

Feminist Intervention in Customary Law: A Case Study of Adi Bane Ane Kebang of Adi Tribe, Arunachal Pradesh

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Abstract

Traditionally and historically, it is not considered a custom for Adi women to participate in Kebang, the traditional council of the Adi tribe of Arunachal. Adhering to the patriarchal norms, public space and decision making is still considered the domain of the male. There was a long demand and struggle for representation of women in the apex body of Adi Bane Kebang (ABK), Traditional Council of the Adi Tribe in Arunachal Pradesh and against the unfair treatment of Women as ABK Women Wing (ABKWW) with hardly any agency in terms of independent decision making. As a result of the concerted efforts of the women in the community, a bill to change the nomenclature of Adi Baane Kebang Women Wing to Adi Baane Ane Kebang (ABAK) was passed in the Yingkiang Conference of ABK in 2022. The bill proposed more sovereignty in decisions particularly concerning women. The creation of ABAK is also a consequence of the tremendous work done by the ABK women's wing despite being a frontal wing in the documentation and reformation of customary laws, particularly the amendments made in 2022, which the paper seeks to highlight. The Adi Baane Kebang Women Wing worked extensively with the community, legal advisors and other stakeholders throughout the Adi inhabiting districts of the state and presented the Amendment Committee of Adi Kebang Ayon (Adi Customary Laws) with a representation of the laws that needed reformation. This paper focuses on the feminist intervention of the Adi Bane Kebang Women Wing now rechristened as ABAK

in the laws related to Polygamy, Divorce, and Property Rights which were added as well as reformed in the *Adi Kebang Ayon* (Adi Customary Laws) in 2022.

Keywords: Adi Tribe, Women, Customary Laws, Reformation of Customary Laws, Feminist Intervention, Arunachal Pradesh,

Introduction

The reformation of customary laws in Northeast India is a complex and ongoing process. Many communities in the region have their traditional customary laws that govern various aspects of life, including marriage, inheritance, and dispute resolution. However, there have been efforts to reform these customary laws to make them more inclusive, gender-just, and aligned with modern legal principles.

Some of the key challenges in reforming customary laws include addressing deeply entrenched patriarchal norms, ensuring the participation of marginalized groups such as women and minorities in the decision-making process, and reconciling traditional practices with constitutional rights and legal frameworks. Various organizations, civil society groups, and government initiatives have been working towards facilitating dialogue, raising awareness, and advocating for changes in customary laws to reflect contemporary values and human rights standards better. However, progress has been slow and uneven, as resistance to change and the complexities of balancing tradition with modernity present significant obstacles.

Customs, Customary Laws, and Law

Customary law is, by definition, intrinsic to the life and customs of indigenous peoples and local communities. What has the status of "custom" and what amounts to

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“customary law” as such will depend very much on how indigenous peoples and local communities perceive these questions and how they function as indigenous peoples and local communities. According to Edward Sapir, the word custom is used to apply to the totality of behaviour patterns that are carried by tradition and lodged in the group, as contrasted with the more random personal activities of the individual.” It is a “rule or conduct, obligatory on those within its scope, established by long usage. Valid custom must be of immemorial antiquity, certain and reasonable, obligatory, and not repugnant to Statute Law, though it may derogate from the common law.

Customary Laws and the Indian Constitution

Customary rules are vital to tribal communities and have given rise to some basic ideas and challenges that need to be understood to fully understand the dynamics of their interaction with modernity. Many communities re-assert their identity through their customary law. Most tribal traditions were community-based and assigned relatively high status to women without making them equal to men. On the other side, modern land laws are individual-based and ownership is by and large by men. Studies indicate that its result is class formation and a stronger patriarchal ethos (Fernandes and Pereira 2005: 27-29) Article 13 of the Indian Constitution treats customary law alongside other departments of civil law. If proven, a custom or practice becomes law under this provision. Courts can take cognizance of these legally binding customary rights under Section 57 of the Indian Evidence Act of 1872. Area-specific traditional usage and practice gave rise to community-level customary laws. As a result, they represent the local people’s cultural mindset and customs. Because their demands were modest, these techniques assisted local communities in becoming self-reliant and self-sufficient. According to Article 13 of the Indian Constitution, the term “law” includes “customs” and “usages” that have legal effect. A reasonable and definite ancient custom, like a legislative Act, is obligatory on the courts. However, a custom or usage with legal effect cannot infringe any of the basic rights guaranteed by Part III of the Constitution.

It’s important to recognize the coexistence of customary laws with statutory laws in Northeast India. While statutory laws may provide greater protection for gender rights, customary laws continue to hold significant influence in many communities. Efforts to promote gender equality must navigate this legal pluralism and work towards harmonizing customary practices with constitutional principles and human rights standards.

Customary Laws and Gender in Northeast India

In Northeast India, customary laws often intersect with gender rights in complex ways. While these customary laws play a significant role in regulating various aspects of social and familial life, including marriage, inheritance, and property rights, they have historically been criticized for their discriminatory practices against women) Customary laws in many communities across Northeast India have traditionally favoured male heirs over female heirs in matters of inheritance and property rights. This has resulted in women often being marginalized or excluded from land ownership and inheritance. Customary laws governing marriage often perpetuate gender inequalities, such as the practice of dowry and bride price, which can commodify women and reinforce patriarchal norms. Additionally, practices like child marriage and polygamy persist in some communities, further disadvantaging women and girls. Women’s access to justice within customary legal systems can be limited due to cultural norms and practices that prioritize male authority. Women may face barriers in seeking legal recourse for issues such as domestic violence, marital disputes, and property rights violations. Despite these challenges, there have been efforts to reform customary laws to better protect and promote gender rights in Northeast India. These efforts include legal advocacy, community mobilization, and awareness-raising initiatives aimed at challenging discriminatory practices and promoting gender equality within customary legal systems. The paper seeks to highlight the Role of *Adi Bane Ane Kebang* (Adi Bane Kebang, Women Wing) in the reformation of Customary laws of the Adi Tribe of Arunachal Pradesh.

Challenges for Reformation and Codification of Customary Laws in Arunachal Pradesh

In 2021, a delegation led by the Arunachal State Commission for Women led by its chairperson Radhelu Chai submitted a draft proposal ‘Arunachal Pradesh Marriage and Inheritance of Property Bill, 2021’ to Chief Minister Pema Khandu. This draft bill was intended to codify and bring a uniform civil law regarding marriage and inheritance for Arunachal Pradesh. The draft bill comprised 11 chapters and 53 sections. Two significant contributions of the draft bill are concerning the criminalization of polygamy (prospectively means a second marriage held before the law comes into force will not be affected) and property rights of the legally wedded wife and widow (Basar, 2021).

This draft bill was met with severe backlash from the CBOs of different tribes as an infringement and violation of the tribal customary laws. Owing to this resistance, the

Government of Arunachal did not table the draft bill in the Assembly.

The customary laws of the various tribes are dispensed orally and have not been codified in the state. The critique of the customary laws of various tribes has been regarding the inferior status of tribal women in terms of property inheritance, marriage and divorce rights which are not in tandem with the Indian legal principles.

With the rejection of the draft bill, the codification and reformation of the customary laws now lay with the CBOs. These Community-Based Organizations (CBO) of the tribes mostly consist of men in the decision-making bodies, and women are not represented in the executive bodies which are the decision-making bodies of the CBOs. Most CBOs have a Women's wing to make up for the lack of representation. These women's wings are not independent and have no decision-making.

Adi Bane Ke bang: Customary Body Organization of the Adis

Located in the northeastern tip of India with its border touching Tibet, Bhutan, and Myanmar, Arunachal Pradesh is comprised of 26 tribes and many sub-tribes. Adi is one of the major tribes of the state. They are found in the temperate and sub-tropical regions within the districts of Siang, East Siang, Upper Siang, West Siang, Lower Dibang Valley, Shi Yomi and Namsai within Arunachal Pradesh. Adis is further divided into many subtribes like Padam, Minyong, Bori, Bokar, Pasi, Milang, etc. Each tribe is governed by its customary laws. The Community-Based Organizations (CBOs) of the various communities are considered the traditional authority of the tribes.

The *Adi Bane Ke bang* (ABK) is the traditional, Apex, Appellate and Supreme Council of the Adis rechristened from the Bogum Bokang Ke bang established on 21st March 1949. The ABK is a registered body under the Society Registration Act 1860. ABK has been working on the socio-economic, traditional, cultural and overall development of the Adi Community and is one of the prominent Community-Based Organisations of Arunachal Pradesh.

Organisation of the Adi Community

Ke bang, a traditional body of village council, plays a crucial role in the organisation of the community. It occupies a dominant position in the Adi Society which is responsible for the well-being and welfare of the people. A Ke bang is headed by village elders called 'Ke bang Abus' and assisted by other experienced members of the village. A person becomes Ke bang Abu by his wisdom, knowledge

of customary legal practices, good oratory power, and integrity. The ability and experience of Ke bang Abus guided by customary practices and conventions help them to present and decide matters/disputes on merits. Anyone who deviates from the right path, disturbing the peace and tranquillity of the village is punished by Ke bang by way of fines and compensation. The Adis believe that the decision arrived at and the judgment pronounced by a Ke bang is impartial as they consider the same as the collective decision of the village community. There can be seen the presence of precedence of earlier judgments as village elders habitually cite the ancestral practice of deciding a particular matter. A Ke bang in no way deviates from customary practices except for some changes brought in line with the modern legal system and changing dimensions of society (Koyu & Singh 2020).

Dr. D. Pandey asserts that: "the Ke bang operates on the principle of unquestionable loyalty to the village community and customary laws" (2012:45). However, the customary laws on which the decision of the Ke bang is based are unwritten laws accepted as oral usage, practices, and traditions for generations. In 1945, the British enacted the Assam Frontier Regulation (AFR) Act 1945 which legitimised the power and jurisdiction of village authority legally. The Act introduced the institution of Gao Bura and Gao Buris which is similar to the village elders and they are given civil and criminal powers. This Act entrusted the administration of village law and order in the hands of village authority. Thereby the Customary laws came to be enforced through the Village Authority created under the AFR Act (Basar 2021). However, in this Act, there is no provision for women Gao Buris. However, in recent years, the state government started appointing a woman Gao Buris but the number is countable. Unlike the Gram Panchayat where the government provides for 33% reservation for women in Arunachal Pradesh, participation of women in Village traditional councils is under-represented. This field is male-dominated even in the 21st century. "The structure is highly patriarchal and gender equality is gravely missing, absence of woman members in village authority is a loss of experience and wisdom of women as many of them possess rich folk and knowledge of customs as a key member of society and women have been in the centre stage of village life since ages. A woman's perspective on customary laws and its effect on woman depends on equal gender participation in modern times" (Basar 2021).

Adi Ke bang Ayon (AKA)

The Adi Customary laws are dispensed in the society as an oral tradition. There are various subtribes in the community inhabiting various districts hence there existed

a lack of uniformity in the practice of customary laws and its interpretation. Therefore, to bolster the customary laws, the *Adi Bane Kebang* tried to codify the customary laws and adopted 22 subjects like marriage, property rights for daughters, murder and rape cases, widow care, divorce fine and inheritance of parental property under *Adi Kebang Ayon* (AKA) in the Kaying Conference, 2012. *The Adi Kebang Ayon* (AKA) is the written form of the customary laws of the Adi tribe which was released in the Tuting Conference in 2014. The AKA has been amended twice so far in 2017 and 2022. However, it has not been codified yet but the village council in the Adi inhabited areas currently base their judgements based on the AKA as amended in 2022.

Creation of *Adi Ane Bane Kebang*: A Feminist Intervention

“Ronne Kokkamng, Mime e Kebang Lumang”

(Just as Hen doesn't crow, Women don't participate in Kebang)

“Sone roli mungkimang, Mim e Kebang Lumang”

(Just as Female Mithun doesn't whistle snort, women don't participate in Kebang)

Traditionally and historically, it is not considered a custom for Adi women to participate in Kebang. Adhering to the patriarchal norms, public space and decision making is still considered the domain of the male. Even after the registration of *Adi Bane Kebang* as an appellate body of the *Adi Tribe* in 2008, no woman has been elected as an office bearer in the Executive Council which is the decision-making body of the ABK. This absence of women's representation was felt in the community and as a result, the *Adi Bane Kebang Women Wing* (ABCWW) was first formed in 2008. Subsequently, the first woman president of the women's wing was selected by the apex body of ABK. The women's wing however is not an independent body. The *Adi Bane Kebang* women's wing functions as a frontal wing of the apex body. Its jurisdiction and decisions are subjected to the approval of the apex body of the *Adi Bane Kebang*.

The women's wing is often relegated to performing essentialist functions of gifting presents to the dignitaries, serving, and managing the catering during the conferences. The women's wing, which mostly represented senior women of the community, was treated on par with the youth wing of the organization in terms of hierarchy and protocol. In tribal society where age is an important criterion of stratification, this disparity irked most women in the organization. A

former member of the ABK women's wing said “Don't we as mothers deserve more respect? How can a mother of a community be treated the same as the youth? Where is the representation of Girls in the ABK Youth wing? Why does the president of ABK youth wing, a man of our son's age, get to sit in the Dias, while the representative of women of his mother's age sits in the audience?” Since the inception of the ABK women's wing, the women President was never allotted a seat on the dais where the central executive members of the ABK presided over the Conference meetings whereas the Youth Wing President was allotted a seat. This changed in 2018, when for the first time ABK Women Wing President was seated in the dais after the intervention by its Women Wing President who refused to be seated in the audience. A patriarchal Community where proverbs like “*Just as Hen doesn't crow, Women don't participate in Kebang* (Public meetings)” exist, affirming the tradition where women were kept out of the politics and public sphere, this can be seen as a symbolic act representing Adi women's claim to the right of equal status in the community. Symbols can affect substance. Symbols are entwined with identity. The primary task of the women's movement is to help women change the character of their most intimate relations. Along with trying to acquire political and economic power, we have to help one another see our relations with men in a new light. This requires changing our understanding of ourselves. And this requires changing, little by little, the symbols of everyday life. (Mansbridge, 1989). The lack of women's representation is visible even in the documentation of the customary laws of the community initiated in the year 2012. The drafting committee for the customary laws (AKA), 2014 had three (3) women members, the amendment committee of AKA, 2017 had one (1) woman member and the amendment committee AKA, 2020 had four (4) women members out of forty-six (46) members.

There was a long demand and struggle for the representation of women in the apex body and against the unfair treatment of women as merely a frontal wing with hardly any agency in terms of independent decision-making. As a result of the concerted efforts of the women in the community, a bill to change the nomenclature of *Adi Bane Kebang Women Wing* to *Adi Bane Ane Kebang* (ABAK) was passed in the Yingkiang Conference, 2022. The bill proposed more sovereignty in decisions particularly concerning women and also the appointment of women members as Vice president and Joint Secretary in the central executive Body, but this has not been yet implemented.

The creation of ABAK is also a consequence of the tremendous work done by the ABK women's wing

despite being a frontal wing in the documentation and reformation of customary laws particularly the amendments made in the year 2022 which the paper will take up.

Reformation of Customary Laws

When the second amendment committee was formed in 2020 for the Adi Kebang Ayon, The Adi Bane Kebang Women Wing worked extensively with the community, legal advisors and other stakeholders throughout the Adi inhabiting districts and presented the Amendment committee with a representation of the laws which needed reformation.

This paper focuses on certain aspects related to Polygamy, Divorce, and Property Rights which were added and reformed in the *Adi Kebang Ayon* (Adi Customary Laws) in 2022.

Bigamy/Polygamy

In Adi Society, Polygamy has been practised in the community traditionally. Under the Adi customary law previously there was no law concerning polygamy. During our meetings with various members of the ABAK (then called as ABK, women's wing), this particular law was the most contentious. Although there were efforts to ban the practice of polygamy in the community, a consensus could not be reached on this as most members did not agree. It must be noted that during our research we found a few portfolio members of ABK themselves practicing polygamy.

The practice of polygamy is traditionally linked to Son preference in the community. In our interviews, we learned that traditionally women who could not bear male children would pursue their husbands to marry another wife for a male heir considering a continuation of the family lineage and performing caretaker duties. There also existed a practice of adoption of a son or child from the nearest relative. One of the interviewees asserted that "however the practice of polygamy these days is not solely based on son preference but rather as a practice normalized in the Adi society".

The amended customary Law does not ban polygamy but it passively discourages this practice by adding the clause that Bigamy/Polygamy is allowed if the first wife is unable to conceive, concurs and believes she cannot be the cause of a family's dissolution, and the second wife will receive the same respect and affection as the first. But Polygamy is not allowed if both husband and wife are infertile.

Traditionally there were no property rights for wives in the community. However, considering the practice of polygamy, the amended customary laws include clauses regarding the Property Division of First and Second Wife. The clause states that:

- In case both the wives are staying separately in their own houses, then 50 per cent of the property acquired jointly before having a second wife will be owned by the first wife. In addition, another 50 per cent of the property acquired after a second marriage will be owned by the first wife. The funeral rites rights will be given to the son of the first wife. But in case if the children of the first wife do not take care of their father, then the children of the second wife children also have the right to perform funeral rites.
- In case both the wives are staying in the same house then the property bought by all of them will be equally divided among the children of both wives (50-50)
- In case the husband dies after the second marriage and the first wife does not have any children then the children of the second wife should take care of the first wife and they should love her. Without her permission, they cannot sell the property.
- If the second wife's children torture the stepmother (first wife) then the problem should be solved by the family members and at least one cultivable land should be given to her (first wife) or any valuable property. If the second wife's children still do not accept it then it should be taken to *Banggo/Bogum Bokang Kebang* (Highest Judicial Body of the Adis).

As polygamy was an accepted practice traditionally, divorce was rare in the community. However, if an Adi man wanted to divorce his wife, then he had to pay a fine (*Adum*). There was no uniformity of divorce laws in the Adi community. *Dumying* (10 times of *Adum*) varied across the sub-tribes ranging from Rs 20,000 to Rs 40,000. With the reformation of the customary law, if both wife and husband decided to separate without any reason, then the one who first decided to separate will have to pay a sum of 2.5 lakhs (*Dumying*) as fine. Other Clauses include, If the husband divorces his wife without any reason after all family planning, then he has to pay a sum of 6 lakhs (*Dumying Anyi* plus *Dumpi*) as a fine. In addition, one lakh will be charged per child. If the woman is 50 and above, if the husband divorces her then he has to pay a sum of rupees 5 lakhs plus one lakh for every child.

There is also a clause considering 'violence' and 'cruelty' as a ground for divorce. "If the husband tortures

the wife and the wife wants to divorce because of unbearable torture then the husband cannot charge any fine from the wife. In such a case the husband has to pay four lakhs plus one lakh for every child."

The amended laws also include the property division between the first and the second wife. The addition of property rights for wives safeguards the precarious position of the first wife in case of a polygamous marriage where generally a second wife is preferred. The main clauses are:

- In case the first wife did not give birth to a male child but had a female child and without the permission of the first wife, if the husband marries another wife, then 50 per cent of the property will be given to the first wife and the daughter and in case if the first wife after divorce wants to remarry then the property should be given to the daughter from the first husband.
- In case the husband has a second wife and he does not maintain the relationship with the first wife for more than two or three years then the first wife has the right to divorce the husband and 50 per cent of the property will be given to the first wife.
- In case the husband does not divorce the first wife and loves and respects her, but he has a second wife. And the first wife despite the husband not divorcing her, but the first wife wants to divorce and wants to remarry then the first wife does not have the right to take the property and she is liable to take a fine.
- If the husband has not maintained any warm and intimate relationship with the wife for many days and the wife wants to get a divorce, then 50 per cent of the property will be in the name of the wife.
- In case the husband is a working man and he divorces the first wife then 20 per cent of the salary should be given to the first wife and if the children stay with the mother, then 50 per cent of the salary will be given to the wife.
- In case after the divorce, if the first wife died, and they have children from the second wife also, then the preference of the property will be given to the children of the first wife only.

Property Rights

Property rights for women in the Adi community have been very limited. Generally, women did not inherit immovable property. However, in the amended laws the distinction has been made between ancestral property and property earned by the parents in a lifetime. Property can be given to daughters if the parents decide but in consultation with all the brothers and in their knowledge. Ancestral property cannot be given to the daughters. The

brothers and family cannot claim back the property given to the daughter after the death of the parents. Hereditary property that is given to daughters like beads (*Tadok*), *Minyam*, *Maruk*, and *Rammuk*, cannot be sold by the daughter.

Arunachal Pradesh is governed by the Bengal Eastern Frontier Act by which a Non-Arunachal Pradesh Schedule Tribe (Non-APST) person cannot buy land in the state. This is often cited as a reason for not giving property to daughters if they marry a non-APST to protect the land rights of the tribal people (Damin 2021). Laws were also added regarding the property rights of women married to non-APST. If a woman gets married to Non-APST or Non-Indigenous, she does not have property rights. However, if a woman bought land before marrying a non-APST, the land cannot be transferred to her children. She can use the land till her death if she stays in the Adi community but after her death, it will be taken back by the brothers or nearest male relatives. If a woman is married to a non-APST but takes care of her parents till death then, she can be given movable property like gold, silver, car, which is acquired by her parents.

One of the major reviews of the customary laws has been guaranteeing property rights to unmarried daughters. If the daughter is unmarried and she takes care of the father till his death then even if she is not entitled to funeral rites, she can be given both movable and immovable property acquired by her parents. However, a married daughter cannot take the ancestral immovable property even if she takes care of her parents till death. All immovable property will be taken by the one who does the funeral rites.

Feminist learning and unlearning from Adi Bane Ane Kebang (ABAK)

It is not, "I think therefore I am." It says rather: "I am human therefore I belong. I participate, I share." - Desmond Tutu.

In debates between women's rights and the rights of a community an implicit assumption that seems to have crept in is that the culture to which the community lays claim is essentially a male creation (Das 2001) Customary laws of the tribes of Arunachal Pradesh drew a critical focus during the discourse on the draft proposal "Arunachal Pradesh Marriage and Inheritance of Property Bill, 2021" submitted by a delegation led by Arunachal Pradesh State Women Commission President to the State Government. The rejection of the Uniform Civil Code by the Various tribal organizations however cannot be construed as a negation of women's rights. According to Veena Das, if the state is to intervene to correct the injustices against women in institutional structures such as the family, the focus of its legislative and adjudicative labour has to be

women themselves. The conflict between the rights of subordinate groups, such as women, to break the power of traditions that subordinate them to men on one hand and the radical recognition of the right of minorities to exist as cultural entities on the other, are not capable of being resolved through easy solutions (2001:444).

The scope of reform from within by the women themselves is one of the feminist learning from the case study of ABAK in the reformation of customary laws. The process of codification can be initiated only through an institutional framework. The setting up of such institutions can be facilitated by the state. Alternatively, if the interventions by the state are viewed as an encroachment upon the autonomous space of the minorities, the concerned sections would first have to create an institutional structure for rationalization or reform and then dialogue with the different segments of the community to work out a consensus (Ahmed 1995). The ABK and ABAK have played crucial roles in bringing reformation from within the tribe by attempts to reconcile traditional laws and modern legal principles by bringing the orally dispensed laws in written form and subsequent amendments in the years 2017, and 2022.

There is growing evidence that social science research “needs emancipation from hearing only the voices of Western Europe, emancipation from generations of silence, and emancipation from seeing the world in one “colour” (Guba & Lincoln 2005). Feminist understanding must consider relational realities and “other” forms of knowledge that are predominant among indigenous tribal communities. What do reality and knowledge mean to women, oppressed populations, indigenous peoples, and those who were colonized in the third world? Their indigenous knowledge systems and the battle to preserve their self, culture and cultural rights have affected their perspectives on reality, modes of knowing, and value systems. The customary laws denying movable property rights to Adi women who get married to Non-APST or Non-Indigenous men can be seen in this light, rather than from a Western feminist methodological framework.

There are customary laws related to women in the Adi Kebang Ayon which are still not in tandem with the Indian legal Principles. The task of complete overhauling of customary laws is an impossible one and most likely to be resisted; as witnessed in the rejection of both the draft bill and the UCC by various tribal organizations of the state. The ABAK has been primarily successful in bringing contentious laws that were vehemently opposed in both the draft bills as well as UCC such as a clause for property rights for daughters, and wives, and safeguards for Adi women marrying non-APST men if they buy property before their marriage.

The ‘space’ women constantly navigate, concede and gain in the public sphere to push for reforms is another aspect to study in the ABAK. One of the respondents we interviewed mentioned that during the concerted discussions, women pushed for property rights for daughters. After much debate, the House agreed to include it. Many of the senior male members asked not to demand funeral rites for women so that some traditional practices could be continued. So, in exchange for the property rights for daughters, and other changes, demand for funeral rites for daughters was given up.” Another interesting facet is also that there was a lack of consensus on many clauses even among the women members. As mentioned, one of the contentious clauses was regarding the banning of the practice of polygamy, as well as property division between the first and second wives. However, despite their difference in ideology and opinion, the women were able to come to an agreement and get the necessary changes made.

Empowerment of tribal women should begin with representation in the customary bodies. The representation must be followed by empowering them to make decisions not just concerning women’s rights but for the community in general. One of the members of ABK WW lamented that “men are groomed from a young age for leadership positions in the community. However, one will hardly see any women representation in ABK Youth Wing.” Former ABK Women Wing Smt. Olen Megu Damin says “Change is gradual. The customary laws cannot be reformed without the consent of the community. The ABAK needs educated, younger women to take up the cause and continue the work for more gender-just customary laws.” The struggle of the evolution of ABAK from a frontal wing to a more autonomous body within the ABK, and subsequent work in the reformation of the customary laws presents itself as a case study of Indigenous feminist struggle, where tribal women face subjugation not only “in her” community but also from outside “for her” community.

References

- Adi, K. A. (The Adi Customary Law) (2022), Adi Kebang Ayon 2nd Amendment Committee, 2020-22: 48-61
- Agnes, F. (1999). *Law and Gender Inequality the Politics of Women’s Rights in India*. Oxford University Press.
- Ahmed, I. (1995). Personal Laws: Promoting Reforms from Within. *Economic and Political Weekly*, XXX(45):285.
- Basar, T. “Arunachal Pradesh Marriage, and Inheritance of Property Bill, 2021: An analysis”. 25th July 2021, <https://arunachaltimes.in/index.php/2021/07/25/arunachal-pradesh-marriage-and-inheritance-of-property-bill-2021-an-analysis/>.

- Chilisa, B. (2012). *Indigenous Research Methodologies*. USA: Sage Publications.
- Guba, E., and Lincoln, Y. (2005). "Paradigmatic controversies" *contradictions, and emerging confluences*
- Damin, M. G.: "No Woman's Land", 24th August, 2021, <https://arunachaltimes.in/index.php/2021/08/21/a-no-woman's-land>.
- Das, Ve. (2001). "Communities as Political Actors: The Question of Cultural Rights", In Menon N. (eds.) *Gender and Politics in India*, 1st ed, Oxford University Press: 441-472
- Koyu J. and Singh P. (2020). The KEBANG: A Self-Governing Indigenous Institution of the Adi Tribe of Arunachal Pradesh. *Indian Journal of Law and Justice*; 11(2): 267-285.
- Mansbridge, J. (1989). Symbolic Feminism. *Salmagundi*; 81: 200-212.