

Property and Economic Rights in Matriarchy

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Abstract

This article is an effort to study property and economic rights in matriarchy. Property and economic rights are very crucial factors in determining one's identity and status in society. The way lineage is traced in a society and the laws of inheritance and succession explain a lot about the specific community and reflect the social position of men and women in the community. This article talks about the lineage and inheritance system followed in the different matriarchal societies with the help of suitable examples from various matriarchal communities found across regions. The management of property, real control over property and the power of decision making regarding property have been focussed while studying the property and economic rights in matriarchy. The relationship of property with marriage and divorce is studied. The production process and roles of bread winner of the family are also emphasised. The issues as well as challenges for men, women and state in determining and following the property and economic rights in matriarchy have also been highlighted throughout this article with the help of diverse illustrations from existing matriarchal societies. The present article is a theoretical exploration with the help of discourse analysis on the theme discussed above which includes books, articles and researches available in the concerned field.

Engels (1948) has described three stages of history, namely savagery (Paleolithic age, barbarianism (Neolithic age) and civilisation (Class society) (Mathew, 2010). Engels traced women's position historically and found that in both the stages of savagery as well as barbarianism, the women were free and enjoyed higher social position. In the primitive times, the father was unaware of his biological connection with his child and thought that the child is the offspring of the women he loved. He felt that there is no link between him and the child instead of the mother of the child and the child was supposed to be the property of his wife and the brother of his wife (Russel, 1929). Thus, the lineage and inheritance rights as well as relations were traced through the female line, that is, through the 'mother-right'. The mother-right was given more importance than the father-right and hence the mother had higher social position than the father. And the property as well as the land also followed the descendancy rule through the mother's line and not from the father's line. In the economic sphere too, women had played a very dominant role in the mode of production because women used to gather the food for the regular supply for their household. 'Woman-the-gatherer' theory portrays women in the dominant role in producing food supply through gathering using the tools and implements that were naturally available and had learnt various arts as well as activities to carry out basic production processes for the subsistence of their household. According to Mies (1986), a woman experiences her whole body as being productive. She stated that, female productivity was the pre-condition of male productivity. The theory of 'woman-the-gatherer' claimed that woman's productivity was the precondition of all the other human production (Pandhe, 1995; Mathew, 2010).

Later on, a new theory emerged- 'man-the-hunter' which made the men dominant in the process of production with the help of the tools and the exploitative potential of the men. The men exercised their authority over tools first and then over the women because of the technique of fertilisation of women. By impregnating the women, the male started to exercise control over the women and this kind of exploitative behaviour of the males led to the establishment of a patriarchal society. Russel (1929) talked about how the subordination of women by men had started in the later Neolithic period. This stage was an agrarian stage where the workforce was needed to work in the agricultural fields. Due to scarcity of slaved labourers, men started subjugating the women to take work from them. When the man became aware that the child is biologically connected to the father and that the man's seed is responsible for the process of fertilisation of female's gamete and the child whom the woman bears in her womb is biologically related to him, the man used this knowledge to show his authority over the woman and the child. The man started to represent himself as supreme and portrayed that woman as well as their child; both are the property of respective man. In order to exercise his control over the woman and the child and to make them work for him, the man felt the need of a family. Then the institution of family was established, where the woman's role had been transformed from being a producer to reproducer of the progeny. And she was restricted to the domestic chores and taking care of the family inside the walls of the

house. Her mobility had been restricted and subordination was done in many forms in her domestic life as a slave. The men started controlling women's sexuality, mobility, productivity and creativity; and finally the patriarchal families had been constituted with total males' dominance. For, both, Marx and Engels, it was within the family that social division had arisen and the accumulation of wealth and division of labour had originated, gradually transforming the simple relation of the family group into that of the patriarchal family (Coward, 1983; Mathew, 2010)

Engels propounded that according to the economic condition and ownership of private property, the initial families were monogamous. When the production and surpluses became the routine, men started wealth accumulation in order to transmit it to his next generation. Since the patriarchal families had originated, so it ultimately overthrew the supremacy of mother-right and the transmission of property through mother's line. In order to preserve the control of patriarch and to consolidate the powers of patriarch in patriarchal families, the inheritance rights went in the favour of the males, that is, the lineage and inheritance began to follow the patriarchal line, that is, from father to son instead of mother to daughter. According to Simone de Beauvoir (1949), the overthrow of mother-right was the greatest historical defeat of the female sex.

The property rights of women in the patriarchal society have been restricted to giving a lot of assets as dowry at the time of the girl's marriage. The dowry is given to convey the message to the girl that she has no right over the paternal property now and she should not claim for property in future. In case, a girl claims the right over her share in paternal property, it is seen as immoral and she is forced to not spoil her relations with her natal family by having the share of her brother's property. At times, that girl is given a token amount to shut her mouth for not claiming any share in her natal family's property in future. Even the traditionally matrilineal communities of South and North-East India are now getting transformed into patrilineal societies due to the influence of so-called mainstream patriarchal societies. Kishwar (2005) talks about the extension of full inheritance rights to daughters and wives, in order to make them the co-sharers in the property. Giving the property rights to women is viewed as an essential component to empower the women. Basu (2005) suggests that the property ownership has the potential to affect women's well-being positively and influence other related areas like nutrition, fertility, household decision making and resistance to violence.

Robin Jeffrey (as cited in Basu, 2005 and Mathew, 2010), has brought out the importance of women having property ownership. He gave the example of land reforms in Kerala where women having ownership of land whether it is minimal housing, they were valued more than the women who owned no property at all. Similarly, Chen and Gulati gave the example of the widows who had minimal property were treated with more care and respect in their families than those without property (Basu, 2005; Mathew, 2010). Very few women inherit land and even if they have some property, they are unlikely to control it. The women are not provided access to resources and property which makes them vulnerable and offers obstacles in the economic productivity of women.

Mathew (2010) cited various examples of the communities who followed the matrilineal succession and inheritance where the role of a mother is pivotal. She talked about the prevalence of matriarchy or matriliney in west Sumatra in Indonesia, Malaysia, China, India, Cambodia, Persia, Africa, East Indies, Ceylon etc. In India, matriliney was traced among the Arattas in Punjab, and among the Rajputs (Mathew, 2010). Among the Bunts in South Kanara, lineage through female side was called '*aliya santana*' system of inheritance (Hebbar, 2009; Mathew, 2010). In the island of Lakshadweep, matriliney is still prevalent among the Muslim population (Liddle and Joshi, 1986; Mathew, 2010).

Meghalaya follows the tradition of matriliney for a very long time and has its own customs related to land and property rights. According to their tradition, the family land and property is inherited by the daughter of the family and the liability to manage the family resources for the purpose of production fall upon her. Although she inherits and manages the family land but she doesn't have the rights to take decisions for the same. The modern instruments to govern the land are now getting used by the state government and it leads to the commodification of the community land. This leads to the social changes in the nature of relations respective to land, like community land being sold to the private individuals.

Since there is no political representation of the women in the local system of governance, the land dynamics are also changing due to which women are getting vulnerable in case of ownership over property. The status of women is getting wretched as they are getting deprived of the ownership over land and the custodial power on the land and property.

There is a causal relationship between rights related to land and the possibility of development apropos to the women. 'Land ownership empowers women by enhancing agency in decision making, bargaining power, freedom of mobility and market access' (Sanjukta Roy, 2017). With the help of these factors, women's voice is consolidated and they are made aware of their rights and freedom so that they don't remain subjugated in the person as well as social arena. The Meghalayan tribes – Khasi, Garo and Jaintia are matrilineal in nature. The land rights in Meghalaya are influenced by the conventional as well as formal institutions and the multiplex dynamics between them. They also have impacts over the rights of

women and issues of equity. The property and land rights in these matrilineal tribes are elucidated through traditional customs. These traditional customs and conventions are locally governed which are neither codified nor established in the written form; and they are followed by the local people since primordial times as part of the traditional institutions. In the matriarchal societies, the system of inheritance functions through the female member of the family, that is, the daughter inherits the family land and property after mother. Among the Khasis and Jaintias, the youngest daughter of the family inherits the ancestral land and property, whereas there is no specific norm of transferring the property and land to the youngest daughter among the Garos. The Garos are little flexible in this case as they can choose any of their daughter for transferring the ancestral land and property. The land is then managed by the daughter who inherits the property and land for the purposes of production. However she enjoys no rights to decide for the land by participating in the economic markets of land. In other words, she cannot decide to buy or sell the land. Earlier the land was treated as a common resource by these tribes of Meghalaya whereas now it is looked upon as a commodity. Hence, it has evolved as a new concept for these traditional tribes as a concept of land ownership.

The social changes in the land relations have come in existence with the development of modern instruments to govern the land and the rights related to land with the help of government and its institutions, like – The Meghalayan Transfer of Land (Regulation) Act of 1971 and The Cadastral Survey and Preparation of Records of Rights Act, 1980. The community land is being sold to the private individuals through the commodification of land with the advent of these modern instruments of governing the land. In these matrilineal societies, women are the curator of the family land, but they have no representation to speak about the property related matters in the public or political sphere. If there is any dispute over the land or property, the women are not allowed to attend the meetings at the local government levels like village councils etc. only men of the families attend such meetings and make decisions related to the family land and property. Now, the changing land dynamics have also made the condition of women more vulnerable as it has led to more population of women having no ownership as well as the power to control the family land. Women's condition is directly related to the women's rights over land and property. If the women are vulnerable in the socio-economic sphere of their lives, there are greater chances of their vulnerability to violence. If the women have the land ownership rights and power to make decisions for the property, land and the production of land, the women get economically empowered due to which their self-esteem as well as confidence get boosted. This economic empowerment also leads to their increased access to the market and freedom of mobility; thereby decreasing the gender based violence against women.

According to Mukhim (2009), the changes in the patterns of land ownership have come in such a way that there is the degradation in the role and status of women in these matriarchal societies. Changes that have come in the system are like the lineage system has shifted to being paternal lineage instead of the maternal lineage; the commodification of land leading to the privatization of community land; the women are excluded from the traditional local governance institutions and they have no ownership of land, no rights over land and no control over its management too. All the roles and rights related to land as well as chiefs in the local governance institutions reside in the hands of males. These factors of social and economic change have introduced a “swift reversal of women's status from owners of land to mere inheritors of ancestral property” with “the rapid erosion of women's status from that of landowners to that of powerless” (Mukhim, 2009; Roy, 2017)

Women's rights of land are directly related to the economic empowerment of women. Land is very crucial asset which has immense socio-economic relevance, especially for the women as it serves the purpose of generating income out of it and also enhances the women's power. It makes the women confident to counter and contradict the vulnerability they are caged into. The ownership over land and decision making rights regarding the land and property protect the women from the violence based on their gender. If the women are given voices so that they can be politically and economically independent if they have access to the political and economic resources (say land, property, housing, finance, etc), the women will not have to be the victim to the gender based violence. Land and property rights are also related to the issues of identity, dignity and social inclusion of the marginal groups in society who do not have control over resources. The rights given as well as protected by the law are crucial in the process of empowerment. If an individual especially the one who is marginal and vulnerable, is made capable of accessing the land and owns it; and along with using it, s/he can defend its ownership and the tenure rights related to it – it certainly empowers the individual. The same is true for the groups too. The women are more often the marginal community who are prone to vulnerability. Although the gender equality has been mentioned in the constitutions of many countries, but still the real scenario provides a different picture where the equality in case of property rights is not at all practiced. The women are usually endangered in case of land and property rights' enactment.

The customary or traditional rights within a particular community are there to govern the community and these rights or the traditional norms are the tools of socialising the people into their gender specific roles as well as to make them learn about the acceptable and non-acceptable behaviours to stay with harmony in the community.

Among the tribes of North-Eastern India, there are matrilineal societies, where women are claimed to be having a better status than the women in rest of India and an edge over the men of their community. According to Nongbri (1998), almost all the customary laws especially relating to property and marriage are often oppressive instead of being conducive to the interests of women. The customary laws deny them equal rights to property and inheritance which is one of the important factors affecting their empowerment (Agarwal, 1994; Roy, 2017). Even though the women in these matrilineal societies of northeast India are given the rights over property, but still the decision making power over the property remain in the hands of men. The women do not enjoy any authority at social or political level in the community as they can't raise their voice or represent their family in the public or community domain.

Various traditional systems are existing in the tribal communities of Meghalaya regarding the ownership of land. Like – *Ri-Raid* lands and *Ri-Kyanti* lands are the two main categories of land found in the Khasi hills of Meghalaya. Similarly *Hali* land and *High* land are the two categories of lands found in the Jaintia Hills of Meghalaya. *Ri-Raid* lands of Khasi hills are the community lands which can be used and occupied under certain rules and regulations for a specific period of time but are not subjected to proprietary, inheritable or transferable rights by any person. *Ri-Kyanti* lands of Khasi hills are the personal lands of the clans which are set apart at the foundation of *elaka* and these lands are of two types – ancestral land and self-acquired land. These lands are subjected to the proprietary, inheritable or transferable rights by the people or the clan groups. The self-acquired lands are those lands which have been bought or acquired by the individual through her/his own earnings and that person enjoys all the rights and controls over that land about how to manage it; to what purpose it has to be taken into use, etc. on the other hand, the ancestral lands are those lands which are inherited from the forefathers and are controlled by the kinship. The ancestral lands cannot be freely used like the self-acquired lands; rather they cannot be bought or sold in the market. Usually the *Ri-Kyanti* lands are managed and controlled by the adult male members of the clan that is the adult brothers and the uncles, whereas there is no power in the hands of women to decide and manage the *Ri-Kyanti* lands. There can be the differences in the detailed norms of managing and controlling the *Ri-Kyanti* lands amongst clans, but the basic principles are more or less same among all the clan groups. If talked about the lands found in Jaintia hills, the categorisation of land follows a different pattern. The terrace wet rice lands which are cultivated permanently are known as *Hali* lands and they are further divided into two categories according to the mode of irrigation – streams or rainfall. The Raj land, Patta land, Village Puja land and the Service land come under the class of *Hali* lands. And all the other lands which are not the part of *Hali* lands, come under the category of High lands. Private lands and government wastelands are the divisions of High lands. The Private high lands can be used by the owner as per his choice, whether to buy, sell, mortgage or inherit it. There is no categorisation of land in the community residing in Garo hills. The land in Garo hills is governed by the accustomed laws of inheritance. The headman or the traditional village chief among Garos is called as '*Nokma*' and the land in Garos belongs to his wife. But it is just for name sake that the wife of headman owns all the land; reality is far away from it. The *nokma* derives all the rights on land through his wife and is considered to be the traditional owner of the land of village. A woman is merely the vehicle by which property descends from one generation to another (Roy, 2017). The chief-headman of the village is treated as a squire who is the chief landowner in a specific village. Land may be, and frequently is, sold by a *Nokma*, but can only be so disposed of with the permission of his wife and her *machong* or motherhood (Playfair, 1909; Sangma, 2012; Roy, 2017). Thus, it is clearly evident that there is no matriarchy existing in real terms among the Garos of Meghalaya.

The property is transferred through female lines among the matrilineal communities. The fundamental norms regarding the devolution of property are similar among Garos, Khasis and Jaintias. The ancestral property is inherited by the youngest daughter among the Khasis. If the youngest daughter dies and has no daughter, then the property goes in the hands of the next daughter elder to the youngest daughter, that is, the second youngest daughter and after her, the property is inherited by her youngest daughter. The rules are different in case of self-acquired property for the males and females. For a man, the property he earned before marriage goes to his mother's family and is known as 'earning of the clan'. And the property a man earns after marriage goes to his wife's family as well as to his children and this earning is known as 'earning of the children'. In case of woman, the self-acquired property can be given to anybody she wants to transmit – to son, daughter or anybody else. But if she dies and has not transferred it to anybody while she was alive, then her self-acquired property automatically goes to her youngest daughter. While the youngest daughter officially inherits the ancestral property, but she doesn't enjoy the

rights and powers related to it in real sense, as the control lies in the hands of the adult male members of the family – say, her brothers, uncles and father. She cannot take decisions regarding that ancestral property autonomously even if she is the custodian to that property. If she wants to sell that property inherited from ancestors, she would have to take the consent from family, especially the male members. In other words, the women do not enjoy the real control, rights and power over the land and property in practical terms; it is actually a male domain even in these matrilineal communities of Meghalaya.

The changes in the traditional practices have been observed these days because the matrilineal societies of Meghalaya are also shifting from community owned property as well as resources to the privately owned property and resources. This is degrading the women's status in socio-economic sphere and the women's situation has worsened in case of their involvement into local self-governance institutions. Karna (2010) has noted that the Meghalaya Succession to Self-Acquired Property (Khasi and Jaintia Special Provision) Act of 1984 challenges the institution of matriliney with regards to issues of nomenclature, property and authority distribution (Roy, 2017). The Act confers on any "Khasi and Jaintia of sound mind, not being a minor, the right to dispose of his property by will" (Nongbri, 1988; Roy, 2017). This act has different implications for men and women. On the one side, it helps the men to free themselves from the customary practices and restrictions of the system of matriliney. On the contrary, it makes the women insecure as they will not have any claim over the self-acquired property of their husbands and they can be in a bad economic condition in case their husbands decide to separate, divorce or neglect their wives. One can see an irony connected to this changing scenario of women as well as men's position in the matrilineal societies of Meghalaya. When the timber industry came into emergence, it paved the way for the men to control the household economy, that is, their position improved with this. Whereas, it eroded women's position in economical terms because of the women's ownership of land, which used to be a very important characteristic of the matrilineal system among Khasis no longer exists. The women's right of property or land ownership has just been downplayed only as a token right and not a full fledged right with real control and power. Irony here is that the women feel that this token right which is just for name sake is better than being completely property-less.

The traditional customs as well as privatisation had degraded the women's status in socio-economic as well as political sphere. Apart from these factors, the intervention by the state and the laws made by the government has also further marginalised the women in these matrilineal societies of Meghalaya. The state's intervention and the laws made by the government formalized the external relations and the women became more disadvantaged as they now had to deal with the formal system of bureaucracy too which was far from their reach. The government's role in making the rights and laws related to land and property in the matrilineal societies created the new hurdles in the path of women and their local systems of management became out of order with the new laws, there by leading to the elimination of women to periphery in the matters of property, land and resource management. Nongbri (2001) points out, in the context of India's Apex Court's order on logging – "The concept of the working plan mooted by the Supreme Court, according to which forests can be used only in accordance with centrally approved plans by the state government, ignores women's role in resource generation and intensifies men's control over them" (Roy, 2017). Since "experience shows that whenever women had to interact with the state machinery, they invariably fall back upon their brother, husband or son in executing their affairs" (Roy, 2017). The developmental strategies are leading to the economic pressures over people, and due to this, the tribal people are getting isolated from the tribal lands. They are now forced to change their customs and practices of resource management and hence there is imbalance in the use of land for diverse purposes. Along with the changes in uses of land, the biodiversity of the particular geographical area is also being affected. The women who were dependent upon this tribal land, resources and biodiversity for earning their livelihoods in their traditional manner are now being alienated from these sources of their livelihoods and depriving them more. In some households, where women are the bread winners and they were doing so by the customary methods of utilising the indigenous resources are now unable to meet the ends of their families due to their alienation from these indigenous resources. They are being forced to change their mode of earning their income for sustenance and not say dependent over the tribal lands for their survival. They are forced to start new small scale businesses or sell or mortgage the little property or land they own in order to keep themselves and their families alive. If we see the situation of matrilineal community of Khasis, we can see that the impacts of these factors are so clearly visible on the women as they are losing hold over their ancestral properties too due to the poverty-stricken reasons. As most of the Khasis are not wealthy and prosperous enough who can distribute the property among their daughters or give the major share to the youngest daughter. The Khasi households who own a good share of land and property are very less in number and the maximum number of Khasi households is poor. Hence, the condition of women is being deteriorated among these matrilineal societies of Meghalaya too.

As we know that the traditional practices and customs of a society are usually informal, uncodified and they are not documented anywhere. When it comes to the customary practices related to the ownership of land, the things become complicated, as various legal issues arise in many situations. Thus, the need has been felt among the tribal groups of Meghalaya too to codify and document the legal laws and rights regarding land in order to avoid conflicts among the people in their society. The demand for codifying and formalising the land institutions has been raised by various organisations over a period of time. Various recommendations have been proposed to the government on the basis of academic and policy opinion keeping in view the principle of gender equality in formations of rules and laws about the ownership of land and property. Land is the main source of earning the livelihood among the tribal people and it is a very crucial component in determining their socio-cultural and economic identity. If we talk about the matrilineal communities of Meghalaya specifically, we know that the customary practices of their community identify women as the custodians of land and the ownership as well as the inheritance rules of land and property are derived from their kinship intrinsically.

But the government's intervention has led to privatization and formalization of the institution of land due to which the relationship of these tribal groups with the land has undergone some changes. The need has been felt that the customary practices and the cultural way of life of these matrilineal societies should be recognised by the government in making these formal institutions so that the women do not stay neglected and women receive the legal representation in the formal institution of law, that is, the court. In order to give voice to women, negotiate their lifestyle to keep it in coherence with the mainstream and to preserve their cultural way of life, recognition of their customs as well as a formal institution of land governance is needed. Another point of view also exist regarding the formalisation of land governance system in which it is viewed as a factor affecting the integrity of their tribal society; because it would need a new definition of their society where women will not only remain mere custodians of the land and take independent decisions over the same. It has been argued that where customary laws, in the face of modernization, are changing in a manner which disturbs the traditional equilibrium and leads to a re-appropriation of roles, there is a need for intervention in favour of women (Mukhim, 2013; Roy, 2017).

The Bodo community is found in Assam, the north-eastern state of India. Merina Islam (2012) says that the status of women in Bodo society is basically patriarchal but partly matriarchal too and the Bodo women enjoy ample of freedom in their everyday lives. The Bodo community gives freedom of divorce if the husband and wife mutually agree for it, but the women are not given any right to property of husband in case of divorce. She can take her precious jewels and ornaments with her in case of marital separation and allowed to remarry if she wishes to. The birth of a boy is preferred over the birth of a girl and if a couple doesn't have son, then they adopt the bridegroom of their daughter who will inherit their property and take care of the girl's parents in their old age. This system of adoption of bridegroom for transferring the property to son-in-law instead of daughter is known as the system of '*Gwrija Lakhinai*' among the Bodos.

According to the briefing notes on 'Gender and Indigenous Peoples' by United Nations, the Tharus are a matriarchal society found in India. The men as well as women both have the property ownership rights among the Tharus. The women as well as men belonging to Tharu community enjoy certain level of freedom without the intervention of other sex. The women belonging to matriarchal Tharus enjoy economic liberty and they can spend or use their income or property according to their interests and will, and they are not supposed to take any prior advice or permission from their male counterparts or other men relatives of their respective families before deciding where to spend their earnings.

Karin Lidstrom (2014) conducted a case study of Mozambique regarding the women's land rights in Mozambique. The geographical area of Mozambique has been characterized in two parts with respect to the societal structures found in Mozambique. The northern Mozambique is populated with the matrilineal communities. On the contrary, the common patriarchal structure is prevalent in the southern region of Mozambique. Although the matrilineal system is supposed to provide higher social status to the women of their society; but the real scenario is not as expected because the women do not enjoy the equal or higher social status even in the matrilineal structure of their community. Rather the Mozambican women, who are part of matrilineal system, have a lower social position as compared to their male counterparts. But the social status of northern Mozambican women is still better than the social status of southern Mozambican women where the patriarchal system is followed. It can be said that the matrilineal system has the positive impacts over the rural women of northern Mozambique.

As most of the Mozambicans are engaged in agriculture and most of the farmers are women; it becomes very important to study the land rights in Mozambique and that too from the lens of gender. The major liabilities of agriculture fall over women and the rights as well as threats related to land are not given much importance and security due to which women become the prime victims of poverty. A family's subsistence is carried out with the land and that piece of land which carries out this responsibility of

family's subsistence is known as '*machamba*'. The food as well as the cash crops is cultivated through *machamba* and the women play a major role in carrying out everyday chores related to it. The family is fed by women there. In other words, the bread winner of the family is woman in most of the households in Mozambique and they feed their husbands, children and other family members by working hard to earn a living for their respective families, especially in rural areas. Traditionally, the women decide what type of food to be produced in their domestic market and to save it from the international market's competition. But this women's control over food sovereignty in Mozambique has been challenged and threatened by the emergence of some multinational companies. The large scale business of agricultural produce has marginalized the Mozambican women from agriculture as these big businesses and the multinational companies are usually operated by the men, and thus the women have been losing the hold over the resources. According to the case study done by Lidstrom (2014), the women in Niassa show that their access to land is indeed threatened by changes in their marriages and their family condition. Karin Lidstrom (2014) found it interesting to understand that although the women themselves formulated that they, as the wife, risk ending up without land as a way to make a living if their husbands would die, but still they did not appear worried for that event.

According to law, the Constitution of Mozambique guarantees the equality to all the people in Mozambique irrespective of their gender. Article 36 of Mozambican Constitution of 1990 states that women and men are guaranteed equal rights and treatment by law where it is stated that men and women shall be equal before the law in all spheres of political, economic, social and cultural life. But still the gender inequality permeates in the society of Mozambique. But various organisations had been struggling for the emancipation of women and the Family Law of 2004 proved to be a successful step in liberating the women from gender inequality. This law eradicated the concept of 'male family head' from the Mozambican society and gave the rights to women to own land and the rights to claim property in case of marriages according to their customary laws.

The Moso community residing in China follows the matrilineal pattern of inheritance and succession where the land, property and resources are transferred through female line, that is, from mother to the daughters. One female is chosen by the consensus of all the female members of the household as '*Dabu*' who is supposed to be the best administrator and most capable for running the household. All the members of the household respect and follow the instructions of the *Dabu* happily as they feel that she will decide the best for the household. And the *Dabu* distributes the earnings among the remaining members of their matrilineal family. When it comes to taking important decisions for the family, the *Dabu* doesn't act as the monarch; rather she allows everybody to put their voices or opinions and then a collective decision is made by all the adult members of the household. According to Luo (2008), Moso women are neither marginalized nor oppressed by (Moso) males. Instead, the Moso women are often given higher position than the Moso men. The Moso society is one of the primitive matriarchal societies which still want to retain the matriarchy. It is said that the low productivities in the economic sphere led to maintenance of the matrilineal system among the Mosos. They wanted to stay together into matrilineal families to survive and avoid exploitation during the feudal period. In Moso society, one's descent, family name and property inheritance are all through the distaff side, so that everyone descended from the mother of a household will have the right of inheritance (Luo, 2008). Due to the fact that the children belong to the same womb, that is, from the same mother, the Moso women face no difficulties in recognizing their children, irrespective of the father of those children. Luo (2008) explained that this concept of legitimacy and inheritance differs largely from a patriarchal system, in which a woman's virginity and fidelity are paramount to the male, who wishes to ensure that his care and attention – to say nothing of his name and property – go to his biological children. The women in the matriarchal societies hold the right to property in one way or another unlike the women in the patriarchal societies who have to lose their share in property willingly or unwillingly under the societal pressure for sake of honour and their relations.

The Nair community of Kerala, a Southern state of India followed the system of matrilineal succession and inheritance. Although the women inherited the name of their joint family among Nairs and inheritance norms followed through maternal line, but still the inheritor women did not enjoy absolute control over the property and the administration. It was the eldest brother of the women, that is, the oldest male member in the matrilineal lineage, who enjoyed the power to take major decisions regarding the administration of family (Gough, 1973; Mathew, 2010). The whole property was distributed equally among all the matrilineal successors of the household at the time of partition. According to Aggarwal (1994), the women in the Nair community inherited the ancestral house, but were less likely to get agricultural land. The study also noted that the change had started to occur among the Nairs where the sons and daughters both had begun to inherit the natal property by the 1980s. The emergence of the concept of dowry also could be encountered among the Nairs after 1980s. It can be said that the negative impacts

were brought by the socio-legal reforms in Kerala. Hence, it is evident that patriarchal control was embedded in the matriarchal system too.

Summing up

In this article, we have learnt that the lineage is traced from maternal line in matriarchy. The inheritance and succession of land and property is done from mother to the daughter. In some communities, the youngest daughter inherits the ancestral land and property from the mother. In some communities, the eldest daughter inherits the ancestral land and property from the mother. And some communities give the property inheritance rights to any of the daughter or all the daughters. There is rarely any matriarchal community where sons also have a share in ancestral land and property. But the ownership of land doesn't mean that the women enjoy complete power and authority over that property. Rather the decision taking rights regarding the land and property reside in the hands of men. The women manages the property, regulates the productive activities related to that land and property, earns livelihood for the family but they are not free to decide for the same land and property autonomously in the matters of sale, purchase or mortgage the land and property. She has to take permissions from the respective male counterparts for the same. Even the women can't speak for their land and property in public councils in case of any disputes or conflicts. This is the males' domain to represent the family or clan's land and property in public sphere. If women are provided the rights to take decisions for that property, their confidence and self esteem will build and lead to economic empowerment of the women. The complete rights to property make the women economically independent and thus they are less vulnerable to the gender based violence against them. It has been observed that state's intervention and emergence of privatisation and globalisation have lead to alienation of tribal communities from the natural resources which were deeply related to their customary lifestyles and mode of earning livelihoods. These factors have also led to increase in the vulnerability of women and lowering their status in the society. In some cases like in Kerala, it is clearly evident that the socio-legal reforms have brought negative impacts over the women's position in Kerala. From the example of Bodo community, it has been known that the women suffer economically in case of divorce from spouse because she is permitted to take only her ornaments with her after divorce and has no share in property.

Things are different in case of self-acquired property, as both the men and women can decide what they wish to do with their self-acquired property by themselves and they don't have to seek permission from somebody else before deciding for their earnings or self-acquired property. Like in Tharus community, men and women both have economic rights and they can autonomously decide for their earnings. Although patriarchy is somewhere embedded in the matriarchy too, but still the women in matriarchy enjoy better status than women in patriarchy.

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