Chapter VII.

Customary Laws.

The Garos do not have a written Code of laws with which to regulate their daily life as a society. But they can not be said to be devoid of laws. In fact, they have too many laws which they still consider fully binding.

The Garo Customary laws can be summed up in three words, but these three simple words embody a complete programme of observances. These three words are - Asimalja, Dakmalja and Nima.

1. Asimalja.

This word can neither be defined nor translated literally. It has rather a wholly moral force derived from the history of the people. It is such a powerful word that merely to pronounce it is enough to restrain any Garo committing evil or to keenly distress those who have allowed themselves to fall into temptation. It is also a word which has come to mean that everyone is absolutely bound to avoid if he does not wish to incur the anger of the spirits.

According to the legendary story, Asi was a woman and Malja was her husband. They committed a grievous crime, and subsequently both met with violent death. Asi was killed by a tiger and Malja was caught and killed by a kind of eel (aringga) while bathing in a river. From these two ancient episodes, there came down from generation to generation the belief that whoever commits certain crimes incurs the anger of the spirits.

and will die a violent death. Not only such a man suffer greatly at the moment of death, but he must also undergo other consequences, like, that the dead body can not be cremated according to the social rite or the people; the dead body will not get the benefit of any of the ceremonies which help to bring his spirit to the place of rest, etc.

The sins which disturb the harmony of law and order and incur the anger of the spirits are :-

(i) One of the sins (aimalja) is the failure to observe the days of general purification or the ceremonies which regulate such functions. On such occasions the co-operation of all is indispensable, and the neglect of even a single person is enough to nullify the efforts of the population of the whole village to free itself from some incubus. Such an omission may even further enrage the spirit and cause him to wreak indiscriminate vengeance on all the inhabitants.

(ii) The other sin or aimalja is to marry within the forbidden degrees of relationship-consanguinity. To do so will incur the wrath of the spirits.

(iii) Another kind of sin or aimalja is to marry within the forbidden degree of affinity. An ordinary son-in-law, i.e. who does not marry the heiress, may not marry his mother-in-law, nor his wife's elder sister-in-law, nor the widow of his younger brother. The woman, on the other hand, can not marry the widower of her younger sister.

(iv) It is also a sin or aimalja to cut down the jungle or grove which is considered the haunts of the spirits. Although the Garos do not erect temples to the spirits, they believe that the spirits dwell in some spot near the village.
That particular spot is specially set aside for them and is avoided by the people, and no one may work, fell trees or even cut grass from such spots without arousing the anger of the spirits against the villagers.

(v) The other sin is to cut wood or bamboo from the KOSI (KOSI is a mound of stones prepared by the people of every village. It is considered a sacred place and annual sacrifices are offered there). No one is permitted to cut or take away anything from there except on the days fixed for certain sacrifices, when all the materials for erecting altars, ceremonial fences, etc., must be cut from the KOSI.

(vi) It is also asimalja to touch, break or in any way desecrate the stones of the KOSI. Though no spirit resides in the stones, yet the spirits will take revenge on those who defile them.

(vii) To swear falsely touching the head of one's child is another asimalja or sin. To do so will bring disaster to his child.

(viii) Another asimalja or sin is to eat the first fruits without performing the "first-fruits offering ceremony" called WANGALA ceremony. Violation of this ceremony will result in famine and the evil of one man will bring ruin to all
Besides the above, the Garos believe in many other asi-
maljas.

In all these cases the sinner, though he will not be 
punished by any of his fellowmen, is nevertheless despised 
by his relatives, his fellow villagers and by all who happen 
to hear of his death.

II. DAKMALJA

A comprehensive rather than a literal translation of the 
word would be, "Thou shalt not do it". It embodies the Garo 
code of laws, laws which we would call moral, civil,criminal 
and penal. The transgression of these laws, besides rendering 
the offender an abject of the anger of the spirits, is also 
punished in a court of law if the offence is known. Though 
penalties like laws, are not written down, the people remember 
them, hold to them and, if anyone breaks the law, will 
accept the consequences.

(a) Moral Laws

By moral laws are meant those which prohibit acts against 
morality. Even a suspicion, if expressed, is chargeable and 
hence punishable.

1. AMITA or accusation of loving another: When one of the 
made partners 
suspicts or accuses the other of loving another or adultery, 
and also mentions the name of the suspected lover, the latter

1041 - 1043.
on coming to know of this may charge the accuser with false suspicion. If the defendant can not prove with witnesses that there has been an intrigue between his or her partner in marriage and the plaintiff, the defendant must pay the plaintiff the sum of Rs.15/- as DAH or compensation. The other suspected party in marriage may also appeal to the law and demand Rs.15/- as compensation for the shame he or she has had to undergo.

2. MONGA-SALA; or seeking to seduce: By this the Garos mean all those acts, words and allurements which they use to tempt and seduce a woman. Some of them are:

   (i) Trying to speak amorous words to win over a woman;
   (ii) Beckoning with hand (Jakjipa);
   (iii) To call by whistling or hissing (Ku'smika);
   (iv) To invite by winking (mikjipa)
   (v) To entice by grasping in the wrist (Jakgitoko sala);
   (vi) To win over by caressing (Rim'roka);
   (vii) Patting with the palm of the hand (Doktopa);
   (viii) Touching the breasts (Sok rim'a);
   (ix) Putting one's foot upon the toes of a girl (ja'si ga'dapa);
   (x) Singing songs with suggestive words (Gomina doka).

   If the person so tempted does not care for such approaches, he or she may appeal to the court and if able to prove the guilt of the tempter, the latter must pay a fine of Rs.5/- or more for the shame and embarrassment caused to the other.

3. To drag by force or Saldra: This takes place when a per-
person uses cunning or physical force to get a person to commit sin or immoral act. For this act, the offended party may have the offender up for trial and demand the usual compensation of Rs.5/- for the shame incurred.

4. SIKDRAA or to commit immoral act when a girl is in helpless position. This means an immoral act when a woman is lying down or in such a position that she can not defend herself or prevent such an act. The offender has to pay Rs.5/- to the offended party if proved guilty of such an immoral act.

5. ALSALA or baiting by parents: This takes place when parents invite or encourage a boy to frequent their house and spend his time with one of their daughters. If afterwards, fornication has taken place, and the boy does not want to marry the girl, and she or her family demand compensation, and the boy can show that it was a case of ALSALA on the part of the girl's family, he has no obligation to pay.

6. NANGIJA K'U'PATTIA or evil counsel: If the recipient of evil counsel or the parents of such a one, appeal to the court and prove malice in the perverter, they may receive the usual recompense of Rs.5/- for the shame.

7. TELKA or adultery: Various cases come under this heading.

They are:

(1) When by mutual consent adultery has been committed by a boy and a girl, neither of the two may appeal to the court of law and represent as the offended party; nor may either one demand compensation of the other.
If, however, there was violence on the part of the man, he must pay the woman Rs.15/-, Rs.5/- for the shame she was subjected to and Rs.10/- for the act.

In either case, if the girl conceives, the boy must marry her or support mother and child until the latter is able to help the mother. As an alternative, the boy may pay the girl a lump sum of Rs.60/-. If the boy committed adultery with the heiress by force, then besides paying the above indemnity to the girl, he must also pay another Rs.60/- to the mahari of the heiress would be son-in-law and the engagement can be broken off now. But if the act was consummated by mutual consent and the two insist on marrying, the girl herself must pay Rs.60/- to her fiancee (to whom she was engaged before).

(ii) If adultery takes place between an unmarried girl and a married man, each must pay Rs.15/- to the injured wife.

If there was violence on the part of the man, he must pay Rs.30/- to his wife and nothing to the girl. The payment would be made to the woman's husband in case she is married and the man is not.

(iii) If both partners in adultery are married, each must pay Rs.30/-, the man to the wronged husband and the woman to the wronged wife. If the man used violence, he must pay the whole Rs.60/- himself, to the injured husband.

(iv) In case of the guilty persons is widowed, and not yet free from the law of A'KIM, the indemnity which should otherwise be paid to the deceased husband or wife of the deceased must be paid to the heir (husband of the heiress) or to the mahari of the deceased.

(v) If the act of adultery takes place in a house which does
not belong to either of the two parties, whether there is violence or not, the owner of the house may demand a compensation of Rs. 5 for himself, because of the violation of the sanctity of the house. (vi) In ancient times, the wronged husband was permitted to kill his wife and her lover, whether he caught them in the act or followed them, or even after their first meeting. In the latter two cases, however, he had to be certain that the act had taken place, and also must produce witnesses. Such an act of killing did not make him liable to any form of vengeance on the part of the two maharis. (vii) Anyone may, in his own house, kill any person who enters for the purpose of adultery, violent or otherwise, with any woman of the house, single or married. 3

It may be added that the social prohibitions and the penalties imposed on the guilty as mentioned above may not be followed with rigidity, in all the places of the Garo hills district. Different punishments or varying amount of compensations may be imposed in different regions. However, they may be said to represent the practice of the vast majority of the population of the Garos.

Religion is so completely interwoven into every phase of the Garo's life that his every act might be termed a religious act. No purely religious act is thought of except in connexion with and as a complement to some other act or circumstance of the public and social life of the people. For this reason a number of such acts can not be classified or arranged separately under other headings or subjects:

(i) To observe the days of public sacrifices. Public sacrifices are those whereby all the inhabitants of a village offer thanks for past benefits and implore greater blessings for the future. On such occasions, all the inhabitants must take an active part and each one must carry out his or her part of the ceremony as the occasion demands.

(ii) **SAANA KRITANI**: Charity demands that in case of misfortune to some member of the family, all the other relatives should assist, either by their presence at the performance of these sacrifices, etc., which are necessary for a cure, or towards driving away any other misfortune which may inflict any member of the family.

No tribunal will punish one who violates the above mentioned customs, but such individuals, besides putting themselves in danger of incurring the displeasure
of the god (Mite), will certainly place themselves in a bad light with the inhabitants of their village.

(iii) **MANGONA**: It means the ceremonies performed for the benefit of a departed soul. They are the final ceremonies, and they are also the most important, because they make it possible for the soul to go in peace to the place of expectation. Disregard of this social-religious law is considered inhuman or unnaturally cruel. It also places one in danger of being endlessly tormented by the spirit of the departed. Punishment and fines may likewise be inflicted on such a heartless individual by an assembly of the whole mahari.

---

This group of laws has undergone a complete change since the advent of the British. The killing of an enemy in war, or of an innocent person during an attack, the taking of human heads, the killing of an unfaithful wife, bloody feuds and acts of revenge, whether private or public, have been declared criminal acts and outlawed. As a consequence, they have been almost forgotten.

With the introduction of money, certain penalties and corporal punishments were commuted to fines, while many criminal acts are now punished with imprisonment or capital punishment (hanging). The tribunal of the NOKMA with his mahari has lost most of its authority and competence. Though more power is still vested in the Laskar, practically the sole judge and guardian of law and order is the Deputy Commissioner of the district. He alone sits in judgement; his verdict is decisive and absolute, from which there is no appeal within the district.

(i) CHONNIKANI or Contempt: This occurs when out of envy one speaks mockingly of another's physical or intellectual defect, of his financial position or manner of acting. In such a case, the offended party may appeal and demand compensation of Rs.5/- provided he can prove with witnesses that the accused had insulted him.

(ii) JEGRIKA,SAIA or Wrangling, reproach: The law does not prohibit wrangling, holding to one's own opinion or reproving another, if it
If it was done in a reasonable manner; but one must not use offensive words, for this might entitle the offended party to compensation if the case is brought up in a court. Not even a husband may offend against the law of good behaviour in dealing with his wife, otherwise she or her relative may pull him to court.

(iii) MITAKANI or calumny: This act is committed by one who, having seen or heard something or acting under an impression, is suspicious of another. The mere suspicion, or even the knowledge of another's fault, does not give anyone except the offended party, the right to speak out, even if it is the truth. The object of such a calumny even if it is true and the guilty one condemned for it, has the right to denounce the calumniator (at least before the trial takes place) and demand indemnity. In ancient times this would have given rise to a deadly feud.

(iv) ETALMIKANI or to pull one's leg: If a man pulls other man's leg in his absence, and if the latter can prove with witnesses that he has actually uttered words of mockery at his expense, he may cite him before a court and demand recompense.

(v) KA'DINGSTEKANI or ridicule: This offence is different from the previous one in the sense that the object of ridicule is present. If one so acts with words and gestures or immoderate
laughter that one of those present is thereby embarrassed and ashamed, and if the others present also understand it in this way, the offended party may cite the offender and demand the customary compensation of Rs.5/-.

(vi) **DOKGRIKANI or Beatings:** Among the Garos, beatings always used to be considered a serious offence, and the one who administered it was seldom let off lightly. The fines imposed varied according to the damage inflicted, the status of the victims, and especially the degree of shame brought to the latter.

1. **NOKDANGO DOKGRIKA or beating within the family circle.** This does not mean that the parents are not allowed to beat their children, but if this happens often through lack of self-control, without serious reason, and if it is done with excessive violence, then the mahari of the children should give a warning to the intemperate parent; if it does not suffice, they may remove the children from the house and send them to live elsewhere, always giving preference to the homes of the nearest relatives.

If a husband beats his wife without justification, and if such beatings result in wounds or disfigurement, it is considered a criminal act. For this offense the mahari of the woman will first admonish the husband, and if this is not enough they may take him to court and demand an indemnity proportionate to the offense. But if his fury
the husband does not accept their advice and gives further vent to his anger by smashing and destroying articles in the house, this is considered an act of attempted murder, as though the husband, unable to beat his wife to death, destroys in her stead objects which belong to her in a particular manner. In this case the relatives of the wife never pardon, but immediately start legal action against the husband. They may also divorce him and make him pay for breaking the tie of A'kim.

If, on the other hand, the wife beats the husband, and continues to do so even after being warned by the mahari of the man, one of the latter goes out and deliberately kills a cow, a buffalo, or some other animal, which is to be eaten by the members of the husband's mahari. The expenses and the fines incurred for this act must be paid by the mahari of the wife who did not heed the warning.

2. KA'DONA or intent to kill: If while expressing his desire for revenge, one seizes a sword or axe and cuts through a banana plant or some other young tree, at the same time pronouncing the name of the supposed adversary, he commits an act which is automatically considered an attempt on the life of him whose name he uttered. The case can be taken up at once.

3. NOKJIPINO NAPDRAE DOKA or beat up someone by entering into someone else's house; If a man enters into the house of another in order to beat him up, since that shows premeditation, it is considered a case of aggravated assaults. In ancient times,
not only was the intended victim permitted to wound and even kill, in self-defence, the one who dared to cross his threshold, but any other person in the house might also go to his assistance and wound or kill the intruder.

(vii) **DHO NANI** or murder: In ancient times killing was much more common than beating, and in fact it was considered prompter reprisal for any offence to have recourse to arms rather than to blows. Some killings were considered legal and therefore not criminal, so that they involved no further consequences; others, on the contrary, were illegal and led to acts of revenge and never-ending feuds. But since the British times, every case of homicide is reported to the Deputy Commissioner, who judges the case, not according to the traditions and customs, but according to the Indian National Code.

I. Cases of legal (non-criminal) homicide

There are four kinds of legal homicide. First, a legal homicide is to kill a person who tries to enter the house of another by force with a purpose of killing or beating an occupant or of committing an immoral act with some woman of the house.

The second case of legal homicide is that if a person, either entering or while escaping with or without plunder, was not recognised or when challenged did not answer, he could be killed.

The third case of legal homicide is to kill a person in legitimate self-defence when one was assaulted outside his
home. In such a case, one has to have eye-witnesses to prove the guilt of the assailant.

Finally, a legal homicide is to kill the lover of one's spouse. For such a killing to be legal, the offender had to be caught in the act, or while his footsteps, leading from the husband's house, were still clear and fresh.

2. Cases of illegal (Criminal) homicide or murder.

The illegal homicides are of various kinds;

First, a case of illegal homicide is to kill someone to carry out some funeral rite. In ancient times, this would give rise to endless feuds, and the killer would sooner or later face death at the hands of the slain man's relatives.

The second case of illegal homicide is to kill one another according to a mutual agreement. In such a case, two might swear openly and before others to kill each other. From this moment each would seek a propitious moment to kill the other and the killing is generally done from ambush, and when the other least expected it.

Third, robbery is an illegal act. In ancient times, when a robber was identified and traced down, he was bound to make full compensation for the damage done to the property by his act. There was no question of improvement to make up the value, but one might become a slave for a certain length of time, either to the person robbed or to the hokma of the village, who would in turn make good the damage done to the one robbed.
Fourth, Arson is an illegal act. In olden days, it was a common form of revenge, and special laws were regulated to penalise the arsonists. The arsonist, together with his relatives, had to rebuild the burned-down houses. All property consumed in the flames had to be restored. If there were human victims, this was a signal for reprisals and acts of revenge. If the guilty ones were members of the family, but if they had done with malice or for revenge, they had to reconstruct the building at their own expense, and he had also to replace the objects destroyed in the fire.

Fifth, Failure to repay the loan constitutes another form of illegal action. There is no prescribed rate of interest nor the prescribed period of time to repay. There were stipulated by agreement between the parties. But if the debt cannot be cleared within the prescribed time, the property of the debtor may be confiscated.

In ancient times, confiscation of property rarely took place as the mahari of the debtor always stepped in to pay the debts of its members, although the latter did not go scot-free.

Sixth, Boycott of public works by an individual is considered as an illegal act. Social custom requires the members of every village to give a hand and work together on projects of general necessity, such as the upkeep of village paths, wells, springs, bamboo aqueducts, etc. One who can not or does not care to work must pay another to work in his stead, or run the danger of being boycotted and denied assistance when he needs it.

Seventh, To give false testimony is another illegal act. In ancient times, it is not so common for a Garo to tell a lie as they have always had a profound fear of vengeance. Anyone who speaks falsely is bound to pay for all the damage which may have resulted from his false speaking or testimony.
Bight. Threat constitutes another form of illegal act. When it is feared, either from the way in which a threat is made or by reason of the person who makes it, that will be put into effect, immediate recourse may be had to the tribunal and an indemnity may be demanded for the fear to which one has been subjected. The case is generally taken up and conducted by the mahari of the one threatened.

Ninth, Threat to kill a person with medicinal powers and magical spells is the worst threat one can make. If the person threatened gets sick, the threatener will be considered responsible and must pay the entire cost of the sacrifices which may be performed. If the person dies, the threatener is bound to pay all the expenses of funeral ceremonies. Besides that, an atmosphere of fear and coldness will develop around him that he will/forced to abandon the village.

Lastly, To accuse one of witchcraft is another serious accusation. Such accusations and slanders quickly take root, and there will be no further peace for the accused person and his family in that village. The only thing left him to do is to cite the accuser at once, and the latter is then obliged to bring forward eye and ear witnesses. In the event that the accusation is proved false, the offended party will receive Rs.5/- as compensation. The amount is in itself very little, but the person is freed from a situation which would be a hell on earth for him.

Marriage among the Garos is regulated by two important laws, viz., exogamy and A’kim.

According to the law of exogamy, no marriage contract may be made between persons belonging to the same clan. Thus a Sangma is not allowed to marry a Sangma, a Marak can not marry a Marak, nor can a Momin marry a Momin and so on. Garo marriage should be clan exogamy, as the clans exist for the convenience of marriage, and procreation.

If marriage is contracted between members of the same clan they would be looked down upon by the society as BAKDONG or marrying his or her own relation (BAK-a part or relation and DONG-to live together). Though no such practice as ostracism exists for this kind of marriage, the couple suffer a loss of social prestige and respect.

Thus marriage being regulated at the level of clan or Chat-chi, marriage within the same ma’chong or motherhood is much less restricted. Those who contract this kind of marriage would be branded as MA’DONG or marrying his own mother (MA-mother and DONG-to live together). Father G. Costa writes that those who contract this kind of marriage would be unwelcome in any village, and they would be forced to live in the forest, isolated from every community. They thereby lose the right to demand a NOKKROM. In the anger of the moment, their relatives may even kill them. In recent years, no such severe punishment is imposed on such couples though there is still condemnation and disrespect from their own  

kiths and kins. They are even beaten by their maternal uncles and elder brothers as having committed an act of incest. Such couples also become the object of public talk and ridicule. If marriage contract is in the offing within the same ma'chong, every attempt will be made by all the members of the ma'chong to avert it as such a marriage would bring social shame to the ma'chong as a whole. Only when all efforts have failed to separate the man and the woman, will the members of the ma'chong remain indifferent to whatever course the man and the woman may take. And no formal marriage ceremony will be performed for such a marriage.

Members of any ma'chong of a clan can marry members of any ma'chong of another clan. But if the members of the same ma'chong adopt different clan names, they still cannot marry as they belong to the same ma'chong, and as members of the same ma'chong they are brothers and sisters. Therefore, if they do so, they would be committing an act of incest. Thus, in the last resort, it is ma'chong which determines marriage contracts.

These marriage laws were strictly observed in the olden days and the cases of lapses were few and far between. But with the passage of time and with the advance of modern civilization, people are becoming more liberal in their attitude towards these rules and marriages within the clan and even within the ma'chong are becoming more frequent, though the former is more common than the latter.

According to the law of A'kim, a man or a woman who has once contracted marriage will never be free from the marriage tie, even though the other consort may have died or run away.
The mahari or ma’chong from which the first marriage partner was chosen will supply another, and it is both the duty of the mahari to so provide and the surviving consort’s duty to accept such a partner. If a wife dies, one of the sisters of the deceased wife or any girl of the same ma’chong will be given by the mahari. Similarly, if a husband dies, one of the brothers of the deceased husband or the nephew will be given to her by the mahari.

Only rarely, when the mahari is unable to provide another partner for the widowed spouse, may the latter be set free from the law of A’kim. If such freedom is given in writing, the one in whose favour it is issued must pay Rs.5/-.

This law of A’kim is specially hard on women. They are the owners of property, and the relations of a deceased husband will often keep his widow waiting for years for a mere child if there is no grown up men to give her in marriage. By the time the child is of marriageable age, the woman is already old. In such a case, the young husband is allowed to marry a young girl, as well. So the widow is kept unmarried for years for the sake of her property. In 1883 fifty women of the Someswari valley appeared in court at Tura and applied to be relieved from the operation of this law. Their prayer was acceded to, and A’kim is no longer officially recognised, though it will remain the main system of marriage and inheritance.

9. Ibid. p. 1054.
Under the law of A'KIM, if a young man should marry an old widow he can claim a young girl from the widow's *ma'chong* for his concubine called JIKGITE. Usually her daughter is given to him if she has one and as such she will strictly become the heiress of the house.

Thus widow remarriage is encouraged under the Garo law. The mahari of her deceased husband is responsible for supply of another husband for her from within their *ma'chong*. Only when they can not find a man to give her in marriage they will cut off the bond of A'kim and then she will be free to marry anyone from any other *ma'chong* she likes.

According to Garo law, a man may marry as many wives as he likes, but there is usually the maximum. He may marry two sisters, but he must marry the elder before the younger. Before taking a second wife, the permission of the first wife is required and the breach of this rule entitles her to compensation. The second wife may be from a different clan from that of the first, but it is more usual for her to belong to the same *ma'chong* or motherhood. The chief wife is called JIK-MAMONG or JIK-MONGMA (the first name means principal wife, and the second elephant-wife) and the others are called JIK-GITE or additional wife when a man marries his uncle's widow, she is always JIK-MAMONG, even though he may have married her daughter before her. A widow may refuse to marry her husband's nephew, and marry another man. Then the nephew may claim compensation.

---

12. - Jobang Marak-The Garo Law, p.48
A man or a woman may marry anyone on the father's side, even the nearest relatives such as uncles, aunts, nephews and nieces. In fact, the heiress is obliged to marry her first cousin, i.e. her father's sister's son.

There is no custom of giving dowries and presents in Garo marriages. But if the parents are wealthy they may give a sword, shield and spear or a cow or a bull. Parents may also give some money out of affection to their son.

Payment of debts (Gro chotani): At a man's death, his widow is to return to his parents whatever he may have received from them. If the things are lost or worn out, they should be replaced. In addition to this, a widow must give to the parents of her deceased husband some compensation amounting to the total value of the following personal effects:

1. DEBRA-ni: the price of a piece of cloth (debra) which the women use to carry their babies on their backs.

2. CHRI-ni: the price of a miniature bow which represents the various toys with which children amuse themselves.

3. KIM GISI-ni: the equivalent value of all those presents which the parents may have given their son on the day of his marriage. The amount, however, may not exceed Rs. 30/-.

---


14. Playfair, The Garos, p. 70
4. **ASI PINA-ni**: the price of a cloth with which the mother of the deceased, or the one who took her place, had covered the corpse.

5. **MATCHU DEN'A-ni**: the price of one ox which was brought by the parents and killed at the funeral pyre of their son.

This act of giving presents or compensations after death is called KOKAM or GOT by the A'KAWES, and KAWA or I5. ORIM by the A'bengs.

**LAWS OF ENGAGEMENT**: According to the Garo social usage, the initiative must be taken by the girl who desires marriage, and never by the boy.

I. When matters proceed according to form, the girl does not speak out directly but she makes use of the services of some intermediary, generally the father, who together with one of her maternal uncles, help her. The interest of the ma'chong or mahari in this business of matchmaking is an important as it is indispensable. In fact, if they are not consulted in the matter, or if they are not requested to give their consent, they can break any engagement, whatever may be the stage it may have reached. They can separate the couple after they have been living together. The right of relatives to insist on such permission is so important that it is still recognised by the government, which declares those unions invalid which are entered into contrary to social regulations and punishes the contracting parties as guilty of fornication.

---

2. Although the choice of a marriage partner is free and the girl provided she is not the heiress of the house, may take anyone she desires for a husband, still her elder and younger brothers, her maternal uncles and grand uncles, who, taken together are called CHRAS, may always veto her choice. In this case the majority of the chras must assemble under the President of the seniormost maternal uncle and discuss the matter. They may then either express their opinion about the choice or keep silent, and the girl has no alternative but to obey.

3. Custom does not call for any considerable lapse of time between the engagement contract called KU'MANCHIA and the marriage. Meanwhile, the two young people must not meet each other until the marriage takes place.

4. If the engagement is broken off by mutual consent, neither of the parties is bound to compensate the other. Either of the parties may break off the engagement if unforeseen circumstances have arisen meanwhile which excuse him or her from marrying the other. If, however, the motive is not clear or considered insufficient, the party which refuses must pay the other compensation money for putting it to shame. The expenses already incurred must be taken into account in this case.

5. If sexual intercourse has taken place between the engaged parties, and the boy now refuses to marry the girl, she may pull him up in court and demand Rs.5/- compensation money for putting her to shame as well as Rs.10/- for the act, even
though it was done with mutual consent. If the act was perpetrated by a third party, the latter must pay Rs.15/- to each of the engaged couple, and either of them is free to break off the contract without further obligation. If the act is committed by the boy with another girl, he must pay Rs.15/- to his fiancee and she may break off the engagement.  

FORMS OF MARRIAGE

There are various forms of marriage among different divisions of the Garos. Of them, not all are completely legal or official, though they may be legalised later on or simply considered sufficient. They are as follows:

I. DO'SIA: This is the recognised and official form of marriage among the heathen Garos. It is likewise the most common and honourable form of all forms of marriage.

Among the A'kawes, Do'sia marriage ceremony is performed in the following manner. The contracting parties assemble in bride's house and in their presence, the priest takes a hen and a cock and holds them so that their heads are close together, and strike them with a piece of wood. He then drops them to the ground. The fowls struggle a little before dying, and their relative positions after death determine whether the omen is good or bad. If the heads of the fowls lie with their beaks pointing towards each other, the omen is good, but if they lie with their beaks apart, it is bad, and it is taken that the marriage will be an unhappy one.

Among the A'bengs, the manner of performing this ceremony is somewhat different. The priest takes the hen, and holding it by the legs or the wings, strikes the woman on the back with the hen, and at the same time repeats an incantation, which runs as follows: "Certain ones have this day consulted the omen of the fowls. If they are to be bound to each other like the melon clings to its support, or the SETIRI (a kind of jungle creeper), or the RE (cane), then the hen will look to the man and the cock to the woman." The man is treated in the same manner, he, however, being struck on th
back with the cock. The priest then holds the two birds together, and with one effort pulls off both heads and throws them on the ground. For the omen to be good the beak of the cock should, as it lies on the ground, point towards the woman, and that of the hen towards the man. This is known as the Do'sia marriage ceremony (DO-fowl and SIA-die).

The DO'SIA is followed by the DO'BIKNIA ceremony, which is another form of consulting the omens. According to this ceremony, an incision is made in the stomach of one of the birds, and the priest, introducing his fingers, draws out the larger intestines and holds them out before him. If they hang together, the omen is a good one, but if they are apart, desertion or death is predicted. And if the intestines are full of digested food, the couple will be rich, and if empty, they will be poor. The bride and the groom are not allowed to eat the meat of these two fowls but it is given for others. A big cock is killed for the couple. All these take place in the day time. In the evening, a feast is arranged at the bride's house and all their relatives are invited to it. This is followed by dancing and merrymaking.

There is another form of this same ceremony, which is performed by a NOKMA in honour of his future son-in-law, in order to ascertain whether he will be a lucky and successful man. A goat or bull is killed, and the gall-bladder of the animal sought. It is washed and held up for inspection by the priest. Should the bladder be full of liquid, it is believed that the young man will become rich and prosperous. After this ceremony has been performed in his honour, should the Nokkrom or the son-in-law refuse to

---

I7.-Playfair, The Garos, pp 101-102, Vide also Lieut. Dalton, Some Account of the Garos, p. 26
I8.- B.N. Chowdhury, Some Cultural and Linguistic Aspects of the Garos, p. 26
marry the girl, he becomes liable to pay the value of an animal.

After this ceremony and after the omens have been consulted, there follow the usual feasting, dancing and drinking.

2. MARRIAGE BY CAPTURE: The girl who attained the age of marriage and wants to marry a particular boy, tells or indicates her desire either to her parents or any of her relations. As soon as her parents, brothers, uncles and other relations come to know of her desire, they would watch the movements of the boy carefully and whenever they find an opportunity, capture him unaware and bring him to the house of the girl where he is kept confined alone with the girl for more than one night. If, in the act of bringing him, the man offers stiff resistance, yell and try to escape, then they consider them to be good signs and that he would make a good and prosperous husband. But if there is only a feeble or no resistance at all, they do not approve of it favourably.

Major Playfair mentions that it is the custom among the A'bens and the Natabengs to refuse at first to marry the girl who has sought his hand, and to run away and hide himself. A party of friends and relations of the girl would then seek for him and bring him back forcibly to the house of the girl and keep under guard, but the man would escape again under various tricks and stratagem. He is captured a second time, but should he run away a third time, it is taken for granted that he does not really wish to marry the girl and is allowed to go free.

21. *As told by late Sri M. Hongmuthu, retired Teacher, Tura.
Playfair also mentions of a case filed at the Tura court. He writes that a man appeared in court one day at Tura, and filed a petition in which he claimed compensation from the father of a girl for having failed to give him his daughter in marriage. The Complainant explained that he has been chosen by the girl, but according to the custom, he had refused to marry her and had run away. To his disgust, nobody came to seek for him, and the girl chose and married another man who has less strict in his ideas of Garo etiquette.

After the man runs away the third time, the parents and the relations of the girl would call a meeting of all the villagers and appraise them of the whole situation. After this, the relations of both the girl and the boy would hold a meeting at the girl's house to know if the girl has been seduced by the boy while they were alone together for two or three nights. If the girl has been found to have been seduced then he is fined not less than sixty rupees. The amount of money goes to her parents who, after keeping some money for themselves disburse the remaining sum among the Nokma and their relations. Arrangement of marriage under this system was in vogue in olden days. It is almost extinct today.

2. CHAISENGA: It is the custom among some of the divisions of the Garos for a girl to go and live in the house of the boy's parents and help the family in all the household works. If the boy and his parents agree, marriage is arranged.

---

23. - Playfair, The Garos, pp. 66-67
24. - B.N. Chowdhury, Some cultural and Linguistic aspects of Garos p. 34
This is known as CHA'SENGA marriage. (CHA'A - eat and SENGA -wilt)

3. CHA'DILA: According to this custom which is mostly prevalent among the Matchis, the girl cooks some rice and sends it to the man of her choice in the Bachelors' Barrack, through her sister or any of her female relations. The girl follows close behind but remains hiding in order to avoid shame should be refuse to eat, which he would do if he is not willing to accept the offer. Should he start eating, the girl comes out of the hiding place and eats with him. This will be immediately reported by the girl to her parents who then would initiate the negotiations with the man's party. Marriage would then be arranged. (CHA'A - eat and DILA - to make a start).

4. TUNAPA: According to this custom, a girl or a boy may be a suitor who approaches stealthily to the bed of the sleeping party and lies quietly beside him or her at night when all others in the house are asleep. If the suitor is accepted the couple sleep together for a while and then go to girl's place before dawn breaks up. Marriage is then arranged for them after negotiations. But if refused, the sleeping party runs away and then the suitor's ma'chong has to pay fine.

A Tunapa (TU - lie down, and NAPA - enter secretly) is done by some people with the cognisance of parents and relations. Some of the Tunapa cases take place at the Bachelor's quarters. Thus sometimes the Bachelors' quarters are disturbed in the Tunapa nights.

Playfair (25) The Garos, p.67; The Garos and their customary Laws p.27
Playfair (26.) The Garos p.67
Jobang Marak (27) The Garos Law, pp.50-51
5. **CHAME JIKA:** During certain festivals, such as, WANGALA, MANGONA, etc., pairs of boys and girls exchange rice beer, betelnuts and tobacco or Biri as they chant rhythmic songs with words of wooing until finally they decide to marry or part. This process may go on for one night or more. This method of winning over a life's partner is known as CHAME JIKA (CHAME - friend, and JIKA - to bait). Among the Atonga there existed a custom of sleeping together in pairs after the entertainment is over. The pairs should not necessarily be married afterwards, neither will the young girls incur obloquy for having slept with the boys or on account of her lapses from the path of virtue, unless she is found latter to be an expectant mother. It must be added that this custom is no longer in favour long before as they are disdained by the more respectable.

6. **SEKA or ELOPMENT:** In this case, the boy and the girl after having arranged secretly, run away from home and go about from place to place for sometime. After that they return to the girl's house and then they live as husband and wife. Cases of elopment, abduction and Tunapa do not go through proper form of legal marriage.

7. **ON'SONGA and ON'CHAPA marriage:** When the father of the house is dead his nephew is made to marry the widow, and in the absence of the nephew, his near relations will be made to marry her. This arrangement of marriage is called ON'SONGA or provide continuation.

28. The Garos and their customary Laws, pp.27-28  
29. Playfair, The Garos, p.68  
But as the widow is too old for the young man, he is compensated by an offer of her daughter along with her mother in marriage. Here the case of the daughter who is given in marriage in addition to her mother is called as ON'CHAFA or additional gift.

8. MOTHER-IN-LAW MARRIAGE: The custom of marrying the widowed mother-in-law among the Garos is connected with NOKKROM-ship. The son-in-law marries the heiress (NOKNA) of the house is known as NOKKROM. As the mother-in-law is the de jure owner of the household property, the NOKKROM has to marry her after the death of his father-in-law to assume the full responsibility of the house. In case he refuses, he will have to move out of the house. The other sons-in-law do not enjoy this privilege. It is the prerogative of the Nokkrom.

9. CHILD MARRIAGE: There is no law that regulates the age for marriage. However, child marriage is not prevalent among the Garos, although there are cases of girls marrying at 11 or 12 years of age. The girls have to marry at the tender age under the ON'CHAFA form of marriage, otherwise, under other forms of marriage, they marry only after puberty.

10. THE CHRISTIAN MARRIAGE: Garo Christian marriages were conducted in accordance with the provisions of the Christian Marriage Act, 1872 (Act No. XV of 1872), but in the year 1954, the Garos Hills District (Christian Marriage) Act was passed, and henceforth, the Garo Christian marriages in the Garo Hills are conducted under the provisions of this Act.

31. Ibid p. 51
Generally speaking, the moral standard of unmarried Garo women is quite high. Professional Prostitution is unknown among them. The matrimonial bonds are, however, loose and adultery is quite common and divorce is practiced quite extensively. In olden days, the penalty for adultery was very severe. The penalty for adultery of women was to have the lobes of her ears torn through, and her garments reduced to rags, so that she might be an object of scorn to a co-villager. The man was either sold to slavery or killed. For the same offence, the women were sometimes put to death. But things have changed now and the capital punishments have been replaced by money compensations.

According to Garo customs, Divorce is permitted under the following circumstances:

1. When the husband and the wife can not live together any more and desire separation by mutual consent;
2. When either party is guilty of adultery;
3. For being hermaphrodite or when either party proves sterile and no substitute is provided by the mahari;
4. Repeated unfaithfulness by either party;
5. When either the husband or the wife refuses to work for the support of the household.

Besides, disregard and unruliness on the part of the wife, incompatibility of temper and negligence of domestic duties are some other grounds for divorce:

35. Playfair, The Garos, p. 70
36. Ibid; vide also Jobang Marak, The Garo Law, p. 52
PROCEDURE OF DIVORCE: In ancient times, divorce was not as easy and common as it is now. Before the divorce is effected, the causes for separation were enquired into by the village elders and the actual divorce sanctioned after a certain ceremony. This ceremony is known as BOLSEKI DEN'A (BOLSEKI - a kind of tree and DEN'A - to cut). According to this ceremony, before an assembly of villagers, the husband and the wife each take some dust in their hands, and swear by KANE, the Earth, to have no dealings with, nor to claim anything from each other in the future. The oath having been administered, the priest called KAMAL takes a sword, chopper or spear, strikes with it the BOLSEKI tree, and calls upon it as a son of the Earth to be a witness to the oath which has just been taken. The weapon used is provided by the man whose marriage is being annulled, and becomes the perquisite of the officiating priest. This is the most orthodox procedure of annulling marriages and it is long obsolete. Since the British times, it is more common for the injured party to seek redress in the civil court, or to apply to his Laskar for compensation as well as dissolution of marriage.

COMPENSATION: If the divorce is by mutual consent, there is no compensation or DAI. In olden days, the compensation for divorce was the value of a DAKMANDA (Garo cloth worn by the women) and one brass Gong. Since the British times, however, money payment has replaced the older custom and the rate has been fixed at Rs.60/- per divorce.

37. - Playfair, The Garos, p.71
38. - Ibid
There is another custom, which, instead of money payment, the person seeking a divorce may offer a substitute. The husband or wife thus given in exchange must belong to the same clan and motherhood as the person whose place is taken.

**DIVORCE AMONG CHRISTIANS:** Although there is a provision in the Indian Divorce Act, the Christians are not permitted to divorce under any circumstances.

**OPPORTUNITY FOR RECONCILIATION:** The Garo custom recognises that an opportunity should be given to the parties for reconciliation where the case made out for divorce is not grave.

In all cases of divorce, children go with the mother as they are born into her clan and not to the father's clan.

---

40. Ibid, and Vide Playfair, The Garos, p.71
41. Jangsan Sangma, Principles of Garo Law, p.21
ADOPTION.

The Garo Customary laws permit parents to adopt children under the following conditions:

1. When the parents have no daughter at all;
2. When the parents have no suitable daughter to become a heiress;
3. When the daughter selected as a heiress quarreled with her parents and ran away and there is no other suitable daughter available;
4. The parents can adopt either a boy or a girl, not necessarily for inheriting property.

Adoption can be made from any one of the following:

1. When the parents have no suitable or no daughter at all, the mother looks to her matrilineal relative to adopt one. Usually, the choice falls on the daughter of her sister, but there is no defined minimal group within which an adoption is to be made;
2. When the adopting mother fails to get one from her own matrilineal group, she will be free to adopt a girl from outside her own matrilineal group, with the consent of her mahari;
3. It is also customary to adopt an infant female of unknown parentage from the orphanage or Hospital without consideration of caste or creed.

POSITION OF ADOPTED CHILDREN: The adopted children, whether son or daughter, are entitled to full status as the real children of the adopting parents for all purposes. They shall inherit or may forfeit that right by their

43.-The Garo Law, p. 54; Jangsan Sangma, Principles of Garo Law, pp. 17-18
44.-K. K. Harak, The Garos and their Customary Laws, p. 29
45.-Jangsan Sangma, Principles of Garo Law, p. 18
subsequent conduct. If the adopted daughter leaves the house into which she was adopted and does not return she loses her rights to properties. But if she was oppressed by her adopted parents and she sought separation, the mahari can grant the separation with her rights to the properties. In some cases, she may retain her rights of inheritance not by virtue of having been adopted but by the right of the nearest kinship if no other closer one is living alive to claim the property after the death of the adopting parents.

ADOPITION TO NOKMASHIP OF A'KING: When an adoption is made for succession to Nokmaship, the adopting parents have to consult the minimal member of the adopting mother, in order to avoid future dispute for succession.

(e) LAWS OF INHERITANCE.

The Garo society is a matrilineal one. Descent is traced through the mother only, not through the father. All property belongs to the woman, remains with her mahari, and is passed on from mother to daughter. Male children can not receive or even claim any part of the property which they themselves may have acquired by their own labour. After the marriage, the right of possession in the family which belonged to the mother passes on to the wife; she will be the "woman" of the new home and its future mother. On the day of his marriage the man leaves his mother's house and goes with his wife to form a new family.

46. - Ibid.
47. - Jobang Marak, The Garo Law, p.54.
48. - Jangsan Sangma, Principles of Garo Law, p.18
His children will take their mother's surname, and her mahari will exercise a degree of control over the new family. It will henceforth be considered a new branch to further enlarge and enrich the old mahari.

The man, of course, is bound to bestow all his affection on the new family, to devote all his energy to its welfare and maintenance, to give all his earnings to his wife. He no doubt retains his name and surname of his mahari. His mahari, for its part, will always have the duty of protecting him and of coming to his aid whenever he is in need of it.

Thus the marriage of two people establishes a union between two members belonging to separate mahari, and each mahari will take the greatest care that the other respect its rights. To the wife's mahari belongs the right to keep within it all household property, and to the husband's mahari the right that in each succeeding generation the husband of the heiress shall be chosen from among its members. In a word, a double control is exercised on both partners, with the balance always weighted in favour of the mahari of the woman. The system which has established that descent always be traced through the mother also provides that inheritance of property follows a like course, thus restricting it to the line of the woman.

Landed Property.

The Garos have different names by which they distinguish one piece of land from another, according to the nature of the right one has to the land or according to the time when his forefathers came into possession of the land.

1. **A'KING**: This is a large piece of land, possessed from time immemorial by a family, which divide the use of it with its mahari and with the other families connected with them from the beginning. The property, first occupied by an old and long forgotten ancestor, has come down as an inheritance of the family, passing on from mother to daughter.

The District Council now defines **A'KING** under the Garo Hills regulation II of 1954, as :-

"(a) any land held by a clan or ma'chong under the custody of the head of the clan or ma'chong called Nokma recognised as such by the District Council.

(b) any land held collectively by a particular community of a particular village or group of villages which is under the custody of the head of the said community or group of villages called Nokma recognised as such by the District Council."

2. **A'MATE; or an assigned land to an individual:** This term is used to designate a piece of land which at one time formed part of a larger A'KING and was donated in very ancient times by its owner, perhaps in recognition of certain special services rendered, to one who might either have belonged to the same kindred or have been a stranger. The latter, given all the powers and privileges of an
A'KING Nokma, became absolute owner of the land, with this difference that his title was and had always to remain A'mate Nokma, to distinguish him from the first real Nokma. This distinction has now disappeared and every real Nokma is now an A'king Nokma.

3. A'JIKSE or the land of a couple: A' means land, JIK-wife, and Se-husband. It means a land acquired by a wife and her husband and thereby belongs to the clan of both the husband and the wife. However, this kind of lands now have become A'king lands.

4. A'MILLAN or the land of the sword: The real meaning of the word is "conquered land", since this land at one time formed part of another a'king and was taken from it by force or as a consequence of the fortunen of war. The one who came into possession of this land also became a real Nokma, and enjoyed the same power over it as any other Nokma. This same word A'MILLAH, also came to mean the land which still remained without an occupant or kash, and which a man could take possession of for himself and his family by clearing the jungle or in certain other ways. If such a piece of land was fairly large it could be considered a small a'king and its owner became its Nokma. Nowadays the term is no longer used but the owners of such a property retain the power and authority of a Nokma.

5. NOKMA land or the house-taxpaying land: This is a temporary and comprises a small piece of land included in one of the a'kings. The method of cultivation used by the Garos is the jhum type.

52. - Jobang Maraik, The Garo Law, pp. 34-35
according to which they must change the plot from year to year. It sometimes happens, however, especially nowadays, that certain plots which fell to the lot of some family due to their unusual fertility or because suitable for one's fields are not abandoned afterwards, and the man takes up permanent abode there with his family. He pays no tax for the land itself, but only for the house. He keeps the land under constant cultivation and in a certain sense becomes the owner. No one can deprive him of his land, but the real ownership of the property always remains with the Nokma of the a'king in which the property—always—remain is situated. The temporary owner or tenant may fence off his plot, and the nok-krom (husband of the heiress) of the house may inherit it after his death, but neither he nor his descendants may sell it or dispose of it in any way, nor may they rent it out or give it away as a present. In fact, if the family which holds it temporarily ceases cultivating it or moves away from there or stops paying the small annual tax, the land immediately passes back into the hands of the Nokma of a'king.

The mahari has no authority over such lands, since it does not really belong to the family, and no one may prevent the occupant from abandoning it or from ceasing to cultivate it even at the risk of losing it for ever.
6. **Rent-Paying lands**: all the lands of the district which are not incorporated in some a'king belong to the government. Some of these timberlands are kept as forest reserves, some are still public domain, and some have been given over to private individuals for the payment of taxes. These are generally plots that can be converted into permanent rice fields. Those in possession of these lands are their real owners; they may dispose of them at will, by selling them or bequeathing them to their heirs as other family property. In some cases, these "house paying lands" may be converted into "rent-paying lands", if the government agrees to take them away from under the power of the a'king hokma. In this case the government will pay compensation to the a'king hokma and will issue a deed of permanent possession (Patta) to those who have cultivated such plots over a long period of time.

---

**Gam or movable goods.**

Under the term "Gam", the Garos understand all kinds of movable goods and any object that has commercial value. This property consists in part of certain objects which always form part of the family heirlooms, such as Hang (brass vessel), Danil (shield), Selu (Spear), Kram (drum) and various ornaments of women. The rest of the property consists of household utensils, farm implements,
domestic animals and other objects commonly used in the everyday life of the people.

The mahari has no control over such movable property, whether old or new, inherited or newly bought, nor does it put any restriction on the sale of such property, but anyone who decides to sell things of this kind, especially if they are ancient objects, may be regarded as one who no longer cares about his good name, or as one who makes money from the possession of his ancestors.

The Right of possession by the Man.

(i) No man can for any reason directly possess property, although he is ordinarily the administrator of the family property.

(ii) No man under any circumstances can inherit property, and in case he comes into possession of something by gift or by an act "inter vivos", he may not keep it for himself and must hand it over to the female member/ member of the house,

mother or wife, depending on his status.

(iii) No man can make a will or bequeath property to any one, since he can not leave to another what he himself does not really possess.

(iv) No man may keep money on his person, except for the needs of a journey or for business transactions known in advance.

I. As a Bachelor: Whatever he earns as a bachelor belongs to his mother, and though he may make use of such capital to carry on further business, such a business together with all profits that accrue from it belong to the mother. It makes no difference whether the youth lives at home or away from home. The mother has the 'patria potestas' over him and especially over all his property, except for his strictly personal effects.

It is customary for every family to set aside a small portion of land called A'TOT for each child who is able to work it, without neglecting to work on the family land, those youths will cultivate their allotted portions and they will be permitted to use as they please whatever the land yields. It is understood that from that day on the family will spend no more for them in the way of clothes, books or other things which the boy may wish to have. Sometimes boys work for others in their homes, and even in other villages, either as servants or even as slaves. In the first case, they enjoy a certain liberty and receive a stipulated pay, which they hand over to their mothers after deducting a fair allowance for petty expenses; in the second case, everything goes to the mother or, as often happens, the boy works to pay off a debt which the family has contracted.
with the person for whom he now works. If the crop from his a'tot or what remains to him from his work as a servant enables the boy to accumulate a sum much exceeding what is generally allowed for a boy's use this sum is then converted into property which again comes under the power of the mother, and she may put it to family use. When a son lives in the house of another, especially if it be a sister, aunt, etc., the mother may let that family have her son's earnings. But it will not be so if the family belongs to a different ma'chong.

If a son dies single and away from home, his property is claimed by the mother. She can make such a demand and obtain his property and no one else. When the boy is sick the mother will procure medicine or animals for the sacrifices, but in turn everything that he leaves will belong to her.

Should the mother die, the youth will not be free from the law but the stepmother or the mahari will exercise the customary rights on behalf of the heiress of the house. This rule is somewhat relaxed these days, especially when the real mother dies and the boy is living in the house of someone else, but this can be attributed to the goodness of the parents and relatives rather than to any other reason.

Acts of violence and downright refusal to conform avail the boy nothing, as the mother always has the powerful influence to back her up, that is, the mahari, to whose orders all bow their heads and submit even these days.

**2. As a Bridegroom:** On the day of his marriage, the boy takes with him, besides the income
of his a'tot (a'tot is a plot of land given to him to cultivate) and take the produce only his personal effects. He can not claim any other things, although he may have earned large sums before his marriage. The mother may give him whatever she wants to give as a present, but usually nothing is given.

Whatever the boy takes with him becomes the property of the new family, and the wife becomes the sole custodian of it. Sometimes, to give the new family a start, the parents may transfer a part of their property to their married son as a loan. In such a case, the son is bound to repay the debt, nor is the debt cancelled if he himself is unable to repay it. The right to demand repayment passes from the mother to the daughter and to future heiress, while the obligation to repay passes to the heir of the family into which the son is married, or to its mahari. This obligation remains in effect even for generations until the debt is eventually paid.

3. As Husband and Father: As husband and father, whatever he earns during his lifetime, whether by trading with the family capital or by his personal labour or whatever he receives in the way of gifts or rewards, etc. all become the property of the wife. The man, is, therefore, merely the administrator of the property. If it becomes necessary in the conduct of the family business to use that part of the capital which comes under the designation of 'hereditary capital', he must have the consent, not only of his wife, but also of his heiress, her husband, and even of the mahari. Nowadays, in the interests of family peace, he is often allowed to do what he thinks best without requesting so many permissions. But if he shows himself
incapable of managing affairs properly, the other members of the family or the mahari itself may apply their veto and even take away this rights to administer. Everything goes well so long as he is successful, but should he make a blunder he will soon be given to understand that this law must still be respected.

4. As husband of the heiress or Nokkrom: If the son-in-law brings anything with him on the day of his marriage, he is obliged to hand it over to the woman, that is, his mother-in-law and not his wife. The mother-in-law remains the owner of the house until she dies. After her death only, the property comes to the possession of the daughter, the Nokma or the heiress. Thus, too, the father-in-law always remains the administrator as long as he lives.

5. As stepfather or Wanggipa: When a man marries a widow, he becomes ipso facto the administrator of the family property, but nothing more. Whatever capital he finds in the family is hereditary for him and therefore not negotiable except with due permissions.

6. As a widower: So long as a widowed husband is not given a second wife he remains in the house and continues in his capacity as administrator, though under the supervision of the mahari. If for some reason he does not take a second wife, the administration of the property passes into the hands of the Nokkrom (husband of heiress) of the house. If he decides to marry a woman who is not of the same ma'chong as his deceased wife, he must leave the house without taking anything with him, and he must also pay Rs.60/- for having broken the law of A'kim.
7. As a divorced man: If the divorce is by mutual consent, he must leave the house just as he entered it, i.e. without taking anything. If, however, the divorce is the fault of the wife, if she has been disinherited by her mahari, she departs with those children whom she wishes to go with her, while the others remain with the father. The property also remains with him, and the mahari will provide another wife for him. If the woman is at fault but her mahari does not chase her away, they will allow the man to depart; if he does not wish to marry another woman, from that mahari, he will be free and not bound to pay the Rs. 60/- fine. Afterwards he may marry how and when he pleases.

8. As a fugitive: If the husband abandons his family, he may not take anything from the house, else he is bound to make restitution for it. In case he dies before doing so, his mahari remains bound by the obligation. But the marriage bond is not dissolved by his right, hence he is obliged to send to the family everything he earns. Should he take another woman as his wife, he must pay the Rs. 60/- fine, together with everything that he earned previous to the date of marriage.

The Right of possession by the woman

I. As owner of all wealth: The mother of the house is the real and sole owner of everything that belongs to the family as well as of whatever the husband, unmarried children and the Nokkrom (Husband of the heiress) may earn during their life. In time of difficulty she may also send her children to work as servants, or even sometimes hire them out as slaves for a certain number of years, in order to be free from the burden of a previously contracted debt.

If her husband dies after the Nokkrom comes to live in the house, she becomes the Nokkrom's wife. If there is no Nokkrom in the house as yet, one of the following cases will happen:

(A) The widow has with her in the house the Nokna, i.e., the heiress, already of age but not yet married. In this case mother and daughter will marry the same man (Nokkrom), the mother becoming the Jik Aongma (principal wife) and the daughter Jikgite (second wife), the latter will always be the Nokna (heiress).

II. The widow has a daughter who is not yet of marriageable age. If the Nokkrom who is to marry this Nokna has already been decided upon, the mother must arrange for the marriage at once, whatever be the age of the girl, since she herself will be given to the Nokkrom as a real wife together with the daughter. If, however, nothing has been decided upon, the mahari, will decide to give the mother another husband, of such an age as to be able to support the family and in due course to also marry the little girl, provided he can wait that long.

III. The widow has no living Nokna. If she has daughters who are already married, and to men of the father's mahari,
one of these daughters may be chosen as Nokna of the house, and the widow will then marry this daughter's husband; the latter thereby becomes the Nokkrom. If the widow has no daughter at all, the mahari will arrange for her to adopt a girl from within the mahari, and a Nokkrom will be found for both the widow and the adopted daughter.

In all the above-mentioned cases, the property always remains in the possession of the widow. The law of not remaining single after one's consort dies is even more binding on the woman than on the man.

IV. Should the death of the widow intervene before she can remarry and thus reestablish the status of the family, if there is a Nokna she must get married at once. If arrangement has already been made, the Nokna will have to marry her Nokkrom even if both of them are still children. In that case, a relative appointed by the mahari will administer the property in their stead and under the surveillance of the whole mahari. If, however, no arrangement has been made for the Nokkrom, the mahari will appoint for the Nokna a man capable of looking after the affairs of the house and family, and if the girl is altogether too young they may give the man another girl as a Jikgite.

If there is no Nokna in the family, the mahari will choose a girl to become the heiress of the house by adoption, and will give her a husband, who thereby becomes the Nokkrom and administrator of the family property.

2. As wife: The wife, who in practice is also the mother of the house, is guardian and protector of all the goods of the house and family. She is the absolute mistress of all the property that she brings with her, and she will also be mistress of whatever the husband has in his possession on the day of marriage and
of what he may subsequently earn. The husband might, however, be considered joint owner of this latter portion, in as much as he need only have recourse to his wife in order to be allowed to dispose of it, and she will rarely refuse such permission. Cash money is also kept by the wife.

3. **Nokna or heiress:** In each family one of the daughters is chosen to be the heiress and is given the title of NOKNA. I have discovered during my field investigation in 1972 and in 1973 that the custom of selecting the Nokna is different in different parts of Garo Hills. For example, in the South-Eastern parts, along the Darenggiri river, the eldest daughter is usually chosen as Nokna. Similar custom exists among the Garos of the Kamrup district; whereas in the northern parts, the youngest one while in other places like Tura the best daughter is selected as Nokna. Whichever daughter is selected, it should be agreed upon by both the parents. But in case they do not agree with each other the opinion of the mother carries greater weight. Once the Nokna is selected, she will continue to live in the house after marriage and she will inherit all family property, at least the hereditary portion of it, and she must marry the Nokkrom chosen for her by the mahari. It is the Nokna who receives the greater benefits from the mahari, but she is also the one over whom the mahari keeps the closest watch. Her right to inherit the property later develops into a duty of preserving it and passing it on in turn to her Nokna when the latter marries and becomes the mistress of the home.

4. **As adopted daughter:** The mahari must supply an adopted daughter for those families which have no natural daughter who could become the heiress. Should there be no girls available within the mahari itself, they must find a girl in the course of a feast or mahari meeting; if necessary, she may belong to a different ma'chong, so long as she is suitable and willing to become the Nokna of the house. In this case, the consent of the mahari to which the girl belongs must be obtained. Such an adopted Nokna becomes the real heiress as do her children after her.

5. **As adopted daughter cum wife:** A girl may be adopted in the double role of wife and Nokna, i.e. of second wife and heiress. Such a girl becomes a concubine, but with the right of succession to the property for herself and her children after the adopting mother dies. In this case, there is no question of getting the Nokkrom for her as the adoptive father himself is the heir.

6. **The non-heiress (Agate):** If there is a daughter for the Nokna in the house, the other daughters have no claim to any part of the inheritance. If the Nokna dies before marrying, one of the unmarried daughter is chosen in her place. If all the daughters are already married, one of them may be chosen if she has married a man from the mahari of the father. If none of them has a husband who is qualified to become the Nokkrom, a daughter of one of these agate daughters may be selected, or a girl may be chosen from other family within the bosom of the mahari.
7. As a concubine (Jikgite): When the Nokkrom marries the widowed mother-in-law, his odd wife becomes a jikgite or concubine, and the same term is also applied to the daughter-wife adopted to inherit the family property. Only in these two cases does a woman who happens to bear the it title of Jikgite (concubine) also have the right of possession. In reality also both of them are real nokmas of the house. In no other case does the Jikgite, whatever be her relationship with the Jikmongma (Chief wife) of the house, have a right to the inheritance or the expectation of receiving anything. Should the principal wife die, a jikgite who is of the same mahari may, with the approval of the mahari, become the real wife, but the Nokna will always be a daughter of the first union if there is one. If there is no daughter by the first wife, a daughter of the second wife woman especially if she is from the present husband, may become the legal Nokna of the house.

At the death of the father-in-law, his concubine may be taken by the heir. If the latter does not want them for himself, they may leave the house and marry as they will, or they may remain in the house as widows to whom no other husband will be given. If they decide to leave, the heiress may give them something as a present, but she is under no obligation to do so, neither have they the right to ask.

6. As second wife (On'songa): when a woman is given by the mahari to take the place of a wife who has died, she becomes the mistress of the home as the former wife was. A daughter of the first wife
shall be declared heiress, however. Only in case there is no such
daughter one from the second union may become the heiress. It may
also happen that there is no female issue from the second union
but the second wife is a widow with a daughter from a previous
marriage, and of the same ma'chong as the deceased. In this case
the daughter of the second wife from previous marriage may, with the
consent of the mahari, be chosen as the Nokna of the house.

If the woman is a widow with daughters from her previous
marriage, she may ask at the time of her remarriage that, due to
her having left the other property to the legal Nokna of the
first wife, the goods that will accumulate after this present
marriage shall belong either to her yet unborn daughter of this
union, or to the daughters she already has. This concession may
be granted, but it invariably leads to endless lawsuits.

Loss of right of possession

Those who by birth or adoption have every right to possess
property may under certain circumstances lose or forfeit this
right:

(i) The Mother: When a son marries, the mother loses every
right to his further earnings.

If at the death of her husband she refuses to marry the Nokk-
rom, she may remain in the house but all power passes into the
hands of the Nokna.

(ii) The Wife: If she divorces her husband without sufficie-
ent cause and leaves the house, or if she runs
away with another man, she loses her right to all property. It pas-
ses into the hand of the Nokna or of the new wife whom the mahari
eventually provides for the abandoned husband.
She also loses her right if, after being widowed, she repeatedly and without reason refuses the partners which the mahari of her deceased husband presents to her, or if she marries a man of her own choosing (without waiting), whether he be from the mahari of her deceased husband or not.

(iii) The Nokna or the Heiress: If without sufficient reason she refuses to marry a man who is especially within the mahari of her father, she will be disinherited.

If either before or after marrying the Nokkrom, she leaves the village and the ajm a'king with him to stay away permanently, she loses every right to inherit, and in certain particular cases she may also be punished for it.

(iv) The adopted daughter: She must live in the same house as those who have adopted her and be obedient to them. She must no longer consider herself belonging to the ma'chong to which she belonged before adoption. If she violates this regulation or any of the others mentioned above as binding the Nokna, she forfeits her rights to be the Nokna and may be sent back from whence she came.

(v) The Nokkrom (husband of the heiress): As mentioned earlier, no man can really possess or inherit property, but the Nokkrom may lose the right to administer the family property if he deserts the family, if he divorces his wife without just cause, if he obstinately refuses to marry his mother-in-law, or if after his wife dies he marries a woman of his own choosing. It sometimes, though rarely, happens that he loses his right to administer when he allows the family possessions to go to ruin by his own misconduct or incompetence. In the latter case, he may be sent away from the
home and family after an agreement has been arrived at between the two maharis.

Under this term are combined a third group of Garo laws, comprising a number of traditional usages which form the whole or at least a great part of his etiquette in daily life. The violation of these rules is not punished by fines or otherwise, but they nonetheless forbid the Garos to do certain things, and they teach him how he must conduct himself on certain occasions. Disregard of these social conventions brings shame upon the transgressor and also casts doubt upon his morality. These NIKA might therefore be translated as 'not allowed'. Some of these are shown below:

(i) When walking along the paths women must always go behind the men, except in those places which may be infested by wild animals or be otherwise dangerous. Only the wife and the very small daughters may go in front. A breach of this custom may lead to a suspicion of flirtation between the woman and the man who follows behind.

(ii) At the springs or the place used for bathing, the people often wash naked. When approaching such a place one was supposed to give some warning, by shouting, singing or clearing one's throat, and to allow sufficient time for the person bathing to put on some clothing. If the person belongs to the opposite sex, sufficient time is generally allowed for the other to finish dressing and depart.

(iii) When a man is about to overtake a woman along the way, he must make his presence known by one means or the other. The woman then stops and faces the jungle to let the man pass by; she waits until he has gone some distance before proceeding on her way again.
(iv) The woman should never pause on the threshold of the house when there are men in the house. If necessity demands that she pass in front of the men, she must take care that she cover her posterior more fully, with another cloth, or some other object, or even with her hands.

(v) Girls and women may not touch, carry or wash any article of clothing that belongs to either uncles or their brothers, nor may they pass in front of them while they sit in the house, or even outside the house if it is near the wall.

(vi) A man may not exchange or take away articles of clothing known to belong to the husband of his own sisters or to the brothers of his wife.

(vii) A woman may not laugh and joke with husbands of her sisters, even if her husband and others are present. The same rule holds good for the father-in-law with the wives of his sons.

(viii) A woman may never offer to a man, either of her own family or of another, that part of the rice which is found at the bottom of the pot.

(ix) In drinking liquor, whether in public or in private, the first portion is given to the oldest man present, whatever his social position in the community may be. If there is one with the beard, he is entitled to be served first regardless of his age.

(x) A nephew may not occupy the sitting place left vacant by his uncle when the latter leaves for a little while.
(xi) A woman may not enter the Bachelors' house, on days when this is allowed, she shall never enter by the main ladder at the front.

(xii) From the time of sowing until the first grains are visible in the ears of corn no one is allowed to whistle while on the way to the fields or while working there.

CONCLUSIONS: Thus we have noted the role of Customary laws in the Garo society, it may be noted that although the above represents the most important and the commonest Garo customary laws and usages, the interpretations and applications of these laws are so varied and complex that an attempt to incorporate them all is beset with practical difficulties. Besides, since they are all still unwritten, interpretations and judgements vary from person to person. The other complication of these laws was that the religious, marriage and some of the laws under the group 'Hima' are not applicable to the Christians as well as to the educated Garos. However, the Garo Hills District Council deputed an officer to codify all these varying laws and practice but recalled him to his original office. As such, the work of compilation and codification of all these intricate laws and practices still remains to be done. On the other hand, the need to codify them is urgent to prevent disintegration of the Garo society. Diversity in law brings about disintegration. Integration of the Garo society into a harmonious whole is absolutely necessary. One of the means by which this integration may be brought about is by way of codification of laws. Under these circumstances, it may be suggested that the government should take a serious note of the urgent and compelling need of compiling those diverse laws and usages into a simple and uniform Code of laws.