

Women And Land Right: From A Bodo Community Perspective

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Abstract:

In India patriarchy has its imprint in the society in general but in minority, matrilineal society also has its existence in some of the communities. The tribal communities of NE India are different from the rest of the country in various ways, may it be in the social set up, cultural and religious practises, economic activities and political ideology. Woman is deprived of being given most of the rights and land ownership as well. Women of Bodo community and their existence in the society and rights towards their life and liberty is a matter of concern for the development of the entire community.

Keywords: Bodo, Women, Land, Tribal, Community, Property.

Date of Submission: 12-04-2024

Date of Acceptance: 22-04-2024

I. Introduction

Woman in India has been regarded as culture bearer, society dweller and has always been associated with nature, mother, care taker, family binder, an emotional and not a rational being or logical thinker part of the society. The history of woman in India unlike rest of the world is not different with regards to the gender inequality that exists in the society. As gender is socially constructed the idea of gender difference and inequality based on gender is the product of its own society.

India has a patriarchal society in general but in minority, matrilineal society also exists in certain communities. In a patriarchal society man has a dominant role in almost all the aspects in family and in all public affairs whereas, woman are considered to be more often emotional or illogical enough to handle any of such responsibilities therefore deny any such role in the family or in society but subordinate to men. Women are often considered just as an identity associated with mother-nature as a reproductive machine. Though the present day scenario is not as bad as a few decades back and many emerging voices and legal sanctions are being made for the protection of women's rights, the traditionalism in Indian society has not changed much. Though India is a signatory to many UN declarations such as Universal Declaration of Human Rights, (UDHR) 1948, the Convention of Elimination of all Forms of Discrimination against Women (CEDAW) etc. Indian women continue to be marginalised, discriminated and violated within their own society and in the larger national context as well.

II. Materials And Methods

Study Area: The study has been based on the four districts of Bodoland Territorial Area Districts namely Kokrajhar, Chirang, Baksa and Udalguri districts of Assam, India.

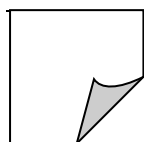
Study Methodology: For the following study both primary and secondary source of data is used. The primary data has been collected with the help of questionnaires using purposive sampling technique. The secondary source of data has been collected through various literatures from books and journals.

Sample size: 500 Bodo respondents both male and female.

Sample size calculation: 3% of the total Bodo population in the study area has been selected based on the UGC norms of 3% sample size of the total population. Sample has been collected through purposive sampling technique. For the analysis of the data collected the various statistical techniques has been used and graphical representation of analysed data has been done for better understanding.

III. Bodos And Land

Bodos are the ethnic, linguistic and the largest sub branch community of the Kachari Group and is a dominant as well as indigenous tribal group of the northern valleys of the mighty river Brahmaputra in Assam. Like many other communities, Bodos also have their oral history in the form of folklores, stories of kings and



kingdoms as well as the warrior history. The ancestral travel history of Bodos does not have any written record. The Bodo language used to have a script called Deodhai in ancient time, but the details about it has been lost. Presently Devanagari script is used for writing the Bodo language. Prior to the implementation of Devanagari script, Assamese script and Latin script were used for writing the Bodo language.

As Bodos belongs to the tribal community, they have a close and intimate relation with their land. Stating from cultural, society, religion as well as economy is also associated with land as one of the form of nature. Bodos are predominantly the followers of animism unlike the other tribal communities. The Bodos traditionally practise 'Bathou' which is the belief in the five elements of nature and those are air, water, fire, sky and land. The term Bathou has been derived from two Bodo words 'Ba' which means 'Five' and 'Thou' which means 'Deep'. Apart from the religious and cultural attachments of the community with land, the politico-historic relationship between land and the Bodos are worth mentioning. Bodos are regarded as the "Son of the Soil" as they were considered to be the first settler in the mighty Brahmaputra Valley.

Just like other communities, Bodos also follows the patriarchal society with the tribal believes of inclination towards woman. Woman in Bodo community are treated as resourceful and valuable as man in the society. Despite of having a patriarchal society, Bodo woman plays a vital role in almost all the activities starting from the agriculture till property and land rights, but patriarchy and equality are the two different corners which cannot go hand in hand.

In Bodo language woman is termed as 'henjao' and land is termed as 'haa'. In the Bodo religion, they worship one of the forms of Lord Shiva as 'Shijou' a tree from the cactus family which consist of five leaves in the tip of each branch. Thus, the religion of 'Bathou' came into being in the community. Apart from that, another deity known as 'Bwiswmuti' the 'Goddess of Land' is also worshiped immensely among every Bodo people. As the Goddess of Land is a female, thus in the Bodo community woman of all ages plays a very significant role in their own way. Apart from that, the surname occupied by each individual has been given based on their activities of livelihood and recognition of perfection in that specific field of art. One is the 'Basumatary or Bwiswmutiary' the surname that has been given based on the Goddess of Land 'Bwiswmuti'. They are considered to be the Landlords or Jamindars of the ages and they supposed to have the maximum concentration of land ownership in comparison to the other Bodo group of people having different surnames.

IV. Bodo Women: In The Past And In The Present

The past history of the Bodo woman and their extent of rights were confined only till her own life and periphery. The daughters had no such share in the parental property in the earlier days. The responsible reason could be the large family size and less land to share among the sons and the daughters are always been left out because they were considered as the other's property dweller.

The Bodos mostly follow the Hindu Law of land system in which the girl does not have the right to have a share in their parental property unlike other communities. The case of a married woman in the Bodo community is almost the same to that of the other communities. If the woman is a mother and her husband expires suddenly then the share of the husband's property will be transferred to either the widowed woman or else to their wards with full consent of the in-laws. But if the widowed woman is single and doesn't have child then the complete decision will be based on the in-laws if to give the share of the property or not and that consent will be based on the behaviour and suitability of the woman with the family and her will as well. It is not always necessary the same solution will implied in every case in such, because at that time there was no proper concrete solution to such cases in the community level and it is mainly handled in the family itself.

In the present day context, the scenario is still somewhat the same but now almost all the agreements are done based on the legal documents and consent of the judicial law and code of conduct of the court. The share of the daughters are now been equally given as the sons. The women are now having the equal rights to have the parental property as well as land ownership totally based on her will and consent. She has the right to both accept and reject the share given to her through the code of conduct in a legal way. The case in terms of the married woman is almost the same with that of the earlier days. The widowed woman gets the share of her husband after the expiry of the later and if the woman is a mother then the system of land and property transfer is easier (natural, especially when there is heir child in the family) to implement than that of the single widowed woman. The only difference is that in the present day, the woman has the right to express her views and ideas and take the help of the legal advisory in terms of any injustice done to her with proper documentation and law.

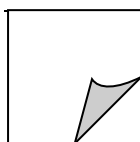
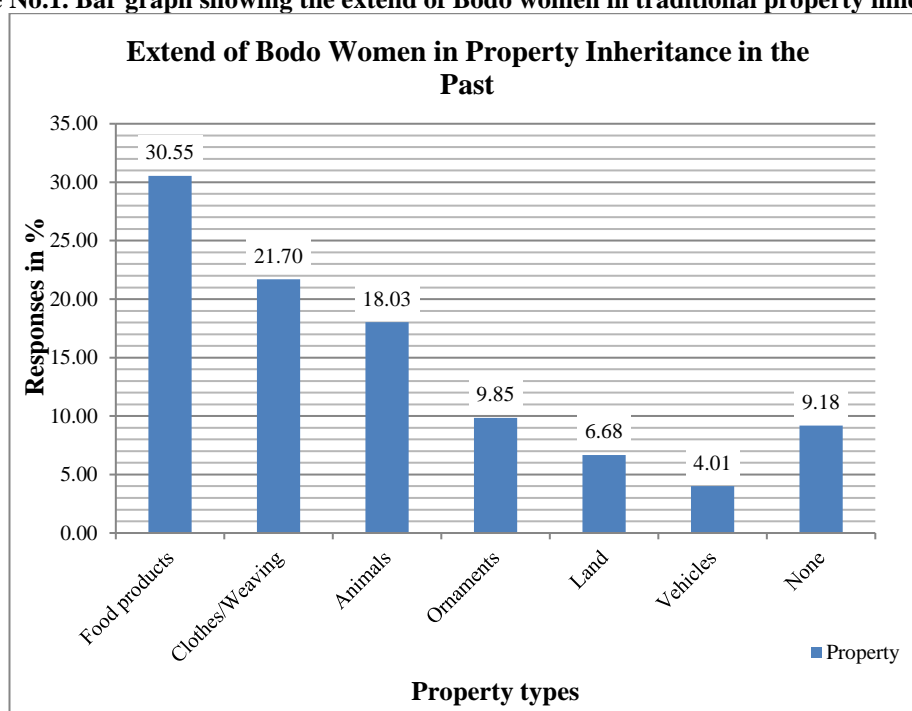


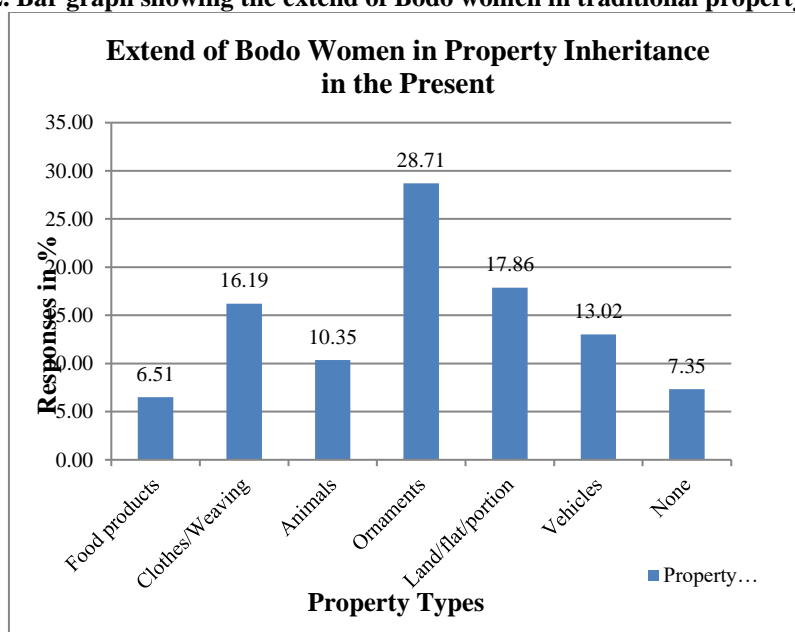
Figure No.1. Bar graph showing the extend of Bodo women in traditional property inheritance.



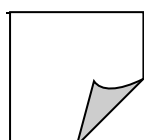
Source: Field Survey from the study area.

The above graph basically shows the responses of the women from the study area in terms of Bodo women’s extend to property inheritance in the community in the past. Bodo being a tribal community, its main intension is to be self sufficient to be able to run the family during unsuitable condition. The community used to concentrate more in the context of attaining basic things for livelihood such as food, shelter and clothing, thus, from the above bar diagram, the trend of women being given the food products counts the highest followed by weaving tools, animal items and products such as ornaments, vehicles, land etc. The shares of food items, weaving tools and clothes as well as animals were more because the community wanted the females to be able to run the family during crisis. Moreover, the percentage of these products as considered as property for women reduced gradually with time. Such a decrease is due to the influence from other community and requirements for the fulfilment of current period of time.

Figure No.2. Bar graph showing the extend of Bodo women in traditional property inheritance.



Source: Field Survey from the study area.



The above graph shows the extend and change in the property inheritance of women in the present day. There is a significant change and decrease in the percentage of food items, weaving tools and clothes, animals. Whereas, on the other hand, there is a gradual increase in the percentage share of vehicles, land/flat/portion of land or flat and lastly ornaments. This shift from non-materialistic to materialistic good is due to the requirement and nature of investment of those goods for future and influence from other community as well. Whereas, the sufficient number of responses has still agrees that women are given the weaving tools and clothes as property. The possible reason could be the skills the Bodo women have through their descending as legacies which they still practise.

V. Bodo Women And The Land Rights

In the Bodo culture, woman in their parental house also has their equal share and importance in terms of property distribution and land ownership. Daughter or daughters in a Bodo family gets their share of ancestral property according to their ranking in terms of age, eligibility, parental dearness, affection and love. Unlike the other communities, under the Hindu law act of land and property even among the Bodos, it is completely based on the parents to whom the land and property share will be given and on what basis or consequences. In the earlier days the situations around the distribution of land and property was mostly confined towards till the sons of the family and not the daughters. But it is also not necessary that the case and the situation will always be the same in every household in the community.

The relationship between woman and land continues to be the same after the marriage as well. The woman will have her share of land given from the parental house even after marriage. The in-laws do not have the right to transfer the land ownership in their names without her consent or will. The land share given to the male from his parental house also has the possibility of the woman or else to their wards to get the ownership after her husband gets expired. The widowed woman has the full right to have the land as well as other property ownership after her husband if they have any wards of their own or else if she gives a consent to live alone till her death in her husband's house. The ownership of land and property gets transferred to the woman or else to their wards if she is a widowed single mother, and this tradition has been followed since the early days till date.

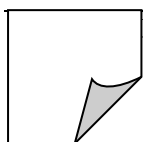
In-laws and other family members also do have the right to not to give away the property and land to the single widowed woman if her conduct and behaviour is found not to be suitable for the family. It is only if the single widowed woman gives a full consent of her behaviour and nature with the family, the property and land will be transferred to her name. The same tradition is also followed in the present day as well but if the woman is employed and already has her own property the case will be again different according to the Hindu Law. These Hindu laws as well as the existing Tribal Bodo laws does not provide any rights in real sense but more of a surrogate depending upon the situation and relationship within the family members

The cases that revolve in such a situation in other tribal community will be having different dimensions and view point from the different perspectives that may not be similar to the Bodos unlike of being a tribal community. The Bodo land system and property ownership is not away from the Hindu Law as the Bodos are mainly the followers of Hinduism. Though the share of Christianity among the Bodos is also present in the society but the larger share and notion of laws has been taken by the Hindu Law.

The issues of land right and land ownership are of great interest in the present day context round the world. Several feminist activities are actively demonstrating to the fact that if woman are to be considered as equal, rather than subordinate. A woman's identity should not be only recognized as a reproductive entity rather as an equal rightful and responsible part of society holding its share in all the developmental activities in a society. In Indian context, the woman and land right issue has been encountered during the land reform programme in India after independence. Kerala and West Bengal were the first two states of the country to have an action regarding the property and land rights amongst the woman.

Whenever the concerned topic of woman and land has been discussed, only the scenario that one can imagine and has been always considered and highlighted is of the central India and the rest has always been ignored to focus into. India is diverse so as its diverse in the social structure and construction that vary from place to place and region to region. The issue around the woman and land in one region differs from the other region. These differences are mainly due to the resource availability based on which the social, cultural, economic, and political as well as the religious structure is fully depended and constructed.

The North-Eastern region of India is mainly accompanied by the different tribal communities and groups as well as sub-groups. Tribal region and the communities have a different notion of resource availability and utilisation. Despite of having the patriarchy amongst the tribes gender discriminations is perhaps comparatively less. Both the gender has the equal share of work and responsibility in their own way based on their respective speciality. Tribal societies are also like other societies in which the geographic location and climatic condition plays a vital role in constructing and moulding the society. But one is also not ignorant of the fact that, despite of the claims of having gender equality in the tribal societies, the question always arises of its existence and functioning in reality.



In terms of woman and land rights and ownership in the Bodo community, patriarchy determines the whole issue in relation to land rights and its related resources. On a closer look the patriarchal system and Hindu law go side by side influencing the Bodos' social set up ultimately determining the position of Bodo women and their land rights too. The entire system of land rights and the property ownership among the Bodo community has not been through proper study in details because all this land systems are directly or indirectly associated with the power relations. Among Bodos the property share, ownership and distribution system has been based on the consent of both the genders as well as the families with proper discussion and suggestions of the elderly persons of the society in a village or locality. Thus, the issue of land right or the cries of the woman almost remain silent and might be sometimes unheard by the society because of the power relations.

Apart from that, among the Bodos the issue of woman-land and property was never been the prime focus of discussion unlike the other communities. The responsible reasons might be the silence of the women, unawareness of the ownership systems; proper settlement and judgement given by the elders are always given the priority and acceptance of the judgement with full consent and agreement, etc. The other reason could be the unawareness of the women's movement round the world towards their rights in terms of liberty, freedom of expression, land and property ownership etc. The geographic and political unrest in the location of the Bodo concentration can also be the reason due to which such issues of woman and land systems are never given the lame light to discuss in the frame.

Bodos belongs to a warrior community since the beginning. From the earlier days itself the only concentration was to fight for living and resources in one way or the other. The only aim of the warrior was to safeguard and protect themselves from the enemies. In between that, neither during that time they had space to think about such issues around woman and land nor now. Even in the present day context, the community is fighting for their own existence and identity with the state as well as the central government. In this conflict, the issues of women are left out untouched and unnoticed. Another possible factor could also be that the community is not finding the necessity to have discussion or concern about the case so far.

VI. Conclusion

The issues of women and land right is present in every community, only the share and the proportion of existence vary from each other. In Bodo community, the importance has not been yet given to the issues around woman-land and property because so far all these issues are being handled in a family level only. These issues are being consulted and solved within the consent of the concerned person and not in the community level. Thus, each and every case is handled and solved completely considering the situation and the consequences and has no proper or concrete law to implement in every case. For this reason a proper research is very much needed to have a better and clear idea about the land holdings and ownership systems. After consideration of all the factors and situations of both man and woman including the societal structure, a proper solution and judgment should be made. So, that no injustice is done based on gender in the society and also the resource distribution among the people doesn't take a curve of gender biasness in the way of development before it becomes an unavoidable societal issue among the equal halves of the Bodo community.

The paper intent to highlight some existing situation amongst the Bodo society in relation to gender-land related issues which in fact led to many deeper understanding of the status of women and social dynamics in the undertaken case study.

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