CHAPTER - IV

WOMEN'S CRIMES IN CONTEMPORARY MANIPUR SOCIETY:

POSITIVE SOCIO-CULTURAL FACTORS

I

As has already been said, the present study focuses on the offences of prostitution, adultery, homicide and theft, committed by the women of Manipur. Of the four areas of crime in this state, prostitution and adultery are mainly in the ambit of customary law which is in force. Homicide, like other heinous offences in the eyes of the people, comes within the statutory law enforced by the state. Theft occupies an interesting position because whether such offence is tried by the customary law or by the statutory law depends on the value of the stolen article. This overlapping of the two laws is observed in the cases of many other offences though the scene does not occur so frequently.

Prostitution: The Old English Dictionary gives the meaning of prostitution as "the offering of the body to indiscriminate lewdness for hire". The Suppression of Immoral Traffic in Women and Girls Act, 1956, of the Government of India defines, under Sec. 2(f), prostitution as "the act of a female offering her body for prosmiscuous sexual
intercourse for hire, whether in money or in kind”. Here the word 'promiscuous' implies 'indiscriminate sexuality' but to prove this it is not necessary that evidence of more than one customer of the prostitute should be adduced, indiscriminate sexuality being a matter of inference from facts (AIR 1972 Madras 31, 1961 Allahabad W R (Sup) 18). The English law on the point is different. Prostitution, under English law, is not confined to acts of sexual intercourse, but will include any form of lewdness for which a woman habitually offers herself for hire (R. vs De Munck, 1918, 1 KB 635: 18 Cr App R 113) and will include active acts of indecency performed by the woman herself, e.g. masturbation of male clients (R vs Webb, 1964, 1 QB 357: 47 Cr App R 265); proof of money payment is not always necessary (Winter vs Woolfe, 1931, 1 KB 549). Thus, sexual intercourse is not the only evidence of prostitution in English law.

The word 'female', in these definitions, appear to exclude those males who prostitute themselves to women. So, Havelock Ellis, in his Studies in the Psychology of Sex (1913, Vol. VI, pp. 225-6), says "a prostitution is a person who makes it a profession to gratify the lust of various persons of the opposite or the same sex" (emphasis supplied). Kinsley David expresses that prostitution "is distinguished
by the elements of hire, promiscuity, and emotional indifference" (1937, p. 749). This definition covers all the prostitutes but not the nymphomaniac prostitute who has some degree of emotion (Henriques, 1961, p. 17). The two elements viz. hire and promiscuity, however, are essential and must be present in an act of prostitution.

These definitions, like many others, give much emphasis on the general phenomenon of prostitution. John H. Gagnon, in The International Encyclopedia of the Social Sciences (Vol. II, p. 592) adds a new dimension to the general ingredients. The payment - in cash or in kind - depends, according to him, on the complexity of the local economic system. Prostitution has different forms in different social settings and its nature varies accordingly.

Various definitions are there beyond our capability to discuss. But we can deduce the common feature of prostitution from these definitions. A prostitution is any sort of sexual act - that may or may not be real copulation, habitually performed by individuals with other individuals of their own or the opposite sex, for a consideration which is non-sexual.

Adultery: Adultery is one of the hardest terms to be defined. The act and extent of the offence differ from one
society to another. In a large number of American states adultery, which has not been criminally punishable in England since Cromwell's time, is a crime, though in a minority of states this is so only if it is open, notorious or continuous (Hart, 1963, p. 26). The common law countries "took cognizance of adultery only as it tended to expose a husband to the maintenance of another man's children, and to having another man's children inherit his property, and it was therefore necessary that the woman should be married" (Clark and Marshall, 1927, p. 682). What is fornication in one state may constitute adultery in another or contrariwise (ibid, p. 683).

Under the Manusanahita, conversing in secret with another man's wife by a man notorious for previous act of adultery is to be held as adultery. It extends to talk in a lonely forest, at a 'tirtha', outside village, at the confluence of rivers, to sending presents of scents and garlands, to cutting jokes or embracing or touching her ornaments, catching hold of her cloth, laying down on her bed, eating from the same dish. "If a man touches the private parts of a woman and if a woman does the same with a man without the latter's protest, these would constitute adultery by mutual consent" (Manu VIII, pp. 354-58, 361 as quoted in Ramprasad Das Gupta, 1973).
Both the parties should be liable to punishment under ancient Hindu law. Under the code of Kautila, the woman should pay a fine of 24 panas and the man double the amount. "Public punishments are imposed on adulteresses but in most cases only if their crime is exceptionally flagrant; they are then sentenced to a cruel death (Manu VII, p. 371); ordinarily, the insulted husband or the insulted family inflicted the proper punishment on the adulteress" (Julius Jolly, 1885:1975, p. 279).

Under Indian Penal Code, the nature and extent of punishment is different. Sec. 497 of the Code defines adultery as "Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such intercourse, not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor". The Section is limited to the act of a man alone; the reason for which is given by the framers as: "..... The condition of the women of this country is, unhappily, very different from that of the women of England and France; they are married while still children; they are often neg-
lected for other wives while still young" (Draft Penal Code, Note Q, p. 175). The considerations were true to the Indian condition of the mid-nineteenth century. In Sowmithri Vishnu's case, the Supreme Court held on May 30, 1985 that a wife involved in an illicit relationship with another man was a victim and not the author of adultery. This reflects that the shadow of the nineteenth century image of woman is still preserved in the statutes.

However, the Sec. 497 of the Jammu and Kashmir State Ranbir Penal Code, 1932 is an interesting one. It is progressive in the sense that it considers woman as having a personality and who is a free person in performing voluntary action. The Section reads as follows: "Whoever has sexual intercourse with a person who is and whom he knows or has a reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of adultery, and shall be for a term which may extend to five years or with fine or both. In such case, the wife shall be punishable as an abettor" (emphasis supplied; reproduced in K.D. Gaur, 1985, pp. 629-30).

The definition of adultery should have, in the light of the above discussion, ingredients: (a) a married
woman (b) a man other than husband who has done (c) sexual intercourse with the woman without (d) husband's consent (e) punishment for which is determined by the law in force.

In Manipur, the other side of the living law i.e. the customary law punishes both the woman and her paramour. The discussion is given in brief in an ethnographic manner under the heading of adultery in section III of the present chapter.

Homicide: Homicide is any killing of a human being by a human being and may be either felonious, justifiable or excusable. The study is on the felonious (culpable) homicide which is punished and is not tolerated by the society. In the felonious homicide, the essential conditions that should be considered are (a) the killer is a mentally competent adult (b) there is corpus delicti. Felonious homicide is classified into (a) culpable homicide amounting to murder and (b) culpable homicide not amounting to murder.

In India, culpable homicide is the genus to which murder belongs as a species. Culpable homicide is defined under Sec. 299 of Indian Penal Code and murder under Sec. 300 of the code. "Speaking generally 'culpable homicide'
sans 'special characteristics of murder' .... The academic distinction between 'murder' and 'culpable homicide not amounting to murder' has vexed the Courts for more than a century .... The following table will be helpful in appreciating the points of distinction between the two offences.

**Section 299**

A person commits culpable homicide if the act by which the death is caused is done...

**Section 300**

Subject to certain exceptions culpable homicide is murder if the act which the death caused is done ...

**Intention**

a) with the intention of causing death; or

b) with the intention of causing such bodily injury as is likely to cause death; or

1) with the intention of causing death; or

2) with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or

3) with the intention of causing bodily injury to any person and the bodily intended to be inflicted is sufficient in the ordinary course of nature to cause death; or

**Knowledge**

c) with the knowledge that the act is likely to cause death.

4) with the knowledge that the act is so imminently dangerous that it must in all probability
cause death or such bodily injury as is likely to cause death, and without any excuse for incurring the risk of causing death or such injury as is mentioned above.

(Ratanlal and Dhirajlal;1987: 90 pp. 281-82).

In Manipur, resulting from the conflict of different laws, the heinous offences are taken up, without any resistance from customary law, by the statutory laws. The murder and manslaughter are a pure field of statutes in force. Sec. 299 and Sec. 300 of Indian Penal Code do not fall within the jurisdiction of Village Authorities in Hill areas which are empowered to try criminal cases under Sec. 20 of the The Manipur (Village Authorities in Hill Areas) Act, 1956. So, the definition of felonious homicide in the study is similar to the existing statutory definition.

Theft: Theft or larceny (which was so called), under common law had six fundamental elements, viz. (a) a trespassory (b) taking and (c) carrying away of (d) the personal property (e) of another (f) with intent to steal. "Literally thousands of cases hammered out this rudimentary and yet difficult definition until the requirements of the
crime were clear: it demanded an intent to permanently deprive; it did not apply to real estate; it required some form of movement, or asportation; it could only be committed against the possessory rights of some other party; it must transpire without an owner’s consent; it could occur through conversion or exchange of the goods” (Frassel, F.R. 1979, p. 275). Thus, the Theft Act 1968 defines it, “A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and ‘theft’ and ‘steal’ shall be construed accordingly” (Sec. 1(1)). In similar fashion, the USA state of Louisiana relies upon the following, “Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential” (Sec. 67, Louisiana Criminal Code).

In India, under Sec. 378 IPC, to constitute theft the essential ingredients are (a) dishonest intention to take property (b) the property must be movable (c) it should be taken out of the possession of another person (d) it shall be taken without the consent of the person
(e) there must be some removal of the property in order to accomplish the taking of it. In other words, commission of theft consists in moving a movable property of a person out of his possession without his consent and the moving being in order for the taking of the property with a dishonest intention. In the light of Sec. 24, "a person can be said to have dishonest intention if in taking the property it is his intention to cause gain, by unlawful means, of the property to which the person so gaining is not legally entitled or to cause loss, by wrongful means, of property to which the person so losing is legally entitled" (Dewan, 1986, p. 392; see also Sec. 23 of IPC for 'wrongful gain' and 'wrongful loss'; M.P. Tandon, 1989, p. 342).

In general, theft is an offence involving taking away of certain movable property without the consent of the owner by means of fraudulent conduct with dishonest intention. The Manipuri law, in the conflicting situation of different living laws, looks at theft at different levels associated with (a) the cost of the property (b) the sex of the thief. Usually the lower amount of cost of the property does not call for state law enforcers for legal action. Theft of low-cost property is dealt with by the customary law; whereas that of costlier property falls
within the jurisdiction of the statutes. Again, women are generally insulated to legal action on theft. This is partly because of their weak, submissive personality, and expressive role in the larger social system. (But it should be noted here that Manipuri women have a dual image in the society. They are taken as expressive, weak, passive personalities as well as active, economic, instrumental being in the society).

Female thief, in both the Meitei and the Maram societies, is treated softly in the penal process; in many a case it is seen that cases of theft involving female thief are resolved infra-legally between the parties. This also explains the lower crime-index of female offenders in the state.

II

The Prostitutes:

In Manipuri language, there is no equivalent term for 'prostitution' or 'to prostitute'. A term 'Kasubi' is used to the same. The term is derived from Hindi word Kasbi meaning a prostitute, harlot, adulterous woman. The Hindi word, further, has its root in an Arabic word
'Kasbi' meaning 'acquiring' or 'earning'. Prostitution in India was termed differently in various texts, such as Pumscali, Mahanagni, Rama (all in Vedic literatures); Tawaif, Patar, Paturiva, Kanchan, Randi, Kasbi, Khanagi, Harjali (W. Crooke in James Hastings, Bd., 1961, Vol.10, pp. 406-8). The Manipuri term 'kasubi' excludes adulterous woman in its lexicon. 'Oktabi' is a Manipuri term whose meaning is one woman deviating from marriage norms and that includes pre- and extra-marital sexual relation, sexual promiscuity. The suffix '-bi' means female ('-ba' means male as in other languages in Tibeto-Burman family). But the term does not reflect the economic transaction -- an ingredient of prostitution. 'Kasubi' is, of course, a species of 'Oktabi', but all 'Oktabis' are not Kasubis. Some Manipuri scholars, however, on the etymology of the term, opine that it is a Manipuri word. To them, the term is combination of two Manipuri roots -- Ka (room) and Suba/Subi (one who goes to all; ba/bi is suffix expressing gender). So, Kasubi is a female who goes to all rooms for sex-money transaction. This Manipurization of the term is not supported by any historical fact. No account of prostitution as such is reported in Cheitharol Kumbaba (the Royal Chronicle) and Puyas (historical texts of the Meitei) which are the major sources of law in the state.
The non-existence of the term suggests that Kasubi as an institution and/or as a part-time profession is of recent origin in this state (c.f. N. Ibobi Singh, 1968, p. 209; M. Ibohal in N. Sanajaoba, 1988, p. 325). N. Ibobi and M. Ibohal reported, mentioning nothing about the sources, that the punishment to prostitution during the reign of Chandrakriti (1772-1808 A.D.) was phouba (exposure to sun). Even if it is correct, there is still doubt of the existence of prostitution prior to the period. The non-existence of the Kasubi may be because of the egalitarian social setting of the Meitei. Pre-British period of Manipuri history did not witness much class distinction and everyone could lead their lives with their agricultural produce and its surplus. Sex, in those days, might have not been taken as a commodity. Though other sexual offences, such as incest, adultery were reported, nothing was mentioned about prostitution. Kasubi came into being in very later period when the Meitei adopted highly complicated market economy in the British period. Body and its parts also became commodities. Human service, labour became a part of business sphere. Thus the prostitutes came up selling their times to their clients with non-emotional sexual acts. It is, however, notable that prostitution as an institution is still far behind to grow up in the state.
The Manipuri Kasubi is increasing day by day; the real quantum of them, however, cannot be calculated because they all are part-time business-persons in this sex-money transaction. Some prostitutes are well educated; some of them are college-going students. Some are marginal workers or wives to unemployed and/or disabled husbands. Some government employees or agents of certain agency/corporation, in some cases, are seen professing it. As there is no regular brothel or red-line zone, it is hard both to identify them and to classify them. Taking the nature of their working network as a criterion, we can get two types of prostitutes, working in the state, viz., free Kasubi and Kasubi through agents.

A free Kasubi is one who works independently. She contacts clients herself and bargains herself. She decides the place where she will have to go mutually with the client. The second type of Kasubi contacts her clients through some agents who get some 'commission'. The place and time are decided by the agents and they also scrutinize the clients.

(A) Free Kasubi: A free Kasubi is hard to sort out from the 'normal' women. She does not expose herself to larger circle of clients. She, in other aspects of life,
behaves like a 'good' woman. She acts in good manner in various social situations. From this angle, she is a good role performer in the social drama. In her Leikai, she shows respect to elders and talks in a submissive manner in such a way as the society expects from an ideal woman. She will not stand face to face with the strangers in her own leikai. Mrs. Nirmala told that talking in such a way might provoke suspicion to her leikai co-inhabitants. The free Kasubi attends usually the socio-religious festivals and ceremonies. Mrs. Nirmala expressed that the number of her attendance on such occasion was higher than that of the other women; she had to attend such gatherings because leikai should not be given any chance to talk about her. She does not dress in modern cut. Simply she puts on phaneke and innaphi but not sari with low-cut blouse. Phaneke and innaphi are traditional dresses.

Some free Kasubis are working in government offices at grade III and IV levels. Some are college-going students. Many such Kasubis are pan-dukandars, oil-blackmarketers, and cinema-ticket blackmarketers. They, in addition to these professions, adopt for extra-income the practice of prostitution. Their salaries or profit from the business are marginal and cannot meet the expenses of the family and
of other trans-familial activities, such as kinship contribution, socio-political donation, religious offerings etc.

Their childhood was independent. They were not looked after by their parents properly. Narrating her childhood experiences, Miss Soro (25) said, "My father is a peon and a heavy drunkard. My mother uses to go to market to sell vegetables. The family affairs are looked after by myself. My brother and myself are the two offsprings to them. I am totally isolated from the family because my parents were busy with their works. I play mainly with the boys - friends to my brother. However, I donate them and can command them".

Their house was not provided with separate, well-partitioned rooms. They shared rooms with their mothers or sisters or sister-in-laws. From early childhood, they knew the sexual acts of their parents or brothers through the audio-visual experiences. Relatively they practiced masturbation earlier than their friends knew it. They got indulged in talks of sex with their elders. They enjoyed also pre-marital sexual relations. 45 Kasubis out of 75 whom the author interviewed, are found to experience pre-marital coitus with their boy friends. At first, they were
very much afraid of such relation lest it should lead to pregnancy, but later it turned to be normal. Mrs. Mirmala's case reveals that pre-marital coitus was nearly rape; she was forced by her lover. She could not help herself partly because she loved him and partly she liked to have such sexual experience. This experience initiated her to have present profession of being a prostitute.

Unmarried Kasubis are less in number; they belong to the lower income group. They usually dress up with new cuts available in the market. Their parents are busy with their instrumental roles and cannot provide them with much facilities. Some of them are illiterate or below high school standard. Prior to the adoption of the practice, they had already had sexual relations with their boy friends. However, Miss Soro (25) had eloped with one Rajesh before a year of her entry into the profession. She was frustrated as their elopement did not end in marriage. She was taken back to her family. Since then, Rajesh did not turn up. After a couple of months she fell in love with one Mohindra. She frequently slept with him. He, later, abandoned her. These disappointing experiences made her induced to change visitors ultimately to the extent of receiving money from them.
The married Kasubis are more in number. A few of them already started the practice prior to their marriage. Their married lives are varying. Majority of them live in nuclear families - with their husbands and children. The family-burden is more on them than on their husbands. Mrs. Nirmala's husband is a carpenter and he has an income of Rs. 700/- or so per month. As they have only one San’ngam (a unit of land, equivalent to 0.625 acre) of paddy field, the income from agriculture is below what they actually need for a year. She, therefore, has to earn as a trader (vegetable vendor) but it cannot help her much to raise the total income of her family. She adopts poultry at a small scale out of which she can earn a little profit. All this cannot, however, meet the daily 'familial expenses'. Her husband did not pay much attention to the family affairs. He works the whole day out of which he meets the expense of his daily drink in the evening. Sometimes he asks Nirmala for this expense.

The couple has four children - one daughter and three sons. After a year of their marriage, they live in their own separate household. The eldest daughter is now at her 16 years of age and can help her mother in domestic affairs. Mrs. Nirmala, free from these affairs, has to run from Kakching, a rural town of Manipur, where she collects vegeta-
bles to Thoubal market for selling the same. The three sons attend schools. Their academic demands are also being met by her. Besides, she bears the whole responsibility of meeting all the other socio-economic demands of their day-to-day social life both within and outside their household. Her vegetable business is just a small source of income far short of meeting all their demands. She frequently runs into deficit. Every time she resumes her business with cash loan on interest.

Almost all married Kasubis' husbands play less or no instrumental role in the family. They are either manual workers or wage earners or small scale businessmen. Some of them are government employee of lowest grade. Their incomes are very low, it ranging from Rs. 800/- to 1,000/- per month. They have no or hardly any other additional source of income. They work hard whole day and cannot pay much attention to the family affairs. They drink wine every evening. "Without wine, I cannot cut my days peacefully," Mr. Nital (43), a husband to a prostitute, says, "and the domestic affairs will be looked after by my wife. She is also a man". Husbands do not control much on their wives' activities. They believe their wives but some of them have suspicion as to their wives' business.
Sexually speaking, many much husbands are normal if they do not drink. Some disabled husbands are, however, found to be said of their impotency or physically unable to satisfy the sexual urges of their wives. Normal husbands do satisfy sexually their wives who are also satisfied with them. At present, sexual acts are seldom done because of their hard works and less physical attraction. Mrs. Nirmala's husband, for example, enjoys sex with her once or twice a month. "She never asks me for. Why should she ask? After all, she is now mother of four children and is of middle age," he tells the author while he gets drunk.

Some husbands are having two or more wives. There is no general rule that first wives are becoming prostitutes. The neglected wives, not necessarily sexually, who face much economic problems are found becoming prostitute. Mrs. Ehanumati's husband has two wives. She is the first married wife to him. He is a cultivator. After giving birth to her second daughter, he eloped with his second wife. Though they lived together, she was neglected by him. After a year or so, they have 'independent stoves' in the same house. He is with his second wife. She has to go to market for selling clothes woven by her (or collected from local weaving units). As the husband does not look after her economically, she has to manage her family with the
children. Annually, she receives paddy from husband and nothing more is given than that. The children's education, their maintenance are also done by her alone. She, thus, faces problems which are being solved with income from her business.

Above all, she is a sexual being, too. "I need a man with whom I can share my bed" she says in a romantic mood. She had an affair with a businessman in Thoubal Bazar. After a year of such affair, she was abandoned. With it, she experienced a new life beyond married life. One of her business partners expressed once about 'catching money with beauty's net'. After that she thought over and over. "At first, I was very afraid but later I came to a conclusion that nothing was wrong unless it was disclosed", she says. For last five years, she earned a good amount of money from this 'part-time' business. She, however, opens this secret business of hers only to a small circle of clients.

The case of Mrs. Ipethoi (36) is interesting. She is the second wife of one contractor from Imphal. He has a wife and three sons in Imphal. She runs a pan-dukan. He came to Thoubal on his contract business and fell in love with her. He accepted her as his second wife and one dau-
ghter was born to them. He casually gave money to her towards the maintenance of herself and her child. She continues the pan-dukan. Most of the time, he is in Imphal. So, she is left to herself.

She is now with her parents. After the birth of her daughter she faces an economic stress. The old parents could not work at their paddy field which had, thereby, to be given to others on tenancy. This made decrease in the total income of the family. As a result, her income from the pan-dukan becomes the only source to meet the daily expenses.

Her sexual life is disturbed by the casual visit of her husband. Once or twice, he comes to her for a day or two. This creates sexual stress frequently. "If he does not come at all, I would not suffer much" she says of her pre-Kasubi period's sexual thirst. Her extra-marital coitus was first experienced with a local bechelor who was much younger than she. He frequently visited her pan-dukan for a 'pan' (betal nut) and talked with her for an hour or so. He called her 'Iteima' (elder brother's wife) and many a time he asked her to go to a movie with him. His intention was clear to her. One day, "he took me to a cinema hall" and that was her first date of extra-marital
sexual relation. He offered her 'Inaphi' (chadder) or 'Phanek' (loin-cloth). The affair could not last any longer because of the differences in age. But the affair opened a new way to similar affairs.

Free Kasubis, in many cases, are divorcees who are not looked after by their families of orientation and thus face the main economic stress that drives them to prostitution. They are deprived of economic means as well as sexual means to their bodily satisfaction. Like other Kasubis, they also carry on this business on part-time basis. Of 75 Free Meitei Kasubis 7 are divorcees, 18 married and 5 unmarried; and among 45 tribal cases, 20 are married, 13 divorcees and 12 unmarried.

B. Kasubis through agents: Kasubis through agents are more in number and they are the popular ones. It is they whom the society call Kasubi in common daily life. They are comparatively easy to distinguish from the rest of the 'normal' women. They dress in a peculiar style and fashion. When asked, a number of youth can distinguish a Kasubi from a normal lady, on the criteria of their dresses and modes of dressing. They talk in sexy tone with obscene words, even in presence of other fellows, in public. Unlike the free Kasubis, they do not pay much attention to leikai
affairs, rather they say "what did leikai do when my family had been starving?" or "Did your wife come to my husband's bed when I was suffering? "They do not feel as sorry for what they are doing now as they felt when they started leading their new life. They now, claim that there is sex-seller as there is sex-buyer.

Kasubis through agents are, in most cases, older as well as more experienced than the free kasubis in the profession. Some of them came directly to this type of Kasubi while most others first got trained as free kasubis. In other words, many new kasubis usually start as free kasubis and later they work as kasubis through agents. One man opined that "while looking for new maan (Hindi word: things; but in the market, it means 'prostitute') one should not engage agents". Another person said, "face is the index of mind as well as of sex. It tells us about a kasubi's secret garden. Hiring a kasubi through these agents will not satisfy anybody".

Agents' role is not well defined. They are the middle-persons in the business. They play a passive role in the business; but in business terms, they run their profession simply to earn dollali. These agents are women who were once prostitutes themselves or their associates.
Some male agents who are friends to them or their extra-familial dependants are also seen. The extra-familial dependants are their protectors, too; they are mainly the local vagabonds. The clients contact these agents to fix 'time and place' when/where they will meet the proposed prostitute(s). As there is no red-line zone, the fixation of time and place prior to their meeting is necessary. The agents, many a time, simply convey the message of the clients as to time and place. They seldom deny the appointment even if prior appointment made by themselves is there. On the day and time, the rule is, the Kasubi in question serves the clients on 'first come first serve' basis irrespective of the appointments.

The agents' occupations vary from small hotel managers to small scale vendors. But they are all carrying on one or another small scale business where men can pay visit. Pan-dukan, hotel, lukmai'panbi (small scale business women who sell immediately consumable things; it is a traditional mode of business), wine vendor (unpermitted) are the common business carried on by the agents. Men visit them along with the clients and on getting opportunity the contact is finalised without any suspicion.
The female agents are of middle age. They dress in modern cut traditional dresses i.e. they wear dresses, cut in modern style mainly meant for younger generations. Inspite of their ages, the clients often address them 'Iteima' (elder brother's wife) or 'Ime' (father's sister or mother's brother's wife). They cut jokes, using generally dirty words, with their customers and casually advertise the kasubis in their hands. They are fine talkers and can twist any matter around any corner.

The agents do not take major part in proper transaction of the Kasubis' real business. They get however, nominal amount as commission which is not fixed and compulsory. The gain on the part of the agent is that their sale-proceeds raise up with the coming of these clients. They can even borrow or take loan from a casual visitors to the Kasubis. This makes them easier to run their business.

Prior to the adoption of the profession, such kasubis were of comparatively lower income group. They hardly earned Rs. 900/- per month from their normal business. Some of them earned Rs. 1500/- or so per month on seasonal business. Comparing them with the free kasubis, they played more instrumental roles in their respective families. Their families were solely or mainly looked after
by them. Their husbands' income did not contribute to their families' total income. Of 175 such kasubis whom the author interviewed, 135 were sole/major earners in their pre-kasubi period.

Mrs. Ibpemhal (42) is married and looks younger for her age. Her physique is well-built. She is mother of seven children (four sons and three daughters). All the seven children are unmarried. Except the eldest son (17), the other children are not employed. Her husband has a long chronic disease and cannot work. The only income is her earning. She carried on small-scale business of vegetables, before she practised the profession. She had to run the business in Imphal. Because of the little capital, the profit was just titular.

Her little profit could not meet all the expenses of the family on daily consumption. Above this, other expenses were also met with. Her life as 'part-time' prostitute started with an affair with a middle man. She took loan from him and he gave without any hesitation. This led to certain intimacy. Gradually he advanced sexually. At the same time, an aged woman who ran small hotel in Imphal often said to her "Sex is another commodity. All men can be made slaves to you if you properly use your
body; you are still young to start it".

Because of the husband's prolonged chronic disease, she had not been sexually satisfied. But she could control herself in those days. Being a mother of seven children, she had little sexual urge. But the new affair brought back her 'hidden sexual instinct' active and it tormented her. She committed adultery and it lasted for about six months. "Man is selfish; after eating the fruit, they throw the seed away" she continued, "he abandoned me". The experience, however, gave a lesson that "one can earn side by side in the underworld business. And the hotel woman is true in all senses".

The age of another such Kasubi is about 42 years. She is of moderate height and white in colour. She works as kasubi through an agent who is running a pan-dukan. The agent will send the message to her of where/when the client will meet her. She pays Rs. 20/- to 50/-, depending on the money she earns the day, to the agent in the form of commission. Sometimes she does not pay; payment of this commission is not compulsory obligation nor a part of the business transaction. Her clients are limited in number. Almost all of them are much younger than she and are bachelors except two of them. She knows their names and addresses.
Entry into the profession helps them much in earning their extra-income. Mrs. Subashini (36) tells that her income raises twice that of her pre-kasubi period. It is much a business that "capital is your well-dressed body and profit is cent per cent". After subtracting the commission given to their agents and the 'taxes' (a sum of money given illegally to police personnels) their monthly income ranges Rs. 1500/- to 2000/-. The income includes also the profit from other businesses. Mrs. Subashini further informs that her agent in Imphal town takes Rs.25/- per call and her monthly income is Rs. 2000/- of which Rs. 900/- is from her pan-dukam.

All the Kasubis - free or otherwise - do not work daily. In a week, they entertain their clients to the maximum of five. If they are free from all other works, they will go out on five days in a week for this business. But the working hour of their business varies from case to case. Any hour in day time, 132 Kasubis are available; 86 only at the night upto 20:00 hours and 38 only for whole night. The time factor is controlled by the nature of their primary business and its demand. Husbands, children and the leikai people are the main 'restrain' on their full-time profession. The night-kasubis get more money than the day-
Kasubis. There is a standard visiting-fee for a whole night or an hour in night time. There is no or little room for bargaining.

Sex life in pre-kasubi stage:

Manipuri kasubis cannot be generalized on their sex-lives. It is, however, true that many of them had sexual knowledge in their prime years. They acquired sexual knowledge either through the dirty jokes of their female neighbours or observation. Neighbours talked about various sexual acts in their presence. Mrs. Subashini recalls what her neighbouring 'In'nam'ma' (elder brother's wife, addressed by female) often talked to her mother on sexual games. The adult talks give much information on sexual acts. The sexual knowledge was also obtained from personal direct observation of adults' sexual acts. The sexual acts including petting, hugging of parents and/or of brothers with their wives are commonly observed by them in their early or late childhood. This was so facilitated in their congested houses. The room partition was either made of bamboo slits (Phaklong), or of straw with mud. Thus, there is no secrecy of adult sexual acts in the practical sense. They could listen to the erotic and hissing sounds; even they could see the real acts of love. The talks of
adult and the habit of observing caused them to masturbate in their late childhood. Usually, they started masturbation in their early teens. "It was really satisfactory in those days" Mrs. Subasini confesses, "and it gave a way out to the high erotic state of mind". She started masturbation in her 13th year of age. She rubbed her private parts with the tip of her fingers.

Pre-marital coitus is almost common to all the kasubis. Besides the cases of unmarried kasubis, the married kasubis (including divorcees) had pre-marital coitus. The act was almost rape on the very first day because their consent was against the act. But, as it continued, the acts became normal. Excepting 12 cases out of 202 married (including divorcees), the first pre-marital sexual intercourse was done with their then boy-friends. 12 cases were being raped. "A girl's fate is lost after the loss of her chastity. Though she is being abandoned by her boy-friend or the rapist, she has to keep silence", a kasubi who had been raped by one of her local brothers in her teenage expresses, "I could not tell anyone of the unruly nature of the person. Instead, he blackmailed me on the disclosure of the act". She had kept the act in her memory. Later she believed that "so long you can cover your acts, sexual life is neutral. It is sin only when the society unco-
vers the anti-social and/or immoral behaviour. You are pious unless you are caught”.

Mrs. Thambalsang (38) recalls her pre-marital relation in an emotional tone. She was brought up with her three sisters and two brothers by her widowed mother. The mother worked hard to weave in the night times and in the day times, she went to Thoubal market to sell vegetables. She gave the phanek and/or innaphi (both Manipuri traditional dresses) to the agents who came to collect them. Thambalsang fell in love for the first time at the age of 15 years, with a local boy of 18 years of age. The relation lasted for about a year. It was just a child’s play. But the love affair at her 19 years of age with another boy was of different taste. After six months, she was asked to come out at night (they called it ‘night-interview’ then). They met at night, and did immature petting and hugging. She had intercoursed with him one night. The affairs lasted for about three years. Gradually he stopped coming to her. After him, she had three persons in love-affairs with her before getting eloped with the man whom she married.

Another case can be taken up to look into the nature of pre-marital sexual coitus among these women. Miss Fumi-mashi (26) is a free kasubi and a college going student.
She studies in one of the colleges in Imphal. She is the eldest daughter to her parents and she has a brother and two sisters. Her father is cultivator and has five pari (a local measure of land; one pari is equivalent to 2.5 acres) of paddy fields. They face no economic trouble as such. While she was 18, she was approached by a boy (20) of adjacent village. They met frequently in the cinema halls, village corners where they could be alone. Gradually he started sexual advancement after eight months of romance. She had intercourse (practically it was a rape) with him. She was afraid of the act; she thought of getting pregnant. But, luckily she did not. After having two or three such experiences, it became normal. He gave many presentations which took the shape of compensation or a return to her sexual service. He then stopped to come to her. In Imphal she had three boys and all of them were alike. She slept with the boys in hotels in Imphal or tourist homes.

Adultery in pre-kasubi period is also reported in many cases but is hard to say that kasubi always starts with adultery. This extra-marital coitus involves, unlike the adultery in many cases, a gain in cash or kind and gives rise to the practice of kasubi as such. Their paramour gave them some sort of presentation/gift in return to their sexual services. The paramour may be neighbours, hus-
bands, friends or relatives. The pattern of the act is almost the same as other cases of adultery (which will be observed in the next section).

It is clearly seen that adultery committed by these kasubis are strongly related to the sexual adventure and monetary benefits. Their husbands cannot satisfy them sexually as well as economically. Mrs. Thambalsang (38) had pre-marital coitus with several boys (already reported in the above para) and after marriage, she found her husband to be a sexually weak man. Her husband never satisfied her; after the first round of sexual act, he just slept unnoticing her further sexual urges. He did once or twice in a night with quick ejaculation before the wife's excitement reached climax. Meanwhile, she cut jokes with a neighbour who was a bachelor. He was about three years younger than she. He took every opportunity to see her body. Step by step, they indulged in illicit sexual relation. He was energetic and expert in sexual deals. He took petting and hugging as equally important to the real act of coitus. Casually he took her to movie and offered a few gift. The romance lasted for about three years till her husband suspected of it. He, then, stopped to visit her as her paramour.
Adultery or extra-marital coitus is usually more paying. Sexual urge is given a business orientation. Thus such kasubis come to this type of business with the hope that they can earn money as well as satisfy their sexual thirst. Their paramours become persons who live, in their eyes, for a while and who pay money in return to their sexual services. The number of adultery cases committed in between 1-3 years of marriage is 36, 3-7 is 127, and after 8 years of marriage is 87. This clearly shows the sexual urge which is left unsatisfied comes to the surface after the third year of marriage. This can be linked also with the overall economic demand of the family that directs the deviant activities of such kasubis because at this time after marriage couples normally start earning for their newly established households.

Meitei-tribal axis of kasubi:

Qualitatively there is no much difference in the Meitei-tribal continuum as to the practice of kasubi. At the macro-level, these societies show equal motivating factors, mainly sexual drive and economic deprivation. Low income groups are well reported; many of such kasubis are sexually unsatisfied in wedlock. But sex alone cannot be dynamic force that pulls them into the practice. All the
Manipuri prostitutes, excepting a few cases, practice it only because of their low income to meet larger demands of the family, of the society at large and the failure of their husbands' instrumental roles. All kasubis, both the Meitei and the tribal, are conscious of the social forces that prohibit their business and the punishment involved. They do not like to be isolated from their respective societies. The tribal and the Meitei kasubis, thus seldom choose their 'place of service' in their own leikai or village. When asked why were they in this business inspite of their fear, Miss Liz (28), a tribal prostitute, said "We are afraid of being caught by the villagers but they never look after the empty stomach". Their fear is neutralized by the weight of the pressures of their social and economic needs (and their biological needs in some cases) and they act accordingly to meet these needs.

Among 250 kasubis, taken up for the present study, the tribal prostitutes constitute 120 of which 45 are free kasubis. Against 23 unmarried Meitei kasubis, there are 26 such tribal ones. The tribal-Meitei break-up is given below:
### MEITEI-TRIBAL BREAK UP OF THE PROSTITUTION IN MANIPUR:

<table>
<thead>
<tr>
<th></th>
<th>Free Kasubi</th>
<th></th>
<th>Kasubi through Agents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Meitei</td>
<td>Tribal</td>
<td>Meitei</td>
<td>Tribal</td>
</tr>
<tr>
<td>Married</td>
<td>18</td>
<td>20</td>
<td>90</td>
<td>37</td>
</tr>
<tr>
<td>Divorcee</td>
<td>7</td>
<td>13</td>
<td>40</td>
<td>45</td>
</tr>
<tr>
<td>Unmarried</td>
<td>5</td>
<td>12</td>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>30</strong></td>
<td><strong>45</strong></td>
<td><strong>90</strong></td>
<td><strong>85 250</strong></td>
</tr>
</tbody>
</table>

The Meitei unmarried *kasubis* has less chance to get married. In many cases, they become second or third wives of some low income fellows - drivers, rickshaw pullers or third grade government employees. The persons of low grade do not bother to marry such *kashbis* or divorcee. The case in tribal scene has another dimension. The tribal Manipur recognizes the practice of pre-marital coitus and no bar is imposed on marriage inspite of this condition. The virginity of the bride is less valued in tribal society than in the Meitei society. Again, western-model of younger generation in the tribal world influences the concept of virginity to be formed in the American or English way. Free choice of mates and free mating are another popular concepts.
in younger tribal population. These concepts play a good role in accepting the practice of pre-marital coitus. Thus unmarried tribal prostitutes have their places in the society. There is high chance of getting married for them.

The kasubis who are drug-addicts are less among the Meiteis. The selling of their bodies for buying drugs - narcotic drugs, opium, heroin (Number 4) powders or other psychopathic substances - are not common in the Meitei kasubis. However, such cases are seen more among young tribal prostitutes - married and unmarried. They depend on their clients to obtain drugs, especially Number 4 Heroin powder. They cannot buy the drugs whenever they feel need the same; so they offer their bodies to those who can offer these drugs. Miss Mary (24), a student reading T.D.C. II yr. in 1986, said that she could not get enough money to buy drug daily. She could hardly deceive her parents after they came to know of her being taken to drugs. Then she tried to sell her belongings including books. Afterwards "sleeping with the strangers is a way-out to my problem", she said. She was from Maram Bazar. Another young drug-addict, living with her uncle at Chingmeirong, Imphal town and who is a college-going student reports "drug-addiction is not a mere habit of using drug for a week or so. When
I inhale, I think of tomorrow's smack too". In her teenage, she longs for an adventure of "drug-use through sexual medium, i.e. earning the money with the sexual services to buy the drugs".

Tribal drug-addict kasubi is also seen among the married kasubis in some cases. Mrs. Sana (34), a government employee, used drug for about two years. She got a salary of Rs. 1500/- per month out of which she contributed Rs. 800/- to the family total income. Her husband was also a government employee and he never asked how she spent her money. She used drugs with some fellows, mainly males. "They like to sleep with me - a woman having four children, and in return of my sexual service, I can take drugs free of costs". This made her easier to get drugs. According to her, many of the drug-addict kasubis ('if you call them that') are unmarried. They do not have much money and the stuff is costly. "They use the drug as a part of youth adventurism" she added.

Prostitution: an overall view:

All the kasubis face the problem of choosing the place where they will go with their clients. There is no brothel in the state. The brothel is the house kept by a
person(s) other than the prostitute for the purpose of prostitution and by keeping so he and/or she gains in one way or another. Sec. 2(a) of the Suppression of Immoral Traffic in Women and Girls Act, 1956 defines brothel to include "any house, room or place or any portion of any house, room or place, which is used for purposes of prostitution for the gain of another person or for the mutual gain of two or more prostitutes". Here the brothel implies that the disputed premises must be used for the purpose of prostitution for the gain of two or more persons (AIR 1966, Madras WN 254; 1966 Cr LJ 551; 1965 Allahabad Cr R 433). When a single woman practises prostitution for her livelihood without another prostitute or without some other person involved in the maintenance of such premises, her residence would not amount to a brothel (AIR 1962 Madras 31; 1961 Madras WN 299). Thus any place where prostitution is practiced is not a brothel unless some other person is involved therein to maintain the same.

More-over, there is no red-zone area in the state. Many a time, they need to change their operational places under the police action or under social forces like Nisha Band, Nupi Marup, Meira Paibi. "Police personnels are easy as they can be bribed" Miss Punimashi remarks, "but these women folks are hard to bargain. They do not listen
to us nor to their hearts". Thus, they have to wander here and there in market places to contact their clients. It is, however, less problematic in cases of those kasubis who run pan-dukan or who are employees in some establishments (including the government offices). Their clients will approach them. The only problem common to all is to select the place where they can serve their clients.

The clients are very keen to sort out the kasubis from other women. They observe the women; observing the dress and modes of dressing, the gesture in rem, they can point out who is a kasubi. One youngster, when asked how he did distinguish a kasubi, said "their eye-gesture is the key. You look at her eye and you know everything". Kasubis generally communicate through their eyes. There are certain other non-verbal communications whose encode-decode is known universally in their world. "It is an art. If you know the art of womanizing you can let anyone, a kasubi or not, open her thighs" a middle-aged college teacher opined, "the only difference is that a kasubi easily opens them". In addition to it, the kasubis usually wear their dresses loosely.

Clients are mainly of middle age and adolescence. The middle age clients are widowers, divorcees or even
married men. They go to prostitutes mainly for their sexual gratification. Some of them like to mate with various women; to them sex with a single woman is non-monotonous. The remarkable feature is that many of them belong to lower income group. Truck/bus drivers, rickshaw pullers, lower grade contractor are frequently reported among the clients. But free kasubis who are employed in some public establishments entertain some officers and those who "care for their prestige". This helps both the two parties to keep their secrecy. They go to high class hotels in Imphal, inspection bungalows, tourist homes or government quarters etc.

Adolescent clients are mainly bachelors. They go to kasubis to outlet their sexual tension. Mr. Ibomcha (22) of Thoubal bazar told that masturbation could not fulfill his sexual desire and his girl friend was very conservative. The only way to his sexual urge was going to kasubi. Many of them opined that kasubis were answers to their sexual problems. Hot movies, romantic/erotic novels stimulate them and their arosals are frequent. Hence they liked to meet kasubis. Some of them are clerks, young government employees of grade II. They prefer kasubis of the first kind, but those of second kind can also substitute the former.
All the clients other than high class ones usually hire hotel rooms. Many a time, the room is single seated to save extra-money. Conservative hotel managers do not, however, allow them to be registered therein. The clients know many hotels in Imphal (even in Churachandpur) town that provide seats with some extra-charges. They classify the hotels into two categories, viz., conservative that do not allow them therein, and the modern hotels that allow them therein for 'drink and/or enjoy with the kasubi'. The conservative hotels, according to one client, not only disallow them but also create trouble by reporting to the police.

They enter in the hotel registers by their pseudonyms. They declare therein that they are couples from far-reaching villages. This is to hide their persons. Both kasubi and her client do not like their own roles: a kasubi does not like to be a kasubi; the client also thinks that visiting a kasubi is immoral, if not criminal. Again, they have, in common, a fear of being caught and subject to public humiliation. This forces them to register their pseudonyms. However, the registration of their pseudonym creates serious trouble in case they are arrested by police on police-check in these hotels. The more serious problem is faced when they are caught by local peoples. If caught
red handed, they may also be forced to get married then and there, in a crude form in which the public witness is the primary precondition for their marriage declared. It is notable here that many kasubis became second wives to their clients in this way. If they hesitate to marry in this way they are humiliated in public by way of penalty locally expressed as Khun'goiaba (see supra p. 93). Here both the kasubis and their clients are punished equally. A case may be taken up in this context. "Mrs. A is a kasubi. She has four minor children (all daughters). She is about 37 years of age. She lives separately in a hut. Her parents and her brothers pay little attention to her and her daughters. She started her small business by opening a pan-dukan in 1983. Her monthly income is only Rs. 500/- or so. She thus runs prostitution as a part-time profession with the help of a local elderly woman. The woman has many connections with officers, contractors in various government establishments in Thoubal. The woman brings her clients at the initial stage and later they all become her clients. One day in the month of December, 1987, she along with one of her clients is caught by the local women at Nambol. On the suggestion of an elderly woman, her hair is cut bare and her client is beaten blue and black. Further they force the two 'criminals' to march on around the village.
The *kasubi*-client relation is not a mere seller-buyer relation. In this relation, there is a psychological tie arising from their common fear. On it, the clients, unlike other buyers, show sympathy and guard her against all the odds in their shared risks. The clients take care of the *kasubis* as if they were their own girl-friends. Even after their contractual time, they look after the *kasubis*; they hire rickshaws or so in order to get them go safely. If the *kasubis* have to go a bit far, they will escort her up to bus-stations. Thus, prostitution in Manipur involves a meta-pecuniary transaction. This phenomenon is noticed in both the Meitei and the tribal cases.

The another fear which is deep in their mind is that of the *STD* (sexually transmissible diseases). The diseases - syphilis, gonorrhea - are serious, not because of its pathological nature but of its social impact. Such diseases, if disclosed, will open the lid to expose her to the public. Again, it will cause her clients to stop visiting her. The disease makes double harm to her - physically as well as economically. To save her from both worries, she goes to private clinic or private medical practitioners rather than to public health centres or general hospitals. Knowing this fact, doctors charge extra-money. She has to pay Rs. 50/- to 100/- as consultation fees to the doctors.
Whereas the charge of normal consultation is about Rs. 20/- or so. Some kasubis cannot afford it. Again the diseases are not treated partly because of high charge and partly because of social stigma. They are afraid of being exposed through social gossipings. Such kasubis are generally free ones who still like to protect their identity as ideal women in their leikais.

There is still another fear - the fear of getting pregnancy. Many kasubis are divorcees, widows or unmarried and hence pregnancy is unthinkable for them. Again, the married and all other kasubis take that the gestation period is non-productive in the economic sense. Married kasubis do not like to get pregnant out of the illicit relations. They have the psychological hatred of the baby, if born out of such condition. "The child may not like my husband and I shall be in a trap", expressed by Mrs. Nirmala. Moreover, the child born to a prostitute is imaged in the society as being unruly, immoral, indecent. This is reflected in the abusive term Kasubi-macha ('son of a prostitute'). It is feared that such a child will create many serious troubles to them and their families (the present husband and his family) in future. So, if somehow conceived under illicit relations, they abort such child in foetal stage in two ways: traditional abortion
technique with the help of medicine-man and modern allopathic abortion technique. The former is dangerous; the mother may die in carrying out the abortion. These days, majority prefer the latter and so, they go either to general hospital (usually in Imphal) or to private clinic. Generally they register their pseudonyms. If doctors know their real identities, they charge higher - the amount may come upto Rs. 500/- to 700/-. Thus, unwanted pregnancy is a burden to them both financially and socially. Mrs. Pratima (41) remarks "By taking Rs. 50/- one night from a monkey drunkard, I had to spend Rs.500/- to cut his tail from my womb". This obviously shows the real feeling towards the clients and the child in the womb. Another young married kasubi, Mrs. Rosy (36) of Maram tribe said "I don't know what would happen if I did not abort; but the abortion costed me a day's income from five clients".

This study of married kasubis covers 155 cases. Their husbands do not know what they are doing. If they come to know, the end of the married life will come. Like normal women, working class kasubi, and those carrying on small-scale business act as good mothers to children, as good wives to the husbands who are poor physically and/or economically. But some husbands are polygamous and so neglect some of their wives who, thereafter turn into kasubis.
**ADULTERESS:**

I

Historically, unlike prostitution, adultery is reported in various texts, such as *Cheitharol Kumbaba* (the Royal Chronicle of the Meitei). In Manipuri, adultery is termed as 'Mawa Ngang'naba' on the part of the woman and 'Mou-loumba/ Mourumba' on the part of the man; simply the term 'Oktabi' or 'Oktaba' conveys the meaning (suffix bi/ ba denotes the gender of the actor, bi for woman and ba for man). The terms Oktaba and Oktabi covers all the deviant sexual acts which are against the marriage norms.

Sec. 497 of the Indian Penal Code is limited to such acts of a man alone. The limitation of the punishment, in the minds of the framers, is necessary for the unique unhappy condition of Indian women and the existence of child marriage. But historical and social backgrounds of the societies to which the code extends are not identical; even the Hindu societies have been changing faster in the post-independence period. So the immunity of women to the punishment under Sec. 397 is vague. So, "it is important to note that the Jammu and Kashmir State Ranbir Penal Code, 1932 Sec. 497 is more progressive ... It makes the errant wife punishable along with her paramour" (K.D. Gaur, 1985, p. 629).
In ancient India, the Hindu law of adultery was much interconnected with its caste system. "Naturally the punishment for adultery committed with a woman of superior caste was much more severe than that with a woman of lower caste, or of the same caste. The position of the Brahmanas was most advantageous and that of the Sudras hardest" (Ramprasad Das Gupta, 1973, p.77). Again, punishment for adultery depended on whether the adulteresses were properly guarded or not. The extent of punishment in different cases involving different castes can be seen in the table given below (after Julius Jolly, 1885: 1975, p.277).

<table>
<thead>
<tr>
<th>The man</th>
<th>The woman</th>
<th>Being guard/not</th>
<th>Punishment to the man</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sudra</td>
<td>Aryan</td>
<td>Not</td>
<td>Cutting off organ; property confiscated</td>
</tr>
<tr>
<td>2. Brahman</td>
<td>Aryan</td>
<td>Not</td>
<td>Fine of 500 panas</td>
</tr>
<tr>
<td>3. Ksatriya</td>
<td>Aryan</td>
<td>Both</td>
<td>Incraceration, hair shaving, pouring urine on the head</td>
</tr>
<tr>
<td>4. Vaisya</td>
<td>Aryan</td>
<td>Both</td>
<td>Same as 3</td>
</tr>
<tr>
<td>5. Sudra</td>
<td>Aryan</td>
<td>Guard</td>
<td>Execution</td>
</tr>
<tr>
<td>6. Brahman</td>
<td>Aryan</td>
<td>Guard</td>
<td>Fine of 1000 panas</td>
</tr>
</tbody>
</table>
The adulteresses were also punished. "Public punishments are imposed on adulteresses but in most cases only if their crime is exceptionally flagrant; they are sentenced to a cruel death (M.8,371; VI 5, 18 etc.); ordinarily, the insulted husband or the insulted family inflicted the proper punishment on the adulteress" (Jolly, Op.cit., p. 279). "If a man and a woman make signs to each other with a view to sexual enjoyment, or carry on secret conversation (for the same purpose), the woman shall pay a fine of 24 panas and the man, double the amount (Kautilya as quoted in Das Gupta, Op.cit., pp. 77-78).

In Manipur, past and present, especially in the Meitei society, adultery is taken to be an offence having equal weight for both the woman and her paramour. In Meitei kingdom, the paramour was punished with either 'Loi-thaba' (exile) or whipping. For an act of adultery with the wife of one phibing, Khwairakpa was exiled to Sugnu (Cheitharol Kumbaba, 1827 A.D.). Again one Mutuwa's wife was exposed to Khun'goinaba (see supra, p. 33) for the offence of adultery with a servant of one Haobam Katwan. The adulterer was killed by Mutuwa. Mutuwa was not tried for homicide (ibid., 1870, p. 391). The killing of adulterer was not taken as culpable homicide; but if the husband of the adulteress forced a banon adulterer to bite
leather, which was taken to be pollution of *Bamon* in those days (still it is), he would be liable to punishment. The case was obviously reflected in the State vs. Gurumayum Mohan (*Cheitharol Kumbaba*, Sak., 1792, p. 393). The fact of the case was: One Gurumayum Mohan was found illicitly related with the wife of one Wangkhei Ngoubi. The latter forced Mohan to bite leather. For doing so, Ngoubi was sentenced to *Loi-thaba*; before he went on the exile he took off his *Lugun*, the sacred thread he worn as a Hindu.

In present day Manipur, the act of adultery is governed by the customary law and its agencies, though there are statutory laws, too, in this regard. It is seldom reported to the police for judicature except in a few cases. In lawyer's term several cases of adultery fall under judicature. Modern social agencies like *Meira Paibi, Nisha Ban, Nupi Marup* (see f.n. 6) arrest both the parties; they try them (adulterer and adulteress) on public opinion and punish them in accordance with the prevailing customary laws. Usually the punishment is *Khun'goinaba* (see supra, p. 83) of the adulteress and her paramour. A Meitei woman can marry second husband after divorce in any form of marriage other than *Luhongba* (There are several types of marriage recognized in Meitei
society: (1) Chenba (elopment) (2) Luhongba and Chelhong, 
(3) Loukhatpa, (4) Kainakatpa and (5) Nambothaba. The 
custom of Nambothaba is non-existent at present according 
to Manjusri Chaki-Sircar (1984, p.71). But having sexual 
relation in the house of the husband - living or dead - is 
an act of adultery and she is liable to punishment. Here, 
a leading case reported by one Mrs. Tharo (55) of Thoubal 
village is furnished to illustrate the point:

"Two years before, a woman and her illicit husband 
were arrested by the leikai women. She was a widow and 
mother of two daughters. The first daughter was about 19 
years of age and the second about 17 years of age. Her 
husband had been suffering from a chronic disease, locally 
termed kum-leina. After his death, her paramour frequently 
visited her. He brought this or that thing for her or her 
daughters.

One day the woman folk of the leikai gathered in a 
village corner to discuss on the liquor problem in the 
leikai. While discussing on the agenda, a lady who was 
neighbour to the accused adulteress reported that her 
neighbouring woman was of bad character and was doing 
immoral deeds in her house with a man. He was in the 
house then, she further added.
The women group rushed to the house and surrounded it so that the paramour of the woman could not escape. The leikai called out the woman. They asked the woman to explain the suspicious affair. The lady and her paramour failed to do so. Meanwhile, some women shouted that such acts must be punished.

The leikai women invited Pradhan (the elected head of the village council) and other old male villagers to settle the matter then and there. After discussing the pros and cons of the case, it was decided that they be punished with Khun'gojnaba by letting them to roam around the village with torn shoes on their necks".

The extent of adultery is not limited to actual act of coitus. The secret talks or conversation in isolated areas, of the actors involved in the offence shall also be within the ambit of adultery by the local conception of it. The woman in question may be a married one or a widow at the time of the offence, or she may not yet been formally divorced even if she is separated physically from her husband. The divorcee or widow who is in her parental family can, however, have lover or can even get married. It is to note here that attitudes of other women to the meaning and the extent of the adultery vary very widely. Some
simply say that it is against "our tradition and custom" while other say "It is unethical to allow one's property to be used by others without the consent of the owner". They all like to punish the actors whatsoever the reasons are.

The tribal Manipur takes this offence differently. In the Naga world, the law of adultery seems to comprise both civil and criminal meanings. Adultery, alleged or proved, and sometimes the slightest hint of infidelity leads to a divorce (M.Horam, 1977, p. 82) among the Tangkhuls. A fine including the Mangkhat (bride price) as well as a fine to the village is inflicted on the offenders (T.C. Hodson, 1911; 1982, p. 107). The penalty of the adultery in the Naga world of Manipur is pictured in T.C. Hodson (ibid.). "At Jessamin the woman surrendered all she owned to her husband, who also received a fine from the lover. At Laiyi, also a village of the Mao Group, the fine is only one cow, while at Liyai, close by the adulterer is driven out and his property seized by the injured husband, a similar punishment being inflicted on the man at Mao, where the woman is also liable to have her nose clipped or slit with a spear and her hair cut off. At Maikel also the woman is punished as well as the man who loses all his property. The Quoirengs drive out the
adulterer from the village ... (In the) Kabui villages... only a fine is imposed ... the woman is divorced from her husband, to whom her price is returned by her family" (pp. 107-8). The adulteress in Kabui escapes without punishment. But differing from T.C. Hodson, George Watt, in his times, reported that the adulterer should be killed by the offended and injured husband; the wife returns to her father's house (V. Elwin, 1969, p. 456). Among Moyon Nagas of Komlathabi and other villages, any person who commits adultery (or kidnaps a married woman) "shall pay a punishable (punitive) fine of five Naos of mithun (male or female) to the injured husband and a pig of five Wais to the village elders" (Ngoru Phamdil, 1987, p. 23).

In the Kuki world, the law of adultery is less severe in comparison with the Naga law. Among the Thadou Kuki it is very simple. The adulterer has to pay Jackatman to the injured husband (William Shaw, 1929: 1983, p. 62). "Jackatman is an amount of one mithun paid by the man who entices away or makes pregnant another man's wife. It is paid by the adulterer to the husband. In addition he has to recoup to the husband all man or nungkitman (these refer to marriage price) yet paid. The woman's father or male heir will then sue the adulterer for the balance still due" (ibid., p. 62).
In the Lushei society, the punishment is inflicted on the paramour by cutting off the ears or nose and the husband "did not always wait to be sure that there was anything to avenge" (J. Shakespear, 1912: 1983, p. 55). Among the Vaite, the seducer has to pay certain fine called Sawnman.

The offended husband recovers the bride price or an equivalent amount among the old Kuki groups; the Tikhup fixes the amount twice the price. "In this the Thado(u) custom is followed, which is more just than that of the Lushais, but not so conductive to morality, for among the Lushais the whole of the woman's family is interested in keeping her from committing herself and are loud in condemnation should she do so, as they have to refund the various sums they have received on her behalf, whereas among the Thado(u) the seducer simply pays up the price and takes the woman, who is thought very little the worse of - in fact, among the clans which follow this apparently more just custom, unless they have influenced male relatives who take an interest in them" (ibid., p. 156).

The Kuki adulterer is left in the hands of the injured husband or his relatives. Death may be inflicted on the adulterer by any means with impunity. But "more
generally it was, and now invariably is, the custom to compound with him for a large sum of money, something over and above the original price of the wife. The adulteress then becomes the property of her lover" (ibid., p. 195).

From the above picture, it is obvious that the act of adultery and its penalty vary from a society to another. In the Meitei and the Naga societies, the penalty is shared by both the lovers. In the Kuki group, not only the act of adultery is taken lightly but also a mere punitive fine can the paramour possess the woman in question. The woman is taken as a chatel in the eyes of their law.

II

The act of adultery is mainly an act of romance or of post-marital love affairs. Thus the adulteresses seldom consider the economic involvement thereof. Though adultery is witnessed in all sorts of standard of living, unlike prostitutes, adulteress' main concern is not the monetary/material benefit, rather it is psycho-physiological satisfaction. Mrs. Nungshitombi (36) is a government employee. The total income of her family is Rs.4000/- per month.
The family consists of her in-laws, her husband and two minor daughters. The income is 'enough to meet the family expenses'. Her husband is also a government employee and is posted in a hill-station of the state. He seldom comes to the family but regularly sends money to the family. The prolonged absence of the husband causes tension to her sexual life. Since 1984 she is having an 'extra-marital relation' with one Binod (29). Binod is a bachelor of the same leikai and is a government school teacher in the village. The gifts/presentations occasionally given by the man are just tokens of love, short of carrying any earning motive on the part of the woman.

They usually meet in the isolated quarters belonging to Binod's friends. They behave in the styles of 'teenage romantic affairs'. Sometimes, they scold and fight each other, stop to talk for a while and weep in the presence of each other. But they do not know the goal of their relation because "she is a married woman". Binod expresses that if she is divorced, it would be easy for him to decide to take her his wife.

Another case pertains to Mrs Jayalaxmi (35). She was married to her husband ten years age. After a couple of years of her marriage, he became a disabled man with a
bone fracture on the thigh. Besides them, the family consists of two sons and three daughters. The children, though they extend helping hands in business and domestic works, in the practical sense, do not earn. She runs a small shop opened at their house. The business was started with a capital of Rs. 5000/- only. Now, she can earn profit of Rs. 2000/- per month. Above it, she takes part in some forms of Marup.\(^8\) This helps her in the capital-formation for her business.

Her relation with one Tomchou (47) began after two years of the business. At first Tomchou paid visits as an elderly person for giving an advice or so. He extended helps in getting commodities like kerosene oil, salt at concessional rates through some agents. This brought them closer and closer. Tomchou is a divorcee and with him are his three married sons and their families. They live in a joint family. He has an independent earning( most probably he is carrying out some black-market business in Imphal). He looked after Jayalaxmi's daily shortage in the business.

They meet for their romantic part in Imphal town or Kakching, a town 26 Kms. from Thoubal. They go out there in the pretext of business trips. But they never enjoy the nights. In Imphal, they register in hotels as wife-husband by pseudonyms. The spend the whole day there, but before
night, they come back home. The reason is obvious that Tomchou's financial help does not compensate his failure of giving his wife sexual service.

Though sexual element is an ingredient of the acts of adultery, the background of family affairs of those involved in such acts differ from one case to another. Prior to the act, some are sexually unsatisfied with their legal spouses and some are well satisfied. It is, however, notable that out of 25 cases, 21 husbands are sexually and physically normal and 4 husbands are physically weak and unable to indulge in sexual games. From this it can be inferred that they are sexually adventurous; but some cases are still seen where adultery is started with socio-cultural motivations, such as (1) paramour's service prior to the commission of the act (2) status acquiring means (3) sex-preference of the offsprings. These are explained here below.

Pre-marital sexual coitus can be linked with their present acts. Mrs. Jayalaxmi reports that she had sexual contact with her boy friend in her maidenhood. The first was at the age of 18 years of her age. It was a rape practically. Of 25 adulteresses, 23 are reported to have had pre-marital coitus with one or more boy friends. Four such
women were practically raped by their local brothers. They could not disclose the facts out of fear of social condemnation. One Mrs. Kebi (42) says: "It is always on women the harm lies. The rapist may be punished or not, the victim shall have no room to hide her face". The pre-marital coitus gives a lasting unforgettable taste of sex to them and husbands’ sexual acts became monotonous after marriage. Such monotonous after marriage. Such monotonous state begins at different periods of marriage. Six adulteresses started after 1-3 years of marriage; eight after 3-5 years; and nine after 5-more years.

Pre-adultery service of the paramour as a factor of adultery can be represented by the cases of Mrs. Ibenhal (35) and Mrs. Mary (26). Mrs. Ibenhal married to one Nabachandra in the year of 1982. At the time of marriage, Nabachandra was an unemployed graduate. He did his B.Sc. Course in 1980. The family was looked after by her father-in-law. Her father-in-law was a cultivator and mother-in-law was a vegetable seller in the Thoubal market. A person named Muhindro from Wangjing frequently visited them; he was older than Nabachandra, but they were good friends. He suggested to do 'contract' works. He said that it would help him (Nabachandra) to stand on his own feet. Muhindro helped to get some 'contract' orders. This helped Nabachandra
to earn and to form some capital. After a couple of years, Nabachandra could establish a separate firm and carried out second class contract works in different government departments in the Thoubal District.

He then established independent stoves with his wife and a son. Even though Nabachandra becomes a free contractor, Muhindro extends his help much in organizing the things. Thus he is taken as a member of the family. He comes and takes food in the family. Often he retires there in the day time. Mrs. Ibenimal cut many jokes on his being confirmed bachelor. He was never offended with such jokes. He rather started to advance sexual moves day by day. This could not be resisted by her. At the beginning, it was a mere touch on her hand or shoulder or buttock, later it turned to the breasts in the excuses of taking a towel or so. Ultimately, they got plunged into the real illicit sexual relation one day when they were alone in the family.

"I did not like the moves but because of the services he had extended to us, I could not rebuke or slap him" the woman thoughtfully expresses, "now it becomes a part of my life. What is wrong to Dhrapati (her pronunciation of the name of the heroine of the Hindu epic
Mahabharata)? After all, my leikai and my family do not have any suspicion to both of us". But she is wrong; some of the leikai youths knew their secrecy. They disclosed it to this investigator who, after having full knowledge of the relation, approached her for query. At first she denied and rebuked; but she was forced to answer the questions in a police-tone. Then she extended cooperation.

Another case is of Mrs. Mary (26) of Maram Bazar. She is married to one Trimorthy (34) who is a government employee of grade III. He could get the service after the marriage. They were in a joint family with the Trimorthy's parents and unmarried sisters - two in number. After getting service, they live separately in a house, constructed nearby.

For the post, they had given Rs. 16000/- to an unknown person who was an officer in the D.C. Office, Senapati. The contact and overall arrangement were done by a Meitei teacher - one Mr. Joykumar. He liked to drink much. When he got drunk, he was totally out of control. Mrs. Mary respected him very much, partly because of his age (about 45 years) and partly because of his help in getting a job for her husband. After getting job, her husband offered him a feast. Then he became a regular
visitor to the house. He started afterwards to visit at odd hours when her husband was absent. He came intoxicated and tried to touch here and there of her body. Then one day, he consummated with her. It was nothing wrong to her because she thought every man was all alike. They never liked to miss any chance. Moreover, "I could not resist him" she says. She had pre-marital relation with four different men, all matured ones.

Thus some cases of adultery are caused by the condition of getting some services from the adulterer. Response of the adulteress to the aggressor is considered to be just return of the previous service of help from the adulterer. This phenomenon of exchange is outcome of the internalization of the socio-economic institutions of exchange found in several spheres of the peoples' socio-cultural life.

The fact can be corroborated also by another case. Mrs. Dasumati (39) of Thoubal was married to one Ibohal. Their married life is normal; they live faithfully to each other for about 7 years. They have three sons and a daughter. A daughter died at her childhood. She has good relations with her parents-in-law and she is known to her locality of her good conducts. Five years back (1985),
her husband met an accident which caused several injuries; he had to be hospitalized in the Regional Medical College Hospital in Imphal. As their sons and daughter were young, she had to attend upon him in the hospital. Mr. Rajen (29), a neighbour and bachelor, helped her in many ways. He used to bring food and medicine to them. And at night, he accompanied her in the hospital where she felt lonesome and confused.

Rajen took privilege to touch her body in adjusting a thing or other. First she took it lightly but later she came to know of his intention. She, however, did not dare to resist such friendly touch (from her point of view). In those days in the hospital, their affairs took a shape. After returning home from the hospital, Rajen advanced more sexual moves. He usually came at noon when her husband went to office and in-laws retired after morning works. They talked alone in her living room. One noon they committed the offence for the first time. "At that time, I did not care for marital status. After all I had a soft corner for Rajen", she expresses. After six months of frequent meetings, Rajen was told by her and his closest friends to stop the relation. The relation might bring ruin to his life.
It is clear here that Mrs. Dasumati did not like such a relation. She was unable to resist his moves because she ought to count his help while she was in trouble. She knew that it was a heavy demand of Rajen to approach a mother of five children. She, however, could not help herself and she thought of repaying some obligation to Mr. Rajen.

Some cases of adultery are committed for acquiring higher status. In such cases the higher status is attained through the acts of adultery as there is no/little alternatives opened to some of the female actors. Such cases are associated with the government services or job having a line of promotion. As per the local 'gossip', such sexual services of women (including spinsters) are given either at the time of recruitment to a post or of promotion to higher posts. Though there is no direct evidence, many informants are in a position to prepare lists of persons involved in such type of adultery. The author, inspite of various techniques, cannot cross-check the lists. Hence the cases are not reported here.

Another form of acquiring higher status through adultery is readily available in the sample valley area. This is connected with the son-preference of the Hindu
universe and security of married life of a wife after having a son. "In agrarian societies, particularly patriarchal ones, sons provide the family labour and eventually assume responsibility for the household and for running the farm; they are also expected to assume the responsibility for parents in old age, as daughters usually marry out and are less likely to provide financial support" (Chaudhury, 1982, p. 31). This is the reason for the common saying that "a son is an economic asset and a daughter, a liability". Apart from the economic consideration in son-preference, the need of a son is also interlinked with the socio-religious system of this society. Hindu attributed "to the doctrine that unless his son performs his obsequies a man's soul cannot go to heaven" (Sparatt, 1966, p. 193). Son is rebirth of a man and it is through sonship that a man can live eternally. A son is one who will offer pinda to nourish the spirit of the deceased. Pinda is offered not only for a person but also all the deceased ancestors of seven generations (this degree of generations differs from region to region) and binds all the persons belonging to this degree as sapinda. With these concepts of the son, the Meitei society recognizes (a) legitimate son (Pokchaba Macha), (b) legitimatized son (Ayokpa Macha, adopted son or Ayaba Macha, declared to be one's son) (c) illegitimate son (Chellakpa Macha, son brought by the
wife, Laninaba Macha, son conceived by secret husband) (c.f. Dr. S.R. Mangang, 1988, p. 62). Every married woman likes to have a son, conceived by herself and the son be born as Pokchaba Macha. As the decision of the family is taken by her husband or husband's father/mother, legitimate sons are their second option. In the society, it is obviously noticed that sonless mothers are insecure in their married lives. They are taken for granted that they barren, without medical evidences. Husbands to these helpless women are often arranged to marry second wives. In many cases sonless/issueless mothers are divorced before such second marriage. On this psychological pressure i.e., the fear of divorce, arising from the age-old value of "Nupidi Mang Ani Suphade" (a woman should not have two graveyards), women like to give birth to a son within a couple of years of marriage, so that she is being proven as not being barren. Almost all women prefer a son.

This high preference of son in the social system and the value attached thereto indirectly encourage 'issueless' woman to choose the act of adultery. Mrs. Chaoibi (38) of Thoubal, a housewife, expressed her view on adultery that "an act of unfaithfulness saves a position in the family and the larger kin-group. Moreover, what is wrong in doing artificial insemination to cows for good
breed". She told the author that there were three cases of such type in her locality (Wangjing Bazar, 7 Kms. from Thoubal). The case of Mrs. Kunjabati (36) can be taken as an apt illustration.

She was married to one Babudhon at the age of 24. The family consists of her husband, husband's brother, his wife and three minor sons, her mother-in-law and herself. She faced many troubles after one and half years of marriage; the psychological threats were from her in-laws and other local elders especially from women folk. The real cause was her failure to give birth to a son. She performed many rites and rituals secretly or openly. But, they fail. Her mother-in-law started to look for a new woman for her husband secretly. She was ill-treated many a time. But she was to bear the pain because "it was her fate".

But, the affair in point started after four years of marriage in 1980 with a local brother. He was of middle age. He, at first, told her that the failure of pregnancy probably lay with her husband. Later, on the way to market or other places, he followed her to take opportunity for a talk - mainly on children. Thus she became familiar with him. He, one day, asked her to come out in the night time. She met him in the corner of the vegetable garden. She had
mixed feeling on that night. "I came to conclude that I was unfaithful to my husband because I was to conceive a child". The affair lasted for about three years. She gave birth to a daughter and a son. The details of their meeting was not disclosed by her but the meeting place was only in the leikai.

Another dimension of this type of adultery is the choice of sex of the child. The mothers of only sons or only daughters like to have other issues of the opposite sex. Mrs. Bhanu (35) gave birth to four daughters within six years of marriage. She lived in a joint family consisting of her in-laws, her husband and four daughters, her husband's younger brother and his wife with one daughter and two sons. Her paramour was a family's friend. He came frequently to the house. No one in the family took him as a stranger. He cut many jokes and the family enjoyed. He, at first, approached her indirectly with gesture and euphemistic stylized words. Slowly they fell in love. She hoped of a son. The romance lasted for about a year and the first act of love was consummated in a night when all other members went to witness a *Sumang Lila* (traditional theatre, played in open field at night). They later tried to meet at lonely place and time whenever they found opportunity. But the affair stopped after giving birth to a daughter.
Of 25 adulteresses, 10 are childless, 3 are those having sons, 7 are mothers of only daughters and 3 are mothers of mixed children. This clearly shows that sonless mothers are 17 in number and daughterless mothers, 13.

III

The husbands to the adulteresses are one of the responsible factors in the ego's cathetic attachments to the alters as they are the ones, nearest to these wives socially, emotionally and physically. The expectations from husbands are not mere physical and financial support; these involve psychological and/or sexual gratification, too. In normal situation, it is husband's duty to satisfy the wife's sexual needs and to give 'seed' for the in-coming children. Some of the husbands are physically weak because of their physical deformity or of chronic diseases. The year-long chronic disease that give physical weakness is termed as Kumleina; such Kumleina-husbands are often facing wife's infidelity. They including all other disabled husbands, cannot satisfy their wives sexually and romantically. These husbands are 'like dead log lacking imagination and sensation'. The adulteresses, fallen in this situation, are usually of younger age, i.e. 37 or younger. They still have strong passion. This makes room for sexual frustration. Some
husbands know of this frustration developed in their wives. They hold the view that "if she goes to another person to extinguish the fire of lust, I shall not disturb her. But I shall not allow her to go away with that person". Though they say like this, it is hard to know what will happen if they come to know the real picture. No such husband knows the fact. One cannot disclose the fact because it may disturb the family relation or his psychic life. One such husband talked of his wife: "She lives her for about 10 years. She behaves good and she serves me in this state of life as if I were her son. In practical sense, she runs this family. For about 5 years I cannot satisfy her but she never complains of it". He, however, did not like to talk of their sexual life before he suffered from his illness. He took the fact meaningless and kept saying that "she is well-cultured woman".

The other husbands are either sexually monostylistic or hen-pecked (Adhamora: a term borrowed from Bengali, meaning adha = half, mora = death). The former type of husbands cannot offer sexual acts in different forms that will satisfy their wives sexually. They usually do not care of petting and other forms of foreplays. But their wives like different tastes. One Nitai (38), husband of an adulteress, remarked of his wife while he was under intoxication,
that "she likes different sexual acts differing from the previous ones. She is a wild animal (lampa) - a real lampa". When asked if she had any extra-marital relation, he got angry and replied that she could not do such a thing because he was her husband. But it was an open-secret that she had an affair with one of his friends.

Such husbands usually do not consider the sexual state of their wives. They enter her just to satisfy themselves. The act is also done while they are under intoxication. This makes their wives monotonous and repulsive. "They can be easily womanized by the hunters", opines Mr. Ningthemjao, a local social worker of Wangjing, "the world is full of such hunters. They look to women for their wild passion. They never take them as their mothers or sisters, but as an answer to their dream". This is, however, hard to conclude that all the adulterers are 'hunters'. Some of them are widowers looking for a needy woman, some are just behaving like good lovers. They never go to other attractive women to try a luck. But, Mr. Ningthemjao is correct to say that the neglected or sexually frustrated wives become easy prey or they are easily ready for such act of adultery. The bodily needs, when they are not fulfilled, dominates the social institution's to deviate from the norms that control such needs. Because of their unfulfilled sexual desires, these women are forced/
driven to act in the manner. The alter, including Ningthemjao, takes the adulteress as being a victim of the hunters coming at the time of their bodily needs. Adulteress, like other women, needs the sexual gratification and hence she indulges in the acts of adultery.

The adhamora husbands are weak to control or exercise their power over their wives. They leave the domestic affairs in the hand of the women; they play no or little role in the decision-making of the family. Their opinion is dictated by their wives and they are less important in the kin groups, too. The leikai-level associations, social gathering, socio-religious ceremonies and the like are wives' concern. They have little friend-circle and hence they are unaware of social attitude towards them. The wives of these adhamora husbands are naturally in contact with different men; some of them spend their times cutting jokes with men, even dirty jokes overheard. The familiarity with men and the weak familial control shape these women as adulteresses. Mr. Kaminikanta (54) has a wife (Thadoi) of about 42 years. She runs practically the family consisting of husband's unmarried younger brother (a driver working in Imphal) and their three children. Many local men visit the house every evening. She likes to talk on different topics and they sit for couples of hours. Among them is Oja Yaima, a school teacher (Oja is term of
address for a teacher in Manipuri language), and she has an affair with him for about 2 years. She denies to answer author's leading questions but Oja Yaima indirectly says, "It is not her fault nor mine. It is human nature". On the other hand, when asked about the nature of his wife, Mr. Kaminikanta says, "What is wrong with her?" He says in frightened tone. The adhamora husbands, in this manner, do not feel anything bad of their wives' behaviours. Even if they suspect, they have no courage to raise voice against their wives.

Sonless or issueless men are helpless in the sense that they are usually at the middle of tug of war between their wives and mothers. Their wives, feeling themselves the pain of their failure, create mental agony to them. Their married lives are not sound. On the other hand, their mothers, in socio-religious spin, force them to abandon and/or to marry second wives in order to have a son which is a "torch bearer" of the lineage. It is not only the mothers who exert pressure on them but also their kin fellows. These men usually keep silence on the issue by keeping a distance from both. They go with wives to the temple for prayer, to maiba and maibi (both traditional magico-religious practitioners) and they perform many rites and rituals available for having an issue or a son, whatever may be the case. With wives, some
off they apply traditional method or medicine just for attaining their goals. Certain offers, fastings or feasts are also done by them in a high hope of fulfilling their desires. And they also cannot deny their mothers who arrange for second wives. They have to comment on a woman or another whom their mothers are going to engage. They feel, like their wives and mothers, the need of a son or an issue but all of them look at the matter from different angles. As mothers look for second wives as the solution to the problem, wives look for 'unfaithful means'. Husbands look at the problem as a passive spectator; they like to support the winner - wives or mothers. In the case of wives, it is not only the question of getting a son or an issue, whatever it may be, but also for the consideration that their married lives will be saved. 'A son is their saviour'.

IV

The attitude of the leikai members to the adulteress is widely different. Thus, some look at them as victims of their familial failure as to sexual life; to them, individual's basic needs cannot be compromised with the traditional morality of chastity. Mrs. Leibaklei (55), a businesswoman, opines that the offence of adultery should be looked upon as involving the status value of both the man and the woman.
concerned. Both are sexually abnormal. To her, the need-side of the act is just a cover-up; actually they are not social beings but sexual beings - living only for sexual lust.

Some educated youths hold the view that adultery is a private affair of the individuals. This should not be interfered by the society till it becomes public Mr. Nodiya (33), a social worker, says, "it is a matter of private individuals; as long it gives no threat to the society, one could not be held for punishment". Another youth of Athokpam Khunou, Oinam Mohindro (30) contradicts Mr. Nodiya. He says that adultery is a sexual threat to the family and so, the parties should be punished so that leikai should know what is allowed/ condemned by the society. Girls usually deny to answer such a question but from their gesture it appears that they do favour that punishments should be given to both the parties.

The distribution of 200 persons' opinions on the goal of adultery is given below. These 200 individuals are 100 males and 100 females, mainly from the Thoubal Bazar area, the Maram Bazar and the Laiou-ching, near Maram Khullen village.
Adultery on the part of the woman is for

<table>
<thead>
<tr>
<th></th>
<th>Males</th>
<th>Female</th>
<th>Total</th>
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<tbody>
<tr>
<td>a) Sexual satisfaction</td>
<td>72</td>
<td>80</td>
<td>152</td>
</tr>
<tr>
<td>b) Higher status</td>
<td>10</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>c) Son / daughter preference</td>
<td>18</td>
<td>17</td>
<td>35</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100</td>
<td>100</td>
<td>200</td>
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The Meitei-tribal scene can be observed in order to know the crime pattern in Manipur at the axis of adulteress. Though there is no such obvious difference in the pattern, certain social facts can be considered as pattern variants. In the tribal world, Naga societies have strong condemnation to the act of adultery. Both the parties are usually punished. Kuki societies have light touch on the adulteresses. Here, to represent the tribal adulteress, the Maram adulteress is examined because it is a Naga society where the adulteress is punished along with her paramour.

Adulteress once caught is forced, in Maram society, to be naked. Her hair is shaved. She is humiliated socially. She is expelled from the village. Husband of the adulteress or his brother may take fine, cash or kind (meat) from the paramour to settle the dispute. Though under 'The Manipur (Village Authorities in Hill Areas) Act, 1956' offences under
Sections 160 178 179 269 277 289 290 294 323
324 341 352 358 426 447 448 504 510 379 and
411 of IPC only can be tried by Village Authority, the cases
of adultery are also tried by the Authority under customary
laws (its IPC section is 497).

Two cases are taken up from Maram villages to repre-
sent the nature of adultery therein. The offence is usually
motivated by two factors viz., (a) sexual gratification (b)
status attainment. Unlike the Meitei society, single sex of
children or son - preference does not play much in motivating
them; again, unlike the Meitei, the commission of such act
for attaining higher status usually in government service is
reported. Informants give a list of twenty such adulteresses
but there is no direct evidence as to prove the authenticity
of the list. The author tried to go into the details but
these adulteresses expressed that they were 'hated' by the
villagers because of their 'posts', held in government offices.

Mrs. Rapung'nga, wife of one Koba, is 29 years old.
She has one son and two daughters. Before marriage to Mr.
Koba, she had been married to another fellow of another village.
She had got divorced after giving birth to a daughter; the
child is now with her father. At the time, Koba visited her
at her parents' house frequently for a drink or so. They
fell in love and got married after one year of love and romance.

Koba drinks much and never pay much attention to the family matters. She is the only one who has to do all the domestic works, forest works such as collecting fire-wood, field works. Her paramour, Mr. Tuiba (36) is a neighbour. He helps her much in many works. He pays visit to the house and talks with the family. The two lovers meet in the waterspring, 150 ft. down the settlement area. He also comes frequently in the evenings after Koba retires having heavy drinks. The author went to her with Mr. Tuiba one evening. She tells the author, when asked about the consequences if Koba came to know of the illicit relation, that "I never bother of this unruly husband; this is done by me as thirsty man drinks water".

Other informants know every detail of the relation and such relation is condemned by the society. But they do not like her to be punished. Her husband fails to look after her and her children. "One should not destroy the future of the children who are being looked after by her alone", one middle-aged man opines "Reporting to the village authority or Sadungmai is easy, but, it is not done in view of the consequences on the children's fate". Sadungmai is the head
of a segment of a Maram village where there is a cluster of houses belonging to some lineage.

Her childhood was normal. She engaged in many social activities and regularly attended the Morung. She is remembered by the village old fellows for her simple and innocent mind. "She laughed merrily", one woman of 52 years of age remarked, "and loved flowers much". When asked of her pre-marital relation, one of the informants said "pre-marital relation is nothing. Sex is there, enjoy it. But the only thing serious to the society is getting pregnancy before marriage. If so, the girl should disclose the name of the man and they should get married. Otherwise she will be expelled from the village till the child is born and killed outside the village. Hence pre-marital coitus is common. About her, she had not got pregnant in her spinsterhood".

The first marriage was at about 18 years of her age. The first year was happy. But after a year, there were quarrels between the spouses. Her first husband had an affairs with other women in that village. She was ill-treated by him. "It is her bad luck that brings her in this village again; Koba is not better for her". An informant quoted a Maram phrase that the author failed to note down because of the phonetical difficulty. The meaning of the sentence runs
like "Coming up the long and stiffy hills to meet a tiger". Mrs. Rapung'nga faces the tiger in Koba in the eyes of the villagers.

Another case is of Mrs. Tarula (32). She has been living with her husband, Mr. Luikang, a clerk in a government establishment. She is also serving as an Upper Divisional Clerk in Senapati H.Q. They have only one son. She likes jokes and happy life. She, for her jolly nature, is loved by almost all her colleagues.

Informants told that she was a Lower Divisional Clerk in the same establishment. Before promoting to UDC, she had good relation with higher officers and had taken much time in conversation with them. She spent longer time with them. She was seen in odd hours with one of such officers just before the issuance of the promotion-order. No informant, however, said that they had seen them flagrant delicto. "From the superficial observation of their affairs it is obvious to conclude that there is something wrong with them," Mr. James (45) of the same village comments, "but without any direct proof, no action can be taken against her".

Her life changed after getting promotion to Upper Divisional Clerk. She frequently quarrelled with her husband
over some light domestic matters. She, sometimes, in anger, mentions about her higher income than her husband's. "But her jolly nature is seen still in the office and with the male folk".

She was educated in Imphal. While she was in Imphal, she led a normal life. She had one or two boy-friends but nothing was known against her character. She liked western-cut dresses and spent much on them. In the village, she mixed up with other village-girls in the normal manner; even she taught them to do up hair and other fashions. She was attractive to almost all the boys of her age.

She got married to her husband at the age of 24. She respected her in-laws; and after a couple of years, their family was separated from the family of her in-laws. Her son was born six months before the separation. Still she helped the mother-in-law in many ways. After two years of giving birth to the son, she was selected as Lower Divisional Clerk.

Though her case is not a directly proven one, it is reported that she indulges in adultery to attain higher status. It is committed secretly, no one cannot catch/arrest them red-handed. After all, such is committed with the higher officers, and hence the lower personnels have no courage to find fault with them.
The Meitei world huranba means theft. But it is used mainly to mean the male thief. The suffix - ba in this word stands for the male gender of the actor. The suffix - bi is added to the root of the word (huran) to mean the female thief. The offence of theft is condemned in both the systems of law of the legal pluralism of the state. The system of legal pluralism in this regard is organised by assigning that petty theft to the customary laws, and theft of things of higher value under the jurisdiction of the statutory laws. Huranbis are seldom produced before the court and seldom reported to the police. They are, however, not immune to some kind of legal action. Yet, they enjoy certain privileges because of their social position as being mother/wife, i.e., of weaker section. Though they play major instrumental roles in trade and commerce, they play normally expressive role in the family. Hence, such huranbis are taken to be helpless wives at their husbands' failure to play their expected roles.

In the early Meitei society, theft, especially cattle lifting was punished with death, but banishment to a loi village, that continued for a long time in history became more popular in the later period (Hodson, 1908: 1975, p. 88).
These days, theft is dealt with both under statutory laws and customary laws depending upon (a) the value of the stolen property (b) the sex of the thief and (c) the choice of the owner. Here it can be noted that the thief caught is beaten and he is kept in a public place till he is subjected to a legal action.

In the customary law of theft in the Meitei society, there is an institution, namely san'ning'hanba (literal meaning is 'return, or one who causes return, of cattle'). A san'ning'hanba, in the latter sense, is a middleman in between the thief and the owner. He shall arrange negotiation between the parties. The thief may demand certain amount of money, generally much lower than the actual cost of the stolen property; the owner may reduce the amount demanded. This sort of bargaining is done through the san'ning'hanba. After final decision is made between the parties, he shall get commission from both the ends. In this arrangement there is no need of going to law for settlement of the cause. Such san'ning'hanba is found in the cases of theft of cattle, things of high values including bicycles. Now-a-days, the role of san'ning'hanba is minimized because peoples treat them badly and even beat them to find the clue to the theft. However, san'ning'hanba practice of cattle still works in the society because the owner loves his cattle and so he does not like to
lose it. It is held that it is better to pay something to the san'ning'hanba than going to law whereby not only more money but more time is lost. Under these considerations san'ning'hanba is still preserved. Though this institution is recognised by the local customary laws, the statutory laws do not recognize it. Indian Penal Code is silent on the subject because this institution does not prevail in the rest of the country.

Woman seldom plays the role of san'ning'hanba. This is because of the fact that women in the Meitei society, like other tribal women in the state, generally commit theft of immediately consumable property. They never commit theft of heavy things, cattles, livestock, paddy etc. No report is found on bicycle-lifting, pickpocketing etc., committed by a woman. Though the value of stolen property may be more than Rs. 3000/- — say a gold chain — the property is light and handy to hide in their bags or breasts.

In the tribal Manipur, the offence is directly dealt with under customary laws in the courts of village authority. Contrary to the Manipur (Village Authorities in Hill Areas) Act, 1956, the village authorities try the theft of any nature. Under the schedule (clause no. 4) of the said Act, the authorities can try the offences under Sec. 379 and 411 of IPC
which deal with punishment for theft and dishonestly receiving stolen property respectively "when the value of the property in the opinion of the village court is not over two hundred rupees". Again, under Sec. 26 of the Act, a village court may sentence an offender convicted by it to pay a fine not exceeding two hundred rupees failing which imprisonment for a term not exceeding one month is imposed. Proviso to the section states that "no woman shall be sentenced to imprisonment in default of payment of fine". The customary laws of theft are here highlighted in order to see the social attitude to the offence and how the living laws are functioning in the societies of Manipur.

Among the Old Kuki clans, the punishment for theft is a fixed fine, like that of the Lushais. "This is generally a pig, two jars of Zu, and a brass plate. Among the Chiru the whole fine is consumed by the people of the village, the chief also getting his share. The Kolhen punishment is a fine of Rs. 28/-, a pig, and two jars of Zu. In case of rice being stolen the Tikhup custom is that the village officials at once kill and eat the pig of the chief and then make him pay a mithan as compensation to the complainant. Thefts of minor articles are generally punished by the chief providing a pig and Zu for the entertainment of his judges" (Shakespear, 1912:1983, p. 157). Zu is locally prepared liquor
(wine). The Lushai rules are narrated by J. Shakespear. "Certain articles are said 'man a nei' (i.e.) 'to have a price' and the theft of any of them is punished by a fine of one mithan, quite irrespective of the actual value of the article stolen. These are - rice cleaned or unhusked, cloths, guns, brass pots, domestic animals, and wild animals or birds which have been killed or trapped. The theft of other articles is punished by fines of from Re. 1 to Rs. 5/- which are taken by the chief and his upa and termed as 'Salam'. Restitution of the articles stolen is always insisted on" (ibid., p. 54).

The offence of theft, in practical sense, is taken as a light offence among the Thadou-kuki, the largest tribal population in Manipur constituting of 78,883 individuals as per 1981 census. Certain fine, Gu'man, is imposed on the thief; "it is customary for the thief to return the article stolen and to pay one mithun as compensation". According to William Shaw, "such paying of mithun, enforced by custom for any theft is hardly ever enforced in real working of the law" (1929:1983, p. 66).

T.C. Das (1945) reports on another Old Kuki tribe, the Purums. Among them, "for stealing domestic animals from a hen to one or more mithuns or buffaloes, the fine is a jar
of Zu and a pig. The animal stolen has to be given back to the owner. The pig and the jar of Zu are consumed by the Khullakpa and the village elders who help the Khullakpa in deciding the case. The punishment is same when any domestic utensil, heirloom, or money is stolen. If an object cannot be returned than its value in money has to be given back to the owner by the culprit" (p. 161).

In the Naga world, the rules are slightly different. M. Horam (1977) is of the opinion that theft was uncommon in early Tangkhul society. The punishment was very severe, usually death-penalty in those days. But today, capital punishment is no longer in vogue. And the occurrence of theft is increasing. "If a man is found stealing in a field he can be killed while he is in the field, but if he is not there he should not be killed, but he can be beaten and the matter reported to the village council. If the theft is proved or confessed then the thief has to restore the thing he has stolen" (ibid., p. 85). But, R. Brown, in his Statistical Account of the Native State of Manipur (1873), reported on the Tangkhul that "Theft is very common, not only in their own country but they commit theft, cattle lifting in Manipur valley also; thieves caught red-handed may be killed, or beaten; fines are also inflicted". This view is confirmed by T.C. Hodson (1911) and he tells about the fines inflicted
on the thief. "At Jessami... twelve pots of ḍhan must be paid by the thief as well as the restoration of the property taken. At Liyai we have an appreciation, which is hardly, though possible, attributable to the spread of the knowledge of the refined subtleties of the Indian Penal Code, of the difference between theft from a dwelling house, which is punished with a fine of fifteen pots of ḍhan while ordinary theft is punishable with a fine of two pots of ḍhan" (p. 108).

Status differentia of punishment is reported among Kebuis by W. McCulloch in his *Account of the Valley of Munnipore* (1859). "Theft, if the thief should happen to be a married man, is punished severely, but a young unmarried man might with impunity steal grain not yet housed, whilst theft from a granary would subject him to the severest punishment" (reproduced in Hodson, 1911, p. 108). The fine for theft from a granary is now one pig. Such fine is inflicted also by the Chirrus and the Marrings (ibid., pp. 108-9).

In the Maram society, the offence of theft is cognized only when it is detected. George Watt (op. cit.) reports "theft is extremely prevalent" (p. 461). The present study does not find the people 'extremely' aware of theft. But he is true in saying "the punishment inflicted is simple, namely the compulsory return of the stolen property". T.C. Hodson
(op.cit.) further adds "theft from a house is punished with a fine of ten rupees while the theft of paddy from a field involves the culprit in a fine of ten pots of dhan" (p. 108). The present study discovers that the fine ranges from one thousand up to ten thousand rupees as decided by the village authority and sadung'mai (the head of a segment of the village where there is a cluster of houses belonging to the same lineage). Some of the informants express that if the thief is a relative to the sadung'mai, the latter can declare the former being expelled from the village as he hurts the prestige of the lineage and/or sadung (the geographical unit of the segmentation). However, the cases of theft, in practical sense, are mainly settled by the parties themselves failing which causes enforcement of legal action. If the thief is a female, it is taken very lightly. The cases seldom come to the village authority or sadung'mai. "Shame that she gets on being caught is enough for her" said an informant.

Now it is obvious that punishment for theft ranges from fixed fine in cash to capital punishment at least at the normative level. Again, in almost all the tribal worlds of Manipur, like in Meitei society, a female thief is taken as a minor offender and as such can be excused. Penalty is light, if at all it is inflicted upon her.
To constitute and complete the offence of theft, there must be moving of property. For an act to be called an offence of theft, the thing stolen should be in the status of being a property and this notion is an independent requirement of the law of theft (Williams, 1978, p. 676). He further says: "It is impossible to filch from another his good name, whatever the said, because a good name is not property". Under Sec. 4(1) of the Theft Act, 1968 of England, property is defined to include money and all other property, real or personal, including things in action and other intangible property. Real property means frehold land and personal property or personality means all other forms of property including leasehold land, moveable or chattels and money. To constitute the theft, "at common law, the thing had to have some value ... one may steal, for example, a commercially worthless piece of paper, because there are many pieces of paper that people want to keep, even though they have no market value. If the thing were derisively worthless, like a used matchstick, the prosecution could not establish dishonesty" (ibid., p. 678). Again, the value should be looked in relation to the owner "though it may be of no value whatever to any person" (Clark and Marshall, 1927:1952, p.716).
Under sec. 378 of IPC, the property should be a moveable property which is defined under sec. 22 of the code: "The words 'moveable property' are intended to include corporal property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth".

It is further explained in sec. 378 that a thing, so long as it is attached to the earth, not being moveable property, is not the subject of theft, but it becomes capable of being the subject of theft as soon as it is severed from the earth. Of course, from the fact that moving is necessary to constitute and complete theft it follows that the offence must be necessarily confined to moveable property (Gour, 1984, vol. IV, p. 3275). The punishment of theft, under sec. 379 IPC, is imprisonment of either for a term which may extend to three years or with fine or with both.

The value of the property is a crucial point as to determination of bailable or non-bailable under Indian Penal Code. "The measure of sentence is not only the offence committed but the property in respect of which, and the mode and manner in which, it is committed" (ibid., p. 3318). Under Hindu laws of theft in early days, basing it on the value of the articles stolen "theft may be divided into three
classes: paltry theft (Sutra), theft of ordinary magnitude (Madhya), and theft of precious things (Uttam)" (Sen, 1984, p. 353). Again, based on the mode, it may be open theft (Prakash) or concealed theft (Uprakash). "Concealed theft means theft ... where property is dishonestly taken away from another's possession without his consent by clandestine means; open theft ... means ... the taking away of another's property with his consent obtained by questionable means, and thus it includes cheating under various pretences of taking bribes and breach of trust" (ibid., p. 354). The open theft is dealt with separately under Indian Penal Code; it is only the concealed theft which is termed as theft in the Code. The common law, at times divided larceny/theft into grand and petty larceny. "Theft was grand larceny where the value of the property exceeded 12 pence, and petit larceny where the property value was 12 pence or less" (Clark and Marshall, op.cit., p. 771).

In almost all the customary laws of Manipur, there is no such distinction between open and concealed theft or grand and petit larceny. But the value of the property is taken into consideration in determining the magnitude of punishment, at least in the practical sense; of course, as we have seen, Kuki-law of theft has fixed punishment in its
normative order but the real working of the legal action gives much weight on the value of the property stolen.

Sociologically it is needed to examine the nature of the properties themselves which will give light as to the motive of the thief. The three forms of theft, under Hindu ancient laws, are reported to be operative equally in the female world, too. But the properties stolen are light, small and handy. The heavy, massive and voluminous articles are seldom stolen by females. The articles are limited in number. These properties which are usually stolen by females can be categorized into: (a) immediately consumable properties (b) household articles (c) bodily adornment and decorative and (d) precious goods. Theft of the first two categories is more common; theft of the third category of goods is usually perpetrated by unmarried girls. Committance of theft of the fourth category of things is rarer but not altogether absent among women. The common articles generally reported to be stolen by women are listed:

<table>
<thead>
<tr>
<th>Items usually stolen by the female thieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Fish including dried and fermented 2 Fruits</td>
</tr>
<tr>
<td>3 Vegetables 4 Wrapper 5 Shirts 6 Loin-cloth</td>
</tr>
<tr>
<td>7 Umbrella 8 Shoe 9 Neck-lace 10 Bracelet</td>
</tr>
</tbody>
</table>
11. Ring  
13. Wig  
15. Powder  
17. Bodkin  
19. Dish/plate  
21. Tub  
23. Tumbler  
25. Brush  
27. Soap  
29. Money bag  
31. Sack  
33. Flower-vase  
35. Chains  

12. Ear-ring  
14. Lip-stick  
16. Eye-brow pencil  
18. Wrist-watch  
20. Cup/bowl  
22. Bucket  
24. Water-pot  
26. Basket  
28. Bag  
30. Spoon  
32. Book/magazine etc.  
34. Money

From the table it is seen that the properties stolen are mainly of daily demands or associated with them. Of 25 cases, 9 are cases of theft of properties of the first category, another 9 of that of things of the second category, 5 of the third category and 2 of the last category. The Meitei-tribal comparison in this regard can be seen in the following table:

The Meitei-tribal break up (category wise)

<table>
<thead>
<tr>
<th></th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>Grand total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tribal</td>
<td>3</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Meitei</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>16</td>
</tr>
<tr>
<td>Total</td>
<td>9</td>
<td>9</td>
<td>5</td>
<td>2</td>
<td>25</td>
</tr>
</tbody>
</table>
Occurrence of theft of the precious articles is low. Stealing of such property is difficult and there is no or little opportunity to steal them. The theft of such articles costs much time with fruitless attempts. Again, there is great fear of being caught. The sex-role also conditions them to be modest/shy. This concept of shyness makes them to select the things which can be handled easily in their innaphi (chadder) and theft of which involves less risk of being caught. Those who thieve such precious articles and their actions are obviously 'profit' - oriented.

III

The female thief is usually reported from the low-income group. She belongs to the family earning Rs. 800-1500/- per month. Such families have no or a few acres of paddy field. The families are maintained by the monthly income as no agricultural annual income is added. Some of the female thieves belong to the middle class; they are unmarried in all cases. Of 25 female thieves, 19 belong to the low-income group and the remaining are from the middle class. Considering this fact and the nature of the property stolen, we can group them into: (a) theft for economic utility (b) theft out of her/their habit. The former is, in general, committed by the married, divorcee or separated
women who play greater instrumental roles in the family. Their husbands' part in the family is less than the expected roles. Such husbands are generally manual workers, labourers or small scale businessmen. Some of them are tenants to land owners. They can have 7 to 20 pots of paddy (i.e. Rs. 560-1600/- at current rate of price in 1989) after giving lousan (rent in paddy given to the land owners) per annum. In the free times, many of them are drunkards. Their wives have to look after the daily expenses of the families. They have limited social life and they are often looked down upon as inferior by their kinfolk and leikai members.

The theft for economic utility covers almost all the cases of theft except a few cases of the 'habitual' theft. Such female thief belongs to the low income group. Here the cases of Keinatombi and Savitri are taken up. Mrs. Keinatombi (38) is wife of one Chaobhal. The couple have two sons and four daughters. All the children are minor. Eldest son, Jila (17) is a hotel boy. Their paddy field is only a loukhai (0.32 acres) in area. In the off-season he has no work. He drinks wine and/or plays cards. Mrs. Keinatombi runs a cloth-business at a small scale. She collects phanek-macha (small girls' loin cloth), phanek (loin cloth for woman), khudei (loin cloth for man), etc., from the local weavers. These are sold in the Thoubal market. She has an average of
Rs. 900/- as profit per month. The main income of the family is the profit besides the annual income of about 12 pots of paddy (a pot is an unit of paddy roughly equal to 80 kgs.). Eldest son's contribution to the family is just nominal, the monthly average of which is about Rs. 180/-.

Mrs. Keinatombi, at her childhood, was brought up by her divorced mother. She played with sons and daughters of her maternal uncles. But she was not happy with them. She was usually dominated by other children. She demanded toys, cloths that her mother could not give. But, as recalled by her cousins, she did not take other's toys etc. "Her bad manner was only that she forced her mother to buy what she had choosen".

After giving birth to her fourth child (a daughter), she started to pick up things from neighbours. She had been excused many a time; the owners did not disclose her acts. The stolen property was of less value - soaps, small amount of money. Her such acts became frequent day by day. On being asked of the things by the owners, she bluntly denied and showed no 'sign of shamefulness'. When asked of taking oath by touching gold or at the Lainingthou Kachin (the sacred place of the Meitei house in the south-west corner), while following the traditional made of detecting proof, without any hesitation she swore even if her act came
open to all the neighbours. They did not like to report the matter to police because of the innocent children and in consideration of the prestige of the locality.

In this category is also the case of Mrs. Savitri (37) of Thoubal Wangma Taba. She was living with her husband and mother-in-law for about four years. The couple had three daughters. Her husband was a saw-mill labourer. He got Rs. 700/- per month as wage. Her mother-in-law was old and weak. Savitri could not adjust to her married life because of her husband's drinking habit. He got intoxicated every night. He created unnatural scenes every night over kitchen menu or so. She is now in her parents' house with her youngest daughter who is two years of age. She had a separate hut. She earns herself from her small-scale vegetable vendor. In the agricultural season, she goes to fields as casual agricultural labourer.

Her elder brother recalls her childhood as being a naughty girl. She fought with boys. She had dominated her friends. She, however, never did against her father's will. She loved songs and dance. But she did not like to play 'dolls'; instead, she played outdoor games like Amang'goi, Kabadi, Keku-lotpi (the first and third are the traditional games played by the little children). She did not care much
for winning the games. She demanded to play for longer time. She was the one to initiate the play of this or that game. Till marriage, she played good role in organising the Thabal Chongba (the group dance in the holi - which is organised by the unmarried girls in their locality. Men from other localities will come to dance with them) and other social gatherings.

The articles she usually stole are mainly household ones. She takes easily consummable articles. She does not take utensils or any other intangible materials which can be identified easily. Many a time, she was arrested by the owners but they did not like to bring her to the jury of any sort as the properties were not much important to them. "Such articles can be given to the beggars. Above all, she is a woman - unlucky and poor", the owners condoned.

Theft out of the thief's habit is relatively uncommon in the tribal society. In the present study no such case is reported in the tribal sites. Among the Meitei, such cases are seen in almost all the sections of the population. Such theft is non-economic in the sense that the articles are not stolen for their economic utility. In many cases, such articles are flower-vase, decorative materials, pen or alike. Such materials are neither used by the thief personally
nor sold to get money. Thief of this type is seldom judi-
cated because the owners take that the act occurs out of
their carelessness, and they consider the gender of the thief.
A case of Miss Laxmipriyari (24) of Thoubal Leisangthem is
taken up as an apt illustration. She is from a middle class
family. She is the second daughter of her parents. She has
an elder sister and two younger brothers. Her father is a
government employee and also works in his own land as a
cultivator. The annual income of the family is about Rs.36,000/-. She attends college in graduate course in a local college in
1989.

In her childhood, she was given second preference treat-
ment. She could not get whatever she liked but only the
'second hand' shirts, books etc., which had been used by her
sister. Parents cared much for her sister as being eldest
and her brothers as being sons. Thus, she took her sister's
things in secret many a time.

Her school life was brilliant. She was one of the intel-
ligent girls in her class. She did well in the extra-curri-
cular activities, such as recitation of poems, sports etc.
In the college, she is very popular because of her academic
background as well as of her other social activities. She
likes to make jokes with friends. But her friends avoid her
because of her habit of taking/stealing of things from their bags, common room, etc. The things stolen are light and not very much expensive. Mainly they are lip-stick, handkerchief, books etc. In her locality too, she steals such light articles. But, she does not use them herself. She either gives them to children free or keep in her room unused or untouched. The children disclose the fact and other peoples come to know of her habit. On asking her of the acts, she denies both the alleged theft and the act of giving the things to the children. She never hesitate to take oath/ordeal. She escapes from punishment because the stolen property is light and cheap. She is unmarried and she belongs to a 'respectable' family. The punishment may spoil her future life and her family prestige. Hence, she is not brought to the adjudicature of the adjudicare.

Theft of precious articles is not of common occurrence. The rarer is the case whose accused person is female. The articles are usually gold ear-rings, necklace etc. Among the tribal people, such theft is rarer than in the Meitei society. The author cannot get any case of this kind in the time period of the study, in both the societies.
HOMICIDE

I

The homicide is an act of killing a human being. It may be either (a) lawful or (b) unlawful (non-culpable or culpable homicide). In common law countries, the culpable homicide comprises the two offences of murder and manslaughter. In English law, the classic definition of murder is that of Coke, "Murder is when a man of sound memory, and of the age of discretion, unlawfully killeth within any country of the realm any reasonable creature in rerum natura under the king's peace, with malice aforethought, either expressed by the party or implied by law, so as the party wounded, or hurt, etc., die of the wound or hurt, etc. within a year and a day after the same" (quoted in Smith and Hogan, 1984, p. 274). To Clark and Marshall (1927), "Death, for a human being, is the end of temporal existence. Homicide is a form of truncating human existence, and accelerating the inevitable termination of life ... Basically homicide is a harm against which society struggles to insulate itself, and its individual members, through a system of criminal sanctions" (p. 532).

The nonculpable homicide is the homicide which can be tolerated by the society or which is sanctioned by the society in this effect.
The murder is the culpable homicide which has malice aforethought - expressed or implied. This concept of 'malice aforethought' is "the critical difference between murder and manslaughter" (ibid., p. 564). "Murder is unlawful homicide with malice aforethought. Manslaughter is an unlawful homicide without malice aforethought" (Smith and Hogan, 1983, p. 291). The express malice covers the actual intent to cause death of the victim or any other person. The malice is usually implied when homicide results if (a) there is intent to inflict great bodily harm, (b) an act is wilfully performed and/or omitted and the natural tendency of such behaviour is to cause death or great bodily harm, (c) resisting lawful arrest, or in obstructing an officer attempting to suppress affray or riot, (d) is an attempt to commit or during commission of some other dangerous felony (see Clark and Marshall, op.cit., pp. 561-6). In the trial of the Commonwealth vs. Webster case, it is held that that malice "is used in a technical sense, including not only anger, hatred, and revenge, but every other unlawful and unjustifiable motive. It is not confined to ill-will towards one or more individual persons, but is intended to denote an action following from any wicked and corrupt motive, a thing done malo animo, where the fact has been attended with such circumstances as carry in them the plain indications of a heart regardless of social duty, and fatally bent on mischief. And
therefore, malice is implied from any deliberate or cruel act against another, however sudden" (as quoted in ibid., pp. 569-70).

In India, the culpable homicide "consists in the doing of an act - (a) With the intention causing death; (b) with the intention of causing such bodily injury as is likely to cause death; (c) with the knowledge that the act is likely to cause death" (A. N. Saha, 1984, p. 794). The act without one or other element shall constitute no offence under culpable homicide. In Anda vs. State of Rajasthan (AIR 1966, SC 148), it is held, 'intent' and 'knowledge' postulate the existence of a positive mental attitude and this mental condition is the special mens rea necessary for the offence. Again, in AIR 1959 Madras 323 and AIR 1971 Kerala LJ 182, it is reported that culpable homicide "embodies three species of mens rea, the question of motive being immaterial, namely, the person in performing some act (a) either expects death to be the consequence thereof; or (b) expects an injury which is likely to cause death; or (c) knows that the death is the likely consequence thereof".

AIR 1956 SC 488 further reports that motive prompts a man to form an intention. Knowledge is an awareness of the consequences of the act. Intention and knowledge in
many cases merge into each other and intention can be presumed from knowledge. The demarcating line is thin but they connote two different things. Knowledge is aware of consequence; it is held in Ram Kumar vs. State (AIR 1970, Rajasthan 1969): intention requires something more than awareness of consequence. "Intention also implies foresight of certainty. A consequence is deemed to be intended although it is not desired when it is foreseen as substantially certain" (Rama vs. State, AIR 1969, Goa 116). Test of intention is what a reasonable man would have contemplated as likely to result from the act done (IRL 1972 Kerala 476).

Culpable homicide is a genus to which murder is a species. The culpable homicide is defined in Sec. 299 of Indian Penal Code and murder, under Sec. 300 of the Code. "There is no definition of murder in Sec. 300, and the section merely takes the four more serious types of culpable homicide, basing on the mens rea, and designates them murder. They are acts with the intention of causing death, acts with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, acts done with the intention of causing such bodily injury which is sufficient in the ordinary course of nature to cause the death of any person, and acts, as the offender
knows, are so imminently dangerous that these must in all probability cause death or such bodily injury as is likely to cause death" (Sir Hari Singh Gour, 1983, p. 2254).

In order to distinguish murder from culpable homicide not amounting to murder, three stages should be examined. "The question to be considered at the first stage would be whether the accused has done an act by doing which he has caused the death of another. Proof of such casual connection between the act of the accused and the death leads to the second stage for consideration whether that act of the accused amounts to 'culpable homicide' as defined in Sec. 299 (IPC). If the answer to this question is prima facie found in the affirmative, the stage for considering the operation of Sec. 300 IPC is reached. This is the stage at which the court should determine whether the facts proved by the prosecution bring the case within the ambit of any of the four classes of the definition of 'murder' contained in Sec. 300. If the answer to this question is in the negative, the offence would be culpable homicide not amounting to murder punishable under the first or second part of Sec. 304, depending respectively on whether the second or the third clauses of Sec. 299 is applicable. If the question is found on
the positive, but the case comes within any of the Exceptions enumerated in Sec. 300, the offence would still be culpable homicide not amounting to murder punishable under the first part of Sec. 304 (State of AP Vs. R. Punayya, AIR 1977 SC 45).

In simpler words, it can be explained that the factors which reduce murder to culpable homicide not amounting to murder are (a) it should have been committed without premeditation; (b) it should have been committed upon a sudden quarrel; (c) it should have been committed in the heat of the passion; (d) it should have been committed without the offender's having taken undue advantage or acted in a cruel or unusual manner (see Sis vs. State, AIR 1975 Punjab LR 25).

In this study the culpable homicide falling only under murder shall be taken up. The other forms such as manslaughter, rash or negligent homicide, suicide caused by women is rarer than the murder committed by them (which is still a rare act in the state).
In ancient Indian law, under Kautilyan jurisprudence, unlawful killings were categorized into (a) killing in a quarrel, (b) cruel killing (c) killing by weapon (d) killing by poisoning (e) killing by rash act (f) killing by relatives or elders (g) killing by women (h) killing by prostitute (i) killing a prostitute. Each killing had different penalty (see V.K. Gupta, 1982, pp. 24-5). According to Baudhayana, "He who slays an assassin, able to teach (the Vedas) and born in a noble family, does not (incur) by that (act the guilty of) the murderer of a learned Brahmana; (in) that (case) fury recoils upon fury" (Bau. 1.10, 18). Vasistha also holds the same view, so also do Manu, Vishnu, Brihaspati, Katyayana and Matsya Purana (Dasgupta, 1973, pp. 54-5).

There were some cases of homicide in which the offender was not punished at all, not because he was justified in doing so, but because it was due to an accident over which he had no control and there was no default on his part. Further, according to Yagnavalkya, a man was not punishable for causing death of another by throwing a piece of wood, stone etc., or by shooting
an arrow, or by the movement of the hand, or by any carriage or any animal, when he had given sufficient warning by shouting to withdraw from the place (Y.II.298, see ibid., p. 55).

In the Meitei customary law, the culpable homicide was not further classified. But the motive and intention were considered for the quantum of the punishment. Again, if the punishment inflicted was capital, the execution varied with nature of murder. It was something like "an eye for an eye, a tooth for a tooth". Sir James Johnstone (1896: 1971, p. 139) quotes one Bularam Singh to picture the manner of execution. It was done, "According to the custom of Manipur, in a way in which he committed the murder. As he (an accused then) split his victim's head open with an axe so will his head be split open". As advised by Sir Johnstone, in later period, "decapitation was the form of capital punishment adopted" (ibid.). Hanging was also adopted as being one of the means of execution (R. Brown, 1873: 1975, p. 93). The capital punishment was not given to Brahman and women (ibid., p. 92). The *Bamon* was punished by simple banishment from the country and the women, by *Khun'goinaba* (See supra, p. 83)
Prior to the colonial rule the homicide of a person, who was found to have had illicit sexual relation with another man's wife, by the injured husband was not taken to be culpable homicide. It is thus observed in the case of one Mutuwa (1870 AD, Cheitharol Kumbaba, p. 391). He killed one servant of Haobam Katawan because the latter had had illicit relation with his wife. He was not sentenced but his wife was sentenced to Khun'goinaba in the Sana Keithel (present day Imphal market). But, in the colonial period, the law was modified. In 1893, one Hijaba was killed by Okrumba because the former had such an illegal sexual relation with the latter's wife. Okrumba was sentenced by Bor Saheb (a term borrowed from Bengali, meaning the Chairman of Manipur Darbar. Here the Bor Saheb is Maxwel) on the legality of the homicide (CK, p. 505). There arose a conflict of law between the Meitei customary law and the British Indian penal law. The British law could not prevail over the customary law altogether till the late period of Manipur history.

At present, in the Meitei society, inspite of the fact of legal pluralism, the law of homicide is provided by the statutes such as Indian Penal Code (Act XLV of 1860),
the Code of Criminal Procedure (Act II of 1974), the Indian Evidence Act (Act I of 1872) etc. The homicidal cases are decided as per the provisions of these Acts. But, sometimes, the mass demand the murderers to be handed over so that they can be tried in open. Their doubts on the long process and evidence-based justice is reflected in these demands. The hue and cry over various homicidal cases is just manifestation of these doubts. Some of such instances are over (a) the case of one Tombitek, April 1979 (b) the killing of a child, Momocha, March, 1987 (c) wife killing case of Thoubal 1990 (d) gang rape and murder of Nilam Pancha Bhaiya, 1984 (e) gang rape and murder of R.K. Tamphasana, 1990. The public liked to punish the criminals but they took the administration of justice in the state as 'a game of bureaucratic officers'. They did not believe the time-consuming, long process of the existing courts which can twist the evidence in favour of the criminals.

All Manipur Students' Union, Manipur University
Students' Union, Manipuri Chanura Leisem Marup and many other voluntary organizations including Meira Paibi, Nisha Ban act as social legislature in these issues. In such cases, the legal expectation at the customary level is reflected.
This continuity of legal expectation, however, does not restrain the peoples to go to 'modern' legal enforcers. If a man is found killed, the police, whatever may be its public image, is being informed. It is the police who will take up the case in accordance to the provisions of the statutory laws. Thus, it is obviously seen that, in the Meitei legal pluralism, the jurisdiction of the customary laws is totally eclipsed by the legislations, so far as homicidal cases are concerned.

In the Kuki-chin group particularly, the Thadou law, as pictured by William Shaw (1929), "the person who sheds any human blood in a village affray" was fined (Tolthe: 'ground cleaning'). It consisted of "a pig and a jar of Ju (wine) due to the chief" (p. 66). "It would also be payable for rape or other serious crimes and is independent, of course, of claims lodged by an injured party. Should a man be accidentally killed, the killer has to provide Khosa, i.e. a mithun and black cloth for funeral" (ibid., pp. 66-7). Among old Kuki clans, J. Shakespear (1912) reported, "Manslaughter is punished by the payment of compensation, the amount varying considerably. The Anal demand a mithan and a gong; the Chiru, a
mithan and a cloth; the Kolhen, three mithans, a brass pot, a pig and two pots of zu and the Lamgang, four gongs, ten jars of zu and big pig" (p. 157).

The Naga law is slightly different from the Kuki-chin laws. The act of murder might bring a chain of feuds. The feud between small groups or individuals might be the result of a challenge, rivalry over the love of a maiden, or simply a trial of strength among the Tangkhuls (See M. Horem, 1977, p. 90). "Accidental homicide is punished among the Tangkhuls by fine, amounting to six cows. At Jessami in the Mao group the offender has to make a short sojourn away from his house, but not necessarily outside the village; while at Laiyi he is banished from the village. At Mao his punishment is seven years' banishment from the village and a fine of five cows ... At Maram the punishment consists of banishment for one year and a fine of six cows ... Among the Kabuis a heavy fine is levied from the culprit. Both the Chiru and the Marring impose heavy fines in such cases, part of the fine being compensation to the relatives of the dead man and the rest being consumed by the village in the course of the settlement of the matter" (Hodson, 1911: 1974, pp. 106-7).
Among Moyon Naga, if a person or a domestic animal is killed because of mistake, the hunters will share half of the penalty imposed upon the killer. Such a mistake is taken to be an ill-fate to the killer and the killed. So the news is not allowed to spread outside the village. The elders shall make normal conciliation between the killer and the family of the killed (Ng. Phamdil, 1987, p. 32-3).

In the case of the Maram society, as the author himself observed, the punishment of the culpable homicide is the banishment of three years from the village or meat of one bull is distributed to all the villagers. The bull may be replaced by a sum of Rs. 4000/- or more as being decided by the village authority including Sadungmai. (Murder of rapist is not punishable). The property of the murderer is forfeited by the village authority or destroyed. In deciding a case of murder, as in many other crimes, the problem of doubt is settled by oath-taking on the grave of the killed. There is no fixed wording of the promise.

Under the Manipur Village Authorities in Hill Areas Act, 1956 (No. 80 of 1956), the homicidal case cannot be
tried by the authority. It can cause to arrest any 
murderer or any suspected one under the provision of sec. 
16 of the Act. Though the village authority shall not 
be deemed to be a police officer under sec. 25 and 26 of 
the Indian Evidence Act, 1872 or under Sec. 162 of Cr. 
P.C., the powers and duties conferred on police by or 
under the Police Act, 1861 shall be enjoyed. But under 
Sec. 16 (2) of the Act of 1956 "No person who is arrested 
under this section shall be detained in custody without 
being informed, as soon as may be, of the grounds of 
such arrest". And the arrested person shall be produced 
before the nearest Magistrate within a period of twenty-
four hours. "No such person shall be detained in custody 
beyond the said period without the authority of the Magis-
trate" (Sec. 16(2) ).

The scene of the Maram administration of justice is 
more or less independent of the Act. Every major case 
including murder case is tried by the village Authority 
with Sadungmais. For the minor crimes, the presence of 
the Sadungmai is not necessary. In major cases, like 
rage, murder, the whole village takes part practically. 
The police and other legal enforcers seldom come to inter-
fare with such local administration of justice. Such
situation is reported also of the Tangkhul society (M. Horam, Op.cit.) and Koiyeng society (G. Kabui, 1987). Thus the conflict of law is markedly prevailing in the hill areas till now where the customary law prevails over the statutory law even in the laws of crime.

III

In the present study, who murder cases allegedly committed by women, are taken up. Both the cases are from the Thoubal District. No such case is available in Senapati District at the village authority level as well as at the judicial court level. In the District, homicide is almost nil and female accused of homicide is unheard in the study period of 1980-90. This is true even up to the state level. Homicidal cases are very rare and those committed by woman are practically nil in the tribal world of the state. The present two cases of homicide committed by women are from the Thoubal District registered in the Judicial Magistrate-I's court.

The first case is of Mrs. A of about 30 years of age. She is normal in health, slim in figure. She eloped with Mr. K. at her age of 21. Now she is mother of three
children - all daughters. Mr. K is a manual worker under a road-construction contractor. He passed H.S.L.C. Examination. He did apply for a post of L.P. School teacher. One M.L.A., Mr. I, of the next village took a sum of Rs. 10,000/- to bribe the concerned minister and officers. But he could help much. Because of this, Mr. K. suffered a lot financially. Prior to this, he had cultivated two parises (2.5 acres) of land on tenancy. He mortgaged the tenancy to another cultivator. Hence, his family income had reduced to almost nil. This forced him to go to the contractor who lived in Imphal. His work site was at Mantri Pukhri, about 50 Kms. away from his village.

Mr. K. has two brothers and four sisters. His eldest brother's whereabouts is not known to all of them. He ran away from the family after he had divorced his issueless wife. No communication is made for about last five years. Another brother lives with him, whose hut is separate. He is also a cultivator.

Mr. K's sister, next to him is Mrs. S who eloped with one Mr. T (the victim of the case) of the next village. Mr. T. was a good friend of Mr. K. They often drank wine together even after the marriage. They exchanged goods and
service in their social lives; they shared pain and pleasure. He is the youngest son of his parents. He is the youngest son of his parents. He has two elder brothers and two sisters (one is younger). In his separate hut, are his parents and other members of his family. Mrs. S married to him at her age of 20. They had love affairs for about one year, prior to their elopment. He is a school teacher. He has two sons and three daughters. The eldest daughter is about 16 years of age and is attending Class X standard.

Mr. T visits Mrs. A frequently while Mr K is at the work-site. He helps much of her needs. He and Mrs. A go together to the MLA to recover the 'bribe-money' many a time. Even for the domestic necessity, Mr. T. extends his help to Mrs. A.

Mrs. A was born to a cultivator of another village, two kilometres south-west to the present village. She has three brothers (two younger) and two elder sisters. She does not get any formal education. But she knows weaving, embroidery and many other fancy works. She earns money out of them; but she changes frequently from one to another trade. Such income is spent on the extra-familial expenditure.
She was quarrelsome in her childhood. She had quarrel with her friends or siblings over petty causes. She was brave, however, to dominate even the older boys. She did not play any sort of feminine games such as doll, Chak'thongbi, Amang'goi. One of her friends remarks of her childhood: 'she could be defeated in argument. Whatever she said ought to be followed'.

In the night of occurrence of the offence, there was a Sumang Lila (open-air traditional theatre, performed at night) in her Leikai. Mr. N, Mrs. A's husband's brother, went to the Lila. His wife and children were in their own hut, about 15 feet away from Mrs. A's hut. Mrs. A was with her three minor daughters. The night fell earlier in rural Manipur; after meal, at about 7.30 p.m. Mrs. A lulled the children in a single bed. She washed herself for retiring. Mr. T knocked the door. As identified from his voice, Mrs. A opened the door. He talked of the mortgaged land and other domestic matters. After an hour or so, she asked him to go home. She openly expressed that she would like to sleep. And she entered her bed room leaving him in the middle room. She adjusted the mosquito-net. By the time, he entered the room unnoticed and embraced her from the backside. She resisted his sexual moves. He shut her mouth
with her *inaphi* (chadar, worn at that time). After struggle of about ten minutes, he raped her. As the grip loosened, she took out the knife which had been kept usually beneath the mattress. She stabbed him at the left side of his belly. She ran out, then, to shout "I killed Mr. T." The neighbours rushed there but she hid herself in a bush. Next morning the police came.

In this case, the motive is very clear. She liked to defend her chastity. He outraged her to set the fire of revenge. Hence the act was committed. She had no criminal record prior to it and she was a normal individual.

The second case is of Mrs. M (39). She is black in colour, tall and strong-built. Her parents, before their divorce, had given birth to one son and three daughters. The ego is the eldest. Her mother with her second husband gave birth to one son. Mrs. M married with Mr I (the victim of the case) at the age of 19 years. She has four sons and two daughters. The eldest son, Mr. B of about 20 years of age is in Imphal. He serves as a bus conductor. His income is seldom given to the family. The next issue is Miss A, 19 years old. She is a fair and good-looking girl. The other children are minor. Mr. I is a cultivator.
The only source of income in agriculture.

The couple always quarreled over domestic affairs. For every minor decision, they shouted for hours. The husband rebuked her, calling names and she also replied in the same manner. Mr. I was a heavy drunkard. Mrs. M also often used wine, and many a time she spoke non-sense and 'indecent words' in public. As both used wine, their quarrel always became a public scene. But, according to some neighbours, it was the husband who taught her to drink wine. She had been separated from the husband's house for about two years. During the separation, she was with their eldest daughter, Miss A in the house of her uterine brother in another village, 15 Kms. east to the present village. There, Miss A fell in love with a boy and eloped with him. The elopment was planned by Mrs. M. But Mr. I denied marriage on the ground of her minority. She was only 17 years old then. After this, Mrs. M and Miss A returned to Mr. I. He liked her to get married with another boy and he engaged accordingly. This had been denied by Mrs. M. Thus there was tension in the family over Miss A's marriage.

Mrs. M was quarrelsome in her childhood. But practically she did all the maternal roles in the family. Her
mother did not pay much attention to the domestic affairs. Being the eldest daughter in the family, she looked after her father and siblings. At her puberty, she had the experience of shock on her mother's second marriage. After that she had to look after the family. She could dominate her friends and even her father. Her married life was also not happy. She liked to escape from the family but could not do so because of the children. She loved Miss A very much. Miss A looked after all the domestic matters as she had done in her childhood.

After failure of Miss A's engagement, as arranged by her father, her father's attitude to the family changed. He often said to Miss A, under intoxication, to go away from the house. Many a time, he tried to molest her. One day, he asked her, while her mother was out of station, to take wine. He forced her to do and he attempted to rape her. "As you sent your mother out, you have to substitute her" her father said. She could, however, manage to escape somehow. She ran to her aunt's house in a nearby village.

After a few days, her father asked her and other children to go with him to the nearby hill to collect firewood. It was their routine work. They went there. All
the children, except her, were sent home with bundles of firewood. He stopped her. After the children were out of sight, she was taken into a bush. There he raped her. She did not tell about the incidence to anyone including her mother.

On the day of occurrence of the crime, her father tried to rape her again in the house. He had already sent children outside. But she could escape. She went straight to her aunt to tell of her father's action but her aunt did not believe her. At the evening, one of her brothers came to call her back. Her mother sent him. On reaching home, her father beat her severely. She cried aloud. Her mother rushed to rescue her. He tried to overcome Mrs. M but she took up an axe which was lying in the corner of the room. She warned him not to proceed. She swung the axe widely. He came forward and the axe struck him at the neck. The injury made him die at the spot.

Though Mrs. M murdered her husband, the motive was to save her daughter. At the time of occurrence of the crime, she did not know that Miss A had been raped by her husband. She could not bear the scene of her husband's beating Miss A severely. And, on the other hand, she had already developed an alienating component in the relation with her husband.
Foot-notes to the Chapter IV:

1. **Leikai** is a socio-political unit of Manipuri society; can be translated into English as 'locality'. But it has certain emotional, collectivity dimension in addition to locality.

2. **Pan-Dukandar** is one who sells betel-nuts along with other commodities in a permanent/temporary construction. Both man and woman can carry on the business. As Manipuri women engage in small scale businesses, female **pan-dukandar** is socially approved, if not encouraged.

3. Oil-blackmarketer is one who sells oil, especially petrol, at the road side, without proper permission. They are usually females. They came out very recently in increasing number. Such business is at small scale with a running capital of Rs. 15,000/- or so. Though society looks to them with negative attitude they are not denied in various social situations.

4. Cinema ticket blackmarketer comes into existence since 1983-84. This is reported that extreme poverty forces them to this business (Resistance: 27, 1984; a weekly in English published by Pan Manipur Youth League, Imphal).
It is rather the change of commodity in women's role in trade and commerce.

5. **Dollali** is a loan-word. A person who plays as a middle-man in a business transaction between buyer and seller is usually known as **Dollali**.

6. **Nisha Ban, Nupi Marup** and **Meira Paibi** are women social legislative forces that act upon prohibition, immoral traffic and even the police brutality in the state.

7. **Bamon** is the Brahmin of Manipur. The Manipuri caste-system is not fully developed in varna-model. There are **Bamon**, Meitei and **Loi** in the society. However, **Loi** is the exterior caste. As the dominant caste is the Meitei, **Bamons** are Meitei-ized; at the same time the Meitei are sanskritized in the last two centuries.

8. **Marup** is a chit-fund association in traditional way. It is informally organized on the public opinion basis. It serves not only the economic roles in capital formation but also acts as a room for social interaction mainly for women.