Chapter-IV

The Custom of Marriage and Divorce

4.1 Marriage

Aspects of marriage as an institution are strong social indicators of dynamics which bring about intensive changes in many fields of interactions of the couple in particular and the family in general. So marriage emerges as a social arrangement by which a couple is legitimized in their physical relationship and their child is given legitimate position in the society which is often determined by parenthood in the social sense.¹

Westmarck defined marriage as the “more or less durable connection between male and female, lasting beyond the mere act of propagation till after the birth of offspring”. Groves defined it as “a public confession and legal registration of an adventure in fellowship”. Lowie defined it as a relationship permanent bond between permissible mates” Malinowski defined marriage is a contract for the production and maintenance of children.” According to Lunberg marriage consists of the rules and regulations which define the rights, duties and privileges of husband and wife, with respect to each other.² According to Horton and Hunt, “marriage is the approval social pattern whereby two or more persons establish a family”.³ Majumdar defines marriage as a socially sanctioned union of male and female for the purpose of (a) establishing a household, (b) entering into

² Priyadarshini M. Gangte, Customary Laws and Meitei and Mizo of Manipur, p. 181.
³ Horton and Hunt, Sociology, p. 216.
sex relations, (c) procreating and (d) providing care for the offspring.  

According to Anderson and Parker, “Marriage is the sanctioning by a society of a durable bond between one or more males and one or more females established to permit sexual intercourse for the implied purpose of parenthood”. Marriage is a sacred institution which had been ordained by the society since the beginning of life. According to Webster English Dictionary, “Marriage is an institution whereby men and women are joined in a special and legal dependence for the purpose of founding and maintaining a family.

In Ruangmei Society, marriage continued to be an important part of the social ceremony. It was customary for Ruangmei Naga to seek their partners from different clans.

4.1.1 Laws of marriage

1. The Ruangmei society follows the law of exogamy custom of marriage from outside of one’s own clan and does not follow the customs of homogamous marriage within the same clan.

2. The marriage from one clan to another clan within the three main clans i.e. Gonmei Clan, Kamei clan and Gangmei clan is valid.

3. But the marriage within the same clan under each clan is strictly prohibited in the Ruangmei society.

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4 H.T. Majumdar, Grammar of Sociology, 1996, p. 582.
5 Anderson and Parker, Society, p. 144.
7 Dichamang Pamei, Liberty to Captive, p. 38.
4. Both the boy and the girl should not be within the following prohibited degrees of blood relationships:

i) Tampui-Tampu-The marriage within the same clan is called Tampui Tampu and if such marriage takes place, the couple is rejected in the society.

ii) Tankhi Kaomei- The marriage to the daughter of his sisters and the marriage to the daughter of his sister by the sons of her brother. If the marriage takes place among them by mistake, the marriage is legally binding under the custom of Ruangmei.

iii) Tannan-kaomei-Marriage to his own aunt, and to daughter-in-law.

iv) Puna-Puina Kaomei-Marriage to his /her own daughter or sons, and daughters of his brother, etc.\(^8\)

v) Tankhek-Kaomei –Marriage by the brother of his wife (brother in-law to be own sister of her husband.

vi) The permission of the boy and the girl as well as their parents should be obtained before taking the decision for marriage.

Any violation to any one of the above laws of marriage will lead to invalid marriage followed by extreme social punishment like certain socio-religious restrictions would be imposed on the couple which remained throughout their married life.

\(^8\) G. Makuga, The Rongmei Customary Laws (in English), p. 132.
The villagers performed a rite called Neimei (Taboo). The couples were required to give four pigs and two pitchers of rice beer to the villagers as a fine. And in some villages, a cloth worn by the couple was handed over to the villagers for burning their pieces of cloth on fire outside the gate of the village and, as a fine a cattle is paid by them. The half burnt cloth was held by the headman with a stick, who would pronounce the expulsion of the couple from the village for violating the law. After this the couples were ex-communited, ostracized and turned out of the village.

Since marriage is exogamous, in the Ruangmei society. Monogamy form of marriage is common, polygamy is very rare except in few cases where barrenness on the part of the wife was noticed, and polyandry was not known. Child marriage was not practiced. A girl after marriage assumed womanhood by changing her clan to that of her husband.

4.1.2 Types of marriage

There are different types of marriage in the Ruangmei society, and some of the important forms of marriage are discussed below:

1. Khamthan Noukau (Arranged Marriage)

Khamthan Noukau or arranged marriage was one of the most common types of marriage performed by the Ruangmei where marriage was performed through negotiation by the parents. In such marriage, the

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9 Rajat Kanti Das, Manipur Tribal Scene, Delhi, 1985, p. 35.
10 Dichamang Pamei, op.cit., p. 38.
parents arrange marriage without taking permission and expression of their children. This was considered a legal marriage by proper engagement and performs a ceremony. Thus, arranged marriages were customary, and it was not often done for a young man to meet his bride for the first time at the wedding ceremony.\textsuperscript{12}

2. Noumangmei (Marriage by Espouse)

In this system of marriage the husband lives in the house of his wife’s parents. This type of marriage happens if the case of the wife’s family does not have brothers or male members to look after her parent’s family\textsuperscript{13} or in other case in lieu of payment of bride’s price, he had to live with bride’s family for a period of five to ten years. Five year was considered equivalent half of bride price and ten years to complete bride price,\textsuperscript{14} when the time of contract was over, the boy and girl returned to the boy’s parents as husband and wife.

3. Samtuanmei Noukau (Elopement)

It is a love marriage through elopement without the permission of the parents. Such marriage takes place when parents do not agree with the proposal of the boy and the girl or when the girl conceived baby before marriage.\textsuperscript{15}

\textsuperscript{14} Benjamin Gangmei, A Seminar paper presented on “Customs and Laws of marriage in Rongmei Society”, organized by the Don Bosco past pupils, Tamenglong, 1994, p.2.
\textsuperscript{15} Meiphunlun Thaimei, op.cit., 101.
4. Nimjaimei (Marriage by force)

It is a forced marriage by kidnapping the girl without the consent of her parents or the girl does not accept the marriage proposal of the boy. Such cases were dealt customarily by agreement between the parents of the two parties. However, that kind of marriage was not socially approved. It involved the imposition of fines on the groom by the girl’s family.\(^{16}\)

5. Nruammei Noukau (Contempt marriage)

Nruammei was a marriage within the same clans, such marriage is against the customary law of the society. The couple is excommunicated, ostracized and turned out of the village. The village observes Charin neih (genna) and on the request and payment of payment, the village pei may allow them to come back to the village.\(^{17}\)

6. Marianmei Noukau (Boy’s marriage with maiden)

It was kind of marriage without parental knowledge where a girl who was sent to render service as a maid to another family married to a boy. Marriage of such type takes place when the family falls into misfortune and finding no other alternative economically.\(^{18}\)

7) Kakhaomei Noukau (Marriage of widow)

This form of marriage takes place when the husband expired leaving behind his wife and children. The younger brother got married to the widow

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\(^{16}\) Benjamin Gangmei, op.cit., p.2.  
\(^{17}\) Dichamang Pamei, op.cit., p. 38.  
with or without the permission of the parents. This form of marriage is acceptable but not compulsory in the Ruangmei society.

Remarriage is also allowed for both husband and wife. A woman can remarry if the husband dies but it should be only after one year when all the funeral rites are performed.\(^\text{19}\)

4.1.3 Kinds of Bridal cost

Under any form of marriage, payment of bride price was inevitable in Ruangmei society. In the traditional customs of Ruangmei there are two kinds of bridal cost namely:

i) Thanmei Tunah Manh (The bridal cost of the virgin)

ii) Mitanhmei Laakpui or Luchimanh (the cost of widow or divorced woman).\(^\text{20}\)

According to T.C. Hodson, the price of a wife among the Ruangmei (Kabuis) was ‘seven buffalos, two daos, two spears, two strings of beads made of conch shell, two ear ornaments, two black cloths, two eating vessels, two hoes and what is called Meilon.’\(^\text{21}\)

Less than this could be given but for the rich, paying a high price for a daughter-in-law was a subject of boasting. The Meilon is given by the

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\(^{20}\) G. Makuga, op.cit., p. 145.

\(^{21}\) T.C. Hodson, The Naga Tribes of Manipur, third Reprint, (Delhi, 1984), p. 90.
family of the bride. It may be an article of much value, but without it is not thought that the bride has been fully given.\textsuperscript{22}

Traditionally, the bridal costs of virgin girl in Ruangmei society were given below:

i) Laogai (two hoes)

ii) Gwangkam (two neckbands)

iii) Jaisel Kuak (one bronze vessel)

iv) Siandai Napkuak (one big bronze plate)

v) Baeng (two daos)

vi) Gwaidai and Gwailwai (one male bison and one female buffalo)

vii) Pouphan phei and Kanei phei (two traditional cloth for father-in-law and mother-in-law)

viii) Tadu (two bangles)

ix) Itah (two armlets)

x) Baengkhwai (two sickles)\textsuperscript{23}

The above items are to be given by the boy’s parents to the girl’s family at the time of marriage. In case of a married woman (widow) the bride price would be one half of the cost of the virgin girl.\textsuperscript{24}

\textsuperscript{22} Ibid.
\textsuperscript{23} G. Makuga, op.cit., p. 146.
\textsuperscript{24} Benjamin Gangmei, op.cit., p.3.
1. The bridal cost of married woman or widow (Laakpui or Luchimanh)

i) Gwaidai (one buffalo)
ii) Baeng (One dao)
iii) Bui (one spear)
iv) Pouphan phei and Kanei phei (one cloth for father-in-law and one cloth for mother-in-law).
v) Siandai napkuak (one golden plate)
vi) Laogai (one hoes)

2. Bride’s price paid after her death (Mandu)

If the wife dies at her husband’s house before clearing her bride price, the son of her brother has the right to collect the same. The price so paid after the dead of the wife is known as ‘Mandu’. The matters relating to delay on non-payment of such bride’s price are not normally brought to the village ‘pei’ for adjudication.

3. Widow’s price (Maigwang Manh)

If the husband died and the husband’s family wanted the daughter-in-law to live with them, a price known as ‘Maigwang Manh’ (widow’s price) was paid to her parent’s family. If it is not settled, the widow can go back to her parent’s house and the husband’s family cannot stop her.

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25 G. Makuga, op.cit., p. 147.
4. Borne price (Rou Manh)

Borne price (Rou Manh) was paid after the death of the wife by the one who inherited the property of her husband. There was no fixed price but what was argued between the two parties was considered valued. This was the last payment in the system of bride price.\textsuperscript{26}

After the settlement of bride price, the parents of the bride had to organize a customary function known as ‘Puat Sumei’ (Packing up for the bride). They had to kill pigs and other animals to entertain the members of groom’s family by sending the entire meat in cooked form. An essential item to be brought by the bride was shawls, one for her mother-in-law. She also had to bring equipments for loin weaving and some other cloths, etc. for her husband’s nearest relations. In fact there was no dowry system in the Ruangmei society but as a concern for the bride price she had to bring some items of materials to please her husband’s family.\textsuperscript{27}

4.1.4 Process for Engagement

1) Noukhammei

It means an engagement (reserved) of a girl for marriage. After finding out the will of their son, the parent is to make the following arrangement before engagement.

\textsuperscript{26} Dichamang Pamei, op.cit., p. 42.
\textsuperscript{27} G. Makuga, op.cit., p. 150.
i) Nouthan Kaibang kai

If the girl belongs to other village the parent of the boy is to find a Nouthan Kaibang kai, a family or house-hold to be hosted of solicitant (Nouthan-Pounun) suitable in a related house residing in the village of the girl to the host house (Nouthan Kaibang) for the purposes of engagement and persuasion i.e. for halting and resting of those men and women engaged.

However, if both the boy and girl belong to the same village, the arrangement of a separate host house is not necessary.

ii) Nouthan pou/pei kadamei

Marriage proposal was made by the parents of the boy through negotiation (Nouthanpou) and 3 or 4 elderly men and women could be selected for then purpose of engagement, this men and women must have his or her husband or wife, no widow or widower is to be included in the engagement party.

iii) Essential items for engagement

Engagement for marriage was performed by presenting one jar or bottle of rice beer with one tilling hoe (laogai) to the girl’s parents by the boys family through two or three elderly men and women engaged for such purpose.
iv) Period for engagement

The engagement party should reach the house of the girl before sunset, according to the traditional custom of Ruangmei. There were some restrictions and prohibition for engagement of a marriage during the period of rainy season of the year according to the belief of the ancient people of Ruangmei.28

v) Information to the parent of the girl

The parents of the boy used to give information to the parents of the girl through the host’s house (Nouthan Kai-Bangpou), suggest the day of their coming to the house of the girl for engagement with sincere request to the parents of the girl to the present in their house.

vi) Presenting the bottle of wine

When the engagement party arrives, the leader of the party presented one bottle of wine as a token of engagement to the parent of the girl, and he would make a progress for the engagement. During their formal conversation with the parents and relatives of the girl, the wine was also offered to all elders present and in the mean time one of the elderly women of the engagement party would insert the mattock (laogai) stealthily below one of the bed sheet or mattress without the knowledge of the girl’s parents.29

28 Ibid, p. 141.
29 Ibid, p. 142.
vii) Return of engagement party

After visiting the girl family, the engagement party went back to their host’s house (Nouthanh Kaibang Kai) where they take some food and drink of the hostess arranges for them, and then they proceed toward the house of the boy and report to the parents of the boy of their assignment of engagement.30

2. Nouthanh Langmei

It means to select two respectable elderly men and women having wives and husband and they are requested to act as the negotiator and negotiatress. No widower is appointed in this matter. They are served with ‘Tam’ (chutney) and Zou (Beverage). The two chosen men are called “Nouthanh Pou” (Negotiators), and (negotiatress) Tam Duam (package of chutney) and Zoumhu (gourd of beverage) are sent to the family of the Nouthanh pou and Nouthanh pei.31

3. Nouthanhmeei (Engagement )

News is conveyed to the family of the bride that people are visiting them. On the scheduled day the two Nouthanh pou along with one or two attendants are sent. They will come with beverage. The cups will be filled and offered to the elders of girl’s family. The Nouthanh pou will break the silence. Exchange of sweet words takes place, praising the house, seeking the favour usually more than once the Nouthanmeei continues.32

30 Ibid.
31 Meiphunlung Thaimei, op.cit., p. 102.
32 Ibid.
4. Mangui Zou

Mangui zou means the wine of love influenced for loving kindness. As a custom, the negotiators used to carry a jar of wine for offering as good intentions to the parent and relative elders present in order to cheer up before the beginning of negotiation. The custom of offering ‘mangui zou’ will continue on every visit to the house of the girl till they could make an agreement for settlement of the marriage.  

5. Nouhtimei

When the family decides to come to terms, the parent of the girl enquires the consent of their daughter. If the daughter agrees, the elder of the girl’s family will say to the engaging team ‘from this day the girl will be yours (your wife), she will be under your care, let her live in ‘Chwangliang Kai’ let people look up the front of their house, let people go round her barn, let her children be many as the offering of frogs and crabs. ‘The cups of agreement are drunk. This act is known as Nouhtimei. On this day, the two families may fix a convenient date for marriage and may be fixed to annoyance the list of bride price (Manthing Liammei).  

6. Nouhlamei

When the particular time of marriage is near (one or two month ahead) as settled on the day of ‘Manhut mei’ a cattle will be brought to the house of the bride informing them that they will take their bride on such date. Thus the date of marriage is confirmed. On the day of marriage when

33 G. Makuga, op.cit., p. 144.
34 Meiphunlung Thaimei, op.cit., p. 102.
the valuable time is arrived some female folk will come to receive the bride this also known as Nouhlamei.\textsuperscript{35}

7. Functions of villagers until the day of marriage

Youth of the village from the day Nouhtimei come and sing at the house of the bride. The family used to offer drink. The dormitory of the bride and boy’s dormitory, organize dance. They may go out for sight seeing, exchange presents, sing song and organized a farewell feast.\textsuperscript{36}

8. Relations who are bound to accompany the bride

The girl’s family including her mother, brothers, sister, sister-in-laws, uncle, aunt and head of girls dormitory (Luchu Kai), Lugaan, her close friends, heads of boy’s dormitory (Khangchu kai), Khangbuan Kai (Married man) etc. Above these, all young men and women of the village and invitees are also to company the bride with them.\textsuperscript{37}

9. Lu Chenmei

It songs of grief presented from her friends who expressed their emotions of happiness and sadness on her parting with them longing for her groom in marriage. They will continue their disappointment throughout the journey of marriage till the bride reaches the house of her groom.

\textsuperscript{35} Ibid., p. 103.
\textsuperscript{36} Ibid.
\textsuperscript{37} G. Makuga, op.cit., p. 151.
Lu chenmei is a typical song of emotion appealing to the bride for early departure, etc.\textsuperscript{38}

10. Procedure of marriage ceremony

On the day of marriage, a big boar is killed. The spleen is examined for sign and omen. After half roasting to remove the hair and dirt, the fats portion of the back is taken measuring on the skin. About 100 such pieces known as “Chaabang” and two big chunks measuring about eight inches by 8 inches known as Taku Cha and Nouthan Cha are packed in a basket. The head of the boar is nicely painted with Turmeric and kept in a basket specially prepared for it and tied to the middle of a pole to carry.

Following this process, the bride was escorted to the house of the groom by the family members, when the bride step up the verandah of the groom’s houses the mother of the groom will receive the bride by feeding drink and embracing. She will be led to the Lhangdai (the big bed).\textsuperscript{39}

(i) Marriage ceremony ritual at Groom’s place

The most important rite of a Ruangmei marriage is, however performed at the groom’s house. This is called “Mailapmei” when the bride arrived at the groom’s house, she was received by the mother and elder sisters of the groom. Then the couple was seated on the marriage bed called Nouhmibam.\textsuperscript{40} The groom will sit on the right and the bride on the left

\textsuperscript{38} Ibid, p. 152.
\textsuperscript{39} Meiphunlung Thaimei, op.cit., Pp. 103-104.
\textsuperscript{40} Rajat Kanti Das, op.cit., p. 38.
hanging their legs on the side. The left foot of the groom and the right foot of the bride were made to be placed on the piece of iron hoe (laogai) that was placed on the right side sheet of banana leaf. The performance of this ritual involved the sacrifices of a cock to be offered to ancestral deity to seek God’s blessings. The legs of the sacrificed bird were minutely observed. If the right leg of the cock overlapped the left, it was considered a good omen. A priest or one elder of the village performed this rite by holding the cock in his hands. In this ceremony, the priest and elders of the village prayed at God and sought blessings for newly wedded couple for their prosperous life. After this procedure, feasting and drinking took place to enjoy the marriage day.

(ii) Taa Luakmei

After the wedding ceremony, the mother will remove the metal ornaments that were worn round the wrist and the arms of the bride. This rite is known as Taa-Luakmei.41

(iii) Khuk Lhamei

The ‘Khuk’ will be opened by the ‘Kapui’ and ‘Lu’ together. The bride will sleep along with her friends for five days. The groom is tested for patience. In the meantime, the two spouses are given to establish the true spirit of love other than that of the cardinal. After the wedding feast were served in the house of groom a series of entertainment of singing and dancing etc. organized by the youths from the family side of the groom for

the whole night. In the next morning after meal, the visitors (party of the bride) will be seen off. The money ‘Pheisui jangai’ will be handed over to them.\footnote{Meiphunlung Thaimei, op.cit., p. 106.}

For these reasons, marriage may be considered as a sacrament. There are certain rites and rituals to be performed even after marriage by both the wife and husband together. In Ruangmei society the man who does not have wife is not entitled to hold important positions in the village court because court members have many rites and rituals to be performed. Man and woman whose parents are alive are to be selected even for the best man and bridesmaid. Feast of merit like Maku Banhru and construction of extra ordinary cultural house such as Tarang Kai are also hosted by husband and wife living together because there are many rites and rituals to be jointly performed in such function.\footnote{Lamalu Thaimei, op.cit., p. 22.}

4.2 Restriction on pregnant women

In a Ruangmei society a pregnant woman was prohibited from killing animals. She was also prohibited from digging and blocking any type of holes as it was believed that she would suffer during child birth. Even her husband was prohibited from doing things like that. She was also prohibited from stealing ginger, crossing big rivers or visiting any filthy places.
In a traditional society a married woman was prohibited from visiting her parent’s house till the end of the year. She got married or till the first child birth.\textsuperscript{44}

4.3 Divorce (Muhmei)

Another important area where in customary laws plays a significant role is in the practice of divorce. In Ruangmei society divorce is becoming rampant. As it is looked deeper in this segment, it is found that the role of divorce was become increasingly rampant, perhaps it is the bane of modern civilization.

A study of divorce could not be undertaken in isolation. It has to be necessarily linked with marriage. In fact it is the outcome of negative aspect of marriage. For this, it will be in the fitness of things that the concept of marriage and the certain religious beliefs need to be given as the background as to how divorce is looked upon by societies. For this purpose the concept of marriage as an institution according to Christianity and Hinduism are briefly looked in to understand the issue of divorce. According to Christian concept of marriage, it is accepted a sacramental and indissoluble except through special dispensation or for the grievous causes, for it is said, the gospel according to Saint Matthew.\textsuperscript{45}

“… but I say unto you, that whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery


\textsuperscript{45} Mathew Chapter V, Verses 32 of the Holy Bible.
and whosoever shall marry her that is divorced committeth adultery”. Similarly, the gospel according to Saint Mark⁴⁶ says,

“And he said unto them whosoever shall put away his wife and marry another, committed adultery against her and if a woman shall put away her husband, and be married to another she committeth adultery”

According to Bhushan and Sachdeva,⁴⁷ Hindushastra regarded marriage a bond of indissoluble in life, the wife was to worship her husband as a god and that there was no such thing as divorce in the Hindu law. However, there existed the custom of divorce among the lower castes.

In England⁴⁸ it also took a measure for cognizance of divorce in English law so as to legalize equal right to both the wife and the husband. Davis attributed the United States as the largest country where incidence of divorce took place after the Second World War estimating approximately one in every three marriages. Yet, he was convinced that the rate in Egypt was higher than in United States. He further expressed the view that the reason for divorce was not necessarily on the emphasis of marriage and marital happiness based on a culture. Instead, it was due to the urge for individual happiness that explained the high rate of divorce. The second reason he attributed was due to practice of free and open courtship. These two factors together give way to the romantic complex in which the force of

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⁴⁶ Mark Chapter X, verses 11 and 12 of the Holy Bible.
suppressed sex desire and whims of personal feelings combine to induce a maximum amount to irrationality.\textsuperscript{49}

The Hindu Marriage Act, 1955 has recognized the right of a Hindu woman to divorce her husband. Under section 13 of the Act\textsuperscript{50} any marriage solemnized whether before or after the commencement of this Act may on a petition presented by either the husband or the wife be dissolved by a degree of divorce on the ground that the other party:

(i) has committed adultery; or

(ii) has ceased to be a Hindu by conversion to another religion; or

(iii) has been incurably of unsound mind for a continuous period not less than three years immediately preceding the presentation of the petition; or

(iv) has for a period of not less than three years immediately preceding the presentation of the petition been suffering from a virulent and an incurable form of leprosy; or

(v) has, for a period of not less than three years immediately preceding the presentation of the petition been suffering from venereal disease in communicable form; or

(vi) has renounced the world by entering any religions order; or

(vii) has not been heard as being alive for a period of seven years or by those persons who would naturally have heard of it, had that party been alive; or

\textsuperscript{49} Kingsley Davis, \textit{Human Society}, (1981-First, 2\textsuperscript{nd} Rep.) p. 245.

\textsuperscript{50} Priyadarshini M. Gangte, \textit{op.cit.}, Pp. 183-184.
(viii) has not resume cohabitation for a period of two years or upwards after passing of a decree for judicial separation against, the party; or
(ix) has failed to comply with a decree for restriction of conjugal rights for a period of two years or upwards after the passing of the decree.

Besides the above grounds, a wife may present a petition for the dissolution of her marriage on the ground:

(i) in the case of any marriage solemnized before the commencement of the Act, that the husband had married again before such commencement or that any other wife of the husband married before such commencement was alive at the time of the solemnization of the marriage of the petitioner:

Provided that in either case the other wife is alive at the time of presentation of petition,51 or

(ii) that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestially.

A petition for divorce cannot be presented before a period of three years of marriage. The Act also provides for judicial separation on the ground that the other party:

51 Ibid.
(i) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or

(ii) has treated the petitioner with such cruelty as to cause a reasonable apprehensive in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the other party; or

(i) has for a period of not less than one academic year immediately from a virulent form of leprosy; or

(ii) has, for a period of not less than three years immediately preceding the presentation of the petition been suffering from venereal disease in communicable form, the disease not having been contacted from the petitioner; or

(iii) has continuously of unsound mind for a period of not less than two years immediately preceding the presentation of the petition; or

(iv) has, after the solemnization of marriage had sexual intercourse with any person other than his or her spouse.\(^{52}\)

Divorce may give more independence to the wife, yet, it is not an ideal situation. Divorce has got many minus points, which are detrimental in the first instance to the children and parents in particular, and the society, at large. Therefore, the Hindu Marriage Act, 1955 gave provisions for

\(^{52}\) Ibid, p. 185.
divorce, it must not be taken as a convenient lot for either of the two partners to resort to divorce course of action.

In contrast, backward tribal people, including primitive societies as a rule, do not have much elaborate legislation of law both in religion and governmental sanction for wedlock and divorce which may be provided with little formality, said Lowie. In giving easy instances of divorce, he gave example of divorce as were collected in his field study by Schebesta from Greenland. Holm found a young Eskimo Woman known to have had eight official husbands. In this latter instance, strictly monogamous tribe, Titiev discovered marked instability; 34% of 826 men and women investigated had been divorced at least once, and the same tendency is substantiated by historical evidence for earlier periods.

All the same, Dey and Dey were convinced to say that divorce is universal among the primitive society and that dissolution of marriage might be obtained by one of the two parties. In addition for the purpose of fuller study on marriage and divorce, few cases of polyandrous tribes might prove richer dividend on the subject. Mazumdar in his study on the polyandrous societies of the Himalayan region among Jaunsar Bawar, High caste Hindu Brahmin and Rajputs (Khasas) that women as well as men are free to divorce their spouses and they can remarry without much difficulty. As an instance he found that a woman could change several husbands.

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without losing her prestige provided her prospective husband was ready to pay compensation known as ‘Chhoot’ or ‘Kheet’ to her divorced husband. The amount which was Rs. 1500/- as prevalent in 40s subject to fluctuation in rupee value.

Nouh means wife and Muhmei means dissolve. The combination of Nouh and Muhmei i.e. ‘Nouhmuhmei’ means the divorce of wife by her husband whereas a husband is divorce by his wife it is called Gaan Muhmei. In both cases Muhmei means divorce of marriage.56

Divorce was permitted but was not common among the Ruangmei people.57 Like the Tangkhul Naga, divorce is rare.58 Divorce was given to a woman on any ground, such as infidelity, barrenness or simply incompatibility.59 Whatever was the cause of divorce, it was intimately connected with refund of the bride price depending on the merit case.60

According to reasons, divorce settlement is done according to the traditional customary law. There were certain rules procedures for divorce adopted from time immemorial and combined from generation to generation.

56 G. Makuga, op.cit., p. 161
57 Dichamang Pamei, op.cit., p. 41.
58 M. Horam, Social and Cultural Life of Nagas, Delhi, 1997, p. 81.
60 Adino Vitso, Customary Law and Women, The Chakhesang Nagas, Delhi, 2003, p. 68.
4.3.1 The rule and procedure

The rule and procedure are as follows:

1) Procedure for a divorce

If a man and woman decide to divorce on certain grounds, he or she should go to peikai, the village council of elders with a jar of rice beer or one Mattock (loagai) or litre of wine in cash as court fee to the peikai that he or she wants to declare divorce.

2) Examination of the ground for divorce

The village Authorities will try to bring consolidation. They examine the faults of the man and woman who sought for divorce, whether it is reasonable or not for approval.

3) Reasonable grounds for divorce

According to the customary law of Ruangmeis, the following are treated as reasonable grounds for divorce:

   i) Adultery
   ii) Untolerable ill-treatment
   iii) Issueless
   iv) Pre-marital pregnancy
   v) Mental sickness

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61 G. Makuga, op.cit., p. 161
i) Adultery

Meinou Kasoumei was an unapproved form of marriage. There were two kinds of adultery; first is adultery with a woman whose husband was alive (Langdai Nousou). Second is adultery with an unmarried girl (Khamthan Nousou). And there was sexual relationship of the wife with other man outside the house of the husband (Thingrem Duiju chaeng Soumei). Such marriage is considered very serious offences in the society. The culprit may be killed or driven out of the village and even the wife will not be spared from the jaws of death. Such a serious crime case is usually settled by the ‘village pei’.\(^{62}\)

ii) Untolerable ill-treatment

It includes the acts of cruelty, criminal insult, physical assault, threatening with harmful weapon, mental torture, or willful negligence or the ill-treatment of father-in-law or mother-in-law, etc.

iii) Issueless

It means the wife bears no child after three to four years of their marriage, According to the belief of forefathers, the wife who bears no child after marriage is treated as Naaping Pei which means barren woman. She is looked down by the society. On the side, her husband feels himself very ashamed before the friends circle in the society for having no child in spite of his marriage due to his powerless or the infertility of his wife. Under such circumstances even the parents use to insist on their son to get divorce

\(^{62}\) Benjamin Gangmei, op.cit, p.2.
from the barren wife and encourage marrying other woman for posterity and ensuring the rights of inheritance and succession.

iv) Pre-marital pregnancy

   It is a clear reason for divorce of a marriage unless her husband had the knowledge of it or unless she disclosed it to her husband before the marriage. It is a very serious case particularly, in respect of the holy marriage for which the bride should be a virgin girl. The pre-marital pregnancy should not be treated as a ground for divorce if the husband himself committed pre-marital intercourse with her, or he had the knowledge of pre-marital conception before their marriage.

v) Mental sickness

   If the wife or husband has been suffering continuously for a reasonable period, at least for five years from mental disorder (kapi gaimakmei) and such mental illness is likely not curable, then neither the wife nor the husband can longer live together as family.

4) Hearing of both husband and wife

   After considering the ground for divorce, the village authority sermon both the husband and wife to appear before the village court (peikai) for hearing the statements with respect to the petition for divorce. After hearing examining, the reasons, the petition if they found the faults of man and woman. The village authority does not accept the petition instantly for the first and second time in consideration of the sanctity of marriage.
Therefore, after proper consolation, the village authority used to ask them to reconcile with each other and live together in peace and mutual understanding.

5) Hearing of repeated petition for divorce

Hearing of repeated petition for divorce from the same party is presented to the village peikai for the third time, the village authorities are compelled to take decision. In such case, after finding the faults, the village authority may approve the petition for divorce and declare the official order for divorce.63

6) Rules for Divorce

Under the customary laws of Ruangmei any person either the husband or wife who desires to get divorce was to comply with the following rules:

i) If the divorce is initiated by the man, a Bison/ Buffalo as Mashi or Jaoshi Gwai of ‘one cubit length’ horn and disc in a Kalwang will be given by the man to the women.64

ii) The husband will lose the bridal cost (Nouhmanh) paid to the parent of the wife at the time of marriage.

iii) The husband is to refund all her dowry to her in case of arranged marriage (Khaamthan Noukao) or if dowry given in puat sumei, also

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64 Meiphunlung Thaimei, op.cit., p. 112.
refund one half of the bridal cost of a virgin girl in case of marriage without payment of bridal cost.\(^{65}\)

iv) If the divorce is initiated by the woman, a Bison/Buffalo as Mashi or Jaoshi Gwai of ‘one cubit length’, horn, all the bride except’ puat pham’, ‘Mangui Zou’ and ‘Latlwai’ Zou that paid as her bride price, will be repaid. None of the presents given by the parents of the woman will be refunded.\(^{66}\)

v) In case both wife and husband mutually agreed each other to divorce or the widow after the death of her husband desire to return to her parents’ house, the question of Mashi Gwai for divorce does not arise in the case of marriage without payment of Bridal cost. But he or she is to give Jaoshi gwai if the marriage with the payment of Nouhmanh.

vi) According to the traditional custom, all children belong to husband, after the divorce, the wife is not entitled to get children.\(^{67}\)

vii) In case the wife has been divorced with little baby of below one year, she may be allowed to take the baby with her. After three years, the husband may claim to get his child from the divorced wife by giving one bison/buffalo to his divorced wife or Nouhdui Manh or the husband may give his child to the divorced wife as Kapui Ngam Khang means gifted for her own child.

\(^{65}\) G. Makuga, op. cit., Pp. 163-164.  
\(^{66}\) Meiphunlung Thaimei, op.cit., p. 113.  
\(^{67}\) G. Makuga, op. cit., p. 164.
viii) The divorced wife has no right to claim the moveable and immovable property of her former husband nor is she entitled to the right of her maintenance.

ix) The re-marriage may take place at any time after the divorce, if no condition or limit of time was given at the time of divorce by the village court.

7) Escorting of divorced women

After the approval of divorce, as a custom the village authorities are responsible to escort the divorced women to the house of her parents or her brother with one Mattock (Laogai). One golden rice plate (Siandai Khat) will be put in her female basket and one bison/buffalo which were received from the husband. However, it is said that if the parents and her relatives were present, they would take their daughter (divorced women) to their house from peikai. 68

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68 Ibid, p.165
Nouman Loukeimei
(the payment of Bridal cost of the girl)

Guakpaï Zaomei
(All relative, elders and solicitants will examine the Spleen of the pig and read the sign of the omen)
Zoupan keimei
(offering of wine invoking the Supreme God for blessing upon the newly wedded couple for perceptual love, peace, unity, prosperity and long life)

Lupei (Bride)
Lupei swan patmei
(Escorting the bride with bride-maids and peipou)

Noupu nei (Bride and Bridegroom)