

# Streedhan and Women's Right to Property in Context of Lahaula Tribe of Himachal Pradesh: An Ethnographic Study

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## Abstract

In a society there are certain rules and norms which are usually pre-defined and constructed by that society itself for its members. These rules and norms act as a guiding torch to carry out a smooth functioning of a social system. These rules and norms can be formal and informal with respect to the nature of a society. In special context to a tribal society, these rules and norms are generally informal. These norms do not have an authentic written source in special reference to a tribal social system, and these usually make their existence in that society by transmitting through one generation to other by word of mouth. But apart from this fact, these are strictly followed by its members. These informal rules and norms may or may not be in accordance to the formal rules and norms decided by the major society of which that tribal society is a part of. In the presented article, such norm majorly concerning with the right to property to a woman given by the selected tribe is discussed. Here, a description of concept of streedhan i.e., how it is practically followed by the people of selected tribe, is given which underlines the fact of inherent gender-related differences present in the selected Lahaula tribe of Himachal Pradesh.

**Keywords:** Streedhan, women, right to property, tribe, ethnography

## 1. Introduction

Society is an umbrella concept which covers a variety of other sub-concepts. If we must analyze a society, we must look at its components like its people, various systems, structure, function, processes, groups, institutions, laws, etc. There are broadly three types of society based on its stage of development viz. tribal, rural, and urban society. The first type of society known by the term tribal society is such society which is believed that it still lives in a relatively primitive state of development. A tribal society is characterized by features like a general belief in the supernatural forces of nature and have their own system of social structure, economic system, cultural pattern, and political dynamics. This society has its own set of rules, norms and laws which is termed as customary laws. These set of laws are generally oral in nature i.e.; they lack an authentic written source. It is believed that these laws have been constructed by some ancestors who cannot be traced as they have their origin which dates to a long time ago. These laws have made their existence till present time and will make their presence in future time also, because they are transferred

orally from generation to generation. These customary laws are generally informal in nature as these are passed down through words of mouth.

These customary laws function as a medium by which a tribal social system, economic system, and political system work on its own. These laws are distinct in nature as each tribal society has its own set of such laws. They can contrast with the formal and legalized laws of the major society of which that tribal society is a minor part of society. In context of the tribal groups residing in the state of Himachal Pradesh of India, we can observe such set of customary laws by which each tribal group of people is governed accordingly. If we must understand how these tribal societies function than we must look in its set of customary laws so that we can get an idea about its rules regard to its culture, society, economy, and polity. The presented article will take a dive into the customary laws of one such tribe of Himachal Pradesh which is different on its own whether we talk about its geographic location, relatively isolation situation, folk culture, dialect system, racial system, etc. There is one other element of this tribal society which is distinct on its own and that element is its economic system. The customary laws concerning this tribal society has its own informal set of laws which defines its structure of economic system specifically its rights related to inheritance. These concerning laws are very much in contrast to the inheritance rights specified under the Indian constitution, which is followed by majority of the Indian states. A very different approach is accepted by this tribe regarding the rights to claim property of a family by two sections of gender. Under this, there comes a separate concept of streedhan which is a separate property given to a daughter, wife, widow, or a divorcee voluntarily by their family members.

This article will focus to understand the socio-cultural practices of the selected Lahaula tribe. An introduction to the practices related to the social and cultural life of people living in Lahaul area will be given under this article. Under this, it is also tried to explore the underlined aspects of right to property in context to Lahaula tribal economic system. It is also tried to know more about the differences present in right to property between twos sections of gender in Lahaul tribe i.e., between the male and female members of this tribal group. Lastly, it will also present the concept of streedhan and how it works among the Lahaula tribal people.

## 2. Review of Literature

Various studies had been conducted which focuses on the customary laws concerning the economic system of a tribal society which gives an insight into that society. One such study has been conducted by Upadhyay (2022) focusing on the describing the concept of streedhan, to make a difference between dowry and streedhan and finally to make an argument the importance of streedhan in context of property rights. Since a very long-time women never had the right to property. Here, streedhan comes as a medium of which they have a right on and later this was misinterpreted to the term of dowry. In the span of time many programs and acts were carried out to make women avail their lost property rights.

Other study was conducted by Hera and Batcha (2023) on streedhan which they mentioned as a misunderstood concept of women's property. They had stated that women had very limited rights historically, and were relied on their male counterpart for their sustenance. They were given some gifts by their relatives which serve as a form of protection and security to them. These were called as streedhan which was considered as their personal property. Streedhan was considered as a symbol of the love and respect for a girl by her family members. Kumar (2019) had provided a critical study of streedhan where he had discussed the concept of streedhan, its types, sources and laws governing the issues of property rights. Under the sources he had mentioned one source which is the property received in gift during

marriage. Based on this source there are some types of gifts which are given to a girl in Lahaula tribe which become her streedhan.

### 3. Research Methodology

The presented article has been a part of the study conducted for my Ph.D. related work which mainly focus on the overall cultural and gender dynamics of Lahaula tribe. To study the selected Lahaula tribe a research design has been incorporated which is descriptive and exploratory in nature. An ethnographic research method has been used to get a deep insight into the selected tribal group. The data collection of observation has been used to observe the various socio-cultural practices of Lahaula tribe like birth, marriage, divorce, and death related practices of the tribe. This will try to give a present scenario of this tribe in context to separate practices.

To know the deep-rooted realities, present in these practices related to social and cultural life of a Lahauli person, unstructured interviews had been conducted with the locals who belong to the age group of above sixty years of age. This will try to give the past scenario of this tribe related to the separate practices. The books and articles which were published by the local magazines had also been analyzed which focused on the overall social system of this tribe.

A set of narratives were also being recorded to do the part of narrative analysis of about twenty local people who has their expertise related to this tribal group. They were asked about their experiences related to being involved in the process of streedhan. A few recorded video tapes and photographs were also analyzed which were being recorded around the time of 1980's to 2010's to get an insight into the marriage-related practices being practiced at that point of time. So, a balance has been created to know the past and present of the Lahaula tribe's overall system related to its economic structure, cultural system, and gender dynamics.

### 4. Study Area

The area selected for the research purpose is the Lahaul sub-division of Lahaul-Spiti district which is a hundred percent tribal district of the state Himachal Pradesh of the nation of India, as the selected Lahaula tribe resides in this sub-division only. Generally, the people living in the Lahaul area are called by the outsiders as Lahaula. In this sub-division there flows a main river named as Chanderbhaga which flows throughout the whole sub-division and divides this sub-division into three river valleys named as Chandra, Bhaga, and Chanderbhaga valley. Out of these three valleys the Chanderbhaga valley also called locally as Pattan valley has been selected.

The main village selected for the purpose of study was Shansha which is the most populated and diverse village of the Chanderbhaga valley. A focus on its neighboring village areas has also been made like that of Jahalma, Jobrang, Rashel, Rangbay and Lote.

The main focused practices related to social and cultural life were birth, marriage, divorce, and death of the Lahaula tribe. Among these practices such parts are underlined and analyzed which revolve around the concept of streedhan that describes the right to property of women among this selected tribe. This will give an insight into the gender dynamics relate to the economic system of Lahaula tribe. This right to property in form of streedhan was given to Lahauli women in the phase of their life during the selected socio-cultural practices of Lahaula tribe.

## 5. Socio-Cultural Practices of Lahaula Tribe

There is a characteristic trait of Lahaula tribal society that there is no authentic written source of their tradition values and each traditional, and cultural things get transferred to the new generation by word of mouth. These are performed by present generation of Lahaula tribe based on how they were been performed in earlier times by their ancestors on hearing basis and on observing their elders performing these things. Upon observing the socio-cultural practices being performed at Shansha village and its neighboring village areas which belong to the Pattan valley of Lahaul sub-division tribe, it can be observed that many practices of Lahaula tribe had drastically changed their pattern. There are some customs, and rituals related to various socio-cultural practices that were performed in earlier times, and had lost their significance in the present time in the life of Lahaula people. Various other new rituals had been adopted and imitated by the people of Lahaul area which belong to the major culture of other Indian states.

To get an insight of these traditional practices which have lost their significance in the present time, and are not been performed anymore by the people of Lahaula tribe, help of some old people, and local experts of Lahaul area has been taken. Various unstructured interviews were held with the old people of the selected village, and the neighboring villages of the Pattan Valley to get acquainted with the forgotten practices of Lahaul tribal area. During study certain customs and rituals of socio-cultural practices of Lahaul area were also observed which still constitute a part of the socio-cultural life of Lahaula tribal people.

In general, by socio-cultural practices we usually mean the rituals, customs, habits, and behaviors that are commonly shared by a specific community of people. These practices are performed by the people of a specific community, and they generally shape the behavior of people belonging to that community. These practices have an important role to play in the life of the common people belonging to that community. These practices also have a role to play a significant impact on gender-related roles and stereotypes in a community. Upon analyzing these practices, we can an idea about the inherent gender dynamics present in a community by focusing on certain questions like what are the duties that a particular individual must perform, and what are the permissions or restrictions on an individual while performing an activity as per his, or her gender identity?

While analyzing the Lahaula tribal society a list of four main types of socio-cultural practices can be listed, which were usually performed in earlier times as well in present times by the local people. The four types of socio-cultural practices that are being performed by Lahaula people are:

- Marriage-related practices
- Death-related practices
- Birth-related practices
- Divorce-related practices

All the property which is given by the family members and acquaintances of a girl as he private property which comes under the notion of streedhan, mainly belongs to the practices related to the marriage institution being followed by the Lahaula people. All the voluntary gifts which are given to the girl could be observed only in the situation when that girl enters the institution of marriage in the Lahaul society.

## 6. Customary Laws of Lahaula Tribe

According to a paper published by World Intellectual Property Organization in 2013, the idea of customary law concerns the laws, practices and customs of the indigenous people and local communities. It is intrinsic to life and custom of indigenous people and local communities.

A study was published by Kumar (2021) in the form of book where he had focused on the subject matter of customary law of two tribal groups of Himachal Pradesh which were Lahaul and Pangi. In the book he had tried to discuss all the customary laws of the two areas and had tried to make a comparison between these two areas based on the difference and similarity present in their customary laws.

From the above-mentioned book and by talking to the old locals of Lahaula tribe, it can be stated that there is some sort of laws which were defined by the old age customs and belief sets of people which came to know as customary laws and under these laws it is described that the property related rights should be entertained to the sons of family only. Daughters will be the inheritor only in one condition i.e., when there is no biological son in the family. It is described that daughters will get a part of the paternal property in the form of certain gifts which will be given voluntarily by the closed ones of her and they will be the sole inheritor of those gifts.

### 7. Streedhan in Context to Lahaula Tribe

The selected Lahaula tribe of Himachal Pradesh is patriarchal, patrilineal, patrilocal, and patronymic in nature. So, the customary law defined by Lahaula tribal society for their people does not give any type of paternal property rights to a daughter if she had real brothers in her family. Only, under one condition they become inheritor of property if their parents do not have any biological son. So, in marriage rituals, to overcome this limitation of daughter, a certain number of items (usually money, jewellery, or clothes) are gifted to her by her family, friends, villagers, and even from the boy's side.

The word streedhan is derived from stree which means woman and dhan which means property or wealth. So, in literal sense it means the property of a woman. The law of streedhan stands in contrast with the general spirit of Hindu laws which is not very equitable towards women (Banerjee, 1879).

According to the old people of Lahaula tribe which were interviewed, these gifts should be given to the daughter as a form of her property from her parent's side. They also stated firmly that this gifting ritual should not be treated equivalent to the system of dowry. Some reasons were opined by them to support this argument, they were:

- As, these gifts are only given to the daughter by her parents, in-laws, siblings, other relatives, and friends.
- As, all these gifts are put under her name by her parents.
- As, later these collected gifts could be used only by her, either for her personal utilization, or for the emergency cases.

There are various types of gifts which are termed locally differently based under which situations these are given to an adult female by the Lahaula tribal people i.e., in certain occasions she is given different types of gifts by her actual family members, and by her newly made family. The classification of items gifted to an adult female in Lahaula tribal society were:

#### **Zong**

Under the situation of conducting a big and formal wedding, locally termed as Mo-de Byah, an elaborative gifting ceremony is held before the farewell of the bride. The main people who are involved in gifting ceremony are all the direct family members of bride, like her grandparents (paternal and maternal), parents, siblings, maternal uncle, and other relatives of the bride. They all voluntarily give some gifts to her which usually includes money, clothes, or set of jewellery.

At first, the mother and the father of bride give the gifts, then comes her real siblings, her grandparents, her uncle-aunt, and then the other relatives who gift some items to her. All the collected amount of money

is put under her name in her bank account nowadays while in early times was given directly to her. All the collected clothes and jewellery are given to the bride only for her utility.

When the groom's procession returns to the house of the groom with the bride's procession, another process of gifting ceremony also takes place there. The bride goes to each people who have come with her to her new house, and she is given some amount of money when she touches their feet, and she pays respect to each of them. In the next day, when the father of the bride visits the new house of his daughter then this collected amount of money is given to him which he puts under the name of his daughter in the bank for future usage. All the jewelry and clothes gifted by the groom's side are also given to the bride only. These all types of gifts given to the bride by her close relatives from her parents' side, and by the relatives of her husband's side, is collectively called as zong.

### **Bartan**

During the process of marriage whether it is a big wedding or is a kind of reception (locally called as Feroni) which is conducted after some time of a small wedding due to certain circumstances, other type of gifting ceremony takes place. The main people involved in this gifting ceremony are the villagers of bride's paternal village and other invited guests by the bride's side. They all also give an amount of money to the cashiers (who is usually a male relative of the bride and is given the responsibility for collecting the cash, and keeping an account of each person's gifted amount of money to the bride).

This accounting of gifts is lastly handed over to the parents of the bride for future purpose (As, when the children of a particular invited guest is married then the same amount of gift, or more than that is returned to their children which acts like an exchange process of gifted money). This gifting of money usually happens after the feast has been given to the invited guests. This type of collected amount of money is locally called as Bartan by the Lahaula people and it is also kept under the name of the bride which she can use according to her convenience.

This type of gifting ceremony also takes place in the groom's side in the similar pattern. There also all the invited guests by the groom's side give some amount of money as a gift in the name of groom. The accounting is done of each gift by the cashier who is the male relative of groom's side, and lastly is given to the parents of the groom. This collected amount of money which is also called as Bartan is finally given to the groom for his future utility.

### **Chheti**

Chheti is a kind of bride price which is given to the bride by the groom. It is usually given under two occasions. Firstly, if a small type of wedding (locally called as Kwachi Byah) is held under certain reasons like due to low finances available in the family of the bride, or due to the non-availability of time for holding a big wedding (Mo-de Byah), or due to any type of mishap. Then under this condition, the bride is given an amount of money by the groom.

In a condition of conducting a small marriage, a smaller number of people are involved and invited in the marriage ceremony. So, the gifts which should be given to the bride, becomes very less. So, to compensate her loss, when she reaches her new house then a chheti (money) is given to her by the groom. This amount of money is again kept under the name of the bride.

Secondly, under the condition of a peculiar type of marriage which was held in early times and is no longer a part of patterns of marriage being followed by the people of Pattan valley. This type of pattern of marriage was locally called as Koozi Byah, which narrates to a marriage done by capturing of an adult female. Under this situation, again a chheti (money) is given by the man's side who has captured the woman, to her parents.

When the girl (adult) is being captured, and brought by the man and his companions to his house then after performing the marriage rituals accordingly there, they both are considered married to each other. After some days, some elderly people (locally called as Sehna) from the concerned man's village visit the paternal house of concerned woman to calm down the situation, and to persuade her parents so that they also give their approval for this relation. After having a long talk, they finally arrive at some kind of settlement and an amount of money is settled to calm down the situation. In early times, some cases were also quoted by the old locals where final settlement was not achieved and father and relatives of woman had taken her back to their house without acknowledging the relation. The relation also gets nullified by the elderly people of village if the captured female is not adult. This amount of money given to the parents of concerned woman is also kept under her name on the day of Feroni (a kind of reception party given to all the relatives and near ones of the concerned man's and woman's side).

### **Nya**

*Nya* is a gift which is given to the girl by the boy for giving a kind of informal wedding proposal, in early times. When a boy and girl were in love, then the boy gifts the girl a piece of jewelry through his female relative. If girl accepts this gift, then it is considered as a sort of her agreement to the informal type of engagement. This gift was locally called as *Nya*. This gift was initiated by the boy to the girl, if the parents of a girl are not in approval of their marriage, or the boy believes that they will not accept this marriage. After this *Nya* was willingly accepted by the girl, a day was selected to capture the girl by the boy with the help of his friends i.e., this kind of gift was a kind of step which initiates the process of Koozi Byah. If this gift is not accepted by the girl than it is considered as her disapproval to the proposal.

If a girl had earlier accepted this gift, and later she gets married to another boy then this *Nya* is sent back by the present groom's side of the concerned girl to the boy who has earlier given this *Nya* to the concerned girl. By accepting this *Nya*, girl becomes the fiancée of the boy. Also, there was a condition that if the girl wanted to end the relation with the boy after accepting the *Nya*, then the girl's parents had to give back this *Nya* to that boy.

### **8. Relevance of Streedhan to Lahaula Women**

When the old respondents of the Lahaula tribe were asked the question on the importance of the gifts given to a daughter by the family members, all of them were in the opinion that it has a significant role to play in the life of a married daughter. As there are no provisions of inheriting the paternal property by the daughters of a family if they have a real brother. Only in such case inheritance goes to the daughters when they do not have a real brother. The private property of parents which they have collected in their whole life they have a right to distribute according to them but in the case of paternal property which has been transferred since generations belongs to only the sons of a family in accordance to the defined customary laws of Lahaula tribe.

So, in this case of limitation, this notion of giving gifts to a girl when she enters in the institution of marriage overcomes this inherent limitation of not having the power of inheriting paternal property. The old folks of Lahaula tribe stood to the opinion that these voluntary gifts which can be utilized by daughters only, give a feeling of affection that these have been given to her by her parents and other family members as a token of love. It is different from dowry as the sole right to utilize it goes to daughter only.

### **9. Conclusion**

The customary laws in themselves guide and direct the smooth functioning of a tribal group of people.

Lahaula tribe in a similar way is guided and directed by the customary laws. As the selected tribe in its nature is patriarchal so all the paternal property rights go to the sons of the family and daughters have been kept out of it since a very long time. The Hindu Succession Act (1956) does not apply in the Lahaula tribe in context of who will be the successors of the paternal property. So, for this purpose there are some rituals in the socio-cultural practices which try to give some part of commodities from the closed ones of the daughters so that they can get a part of paternal property which will come under their inheritance. The paper had highlighted all the types of voluntary gifts which are bestowed to a daughter by her family members which come under the notion of streedhan.

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