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WOMEN & PROPERTY INHERITANCE IN SIKKIM - RESULTS FROM A RURAL SURVEY

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ABSTRACT

The research discourse around rural women's empowerment places great emphasis on land rights as an instrument of economic security. However, in highland regions, farming is not necessarily the principal economic activity because of a complex mix of sociological and physical co-determinants. Examining the special situation of mountain farming communities in Sikkim in this respect, the paper presents selected case studies that show that how economic factors intertwine with traditional land inheritance systems in effectively determining the personal situations of individual women.

KEYWORDS: Ecosystem Challenges, Land Inheritance, Mountain Women, Property Rights

1. PROPERTY & LAND-INHERITANCE IN MOUNTAIN REGIONS - AN INTRODUCTION

Displacing the matrilineal 'mother-right' concept that had formed early human society, the solidification of patriliny around the ownership of land subjugated women to chattel status, through the foreclosure of women's inheritance rights (Mill, 1869; Engels, 1884, Morgan, 1877). However, the spread of patriliny was also qualified by variations in the dominant modes of livelihood in the lands that human settlement colonised. Wherever land-based patriliny and inheritance was institutionalised, either under the agnatic or cognatic succession systems of Roman law or the Mitakshara and Dayabhaga legal codes in Ancient India, male descent was prioritised, restricting women's rights of land inheritance and disposal (Agarwal, 2002).

Our interest in studying women's land-inheritance in the Sikkim Himalaya stems from three sources. Because of scarcity of arable lands and locational differentials in settlement within mountain areas, the Himalayan people are not totally dependent on agriculture. The contiguous spread of mountain rangelands adjoining farmland areas therefore make livestock-farming a viable livelihood alternative. Thirdly, since the ethnic composition of communities settled in mountain regions is not homogeneous, there are bound to be a wide range of individual property and women's-inheritance situations among the communities settled in Sikkim.

A quick browsing through the background literature on feminism, land-inheritance and mountain communities raises the following issues. As the commodification of land under patriliny made the ownership of village lands an increasingly important heritable asset, it also turned the feminist focus to gender and property rights. However, while gender-equality in land-inheritance has long been a socially desirable feminist goal, its realisation within ethnically-differentiated communities, depends on intra-household gender dynamics and the social norms followed within families (Dube, 1997). The norms can be gender-enabling or gender-disabling, but can also vary across cultural communities. Therefore, in communities where women were expected to marry outside close kinship-networks, the capacity of married women to manage property and simultaneously look after elderly parents is substantially compromised (Singh, 2026). Marriage conventions within highly-positioned status groups often prohibit the bride's parents from honourably accepting material help from married daughters. However, this convention has the opposite result of disinclining parents from giving their daughters an inheritance share. Thirdly, in communities with high female seclusion, women depend much more on support from brothers and male relatives, augmenting the bargaining power of males in such communities.

A very important feminist aspect in the inheritance of land-rights also examines the rights of wives, widows and daughters to inherit and operate land property, against their right to freely dispose of the land property at will. In patrilineal societies therefore, a widow and her unmarried daughters only inherit a limited interest in the absence of male heirs, and are only permitted to manage, not alienate the property. The gender-position of women is always inferior, compared to the males (ibid.).

Many agrarian legal codes in South Asia and elsewhere have expressly debarred women from land-inheritance on the pretext of preventing the fragmentation of agricultural lands (Chand & Kumar, 2014). Instruments like the Hindu Succession Acts in India, and the Muluki Ain in Nepal had traditionally restricted women's land rights, in order to keep the ownership of ancestral property within the male lineage and to keep plot-sizes intact. The legal recognition of wives, daughters and widows as equal heirs would instantly multiply the number of legal claimants to ancestral estates.

Because of post-marital migration, where women move away from their ancestral villages after marriage, a daughter may inherit a small portion of a mountain terrace located many miles away (Bose & Das, 2021). Although such isolated plots are too small to farm from across a great distance, legal or cultural frictions can obstruct their sale to other better-positioned neighbours. When left untended or completely abandoned, these fragmented mountain plots also escalate the risk of soil erosion and slope failure.

Only a very small number of adult women involved in farming operations in mountain regions actually hold secure land-deeds (UNFPA, 2026). For cultural reasons, many daughters entitled to inherit their own shares of ancestral land face social pressures to forfeit their land-shares to their brothers, in order to preserve harmony within the family and to prevent its ruin through land fragmentation.

1.1. Land-specific Situations encountered in Mountain Regions

Mountain communities across the world have traditionally swung between customary and legal extremes to handle land succession. In the European Alps and several traditional Himalayan communities in Ladakh and Tibet, customary land-inheritance norms have dictated that ownership of farmland should pass down to a single heir, based on primogeniture where the eldest inherits, or ultimogeniture where the land is inherited by the youngest (Goldstein, 1987; Rahimzadeh, 2020). While the practice is successful in preserving the ecological integrity of the mountain farming unit, it forces the non-inheriting siblings either to migrate out, or to be reduced to the status of landless labour.

Tenurial situations and laws can also differ between states for cultural reasons. Land inheritance in mountain regions often faces complexities because of ecological challenges (UNEP, 2020). In mountain terrain, land is not merely a productive resource, but is qualified by variations in altitude, topographical steepness, soil-quality, and by the fragility of the mountain ecosystem where it is situated. The blind application of legal land-inheritance principles therefore, without understanding how they will intersect with fragile mountain conditions, can in fact raise land fragmentation to far more destructive levels than seen in the flat lowlands.

Land fragmentation in mountain regions occurs in two principal ways (Niroula & Thapa, 2005). While the scattering of plots leads to horizontal dispersion, vertical subdivision leads to separated land-parcels running up and down the hill slopes, making the land-plots difficult to farm. Mountain farmlands are also affected by topographical heterogeneity, with different hill slopes displaying considerable variation in soil conditions, sunlight and water access. Thus, a landholding spanning a hillside, may comprise an unequal combination of steep rocky slopes, land lying along forest fringes, as well as highly fertile valley-land. To ensure fairness during land partition, land inheritance laws in mountain regions therefore compel the partitioning of agricultural landholdings by quality-zones, instead of simply assigning the top-zone to one land-inheritor, and the bottom-zone to another (Fialkowski & Bitner, 2008). Hence, the typical land-inheritance unit in mountain regions usually comprises multiple micro-sized land-ribbons scattered across different altitudes in the mountain landscape. Another land-quality distinction always visible in mountain regions, differentiates irrigated khet-lands that are suitable for rice terraces, from unirrigated and often unterraced bari-lands, that can only be used for other minor cropping. During land-inheritance, the fairness of the land partition is therefore also determined by the relative shares of khet-land and bari-land.

Since mountain farming resorts to land-terracing to arrest soil erosion, the application of routine rules of land-inheritance can well require that new property-lines and physical boundary partitions, and new fences and paths cut across existing terraces (Nautiyal et al, 2000; Mishra et al, 2020). Alteration of continuous terrace walls to

establish new partition boundaries can thus disrupt natural water runoff, severely increasing land instability and the risks of severe soil degradation.

With a shift from customary norms to modern inheritance norms in mountain areas, a gradual shift to the equal partitioning of land-inheritance is becoming dominant, with visible reduction in inherited plot-size. At a certain point, this can lead to property fractures in remote areas, where landowners have died intestate, without willing the property succession to a single designated successor (Suteau, 2025). With outward migration of family members who own fractional shares in the property, millions of mountain plots are thus left underutilised and abandoned, also becoming open to forcible dispossession.

Long-term change in mountain land-use in rural areas has been driven by sequential cycles of outmigration and internal migration. In the case of Nepal, the first phase had taken rural migrants to India and to neighbouring mountain countries, the second phase to the lowlands where malaria had been controlled, followed by the gradual collapse of farming following the explosion of unresolved agrarian and environmental issues (Poudel et al, 2024). In modern times, this has triggered alternate processes of 'de-activation, de-agrarianisation and re-agrarianisation' (ibid.), as mountain farmers responded alternatively by either hanging in and waiting for agricultural fortunes to improve, stepping up and intensifying agricultural activity, or stepping out of agriculture and abandoning their land.

2. Property & Land Inheritance in the Sikkim Himalaya

The study that is outlined below was based on surveys of property and land-inheritance rights among mountain women from widely differentiated communities and cultural locations in the western Sikkim Himalaya. After comparing their economic situations by ethnicity and village locations, a few detailed case-studies were carried out among women who reported personal economic distress arising out of peculiar ethnic and landownership situations. These are reported in the third part of the paper, to add their personal voices to the analysis.

2.1 The Village Surveys

The village-surveys conducted between June-September 2024 covered 300 rural households drawn from 15 purposively selected villages in West Sikkim Because of its highly dissected and uneven mountain terrain, West Sikkim can be split into different altitudinal bands that differ sharply in terms their average elevations, micro-climates and farming potential. The zones selected also differed in socioeconomic characteristics, because of different sequential histories of ethnic settlement, and typical farm and nonfarm specialisations. The survey-region was accordingly stratified into five separate agroecological zones, viz.

(a) the Forest-Dependent Zone, where arable farmland is unavailable, and economic activities were based on wood extraction, and the collection of minor forest products [MFPs];
(b) the Cardamom-Farming Zone, where the farming activities took place within the under-storey of the canopy of uncleared trees;
(c) the Livestock-Dependent Zone, where economic activities were defined by the restricted availability of farmland, and the proximity and accessibility of grasslands, which together encouraged livestock farming and grazing operations,
(d) the Mixed-Farming Zone, where with most arable land being available with favourable slope aspects and elevations, as well as access to minor irrigation, multiple farming activities were possible year-round, encouraging the production of varied cereal and vegetable crops, and
(e) the Old-Settled Zone, forming the mother-matrix of the survey-region that had been settled for the longest historical duration, and thus harboured the proto-settlements of the original settler-communities

The 15 West Sikkim villages where mountain farming surveys were conducted were selected purposively on the basis of community presence and degree of dependence on farming, livestock and forest-based activities for principal livelihoods. The overall sampling-frame was then re-arranged in terms of geographical and altitudinal locations as shown below.

Table 1: Geographical & Altitudinal Location of Survey Villages in Gyalshing District, West Sikkim

Sl.	VILLAGES	GPU	Latitude	Longitude	Elevation	Kilometres ex-Gyalshing	
A	**FOREST-DEPENDENT ZONE (1700-2100masl)**						
1	Narkhola	Dhupidara Narkhola	27°24'14"N	88°19'56"E	2028masl	52	
2	Dhupidara	Dhupidara Narkhola	27°24'03"N	88°18'25"E	1842masl	49	
3	Khecheoperi	Thingling Khecheoperi		27°20'57"N	88°11'48"E 1821masl		34
4	Singrangpung	Darap	27°20'24"N	88°08'28"E	1740masl	32	
B	**CARDAMOM-FARMING ZONE (1600-1800masl)**						
5	Darap	Darap	27°18'10"N	88°10'37"E	1711masl	23	
6	Naku	Singyang Chumbung	27°18'31"N	88°14'09"E	1640masl	13	
C	**LIVESTOCK-DEPENDENDENT ZONE (1800-2200masl)**						
7	Sangkhu	Sangkhu Radukhandu	27°14'55"N	88°09'01"E	1848masl	34	
8	Gyaten	Gitang Karmatar	27°16'47"N	88°06'59"E	2112masl	30	
D	**MIXED FARMING ZONE (1000-1500masl)**						
9	Yangten	Yangen	27°17'55"N	88°16'56"E	1112masl	6	
10	Tikjya	Lingchom Tikjya	27°17'22"N	88°13'38"E	1490masl	5	
11	Lingchom	Lingchom Tikjya	27°16'33"N	88o12'26"E	1236masl	8	
12	Langang	Yangthang	27°16'43"N	88°13'45"E	1148masl	2	
13	Arigaon	Yangthang	27°16'50"N	88°13'36"E	1302masl	3	
14	Chonzong	Yangthang	27°16'32"N	88°13'33"E	1020masl	5	
E	**OLD SETTLED ZONE (below 1000masl)**						
15	Mangsari (S)	Soreng	27o08'47"N	88°11'47"E	857masl	67	

Source: Lat-Longs & Elevations from Google Earth

This allowed the diverse features of community settlement in Western Sikkim over generations to be studied in terms of the livelihood strategies adopted.

The location of the earliest capitals of Sikkim at Yuksam and Rabdentse in West Sikkim, and the establishment of the oldest Buddhist monasteries such as Sanga Choeling, Dubdi, Pemayangtse etc., in their vicinity provided evidence of Buddhism having widely spread across the region after the mid-17th century. Of the 300 respondent-households, 120 (i.e. 40%) followed the Buddhist faith, with Buddhist communities of Bhutias, Gurungs, Sherpas and Tamangs evenly spread in all settlement zones, except the Mixed-farming agroecological zone. The Bhutias had dominant presence in Khecheoperi, Naku, Singrangpung, plus a few families in Lingchom, the Gurungs in Lingchom and Narkhola, the Sherpas in Sangkhu, and the Tamangs mostly in Mangsari. The Limbu communities in West Sikkim mostly adhered to their traditional faith of Yumaism.

Table 2: Community Composition of Households in Gyalshing District, West Sikkim

Sl.	VILLAGES/ HAMLETS	Buddhist	Yumaist	Hindu	Christian	
1	Narkhola	8	1	14	-	
2	Dhupidara	-	-	9	-	
3	Khecheoperi	14	-	1	1	
4	Singrangpung	10	-	1	-	
A	**FOREST-DEPENDENT ZONE**	**32**	**-**	**25**	**1**	
5	Darap	3	-	16	-	
6	Naku	9	-	-	-	
B	**CARDAMOM-FARMING ZONE**	**12**	**-**	**16**	**-**	
7	Sangkhu	16	-	-	4	
8	Gyaten	4	-	1	16	
C	**LIVESTOCK-DEPENDENT ZONE**	**20**	**-**	**1**	**20**	
9	Yangten	3	-	17	-	
10	Tikjya	5	9	21	1	
11	Lingchom	16	-	9	13	
12	Langang	4	2	25	1	
13	Arigaon	2	-	10	-	
14	Chonzong		-	-	6	
D	**MIXED FARMING ZONE**	**29**	**11**	**82**	**21**	
15	Mangsari (S)	27	-	3	-	
E	**OLD SETTLED ZONE**	**27**	**-**	**3**	**-**	
	ALL SETTLED ZONES	**120**	**11**	**127**	**42**	

Source: Primary Rural Survey, June-September 2024

However, the greatest number of households (42%) followed the Hindu faith, with most belonging to the Mixed-farming zone, which comprised mixed communities of Bahuns, Chhetris, Gurungs, Limbus, Rais and Tamangs who were followers of the Hindu faith, excepting the Limbus and Tamangs. The Gurungs and Magars living in the Forest-dependent zone also adhere now to Hinduism.

The cultural distribution of respondent-households also defined the favoured disposition of women's property and inheritance rights in each community. Among the Buddhist communities like the Bhutias, Gurungs, Sherpas and Tamangs, most families customarily endowed both sons and daughters with ancestral property. The traditionally Yumaist Limbu communities had historically practised communal property rights and were therefore more egalitarian in endowing their daughters with gifts of land property at the time of marriage. However, this was not generally the case among the Hindu households mostly belonging to the Mixed-farming zone, where the villages had mixed communities comprising Bahuns, Chhetris, and marginalised caste-groups.

However, in addition to the zones of settlement and preferred livelihoods, an envelope of relative security provided to women from the West Sikkim Mountain farming families by the customary practices of assigning property and inheritance rights. In addition, the relative security or insecurity of individual women survey-respondents in property-rights was also conditioned by their personal circumstances. Five individual case-studies are accordingly examined below, to show that a multitude of economic and socioeconomic factors affect the security of rural women in Sikkim.

3. THE CASE STUDIES

3.1: LEPCHA LAND-OWNING WIDOW FROM KHECHEOPERI IN WEST SIKKIM

JL, a 48-year Lepcha widow has been residing at her maternal home in Khecheoperi, West Sikkim since her husband's death. The warmer climate in her husband's erstwhile residence in Makha, East Sikkim, made it difficult for JL to continue living there. To escape hot weather, therefore, she relocated her work and residence back to Khecheoperi, along with her children. She was in a position to take and independent decision in this respect because she was financially independent and was also supported by her parents and brothers. At the time of her marriage, her parents had gifted a portion of their ancestral land at Khecheoperi to JL. Despite the fact that she was then residing with her spouse in Makha, in a different district, her parents had, with the consent of her siblings, allocated a separate plot of land and registered the land titles to her.

JL explained that it was customary among Lepcha families at Khecheoperi, for each household to bequeath separate shares in landed property to both their daughters and sons before they got married. JL had thus been gifted with 5 acres of land by her parents at the time of her marriage, along with a bridal dower comprising jewellery and money, that had undoubtedly helped her to survive when the need arose for her to live independently. Her parents had done this to ensure their daughters stayed secure during times of uncertainty. JL was grateful that this Lepcha custom had enabled her to take the appropriate decision to resettle in her home village after widowhood, where she could feel secure among her relatives and parents. She has since built a separate home there for herself and her children, also living and looking after her nieces and nephews, and providing for their education too. JL manages her widowed life with dignity, working as a teacher at a nearby school, and also running her own homestay for occasional tourists who visit Khecheoperi. JL also works her own fields, growing vegetables and cardamom, which support her financially with additional economic security.

3.2: UNMARRIED BHUTIA LAND-OWNING WOMAN FROM DARAP IN WEST SIKKIM

LB is a 58-year unmarried woman who is also President of the Village Self Help Group. She stated confidently that she had chosen to remain unmarried, and that this was the best decision of her life. LB resides in a home registered in her own name, also sheltering her 70-year-old brother and her nephews, along with their wives and children. She has been taking care of the members of her immediate family by running the hotel that she had established herself at Darap. She feels greatly empowered from being able to live on her own terms, on the land she had inherited from her parents. Very recently, she had been able to purchase another plot of land with the additional income she had earned from her own business. On the 1ha of land she currently owns, she grows cardamom and maize, that provide her with additional year-round income.

Besides these enterprise activities, LB runs a shop very near her house at Khecheoperi where she sells crockery items, ritual monastic goods & clothing, as well as homemade preserves like pickles, noodles, and so on. It is LB's firm belief, that sons and daughters should be treated equally and given an equal share in ancestral property. Citing her own example, she states that she did not face any insecurity in deciding where to live, because she had inherited landed property. She could take decisions and make choices of her own, solely because of the financial independence that stemmed from the earnings at her hotel, the small trade ventures she had started, and the sales of produce grown on her own land.

3.3: SEPARATED MAGAR LAND-OWNING WOMAN FROM NARKHOLA IN WEST SIKKIM

As the villagers in Narkhola would be generally be found working in their fields over the day, I had been advised to conduct my field surveys with them, either before 9 am in the morning, or after 4 pm in the evening. Starting out early, I met 50 year-old MM one morning, getting ready to go out for her daily field-chores with her doko bamboo basket, just after she had finished with her early-morning household chores. When for an interview, she agreed nervously after initial hesitation, relighting the mud chulha stove that she had just cleaned after the morning's family breakfast. She was possibly more in a hurry to proffer me warm water than in giving me an interview.

As I proceeded, asking about her marital status, she was initially quiet, then replied hesitantly that she had separated from her husband a year ago. Before I could even ask her for the reasons, she was already in tears, making me shift to a less personal topic. Her 70-year-old mother then explained that after her marital separation, MM had been granted with a small parcel of land, with her brother's consent. On this, she now resides, growing cardamom, vegetables and maize. Meanwhile, her brother and his wife had been living for almost a year at a place known locally as Devithan, located at an elevation much higher than Narkhola.

Since the menfolk at these higher locations take their cattle and sheep to pasture during the summer season. MM moves in with her mother over their absence, taking care of individual household chores besides labouring in the fields every day. She voiced the opinion that in rural areas where agriculture is the sole livelihood activity that supports women, having land of their own is a great help to them. She firmly held that it was through her parent's support that she managed to have a field of her own. This helped her to leave behind a difficult marriage and separate from her husband. Presently, she felt very secure, living with her mother and other family members.

3.4: BHUTIA LANDLESS WIDOW FROM DARAP IN WEST SIKKIM

NB, a 60-year Bhutia widow stays in a small wooden shop at Darap, from where she vends bought vegetables. She said she was originally from Ghoom in adjacent Darjeeling District in West Bengal, but married in Darap in Sikkim. Now, she wishes sometimes that she could go back home. Returning to Darjeeling is not an easy choice for her, since she did not have a house in her own name, and sheltering with her brother's family was an unimaginable option. Following the death of her husband, she did not feel like staying at Darap anymore, and it was only for the sake of her children that she had stayed on. Since her husband had not owned large parcels of land, the respect accorded by her relatives towards a widow was scarce. Her deepest concern was for her daughter, LP who had married into a Bhutia family at Darap. She worries that her in-laws do not accord her daughter adequate respect because she herself is not wealthy. She stated that if her deceased husband had owned a large amount of lands, the amount of respect she and her daughter would have received would have been completely different.

"Mero afnai jameen bhako bhaye, ma aafai sabji ropi khanthey. Esari dokan thapera, sabji bechnu ta pardaina thiyo" (Had I owned land, I could have grown vegetables myself, rather than having to sit at the shop selling bought vegetables), says NB. She never wanted to be in the position that she occupies at present. She had never wanted to become a vegetable-vendor, but was compelled to find a means to support herself, in order to continue living at Darap. She does not complain about her maternal family in Darjeeling, because they were themselves not in a position to gift any lands to their children lands. She has her own concerns and worries, and strongly believes that life is uncertain, and women should not therefore depend completely on their husbands to be their providers. Women must therefore work to become financially independent. Since women at her age cannot find jobs to make their living, it is the ownership of land that provides most support to women who are in distress.

3.5: SHERPA LAND-OWNING WOMAN FROM SANGKHU IN WEST SIKKIM

MS, a 45-year old Sherpa woman owns ancestral landed property in Sangkhu, West Sikkim. Her 70-year-old sister lives with her, along with her husband who helps her out with agricultural work. Since the family did not have any male heirs, MS and her sister, who is unmarried, inherited the entire ancestral property. In order to look after the property, both sisters have been living in their shared space along with their families. MS's husband, P has been living at his wife's residence after his wife inherited the ancestral property. He has been taking care of the entire family and his unmarried sister-in-law as well as the farm-work. The family has been drawing income from several sources, including the supply and sale of milk and seasonal vegetables grown on their fields to nearby townships like Dentam. MS is deeply grateful to her landed property and to her husband, who tirelessly attends to all work performed on the field. She is herself engaged in agricultural work from dawn to dusk and feels blessed that her entire family is engaged with work of some sort. She feels the sense of security that the land has provided her and her entire family.

4. GENERAL CONCLUSION

The foregoing analysis brought out some contradictions that exist between the desirable feminist objective of equalising gender-property and land-inheritance rights between rural men and women, and the local situations arising in land availability and natural resource conditions, that may still stand in the way of realising such feminist objectives in mountain farming regions. The wide range of ethnic and locational variations between customary land-inheritance conventions in mountain regions are thus also influenced by customary practices that were designed to conserve mountain environments. Because of such contradictions, the legally prescribed norms for equalising gendered property and inheritance rights cannot be blindly applied in mountain locations, without due consideration for the implications of how they will intersect with each other in mountain contexts. The primary purpose behind giving women land rights is to provide them with security in times of future economic adversity. However, the detailed case-studies reveal that the economic adversities that can confront individual rural women in the future vary on a case-by-case basis and need to be studied as such. Hence, the realisation of gender equality in mountain farming societies still faces complex challenges.

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