

Representation of customary law in Lepcha folklore with reference to women status

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Abstract :

Since time immemorial Sikkimese Lepchas have adhered to the customary law known as Rong Di Hryim. The Lepchas of Mayel Lyang customary law process follows guidelines based on unique faith, positivity, truth, consistency, logic, knowledge, and validity. The representation of customary law in Lepcha folklore offers a valuable framework for examining women's status. Regarding the importance of customary law for Lepcha women, the Rong Di Hryim focuses particularly on the law for marriage, among the Lepcha people and their progressive views regarding women. It also addresses the fact that women and men, boys and girls, are all equal in the eyes of Lepcha customary law. Therefore understanding the historical and cultural contexts impacting women's life in Lepcha society can be improved by analysing the roles, behaviours, and social positions of the female characters in Rong Di Hryim. This paper will analyse the customary law of Lepchas in highlighting the status of women.

Keywords : Customary law, Lepchas, Mayel Lyang, Rong-Di-Hryim.

Introduction :

The Lepcha race does not appear to have migrated, according to Lepcha mythology, folklore, legends, traditional stories, and oral acoustic heritage. In their Greater Mayel Lyyang, only in migration and outmigration within their geo-ethnic zone. The Lepcha people and their language are known by their endoethnonym, Rongkup Rumkupsa Areeng, where Rongkup is the Lepcha language and Rumkup is the son of God or the mountain (Lepcha, 2015). The lives of the Lepchas centre around the Kanchendzonga and its associate peaks. They believed that their ancestors the first man, Fudongthing, and the first women, Nazong Nyu- were made from a ball of fresh snow from the summit of

Kanchendzonga by Itbu-moo, their mother creator (Cultural Affairs & Heritage Department, G. O. S, 2017). Lepchas of Mayel Lyang¹ worshipped the mount Kanchendzonga as the elder brother. They considered it as a very sacred because origin of river Teesta and Rangeet are from the base of mighty kanchendzonga, every creation of Lepcha are linked with mount Kanchendzonga. Most academics agree that the Lepcha people were among the earliest people to live in the Eastern Himalayas. Their religious beliefs, mythologies, and practices all reflect their strong connection to nature. Lepcha society has always been patriarchal, yet women have always been essential to preserving the social and cultural fabric of the community. It is necessary to examine the customary roles and status of women in Lepcha society in order to comprehend how women are represented in customary law.

Mythical and folkloric characters of women in Rong Di Hryim.

According to Alan Dundes², folklore serves as a mirror reflecting the conditions and ideals of a particular community. Remembering the same notion; The Lepcha people have a rich oral history that includes a rich tradition of folklore. They view folklore, customs, myths, legends, folktales, proverbs, ballads, rhymes, riddles, and other such stories not just as entertainment but also as a means of educating the next generation. Lepchas of Sikkim possess very rich tangible as well as intangible heritage across the foothills of Sikkim, such heritage are unique in some aspects, moreover they expresses testimonies of human creation, produced indigenously and closely connected with nature.

Customary rules are essential to the identity of indigenous peoples and communities at large. They explain membersrights and responsibilities regarding important aspects of their lives, customs, and worldview. The preservation of cultural legacy and knowledge systems, the use and access to natural resources, land rights and responsibilities, inheritance, and property are only a few of the many subjects covered by customary law (WIPO, 2023). In several nations, customary law coexists with the formal legal system, creating a dual framework. In the same way that Lepcha community customary law plays a crucial role in ensuring gender equality within the community through marriage, birth, inheritance, and property rights, customary law is frequently used by indigenous Lepcha tribe throughout the places in Sikkim to resolve conflicts, dictate social behaviour, and use and resolve conflicts.

The Lepcha Customary law (*Rong Di Hryim*) were Long ago created by the Lepcha monarchs, rulers, priests, priestesses, and wise men created and followed it. As the genuine sons of *Nye Mayel Lyang's* soil, these customary laws reinforced and preserved them in the process of preserving and protecting their culture, language, and rights traditions. Today's Lepchas are still practicing them (Aachuley, 2014). One of the most well-known and widely accepted Lepcha folklore is that of Rongnyoo and Rong Eet. It's the tale of two significant rivers in the area falling in love. It is a vital part of Lepcha religion, ceremonies, and culture. It is also necessary for Lepcha marriages. The majority of the non-Lepchas in the area as well as the Lepchas find the folklore to be rather popular. Rich Lepcha folklore claims that Following the creation of the universe by the goddess "*Itbu-moo*," *Rongnyoo* and *Rong Eet* fell in love, but they were unsure if their relationship would be accepted. For this reason, they

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intended to meet in a plain. A snake named *Paril bu* and a bird named *Tut Fo* made a deal to lead Rongnyoo and Rong Eet, respectively, in the direction of the plain area. While *Tut fo* used to frequently enter the forest in quest of food, *Paril bu* continued on its zigzag track slowly and methodically. *Tut fo* was consequently late to arrive at the destination. *Rongnyoo* arrived at her destination in *Panzaok* on schedule, but she was furious because she could not locate the *Rong Eet*. Rongit felt humiliated and depressed after arriving at his location late, so he questioned Thi-sa-tha, “When did you arrive?” The word Teesta is thought to have originated from the word *Thi-sa- tha*. Rongit, who was already despondent, was further upset by Rongnyoo’s lack of response out of self-respect, and as a result, he began to go back to his previous state of mind. Rongnyoo also started to chasing after *Ron Eet* to stop *Rong Eet* from progressing backwards. As a result water level started to raised and it resulted in massive floods everywhere in *Mayel Lyang*, which resulted in caused of catastrophic disaster everywhere. Many living creatures were wash way by massive floods and lost their life, in this stage of dilemmasome Lepcha people started to move upwards towards *Tendong Lho* peak to protect themselves, on reaching the Tendong hill, the Lepchas started to offering to the *Eetboo Debyoo Rum*, prayer of Lepcha’s were accepted by mighty god and pleased with the prayer, god appeared and drank offering of *Chi³* in the form of *Kohaom foo* (bird). Finally level of water started receding and therefore Lepcha race were saved from the massive floods. At the same time *Rong Eet* also realised his mistake and cooled down. At last both of them met at *panzaok* to be unified soul and started to flow down to plain of Bengal, never to be separate again. From above folklore of Lepcha it is said that the love of Rongnyoo and Rong Eet is very scared to the Lepchas and every year they meet together and worship at the junction of the two rivers. They also worship at the Tendong Peak every year in the month of August.

Some Lepchas draw a link between the characteristics of the two major rivers in the area and the makeup of the Lepcha community. The *Rong Eet* is significantly shorter than the Rongnyoo in length; it is also more serene and cool than the latter; it follows a more straight path than the former; and it carries a lot less mud and water than the former. These two rivers have characteristics and a nature similar to those of the Lepcha male and female. Male Lepchas are more introverted, timid, docile, obedient, meek, quiet, small in stature, cool, and accommodating than female Lepchas. In the animal kingdom, males of certain species, such as snakes and frogs, are also quitenot as large as the female, and not as strong-looking. It is possible to categorize the gender of the two main rivers according to the nature and character of the natural and animal worlds because Lepchas are closer to both of these worlds (Roy, 2021). Above folklore is one of the most popular amongst the Lepcha of Sikkim and widely well-accepted. It is indispensable folklore that has been narrated in every Lepcha marriage function.

For the Lepcha people, marriage is more than just the joining of two people; it signifies the joining of two clans, two villages, two families, and two *Moos*. For the Lepcha tribes, this tradition is significant because it maintains the unity and homogeneity of Lepcha society. Marriage has been

identified by certain social scientists as one of the most essential components for the upkeep and propagation of civilization (Fudong, 2018). According to Lepcha theory, the wife is bought by her husband's group, as stated clearly with regard to "price of the bride," *nyyom-sa afaar*, which is used for the *asek* presents. As a result, in the event of the husband's death, the wife remains the property of his group and is free to marry another member of the same group without further consultation with her parents, though in these cases, the wife's parents are actually given small token gifts (Gorer, 2014). Bride price customs are among the unique practices observed by the Lepcha people. It represents the bride's ideals and serves as a sort of payment to the parent for giving the girl's hand in marriage. The patriarchal system of the Lepcha tribe is upheld when it comes to property matters, and girls are fully protected as long as they are not married and abducted by their husbands. Based on the known folklore, Lepcha marriage customary law emphasizes the role of women as one of its strongest points. As first, the lovers and guardians of the Lepcha history and culture of Mayel Lyang still adhere to the earliest Lepcha Marriage Customary Laws, which were created and drawn thousands of years ago at Rong Zeng Purtaam, Sakyong, Faokraam-Takraam, today known as *Dzongu*,⁴ North Sikkim.

Rituals and customs of the Lepcha highlighting women status :

Mun, the female shaman, is the intermediary between the spirit world, mother creature, and humanity. She holds the memories and stories of the Lepcha people and their environment, calling forth the spirits of the land and their ancestors. *Muuns* perform the roles of ceremonial specialist, spiritual advisor, healer, and diviner. She is seen as a go-between for the world (Foning, 2019). A village's reputation is directly correlated with the strength and availability of its *mun*, which is revered as a divine gift. The term "mun" is used to refer to and identify several communities. In Lepcha society, she is a representation of the feminine gender and the defender of women's status (Roy, 2017). *Muun* holds great reverence in Lepcha culture. She is credited as playing a significant role in the deceased's soul being released and in enabling them to communicate with their ancestors after passing away, in rituals like *Sunglyon*⁵, *muun* is also very important. The initial female *Muun* was *Nyulik Nyusung Mun*. It is said that *Nyulik Nyusung Mun*, the first female shaman, saved life from the Demon *Jyum Poohoo Panyee's* malice. In addition, female priestesses conduct several rituals that can also be carried out by *Boongthing*. These include naming ceremonies for newborn child, prayers, sacrifices to local deities, and mighty Kanchendzonga. Based on Gorer 1984, it was emphasised that the presentation of new born child is informal. Therefore, it lacks certain rules either from its relatives or neighbours. It is in bad manners to speak about a baby but maybe be commented upon if it has a resemblance with relatives. There are no preconceived notion of kin resemblance among siblings, nor between children parents; however, if a child resemblances someone other than its father to an unusually high degree, this might indicate that the individual who bears such striking resemblance may be the real father (Gorer, 2014).

Status of Lepcha Women :

The status and role of women, along with related issues, have garnered the interest of academics, political analysts, and social scientists in both developed and developing nations. This is partly because of the commemoration of the International Decade of Women (1975–1985), and partly because it is a well-known fact that a society based on gender inequality wastes human resources, something that no nation can afford (Kumar & Paul, 2004). Lepcha women's capacity for productivity is greatly esteemed. Ploughing is the one masculine task that has historically never been carried out by a woman. On the other hand, Lepcha men occasionally perform all of the duties designated to women. In joint labour groups, a woman's labour is equivalent to a man's, and the compensation for both sexes is the same (Sharma, 2013). Both men and women take part in agriculture activities, but land can be owned only by men. Unlike the Tibetan custom, all the sons inherit the father's property and land-holdings are thus broken up by inheritance (Chattopadhyay, 2013). According to the study, women's participation in politics, decision-making in the home, significant use of technology, education, and support from SHGs have all improved the status of women generally. Nevertheless, although having the same status as men, Lepcha women's status in society is not satisfactory; a thorough investigation uncovered a different picture. Despite the fact that men uphold Lepcha traditions and practices without bias, they are frequently denied an education due to financial hardships, which forces them to rely on males (Lepcha & Chhetri, 2017). When it comes to a woman's property, the *Atil* tradition is common. Daughters, aunts, and cousins are typically given gifts of livestock, such as chickens and ornaments, but some also receive gifts of landed property, such as fruit trees. In these situations, the woman is fully entitled to the property and is free to do with it as she pleases. In this aspect, nobody has the authority to meddle in her affairs (Foning, 1987). On condition that Lepcha woman marries the non-Lepcha, she can no longer affirm for the right of her parent property and her inherited land. She spontaneously becomes the non-Lepcha and her children also becomes non-Lepcha (Aachuley, 2011). Consequently, marriage has been seen as a familial matter as opposed to a personal one. There are various customs and ceremonies involved in the Lepcha marriage the distinct phases of the marriage ceremony where the women's status and role matter. The Lepcha marriage ceremony begins with the same procedure that all other marriage ceremonies begin with: a search for the bride. A man's first focus in a marriage was the initial initiation. Even though the women had the option to accept or reject, they still hold the second place despite having been granted the right. It is indisputable that women were granted precedence when selecting their spouse or life companion (Lepcha, 2022). In reality, patriarchal dominance over women does not exist in Lepcha society, despite what is seen and read to suggest otherwise. It is evident, however, that men dominate as family heads and as rulers. Despite several shortcomings, women and men have relatively equal status, especially when it comes to selecting a life mate.

Conclusion :

Different social and economic groups are represented by a tribal scene in India. The ancient matriarchate tribes of the Garos, Khasis, and Rabhas are the most distinctive in states of Indian in similar ways Lepcha people have a somewhat liberal society when it comes to women's status, Lepcha customary law is a strong pillar for Lepcha women's position. Despite this, we can see that Lepcha

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women still lack health and education due to financial burdens. The position of women in Lepcha customary law has been changing as a result of modernization and legislative changes. Laws at the federal and state levels are having a stronger impact on customs, promoting greater gender parity and safeguarding the rights of the women.

Lepcha customary law's treatment of women reflects both modern influences and cultural legacy, highlighting a balance between customary duties and expanding rights.

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