patwari’ in helping her with the partition subsequently. She has however been facing a lot of resistance from her elder brother and his children. Her younger brother however, is willing to give her the share which she claims. It has dawned upon her that if she has land in her very name, she would command greater respect from not only her children but also the entire village community. Land is a mark of social status in the village. It defines inter-personal relationships both within the households and in the community. Living the hard life of a landless agricultural worker, she has realized the significance of owning land. Land is such an asset which not only empowers one financially but also confers direct economic benefits to the owner. It also acts as a collateral in banking services.

Discussion

Although the qualitative analysis is based on only three cases and quantitative study done with a larger number of households, there are quite a number of common linkages between the two in terms of reasons behind Munda women being deprived of land inheritance rights. In both the analysis we find that women from the Munda community are given usufructuary rights of land. Similarly, it was revealed from the two that women here considered land more as a future security than as a right. Even the focused group discussions conducted during the study which included the males revealed the aforementioned facts. Moreover, studying Munda women’s perception on land inheritance rights was an area completely unexplored. It was found through the study that unlike in the Santhal Pargana region where the custom of ‘tabenjom’ (giving a piece of land in dowry to a daughter) is prevalent, Munda women in Jharkhand have been given no rights of land inheritance under its customary practices. The angle of tribal women’s awareness with regards to their rights of inheritance with respect to assets like land is new. Issues of land as a means of women empowerment and impediments faced by females in gaining its ownership rights are dimensions which further the studies that have previously been done.

Conclusions and Recommendations

The study brings out specific conclusions with regards to each of its objectives. Firstly, it was found that in the matters of land inheritance, there exists a discrepancy between the statutory laws applied to the general populace and those which govern the Munda tribe in Jharkhand. The study findings reveal that the Mundas are still guided entirely by customs in matters of land inheritance although the need for it being changed in accordance with the codified laws is being largely felt within
the community. Secondly, it was seen that keeping in sync with the customs, women from the community were given only usufructuary rights. This applies to all women from the community, no matter in which circumstances they were in. Even women in dire need of land i.e. widow, separated or destitute, were left to fend for themselves or reduced as mere laborers in their brothers’ land. Thirdly, it was also found that due to education and increasing exposure with the urban areas where women are now getting equal rights as their male counterparts, Munda women are also slowly gaining awareness with regard to the idea of female land inheritance. One of the prime reasons why the law is unable to take precedence over customs is the dominance of patriarchy within the community. Unlike the statutory laws which encompasses the equal rights of women in general, customs allow inheritance of land only through the male lineage.

The post-2015 Millennium Development Goals should recognize the transformative nature of women’s land and property rights and an equitable, secure and sustainable world. In addition, mandatory joint tilting on redistributed land would be important. Apart from it, the topmost need of the time is sensitization with regards to the female land rights. Both men and women along with the government need to be sensitized on this issue. The involvement of men is necessary as it is obligatory upon them to think about their daughters and sisters. The participation of the tribal community especially the women folk is necessary in the process of land inheritance legislations. To sensitize the youth and encompass them within the process of change, legal awareness programs should be started within the tribal community. Systems of joint-ownership of property within the tribal community, post-marriage, should also be encouraged. The Parha/Patti system of the Mundas which govern the 5th Schedule Areas must incorporate the angle of women’s rights to land inheritance.

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REFERENCES


