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Socio-Legal Challenges Faced by APST (Arunachal Pradesh Scheduled Tribe) Women Married to Non-APST Men in Arunachal Pradesh

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Abstract:

In Indian society, women face significant social pressure to marry and single women are often stigmatised. Even when a woman does marry it is expected that her choice aligns with the social and ethnic expectations imposed by society. Women who marry outside their culture or religion frequently face criticism and exclusion, often from their own communities. In Arunachal Pradesh, where 68.79% of the population is tribal, concerns about alienation and loss of land persist. These concerns are frequently used to justify denying equal rights to women who marry non-APST men, rights that are more freely extended to APST men who marry non-APST women. This raises an important question: Are the prevailing concerns genuinely rooted in the protection of tribal land or do they stem from more deeply entrenched patriarchal structures within society? Furthermore, how do the lives and experiences of APST women who marry within the tribal community differ from those who marry outside it? In Arunachal Pradesh, while customary laws have fostered tribal unity and land preservation they have also reinforced patriarchal norms. Since the 1980s, increased female education and leadership have started to challenge these norms, though deep-rooted societal expectations persist especially for women who marry outside their tribe often leading to the loss of status, rights and support. This article explores the socio-legal status of women in Arunachal Pradesh who marry non-APST men. Drawing from articles and research papers, it analyses how such women face systemic exclusion and deprivation of rights despite their indigenous origins.

Keywords: Women's rights, APST (Arunachal Pradesh Scheduled Tribe), Arunachal Pradesh, Customary laws, Indigenous.

1.0 Introduction:

Arunachal Pradesh is home to numerous tribal communities whose age-old customs continue to shape both legal frameworks and social practices. In Arunachal Pradesh, customary laws have historically served as the bedrock of tribal communities, fostering unity through collective practices like communal house-building and shared access to forest resources. However, these traditions have also entrenched patriarchal norms. Women often found their autonomy curtailed first under their father's authority then their husband's. Practices such as child marriage and polygamy were prevalent

with women having limited say in these arrangements. Women seeking separation were often required to repay double the bride price, imposing a substantial financial burden. Moreover, women were traditionally excluded from decision making bodies like the *kebang* (a traditional council particularly among the Galo tribe). After childbirth women were often segregated, a practice that overlooked their need for care and support during such critical times. The 1980s marked a turning point. With increased access to education, women began challenging these entrenched norms. The emergence of *gaon buris* (female village elders as traditional leaders in community decision-making) signalled a shift towards inclusivity, granting women a voice in community governance and decision-making processes. Yet, societal norms continue to pose challenges. Marrying outside one's tribe often exacerbates these difficulties as women may face loss of tribal status, property rights and community support adding layers to their struggle and suffering.

Historically, patriarchal customs within tribal communities have restricted women's rights particularly in matters of property inheritance which has undermined their financial independence and deepened gender disparities. The situation becomes even more challenging for women who marry non-APST men, as they risk exclusion from both their birth and marital families, heightening their socio-economic vulnerability. This article examines how such marriages affect women's legal rights and their children's identity, placing the issue within a broader socio-legal framework (Damin, 2021).

The question of women's rights particularly those of women married to non-APST men sparked controversy among tribal communities, especially regarding property rights. The debate gained momentum with the introduction of the Arunachal Pradesh Marriage and Inheritance of Property Bill, 2021, which aimed to grant APST women, including those married to non-APST men, inheritance rights over both ancestral and self-acquired property. However, public opposition driven by misconceptions and resistance to change ignited widespread discussions on the balance between gender equality and the protection of tribal land (Basar, 2021).

In the past, tribal customary laws have favored male heirs, with property typically handed down from fathers to sons, a practice that continues to this day. The matter gained widespread attention when legal scholar Dr. Topi Basar analysed a proposed bill, sparking online controversy. Critics contended that granting inheritance rights to women, particularly those married outside the tribe, could jeopardise the tribal identity and traditional land ownership structures of Arunachal Pradesh. Nevertheless, women's rights advocates persist in challenging these prevailing norms, asserting that the pursuit of gender equality should not be compromised in the name of preserving cultural traditions (Dodum, 2021; Basar, 2023).

2.0 Research questions:

1) How do the experiences and rights of women married to APST men differ from those married to

non-APST men in terms of legal and social treatment?

2) In what ways are APST women treated differently from APST men who marry outside the tribe?

3) Is the state's legal framework gender-neutral or does it reflect patriarchal biases?

3.0 Methodology:

This article adopts a qualitative approach, drawing on secondary sources to explore the rights of Arunachal Pradesh Scheduled Tribe (APST) women who are married to non-APST men. It involves a comprehensive legal analysis, alongside an examination of media narratives and prior academic work to understand the socio-legal challenges faced by these women. A key component of the analysis focuses on media coverage, with particular attention given to regional news outlets such as The Arunachal Times and Arunachal Observer. These sources will be examined to trace the evolution of public discourse, monitor legal reforms and highlight the efforts of various advocacy groups pushing for gender justice and property rights. The inclusion of opinion pieces, editorials and expert interviews featured in these publications will further contribute to understanding the diverse societal attitudes toward inheritance rights for women married outside their tribal communities.

Additionally, the article includes a review of existing literature including scholarly articles, government reports and policy publications. This review aims to situate the issue within a broader socio-economic and cultural framework by shedding light on how historical, customary and legal factors intersect to affect the lives and rights of these women. Through this multi-faceted approach the article seeks to present a nuanced understanding of structural inequalities embedded in customary practices and to evaluate the implications of proposed legal reforms.

4.0 Literature Review:

In the article “A No Women’s Land” published in *The Arunachal Times* (August 24, 2021), Gaby Miyum Damin explores the complex socio-legal position of APST women who marry non-APST men. The author highlights the intersection of traditional patriarchal customs and formal legal systems in determining women’s rights in Arunachal Pradesh. Tribal societies in the region have historically adhered to customary laws that favour male inheritance, systematically excluding women from access to ancestral property. This exclusion not only restricts women’s economic independence but also reinforces longstanding gender disparities. The situation becomes even more precarious for women who marry outside the APST community, as they often face marginalisation from both their natal and marital families. The author’s analysis underscores how these women are rendered increasingly vulnerable legally, socially, and economically due to the dual burden of cultural norms and inadequate legal protection.

In the article “A Critical Analysis of Customary Laws, Women’s Property Rights and Uniform Civil Code in Reference to Arunachal Pradesh, India” published in the *International Journal of Advanced Multidisciplinary Research and Studies* (2023), Dr. Topi Basar provides a

comprehensive examination of the influence of customary laws on women's rights within tribal communities in Arunachal Pradesh. Unlike codified state legislation, customary laws in the region remain uncoded and are transmitted orally through generations, primarily enforced by village elders or councils known as Gao Buras and Gao Buris. These traditional institutions predate India's independence and were historically immune even to colonial legislative interventions. The Assam Frontier Regulation Act of 1945 (AFR), enacted during the British era and retained post-independence, formally recognized these traditional authorities, granting them civil and criminal jurisdiction. However, as modern legal frameworks have expanded, the influence of these customary institutions has gradually diminished.

The author critiques the inherent patriarchal nature of these traditional systems, noting the lack of representation and legal provisions for women in Village Authorities. The AFR does not mandate women's inclusion, and unlike the constitutionally mandated 33% reservation for women in Gram Panchayats, customary councils in Arunachal Pradesh remain overwhelmingly male dominated. This exclusion silences female voices in village governance despite their active contributions to social and economic life. The article further highlights gender biases entrenched in customary laws, including the normalisation of polygamy particularly within the Galo tribe which often leaves women without legal protection or financial security. The author's analysis emphasizes the urgent need to reconcile traditional practices with constitutional values of gender equality and justice.

The article "*Draft Marriage & Inheritance of Property Bill Submitted to GoAP: APSCW*" published in *The Arunachal Times* sheds light on the significant public and institutional debate surrounding Sections 42 and 43 of the Arunachal Pradesh Marriage and Inheritance of Property Bill, 2021. These sections have drawn strong opposition from various civil society organizations and women's advocacy groups, particularly due to their implications for the property rights of APST women married to non-APST men. The Arunachal Pradesh State Commission for Women (APSCW) acknowledged the concerns raised and confirmed that the draft bill had been submitted to the state government for reconsideration. Similarly, the Arunachal Pradesh Women's Welfare Society (APWWS) formally petitioned for the removal of the contentious clauses, citing widespread public concern and the broader interest of the state's indigenous communities.

Clause 42 of the bill restricts APST women who marry non-APST men from transferring inherited ancestral property to their descendants, requiring that such property revert to the woman's ancestral family. Clause 43, while permitting these women to retain self-acquired property, stipulates that after their death, ownership can only pass to indigenous tribals. These provisions have sparked considerable debate as they reflect the complex balance between preserving tribal identity and addressing gender-based property discrimination. The article captures the growing awareness and

resistance among local institutions and civil society against legislative measures that appear to undermine women's constitutional rights in the name of cultural preservation.

In the article "*Debate Rages in Arunachal on Inheritance Rights of Women and Tribes: A Legal Bind*" published in *The Citizen* (September 7, 2021), journalist Ranju Dodum examines the heightened public discourse surrounding the Arunachal Pradesh Marriage & Inheritance of Property Bill, 2021. The debate centres on the bill's provisions addressing the inheritance rights of APST women, particularly those married to non-APST men. The article highlights how customary laws in the state governing 26 major tribes and over 100 sub-tribes traditionally favour patrilineal inheritance, especially of ancestral immovable property. While self-acquired property may be passed to daughters, ancestral land is predominantly inherited by male heirs, reinforcing a long-standing legal and social imbalance.

The author points out that although the bill aims to promote gender equality, its introduction has provoked significant backlash from both civil society and cultural institutions. Critics argue that allowing APST women married to non-APST men to inherit ancestral property poses a threat to tribal land security and cultural identity. Notably, the Arunachal Pradesh Women's Welfare Society (APWWS) opposed the bill, citing fears of land alienation and the erosion of indigenous autonomy. The debate further intensified following the public criticism and personal targeting of Dr. Topi Basar, a legal scholar whose analytical commentary on the bill brought greater visibility to the issue. Moreover, the article draws attention to persistent socio-cultural practices such as polygyny and the ostracisation of women who marry outside their tribe factors that further hinder the realisation of gender-equitable property rights. Although the bill has been temporarily set aside, the author emphasizes that the controversy has triggered a broader reckoning within the state, underscoring the urgent need to strike a balance between constitutional ideals of gender justice and the protection of tribal customs and land.

5.0 Intersections of Gender, Identity, and State Power:

5.1 Marginalisation of women and conditioned identity:

The lives of women in Arunachal Pradesh, whether married to APST or non-APST men, are generally tied to larger issues of customary laws and societal attitudes. While women married within the APST community may appear to enjoy greater acceptance or protection, they are nevertheless bound by patriarchal traditions that reinforce male dominance. Across the board, women remain subject to outdated customs that uphold male authority (Wangsu, 2022)

However, women married to non-APST men face an added layer of legal and social vulnerability. The challenges faced by APST women married to non-APST men are not only legal in nature but are deeply rooted in social conflicts. These women often experience marginalisation at the intersection of rigid customary norms and inadequate legal protections, which fails to address the

realities of their lived experiences (Damin, 2021; Manpoong, 2018).

Beyond the denial of Scheduled Tribe (ST) status to the children of APST women married to non-APST men, there is a rising wave of hostility aimed directly at the women themselves. Increasingly, they are being pressured to surrender their Scheduled Tribe (ST) certificates upon marrying outside their community. This pressure extends further, with explicit demands that they relinquish not only their legal status but also all associated benefits and personal documents that validate their tribal identity. The Arunachal Pradesh Scheduled Tribe Forum (APSTF) and sections of the general public have actively demanded the cancellation of ST certificates for APST women who marry non-APST men. This stance reflects the deeply entrenched patriarchal mindset in society, where a woman's identity and entitlements are made dependent on whom she chooses to marry. Instead of acknowledging her tribal status as inherent, society seeks to strip it away based on her personal choices, thereby reinforcing male-centric notions of lineage, identity, and belonging.

The loss of one's identity especially the Scheduled Tribe status can lead to exclusion from essential state welfare programs, educational reservations, employment opportunities, and political representation. This exclusion significantly affects the socio-economic well-being of these women. Such exclusionary practices not only deepen the marginalisation of women but also contradict the constitutional values of equality and justice, prompting immediate intervention and appropriate legislative reform (Press Information Bureau, 2024).

5.2 Patriarchy and State: An inherent relationship:

In Arunachal Pradesh, patriarchy and the state are inextricably linked through legislative frameworks and social norms. Although the Indian Constitution upholds the ideals of legal equality through Article 14 and prohibits discrimination on grounds of religion, race, caste, sex, or place of birth under Article 15, Article 371(H), assigns special responsibility to the Governor of Arunachal Pradesh over law and order. While it does not explicitly safeguard tribal customs like Articles 371(A) and 371(G), this provision has indirectly allowed traditional norms and practices, including customary laws to persist, many of which reinforce patriarchal structures. Though such provisions are intended to preserve indigenous culture, they also grant the state a degree of autonomy that inadvertently upholds long-standing patriarchal traditions. As a result, state institutions often operate in ways that disadvantage women particularly those married to non-APST men (Government of India, 1986; Mamai, 2022).

This connection between the state and patriarchy becomes particularly evident when looking at issues like polygamy. Despite continuous disapproval from various groups, including the Arunachal Pradesh Women's Welfare Society (APWWS), the practice of polygamy persists. A practice that remains socially accepted, even those who claim to disapprove often rationalise it in favour of men. Women in polygamous marriages are frequently seen as inferior or

disgraceful. Although polygamy may appear neutral or consensual on the surface, in practice it disproportionately benefits men particularly in Arunachal Pradesh, who retain control over women's lives and bodies. Even the state's legislative measures, such as the Arunachal Pradesh Marriage and Inheritance of Property Bill, 2021, which claim to bring positive changes to women, ultimately favour men. While state authorities and opposing voices may appear to advocate for the preservation of tribal communities, the underlying resistance lies in the reluctance to grant women socio-legal independence. The state remains a male-dominated institution, where equal autonomy for women particularly in matters of property is resisted. This is largely because, historically, it has been men who have claimed rights to ancestral and other forms of property (Mamai, 2022; Rina, 2025).

A clear example of gender-based double standards is seen in how the state and society treat APST men who marry non-APST women versus APST women who marry non-APST men. Children born to APST women married to non-APST men are often denied ST status and subjected to societal disapproval, whereas the children of APST men who marry non-APST women generally do not face such scrutiny. In comparison, women married to non-APST men are not only subjected to public ridicule but also face violations of their individual rights. Cases of harassment and online abuse by tribal men, especially on social media platforms are increasing with women being shamed and bullied simply for their marital choices. This ongoing digital harassment reflects how deep-rooted patriarchal attitudes continue to thrive in both public and private spheres (Deb, 2022; Manpoong, 2018).

6.0 Conclusion:

The socio-legal standing of APST women married to non-APST men in Arunachal Pradesh is emblematic of the broader struggle between patriarchal customs and constitutional rights. Although the Indian Constitution guarantees fundamental rights such as equality before the law and protection against discrimination on the basis of gender, caste or religion the real life application of these principles remains inconsistent, especially within tribal societies where customary laws continue to dominate social and legal landscapes (Government of India, 1986).

In Arunachal Pradesh, traditional tribal customs passed down through generations tend to uphold male-dominated hierarchies, resulting in APST women being denied equal status when they marry outside their tribal group. These women often face multiple layers of marginalisation that encompass not only social exclusion but also significant legal disadvantages, such as being denied inheritance rights, legal protection and community acceptance. Moreover, their children are often refused recognition under the Scheduled Tribe category, depriving them of affirmative action benefits and cultural legitimacy, privileges typically extended without question to the offspring of APST men who marry non-APST women (Damin, 2021; Basar, 2023).

Legislative efforts like the Arunachal Pradesh Marriage and Inheritance of Property Bill,

2021, though introduced with the intent of reform, have revealed the extent of resistance within society to granting women equal rights. This resistance, rooted in fears of land alienation and the erosion of tribal identity, ultimately exposes the persistence of patriarchal power structures. Addressing these issues requires not just legal reforms but a transformative shift in societal attitudes that prioritise gender justice without compromising cultural integrity. Achieving this balance is imperative for the inclusive and equitable development of Arunachal Pradesh.

While customary laws play a vital role in safeguarding the autonomy and cultural identity of tribal communities, it is equally important both at the societal and individual levels to critically assess the legitimacy of any law, including customary ones, that may perpetuate or justify discriminatory practices. A balanced approach requires both respect for indigenous traditions and a commitment to ensuring that all legal frameworks align with principles of equity and human rights. Tribal communities have the right to preserve, protect and uphold their identity, language, customs and land. However, employing this right as a means to curtail the autonomy and dignity of women is not only inequitable but patriarchal gatekeeping disguised as cultural preservation. The issue is not just about land it's about control over women's choices. Protecting tribal identity is important, but it should not come at the cost of basic human rights especially when the same rules don't apply to men.

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