

Zeme Naga Customary Law and Women's Rights: Negotiating Change and Continuity

Kerekulungle¹, Dr. Achanger², Dr. Moameren Pongen³

Department of Political Science,

St. Joseph University, Virgin Town, Ikishe Model Village, Chumoukedima, Nagaland, India-797115

DOI: <https://doi.org/10.5281/zenodo.23008932>

Published Date: 28-September-2026

Abstract: The Zeme Nagas are an indigenous community living at the tri-junction of Assam, Manipur, and Nagaland. The customary laws and customs governing social interactions, property, inheritance, marriage, and the broader community life are fundamental to Zeme society. While customary law plays an important role in maintaining social order and preserving cultural identity, certain practices have implications for gender relations by limiting women's rights, participation, and autonomy. This article analyses the status of Zeme Naga women with special focused on the dynamics of change and continuity in inheritance, property, marriage, divorce, and women's social and economic participation. The study adopted a descriptive and analytical research approach integrating secondary sources with primary data collected through purposive interviews with selected respondents in Jalukie, Peren District, Nagaland. The findings indicate that the spread of Christianity, access to higher education, women-oriented programmes such as self-help groups (SHGs), and initiatives by civil society and churches have contributed to women's social, economic, and, to some extent, political empowerment. However, limited progress remains in inheritance and social rights, particularly in matters concerning divorce. Although property ownership can enhance women's autonomy and economic independence, significant barriers to accessing and controlling property continue to persist. The study argues that Zeme customary practices are selectively adapting to socioeconomic changes rather than remaining static or undergoing complete transformation. It concludes that the Zeme customary system remains positioned between cultural continuity and modernity, highlighting the need for community advocacy, legal awareness, and gender-responsive adaptation within customary institutions.

Keywords: Customary Law, Women's Role, Patriarchy, Social Change, Tradition and Modernity.

I. INTRODUCTION

Zeme Nagas are an indigenous community living at the tri-junction of Assam, Manipur and Nagaland. They are found in Dima Hasao and Eastern Karbi Anglong, Assam, Senapati and Tamenglong in Manipur, and southern part of Nagaland, especially in Peren District (Ndang, 2025). This study focused on the Zeme community residing in Jalukie, Peren District, Nagaland. Like several other indigenous Naga communities, Zeme society has historically followed a patrilineal descent, patrilocal marriage and patriarchal system. Social interactions, property, marriage, inheritance and community concerns are all governed and carried out by customary law, which is a significant institution. Because the Zeme follow customs that represent their cultural values, social political structure, and legal framework, a large portion of this customary framework remains unwritten and passed down orally throughout generations, maintaining the Zeme sociocultural identity.

Customary law is not simply a fixed body of tradition. It develops through everyday practice, community interpretation and ongoing negotiation. This is especially important when customary norms come into contact with changing ideas about gender equality and women's rights. In societies where descent, inheritance and property follow patrilineal lines, customary practices can shape women's access to resources, participation in decision-making and social standing. Understanding women's rights within such systems therefore requires more than an examination of formal legal rules. It also calls for attention to the social, cultural and economic conditions in which these practices are followed and challenged.

Women's rights under customary law have become an important issue as women challenge established gender roles and take on greater responsibilities in economic, social and public life. Among the Zeme, as in broad Naga communities, these changes have been shaped by the spread of Christianity, expanding access to education, women's involvement in Self-Help Groups (SHGs), civil society initiatives and growing awareness of statutory rights. These influences have opened up new opportunities for women to earn income, participate in community affairs and engage in public discussion. Education, in particular, has given many women greater knowledge of their rights and greater confidence to question established practices. In Nagaland, the growing presence of women in public and political life also points to changes in gender relations. Yet these changes have been uneven, and greater participation in some areas has not necessarily brought corresponding changes in all aspects of women's lives.

The contrast between changing social roles and persistent customary restrictions is particularly clear in matters of property and inheritance. Women's participation in education, economic activities and community life has grown, but customary inheritance practices still favor the male line, especially in relation to ancestral property. The findings of this study show a similar pattern. Women have gained greater access to acquired property in some situations, whereas ancestral property remains more closely tied to the patrilineal system. Greater economic participation and social independence, therefore, have not necessarily brought a corresponding change in customary rules governing property and inheritance. Marriage, widowhood and divorce present even more complex. Customary rules concerning marital relationships often affect women's claims to property, custody and other forms of support. The study shows that some decisions are now discussed more openly among families and community elders as social circumstances change. Yet gender inequalities continue to influence the outcomes of divorce, particularly in matters of property division and security after marriage. Customary law has therefore changed in some respects without altering the underlying importance of property, lineage and male authority.

Although existing literature has examined Naga customary law, gender relations, inheritance and women's rights, comparatively limited study has been conducted to study the contemporary experience of Zeme women and how customary practices are being negotiated within the social and economic conditions. Additionally, the existing literature focuses either on the cultural significance of customary institutions and their gendered limitations, or on the processes of practices adaption and, while others remain relatively resistant to change. The study therefore aims to address this gap by understanding the relationship between change and continuity in Zeme customary practices and how women's agency interacts with gendered norms.

Based on this background, the study examines the ways in which Zeme customary law is being negotiated in response to the change in women's rights perspective. Rather than treating customary law as a restrictive or rigid cultural practice, the study considers the institution as a dynamic whose practices are continuously interpreted and negotiated in response to changing social conditions. Particular attention is focused on customary practices of inheritance, property rights, marriage, divorce, and women's access to resources. The study argues that change within Zeme society has been uneven and selective. While women's participation in social and economic spheres has expanded, customary norms on ancestral inheritance and inheritance have remained comparatively resistant to change. This divergence nexus between the gendered customary practices and expanding female agency reflects an ongoing negotiation for women's claims to equality, autonomy and justice in contemporary Zeme society.

The study seeks to achieve the following objectives:

1. To examine the role of Zeme customary law on women's rights and social status
2. To analyse Zeme women's contemporary experiences in relation to inheritance, property, marriage, divorce and widowhood.
3. To assess the nature of change and continuity within Zeme customary practices with particular focus on negotiation between customary practices and women's demand for equality, autonomy and gender justice.

The study is guided by the following research questions:

1. How do Zeme customary practices shape women's rights in relation to inheritance, property, marriage, divorce and widowhood?
2. What are the contemporary experiences and challenges of Zeme women in exercising their rights within customary practices?
3. How are Zeme customary practices changing or continuing in response to women's demands for equality, autonomy and gender justice?

II. CONCEPTUAL AND THEORETICAL PERSPECTIVES

Among the Zeme Nagas, customary law provides the basis for regulating important aspects of social and family life, including marriage, inheritance, property and community relations. Much of this law is transmitted orally and maintained through community practice. Its rules are therefore closely connected with the social institution of the community, particularly with ideas of family, lineage and authority. Customary law is not entirely fixed, however its application may change as social conditions change and as members of the community interpret and negotiate established practices.

Property and inheritance provide an important way of understanding gender relations within this system. Zeme society follows a patrilineal pattern in which descent and family property are traditionally associated with the male line. Patrilocal marriage further places women within their husband's family after marriage. These practices have implications for women's claims to property and their position within the family. While women make substantial contributions to household and community life, customary rules concerning property have generally given greater importance to male heirs. The distinction between ancestral and acquired property is therefore significant when examining the changing position of Zeme women. Women may have greater access to property acquired through their own or family efforts, while ancestral property continues to be governed more closely by customary rules of lineage and inheritance (Elu & Haisoyi, 2011; Yanthan, 2017; Vitso, 2001; Zoliana, 2022).

Amartya Sen's capability approach provide a framework for analyzing this distinction between having opportunities and having substantive rights. Sen (1999) makes a distinction between an individual's resources and their real capabilities. When it comes to women's property rights, involvement in the economy or having access to money does not prove that a woman is capable of claiming, controlling, or inheriting property. Even if a woman works, contributes to household expenses, manages household finances, and participate in a self-help group, she may not have the substantive ability to claim land that is subject to customary inheritance laws. Women's responsibilities may shift as a result of their economic involvement and household decision-making, but these shifts should not be interpreted as proof of equal property rights.

This distinction is crucial for understanding Zeme women's status. Women's engagement in domestic, community, and economic activities is referred to as participation. Their capacity to participate in choices and have some influence over issues that impact their life is referred to as empowerment. However, substantive rights pertain to the recognition and practicality of women's property rights. These three factors might not evolve at the same time. Because customary rules recognize the male line as the major line of succession, a woman may be more influential in her household and participate in economic activities, but she may not be able to inherit ancestral land. Therefore, the capability approach aids in the examination of whether women's choices and rights over property actually increase in relationship with shifts in their social and economic responsibilities.

The question of property rights also has to be considered alongside the constitutional position of Naga customary law. Article 371(A) of the Constitution of India provides protection to Naga customary practices and institutions. This protection is important for the preservation of customary identity, but it also raises questions when particular customary rules concerning property and inheritance are examined from the perspective of women's equality. The issue is not simply whether customary law should be retained or changed, but how its rules are understood and applied when claims to customary rights come into contact with changing ideas about women's property rights (Newme, 2019; Rumkel et al., 2025).

Women's property rights under customary law are closely linked to the structure of inheritance and the authority attached to the male line. In a patrilineal system, ancestral property is not treated only as an economic resource, it is also connected with family identity, descent and continuity. The basic feature of social life is that the world of men and that of women are separated and are found to be underlined in dress, manners, and general behavioural patterns, where it can be seen that men have more liberty than women, as Nagas are rooted in customary law (Vitso, 2001). The preference for male heirs therefore affects more than women's ownership of land or other property. It can influence their economic security, their position within the family and their ability to exercise independent decision-making power.

Nonetheless, changes in the social and economic responsibilities of women are significant. Women's participation outside the home has increased due to education, employment, membership in self-help groups, church and community activities, and civil society initiatives. These factors may also boost women's understanding of their rights (Das, 2018). Women's abilities in areas like income, education, information, and decision-making may increase as a result of these developments.

More economic involvement, however, does not always translate into more rights over ancestral property. This distinction is crucial to comprehending why shifts in women's daily duties could coexist with the persistence of traditional inheritance customs.

From the perspective of gender justice, the central concern is whether customary rules give women an equal position in matters that directly affect their economic security and family status. Restrictions on inheritance can leave women dependent on male relatives even when their participation in education, employment and other economic activities has increased. At the same time, changes in women's social and economic roles have begun to alter the way property and family relations are understood. Education, the spread of Christianity, women's participation in activities and civil society initiatives have increased women's participation outside the household and strengthened their awareness of rights (Longkumer, 2025; Chauhan, 2021; Das, 2018).

These changes, however, have not produced the same result in matters of ancestral inheritance. Greater economic participation may improve women's ability to acquire and control property, but it does not necessarily change the customary rules governing property inherited through the male line (Newme, 2019). This distinction is important to the study of gender justice among the Zeme. It shows that changes in women's everyday roles can occur without a corresponding change in the rules that determine who is entitled to property. Debates over women's participation in public institutions, including the controversy surrounding women's reservation in urban local bodies in Nagaland, also show the continuing difficulty of reconciling claims for gender equality with established customary institutions (Das, 2018).

Customary law changes through its continued use and interpretation within the community. Some practices are more open to change because they are closely connected with changing social and economic circumstances, while others remain firmly associated with lineage and family authority. In the case of the Zeme, this difference is particularly visible in property and inheritance. Women's participation in education, economic activities and community affairs has expanded, yet the customary principles governing property have shown greater continuity (Yanthan, 2017; Zoliana, 2022).

The distinction between ancestral and acquired property is central to this process. Acquired property can be shaped by present economic circumstances and, in some cases, provides women with greater opportunities for ownership and control. Ancestral property, by contrast, remains closely tied to descent and the continuity of the family line. The stronger protection given to ancestral property within the patrilineal system means that changes in women's economic position do not necessarily extend to their rights as heirs.

This, therefore provides a form of change in which customary law adapts in some areas while retaining older rules in others. Social and economic changes have created greater space for women's participation and agency, but inheritance of property remains closely connected with established ideas of lineage and male authority. The study of Zeme customary law therefore requires attention to both developments, the changes taking place in women's social and economic lives and the continuity of customary rules governing property. The relationship between these two aspects forms the basis for examining how women's property rights are being negotiated within contemporary Zeme society (Sen, 1999; Rumkel et al., 2025; Vitso, 2001).

III. RESEARCH METHODOLOGY

The study adopted a descriptive and analytical research approach. The study was conducted in Jalukie, under Peren District, Nagaland. Jalukie was selected as the study area because of its fast-growing development and population within the Peren district. Data were collected from both primary and secondary sources. Primary data were gathered through personal face-to-face interviews with 15 respondents, comprising eight women & seven men, aged 18 and above. Purposive sampling was applied to select village elders, public leaders, Dobashi, Gaonbura, widows, house-makers, and individuals, each possessing in-depth knowledge of the subject matter. Secondary data were obtained from a range of published materials, including books, articles, and academic journals. The combination of primary and secondary data enabled the study to examine change and continuity taken place within the Zeme community.

IV. ZEME NAGA CUSTOMARY LAW: CONTEXT AND GENDERED IMPLICATIONS

Customary law remains a significant pillar in the governance of indigenous or tribal communities that have become a subject of interest among many scholars and academicians in the past few years. Among the Zeme Nagas, it regulates matters such as marriage, family relations, inheritance, property and the settlement of disputes. The Oxford Dictionary defines customary

law as “the traditional law of indigenous peoples, generally oral, sometimes narrative or based on established performative practice, including song and dance, rather than in written codes or principles.” (Zoliana, 2022, p.6). Zeme customary law has largely been transmitted through oral tradition, community practice and decisions taken within the community. Its authority rests on long use and acceptance rather than on formal enactment. As Roy explains, customary laws are “evolved, defined, transformed and innovated by the people over time” (Zoliana, 2022, p.7). This implies that a custom is developed over time through practices rather than being enacted or declared. Additionally, customs are seen as the people’s consent, deeply rooted through years of use, and they adhere to and enforce customary rules despite the fact that they are not codified (Yanthan 2017). This social basis of customary law is closely connected with Zeme kinship and family institution. Descent is traced through the male line, and family identity and ancestral property are closely associated with this lineage. As a result, inheritance is not simply a matter of transferring property between individuals. It is also linked to the continuation of the family line. This has traditionally placed male members in a stronger position as heirs and custodians of ancestral property. The patrilineal structure also shapes women’s position within the family. After marriage, a woman becomes part of her husband’s household, while her inborn family’s ancestral property remains connected to her parental lineage. Women may contribute to cultivation, household work, income generation and the maintenance of family property, but these contributions do not necessarily give them an equal right to inherit ancestral land. The difference between participation in family life and legal or customary ownership is therefore important when examining women’s property rights among the Zeme.

The restriction is most visible in the inheritance of ancestral property. Customary practice has generally favoured male heirs, particularly in relation to family land. This limits women’s direct claims to property inherited from their inborn families and can leave them dependent on male relatives for access to land and other family resources. The consequences may become more serious after divorce or widowhood, when ownership or inheritance of property can determine a woman’s economic security. Property rights are therefore closely connected with women’s wider position within the family and community. Article 371(A) of the Constitution of India gives special protection to Naga customary practices and institutions, including matters relating to land and its resources. This protection recognises the distinct social and cultural practices of Naga communities. At the same time, customary practices operate alongside constitutional principles of equality and justice. This raises an important question for women’s rights. How can customary rules concerning inheritance and property respond to changing expectations of equality while retaining practices that the community considers important? Customary law can change through continued practice and interpretation, and this provides room for such questions to be considered within the community itself (Rumkel et al., 2025). Changes in Zeme society have already affected women’s social and economic roles. Education, Christianity, employment, Self-Help Groups and income-generating activities have increased women’s participation beyond the household. Women are also more involved in community affairs and have greater awareness of statutory rights. These changes have strengthened women’s economic position. They have not, however, produced the same change in the inheritance of property. The distinction between acquired and ancestral property is therefore central to understanding the position of Zeme women. A woman may earn an income or acquire property through her own efforts, yet still have limited customary rights over property. This shows that changes in women’s economic roles do not automatically alter the rules of lineage-based inheritance. Property remains one of the areas where customary practices have retained a strong connection with patrilineality and male authority. Thus, rules are necessary to ensure the delivery of justice. Although in some cases, men may not benefit from the application of the law for the sake of justice, as is the case with regard to customary laws (Pahroji, 2025), women’s rights are also impacted by customary law. Customary practices surrounding inheritance have historically restricted women’s access to family landed property in the Zeme community.

V. WOMEN’S RIGHTS UNDER ZEME NAGA CUSTOMARY PRACTICE

Among the Zeme Nagas, inheritance is governed largely by customary norms rooted in lineage, clan solidarity, and a patrilineal understanding of property. Property rights, particularly over ancestral land, are predominantly vested in male descendants. Zeme women generally do not inherit ancestral property, even when a daughter is the only child in the family. After the death of the parents, the ancestral property ordinarily passes to the nearest male relative on the father’s side. Thus, being the only surviving child does not, in itself, create a customary claim for a daughter over ancestral land (Elu & Haisoyi, 2011). The restriction is closely connected with the cultural significance attached to ancestral property. Ancestral land is not viewed simply as an economic asset, it is associated with family history, clan identity, and continuity within the ancestral village. It is therefore rarely sold or transferred to outsiders. As S. Varah notes, “For Nagas, land is identity. He belongs to

a village and has his forefathers buried there. Therefore, he can never forsake his ancestral village.” The transmission of land from father to son consequently serves not only to preserve property within the family but also to maintain the continuity of the male lineage and its connection with the land.

The relationship between land, lineage, and community membership can also be seen in the experience of a woman interviewed for this study. She had married a man from another Naga tribe, and although the couple continued to live in her village, they were not allowed to inherit land there because her husband belonged to a different community and was not originally from the village. They were permitted to reside there but were not given permanent ownership of the land. Concerned about the future of their children, they eventually decided to leave the village (Igabe, personal interview, 2 September 2025). The case shows that ancestral land is closely guarded as part of the continuity of the community and clan. At the same time, it demonstrates how women’s relationship with ancestral property can become complicated when marriage crosses community boundaries. This response illustrates that women’s exclusion from ancestral property is sustained not only through customary rules but also through socially internalised expectations concerning lineage, family identity and gender roles.

Within this customary structure, daughters are generally excluded from ancestral land while male relatives remain the principal holders of such property. Women also tend not to assert claims over ancestral property, partly because the customary understanding of inheritance itself is deeply rooted in patriarchal principles. The issue, therefore, is not simply the absence of a formal claim by women, it is the social acceptance of a system in which ancestral property is expected to remain within the male line. The continuing exclusion of women from ancestral property becomes clearer when it is compared with the treatment of acquired property. While ancestral land remains strongly tied to lineage and clan identity, property acquired during an individual’s lifetime provides comparatively greater room for women to receive or retain property.

Acquired property occupies a somewhat different position from ancestral property because it is purchased or obtained during an individual’s lifetime and does not carry the same direct connection with previous generations of the clan. This has created greater possibilities for women to receive and exercise rights over such property. In recent years, acquired property has increasingly been given to women, particularly in elite families and, to a lesser extent, among middle-class families. Lungyidaung (personal interview, 18 Feb. 2026) stated that in most of the elite family today daughters are also given acquired landed property as a gift during their marriage because daughters too deserved to be treated equally as property holds power and authority which will ultimately provide economic security and strengthen her status and position during marriage. This demonstrates how acquired property is treated with flexibility, where decisions can be made by the family and possibilities for daughters to obtain landed property are created without discrimination.

The change is especially visible in urban settings, where gifting, purchasing, and selling acquired property have become more common. Unlike ancestral land, which is generally protected for the continuation of the male lineage, acquired property is more readily treated as an individual’s possession. As a result, it can provide women with greater personal autonomy and economic security. Ownership of property can also strengthen a woman’s ability to make decisions for herself and improve her position within the family and society. In this sense, acquired property has begun to create a small but important space for gender justice within an otherwise patriarchal customary structure. However, this change is neither uniform nor absolute. Among many middle-class Zeme families, parents continue to be reluctant to give property to their daughters because of deeply rooted patriarchal expectations. The practice of transferring immovable, non-ancestral property to daughters is more commonly observed among elite families, while it remains less visible among middle-class households. Thus, the emerging recognition of women’s property rights is also influenced by differences in social and economic position.

Women may also encounter difficulties in claiming acquired property after the death of their parents, particularly where there is no written will. Even when property is acquired rather than ancestral, the absence of clear documentation can leave women dependent on family decisions and customary expectations. This is significant because customary practices are gradually coming into contact with formal legal ideas, but the two have not yet fully adjusted to one another.

Greater exposure to formal law, education, Christianity, and changing social conditions has contributed to an increased awareness of women’s rights. Yet awareness does not always translate into the ability to claim property. Some women remain hesitant to raise questions of inheritance within the family because such claims may be viewed as challenging established expectations. There is therefore a need for greater sensitization regarding inheritance and property ownership. Property is not merely land or an economic asset, it can provide women with greater security, bargaining power, and the

confidence to participate more actively in decisions affecting their lives. The growing acceptance of acquired property as a form of women's ownership therefore represents an important, though limited, area of change. It does not replace the patriarchal structure governing ancestral land, but it indicates that customary practices can respond to changing social realities.

Marriage is a legal and social institution where two individuals enter into a formal union, typically for the purpose of companionship, procreation, and mutual support. Traditionally, marriage of the Zeme community, there is no dowry system, but the bride price is practised as a blessing, where it can either be in coin or cash. In confluence with the universal patriarchal inheritance law, the Zeme Nagas of Nagaland also have their own distinct laws of inheritance. During marriage, a woman is generally considered to become part of her husband's family and clan, where she no longer belongs to her father's household, and things owned by her would also belong to her husband. Thus, women are not given any property and are not given legal rights to inherit their father's property. But if the father had no male issue and had willed to give some portion of landed property, she could inherit the only piece of land willed by her father, which is acquired (Elu & Haisoyi 2011). The Zeme traditionally are fond of giving only movable property during marriage, however, today immovable (non-ancestral) property is being given, especially in the elite classes of families, and a little can be seen among the middle-class families. She retains the right to the personal property she bought during the marriage. If her husband passes away before her, she may inherit the property through her male children, provided she continues to live loyally in her deceased husband's household. However, if in the future she decides to live independently or enters into a new marriage, she will forfeit all rights to the property, which will then be passed on to her male children or to the brothers of her late husband (Elu & Haisoyi 2014).

A personal interview with a widow in Jalukie provides an important illustration of the tension between customary continuity and emerging forms of negotiation. Following the death of her husband, the respondent, who had five sons, remarried. Her husband's family subsequently denied her a share in the family's property and land, although they assumed responsibility for three of her sons while she retained responsibility for the remaining two. At the same time, the family agreed to divide the deceased husband's pension equally between the widow and the family. The case demonstrates that customary practices are neither uniformly rigid nor uniformly transformed (Machipeibo, personal interview, 24 August 2025). While the widow's claim to landed property remained constrained by customary expectations associated with her continued membership in her husband's clan, the negotiated sharing of the pension indicates a degree of adaptation to changing socioeconomic circumstances. The case therefore illustrates the selective nature of customary change, property linked to lineage remained resistant to change, whereas a transferable financial resource became subject to negotiation.

Children born within the marriage are entitled to inherit property from their father. Sons typically inherit immovable property from their father, including both ancestral and acquired while daughters receive movable property or personal belongings. Which therefore, the distribution of shares is usually unequal. The common practice for sons to inherit immovable property in Zeme society is ingrained in a larger societal system where property is linked to the continuation of the father's lineage rather than being an individual family choice. During divorce, whatever the reason, the divorce settlement is done according to traditional customary law. Where the woman would not get anything, even if it was owned together during marriage. However, today, women being influence with the legal law has enhance their knowledge, seeking their own rights. If a woman brought land which she received during her marriage, she can claim that particular land during her divorce. Properties which have been inherited by the husband solely from his parents, or in other words, which have been passed down through generations, will not be divided or given to women. The things bought by the couple after marriage had to be divided equally at the time of divorce, depending on the circumstances of their divorce. However, the husband has the right to gain custody of the children. If the wife commits adultery, she would be deprived of all material assets, including personal belongings brought into the marriage and those acquired through her own hard-earned money.

In contrast, if the husband commits adultery, he still has the right to claim whatever properties belonged to him rightfully or personally, unlike the wife, who got nothing. There is a significant case concerning divorce, where it was found that, during their marriage, the husband was discovered to be having extramarital affairs, prompting the wife to seek a divorce. During the divorce proceedings, the husband was granted custody of the child, while the wife was denied any share of the property, including immovable assets, because she could not forgive his wrongdoing. Despite the husband being at fault, the wife was left with nothing (Machipeibo, personal interview, 24 August 2025). This case raises important questions regarding gender symmetry within customary dispute resolution. The significance of the case lies not merely in the outcome of an individual divorce but in the possibility that gendered expectations concerning marital fidelity, property and custodial

authority may operate differently for men and women. It also concerns about women's economic liberty from the standpoint of modern gender rights. The ability to exercise significant control over resources and make decisions on one's own financial stability is referred to as economic autonomy, which goes beyond simply having money or land. The customary arrangement may perpetuate an unequal distribution of economic power between men and women when a woman may lose access to property after a marital dispute while a male in a comparable situation maintains his property claims. Therefore, the adultery case is important not only because of the divorce's circumstances but also because it shows how gendered expectations and customary rules can interact to produce unfair economic outcomes, emphasizing the deep-rooted traditional, long-standing prejudices that still oppress women today.

VI. NEGOTIATING CHANGE AND CONTINUITY IN WOMEN'S LIVES

Today, in social life, justice is a fundamental ideal that everyone yearns for, even though individual conceptions and perspectives may differ. Christianity has brought gradual changes to gender relations within the Zeme community, particularly in ideas about family life, education, dignity, and women's participation in church activities. The change, however, has not been immediate or complete. Women are increasingly involved in church ministry and other forms of religious service, giving them spaces outside the household where they can speak, organise, and take responsibility. This has also created opportunities for women to interact with wider ideas of equality and social justice. At the same time, religious change has not automatically removed older gender expectations. Traditional divisions between men's and women's roles continue to influence everyday life, including behaviour, dress, household responsibilities, and participation in community affairs. Studies of Naga society show that customary institutions have historically given men greater authority in public and political matters, while women have had to negotiate their position within these structures (Longkoi, 2024). Christianity should therefore be understood as one of the forces contributing to change rather than as a complete break from customary gender relations. Within the Zeme community, its influence can be seen in the growing participation of women in church life, education, and community activities, even as customary ideas about gender continue to shape their social position.

Education has become an important source of change in women's lives. It has increased women's awareness of their rights and has given them greater confidence to question practices that were previously accepted without much discussion. Educated women are increasingly visible in employment and community activities. Their participation is significant because agency is not only about having formal rights, it also involves having the confidence and ability to use those rights. In some Zeme families, these changes can also be seen in attitudes towards daughters' property and marriage. For instance, among some elite Zeme families, women are now being given land as a gift at the time of marriage, giving them a form of security and ownership that was rarely available to women in the past. Such practices suggest that education and changing social attitudes are gradually creating space for women to have a more secure economic position within their families. Evidence from Nagaland shows a growing trend of educated women purchasing land and property in their own names, while some parents are also using wills and gift deeds to transfer acquired property to daughters (Das, 2018). Yet education alone cannot remove the structural limits created by customary institutions. Traditional village institutions in many Zeme communities have historically restricted women's participation in formal decision-making, and women's representation in customary governance remains limited. For Zeme women, therefore, education has opened new spaces for participation, but the extent to which these spaces lead to real decision-making power depends on wider changes within the family and community.

In terms of economic growth, women play a vital role in society, where they are instrumental in sustainable development and cultural continuity. Women's participation in economic activities has also expanded beyond the traditional image of women as homemakers. In places such as Jalukie, vegetable vendors and shopkeepers are predominantly women, who are actively involved in external work as family earners, rather than being confined to the traditional role of housewife and homemaker in the kitchen, as was commonly expected in the past. During an interview, one family reported that the wife was the main earner while the husband took greater responsibility for household work including childcare. Such examples are important because they show that gender roles are not always fixed, they can change according to the economic needs and choices of individual families. Women also continue to manage household finances in many families, often deciding how the husband's earnings are used for food, education, healthcare, and other household needs. Today, there are over 1.3 lakh women in Nagaland participating in SHGs. Sensitive programs led by Civil Society Organizations (CSOs) and women-specific initiatives like Self-Help Groups (SHGs) have tackled issues in economic empowerment by enabling women to engage in microfinance activities and small-scale entrepreneurship, where Civil society organizations have introduced gender-sensitive workshops, legal aid camps, and advocacy programs to raise awareness of women's rights, including

gender-based violence. As of January 2025, 1,35,261 women in Nagaland had been mobilised into 15,419 SHGs under the rural livelihoods programme (Longkumer, 2025). SHGs are therefore important not only for income generation but also for building confidence and collective agency. When women earn, save, borrow, or run small businesses, their contribution to the household becomes more visible and their dependence on male income may decrease. This is thus a complete revolution in a changing society, bringing about significant transformations in women's lives in terms of social, economic, and to some extent, political empowerment.

Despite positive developments, significant patriarchal structures persist, as the Zeme customary law is rooted in tradition and faces challenges due to the influence of statutory law, modernization, and changing social attitudes, especially regarding gender equality. While this has important consequences for women's access to land, inheritance, and decision-making. Women may contribute substantially to agriculture, household production, and the wider community while remaining excluded from ownership and customary authority. Research on Naga customary law similarly shows that customary institutions can reproduce gender inequalities in property, marriage, divorce, and public participation (Yanthan, 2017). The issue is therefore not that customary law has no value for the community. Customary law remains an important part of Naga social identity and community life, but some of its gendered provisions have become increasingly difficult to reconcile with contemporary ideas of equality. This tension has led to calls for reform. Temsula Ao (2018), called for the redefinition of Naga customary law and specifically supported women's equal inheritance of parental property and greater participation in decision-making institutions a change that most Naga tribes have tentatively accepted and which is currently being drafted into state law. However, its implementation has been delayed, especially after controversies over women's reservation in urban local bodies emerged in 2017 (Das, 2018). The Zeme community, on the other hand, argues that such changes threaten cultural identity and social stability. Resulting to not letting their daughters inherit their property, which mostly is seen with the middle class family. And thus, today, ancestral property is being completely denied to women inherit which is a continuation of the past. It was also a known fact that women did not have any rights to claim any property as lawfully belonging to them. This was because of the fact that the society was based on customary law rooted in a patriarchal system where complete authority was vested in the male lineage. The resistance to change is therefore not simply a conflict between tradition and modernity. In Zeme Naga society, the push and pull between change and tradition is a constant struggle. On one hand, modern ideas about gender equality are starting to make their way into the community, offering hope for a fairer future. But on the other hand, long-standing customs and traditional laws remain deeply rooted, making it hard to fully embrace these new ways. This tension shows just how difficult it is to balance respect for cultural heritage with the need to ensure fairness and justice for everyone, especially women. As pointed out by Sen (1999), giving women the opportunity to act freely by building their capabilities is important, but it is not enough without changes in the legal system.

VII. CONCLUSION

Inheritance remains an important determinant of women's social and economic position in Zeme Naga society. The findings reveal a continuing tension between customary norms and the changing roles of women in contemporary life. Zeme customary law still plays an important role in regulating social relations, property ownership, marriage and divorce, but its effects on women vary across different areas. Ancestral property, in particular, remains closely tied to the patrilineal system. Ownership and succession are largely associated with the male line, leaving women with limited opportunities to claim rights over ancestral land and property.

There are, however, clear signs of change in women's social and economic roles. Christianity, greater access to education, participation in Self-Help Groups (SHGs), entrepreneurship, civil society initiatives and increased awareness of statutory law have expanded women's involvement in economic and community life. Women are increasingly engaged in income-generating activities, running businesses, managing household finances and taking part in community affairs. These developments have strengthened their agency and visibility, although they have not brought about a comparable change in customary inheritance practices.

The relationship between customary law and women's rights is therefore more complex than a simple opposition between tradition and modernity. Customary practices are subject to negotiation and can change in response to social circumstances. This is evident in matters such as marriage, widowhood, and child custody, where families and community elders may negotiate outcomes that differ from established practice. Such flexibility, however, is less evident when landed property is concerned. Changes in the customary system have consequently been selective, with greater accommodation in personal and social matters than in questions of ancestral property.

Zeme customary law can therefore be viewed as a changing institution rather than a fixed body of rules. Yanthan (2017) notes that customs develop through continued social practice and collective acceptance. The Zeme customary system is consequently being shaped by both cultural continuity and women's growing claims to equality and justice. Its future development of Zeme customary law will depend in part on how effectively it can accommodate changing social realities while confronting the inequalities that continue to shape women's rights within its gendered structures.

REFERENCES

- [1] Chauhan, P. N. (2021). Development of Women's Rights In India. Rawat Prakashan
- [2] Das, Y. S. (2018, Augst 16). Denied for Centuries, Naga Women get Right to Own Land. *The Times of India*. timesofindia.indiatimes.com.
- [3] Elu, R., & Haisoyi, N. N. (2011). Zeme Customary Laws. Zeliangrong Baudi (Hoho), Nagaland.
- [4] Elu, R. (2014). Zeliang Customary Laws. Zeliang People Organization Nagaland.
- [5] Horam, R., Kangdhi, J., & Haokip, T. (2022). Inheritance and Succession Custom of the Nagas. *Journal of Emerging Technologies and Innovative Research*, 9(9), 155-159.
- [6] Jamir, L. S. (2012). Ao Naga Customary Laws and Practices. Heritage Publishing House.
- [7] Mv. J., & Chupuo, A. (2021). Preservation of Naga cultural heritage. *International Journal of Creative Research Thoughts*, 9(11), 600-612.
- [8] Khan, S. (2000). Inheritance of Indian women: A Perspective. *India International Centre Quarterly*. 27(2), 139-154. <https://www.jstor.org/stable/23005497>
- [9] Khonglah, C. M. P. (2016). Property Rights among Jaintia Women: Continuity and Change. Thesis, North-Eastern Hill University, Shodhganga. <https://hdl.handle.net/10603/294413>
- [10] Nagaland State Rural Livelihood Mission, (2024). <https://nsrlm.nagaland.gov.in>
- [11] Longkoi, K. T. (2024). Is Naga Society Egalitarian and Democratic? The Gender Questions on Customary Law and its Practices in Nagaland. *History and Sociology of South Asia*, 18(1), 23-37. <https://doi.org/10.1177/22308075231201907>
- [12] Longkumer, P. (2025, February 11). Over 1.3 Lakh Nagaland Women in Self Help Groups. *Eastern Mirror*. <https://www.easternmirrornagaland.com>
- [13] Ndong, Y. (2025). Voices from the Releiki: A Study of Female Dormitory Institutions of the Zeme Nagas. *The Highlander Journal*, 4(1), 38-46. <https://doi.org/10.5281/zenodo.16080987>
- [14] Newme, G. & Scaria, S. (2025). Issues and Challenges in the development of Manipur economy: An overview, *Indian Journal of Human Development*. 1-25. <https://doi.org/10.1177/09737030251327981>
- [15] Newme, W. (2019). Customary Law and Practices of the Zeliangrong Naga in North East India. *Impact Journals*, 7(5), 435-444.
- [16] Pahroji, D., Priyana, P., Pura, M. H., Farhani, A., & Azizah, F. N. (2025). Justice in Propotional Inheritance Distribution Based on Contemporary Perspective, *Pena Justisia*, 24(1), 564-586. DOI:10.31941/pj.v24i1.6090.
- [17] Ulla, A., Alam, I., Shah, M., & Sarir, S. (2016). Family Role in Settling Inheritance Feuds among Heirs. *Peshawar Journal of Psychology and Behavioral Science*, 2(1), 107-126.
- [18] Rumkel, N., La Ode, M. T. (2025). Justice of Inheritance Rights for Women in Sahu Tribe Customary Law: A Comparative Study and Efforts toward Harmonization. *Cepalo*, 9(1). 53-68. <https://doi.org/10.25041/cepalo.v9no1.4027>
- [19] Vitso, A. (2001). Customary Law and Women among the Chakhesang Nagas, Thesis, North-Eastern Hill University. Shodhganga. <https://hdl.handle.net/10603/65762>
- [20] Yanthan, E. C. (2017). Gender and Naga Customary Laws: A Critical Analysis, (MPhil dissertation, Jawaharlal Nehru University), Centre for Human Studies.
- [21] Zoliana, J. (2022). Customary Law and Changing Trends in Conflict Resolution: Eight Tribes of Northeast India. North Eastern Social Research Centre.