CHAPTER III

POSITION OF WOMEN

There are a number of sayings reflecting how a Mizo woman was looked upon. The popular ones are:

"Chakai sa, sa ni suh, hmeichhe thu, thu ni suh."
("As the meat of a crab is no meat, so the word of woman is no word.")

"Hmeichhe fin in tuikhur ral a kai lo."
("The wisdom of a woman does not extend beyond the limit of the village water source.")

"Hmeichhia leh uipui chu lo ngur lungawi ve mai mai rawh se."
("Let a woman and a dog bark it pleases them.")

"An offending fence must be mended: An offending woman must be punished."

Like other tribal societies men concentrated themselves on defence and hunting, leaving all domestic work to women. It is not easy to change age-long customs. For Mizo women, there are no holidays. She has to get up at dawn to bring water and cook morning meal. At the same time, she has to pound paddy to dehusk rice.

To separate the chaff from dehusked grain needs practice and skill. The men will not help even in this arduous task and found it more paying not to learn the art at all. When morning meals are over, she has to prepare lunch packets and follow the men to help in the jhum. After working the
whole day, she must carry back firewood or feeds for the domestic animals of which she is in sole charge or she may also be required to carry wet clothes of the men to be dried over charcoal fire in the evening. After she had fed the family, she has to sit on her spinning wheel till late in the evening for she is responsible to clothe all her family members.

She considers weaving clothes as a holiday from the more strenuous work. The young men would come to woo her and she must keep herself alert to the needs of her suitors. The only real holiday she has and in which she thoroughly enjoys herself is the day when all women of the village gather over a boiling big pot of indigo leaves to dye their yarns. When all her labours are ended on this earth, it is very uncertain if the gates of paradise would be opened for her. A man is assured of entrance into this enchanting ground if he is able to perform certain number of prescribed sacrifices or kill specified number of wild animals or enjoy the favours of three virgins while on earth. Then he would be supplied there with dehusked rice freely to his hearts content. Perhaps the women may accompany their husbands to cook the food and brew their rice-beer. She would escape at least the labour of pounding the rice.

She has to marry a boy chosen by her parents and her market price depends on her beauty and industry. One other qualification she must cultivate is a capacity to smoke endlessly. She has a special pipe in which the smoke passes through water. The water becomes impregnated with nicotine which the old folks use like chewing tobacco. Failure to supply enough of this water to her parents-in-laws may result in her divorce. For the first few months she would be too shy to eat her full and has to snatch every opportunity to sneak back to her parents home for left-overs. If
Christianity brings freedom to the men, it does more to the women. Emancipation is surely but slowly taking place. She is now legally entitled to hold property and may inherit her husband's property half of which, in any case, built up through her labours. The women are now coming up in almost every sphere of human activities.

Prejudice against women taking prominent parts in public and religious affairs was strong. It was often said before, that, "Women and crabs have no religion", which means women would simply follow their husband's religion whether they like it or not.

But now women have their freedom of choice in religious matters and prejudice against women taking prominent parts in the public life and religious affairs is dying out. Women are now taking more and more responsibilities in the church and in the public affairs.²

Birth of Woman Child

In ancient times in all patrilocal societies, the birth of a girl was generally an unwelcome event. Almost everywhere the son was valued more than the daughter. He was a permanent economic asset to the family. He lived with his aged parents and did not migrate like the daughter to another family after marriage. He perpetuated the name of his father's family. As he grew into adolescence and youth, he could offer valuable co-operation to his family, when it had either to defend itself or to attack an enemy. The daughter, on the other hand, had no fighting value whatever. It is no doubt true that women have potential military value—by giving birth to sons they contribute indirectly to the fighting strength and efficiency of their community. The primitive men, however, could not take
such a long view of the situation. In actual fighting, he found the woman a handicap rather than a help. He, therefore, hardly ever welcomed the birth of a daughter. But cultured parents were often as anxious for daughters as they were for sons. Some thinkers have even pointed out that a talented and well-behaved daughter may be better than a son. In cultured circles such a daughter was regarded as the pride of the family. In lower sections of society, where the custom of the bride-price prevailed, the birth of a daughter must have been a welcome event.

Her Place in the Family

The birth of a female child in a Mizo family was hailed with the same joy as that of a male one. And in her upbringing too she was not treated differently from a male child. In fact, it may not be an exaggeration to say that, some parents often felt happier to have a female child than a male one, being lured by the prospects of gaining new support through her marriage.

As the female child grew in years, she was meticulously initiated into adult responsibilities of keeping the home. Unlike the male child who, by custom and convention, had to move very early in his life to the 'Zawlbuk' (Bachelors' dormitory) discipline, the female child continued to exist in the family constellation. This, by itself, provided a greater psychological reinforcement to the parents in favour of the female child. Besides, her greater closeness to them as also the availability of her help more abundantly and continuously went a long way to establish for herself a secure position in the society's structure. Gaining whatever education she needed in a simple preliterate agriculture-based primitive society through living participation in the activities of the family during her childhood she
continued her existence under the overall protection of her parents. This, however, seldom prevented her to enjoy the independence of choosing her future partner in life. Indeed, she found active support from her parents in making her explorations for this through the freedom of commerce with young men fully tolerated by the parents, so much so that courting young girls by young men assumed the well established social custom of 'Nula rim' (courting) in the Mizo society. After the day's toil, the young men would seek their amusement in going to their sweet-hearts who, in turn, would be awaiting such encounter without any feeling of restraint or inhibition.

Family, the smallest and basic unit of the Mizo society, is patrilineal. The youngest son has to live in the parental house. He is also required to look after the aged parents during their infirmity. The other sons get separated from their father after their marriage and establish independent households in the same locality as that of their father. Such separated sons also bring their wives to live with them.

It is noteworthy that the Mizo family as well as society is male dominated. The father is the unchallenged, supreme authority of the family. All the members, including his wife, owe allegiance to him. Any objection to his action or instructions or irreconcilable difference of opinion may result in separation.

The father, who is the head of the family, is of course, loyal to the Chief and his Upas (courtiers). Nowadays village council court replaces the chief and his courtiers. In the absence of the father, the mother or a worthy adult son can take charge of the family.

The status of the spouses in the management of the family can be termed
as nearly equal though the husband obviously exerts more influence upon the wife, as it is based on patrilineal inheritance. The wife becomes a part and parcel of the husband's family. But still we cannot say that womenfolk are exploited by men. The present day Mizo society recognizes both the husband and the wife as equally responsible in maintaining the family.

The children are born free. They are socialized to the norms of the society right from their childhood. They stay with their parents till their marriage. The only exception is in the case of the youngest son, who stays on with his parents and looks after them till their death. After their death, he succeeds to the parental property and position. Thus, the sons and daughters, other than the youngest son, are independent of their parents after marriage and settle down separately. Of course, it does not mean that till the incidence of marriage they are under strict vigilance. They allow free mixing of adult boys and girls.

The father is the owner of all the household belongings, along with the properties—both moveable and immoveable. Nonetheless, the husband cannot claim ownership of the things or articles the wife brought with her after her marriage. Such articles of possessions by a married woman are known as 'Thuam' or dowry. Of course, in the case of an emergency with due consultation with her, the husband can utilise it, but cannot dispose it without her firm verbal consent.

The father, if he likes, can give some portion of his property to the elder sons also. But they cannot claim it according to custom. A lion's share, in that case, goes to the youngest son. In absence of the youngest son the immediate youngest son will inherit, and in the absence of male issues the closest relative of the father is entitled to inherit if there is no adopted son.4
Her Courtship

It was during evening pursuits that the Miso boys and girls would try to size up each other to examine whether they would, in the long run, develop such intimacy into matrimonial relationship. In case the boy felt like seeking the girl in marriage, he would suggest to help her in her daily chores of duties. Thus, the boy would offer to escort the girl while bringing firewood or water for her parent's family. If the girl accepted the same, they would continue such moving together for quite an appreciable time, during which the boy would intensify his courting (Nularim), making more and more daring advances and trying to find out the threshold of her tolerance. Normally, if the girl found him acceptable as a husband, she would yield to his advances, which might even take form of premarital sexual relationship.

The girl would often keep the door of her house open in the night and wait for her beloved, while the boy would come stealthily and slip into her bed without the knowledge of the parents. However, if the parents got the wind of what was going on between their daughter and her young male friend, they would become more watchful to enable them to find the boy creeping on the 'Khumpui' (family's bed) in which case they would at once claim that the boy must either marry the girl, paying the proper marriage price etc., and undertaking to conform to other requirements of marriage or otherwise pay an approved fine as penalty for transgressing permissible limit of Nularim. Indeed, this particular phase of nularim was so much a part of their life and custom that proper precaution and suitable restraints were always exercised by thecourting young man to enable himself to take a stand against any possible unfair attack. Thus, he would take a young boy from the Zawlbuk, who was known as 'Puar ak', while going to his sweetheart.
The main function of such an intermediary was to stand witness and offer
definite evidence as to the limit of their intimacy in case of any dispute
between the parents on the one hand and the young lover on the other. It
so happened sometimes that parents would bring defamation suit against a
young man for falsely alleging to have slept together with their daughter.
It the Puarak testified that they were actually sleeping together on many
occasions, which must have naturally been possible with the consent of
the girl, he would be absolved from the charge of defamation and the girl
would not be entitled to any compensation. In the absence of a clear
evidence for their sleeping together on many occasions, the charge against
the man stood established, resulting his payment of a fine of Rs.40/- to
the girl for defaming her. It may be mentioned here that even though the
social mores allowed a very large measure of laxity in regard to premarital
relation, a girl who succeeded in retaining her virginity till her marriage
was held in high esteem and was more sought after than the others.

'Nula rim' was also in vogue with married man known as 'Pathlawi',
but in their case of close mixing with the unmarried girls, the parents
were less suspicious of such closeness as they felt that the pathlawis
were visiting them rather than their unmarried daughters. The unmarried
girls, on the other hand, found it possible on account of their parents'
attitude to the married men to be more free and open with them without
being shy as in the case of their relationship with the unmarried young
men. Indeed they often yielded to the advances of such married young men
more quickly than to those of the unmarried ones in view of the more mature
ways of practising the art of love by the former. However, a married young
man has to be very cautious against being ensnared into a position of paying
heavy fines on his inability to marry a girl who allowed his advances on
such assumptions.
A detailed description of all these practices has been given here to show how women in the Mizo society enjoyed a distinctively high status with a lot of freedom for the satisfaction of her natural impulses without being cried down. It may also be noted that she enjoyed a large measure of protection against being seduced into the ignomour position of a prostitute. The society's tolerance and easy acceptance of unmarried mothers, as also their issues in the overall social structure, bear testimony to the recognition of a place of honour for the womenfolk in their society. However, the fact that virginity before marriage was looked upon with great respect goes to establish that sober restraint in the pre-marital relationship between young men and women during courtship was looked upon as ideal.

What is important to note, however, is that 'Nula rim' in spite of its possible excesses, could seldom degenerate into the lascivious enjoyment of a lusty young man with woman of questionable character, selling her body purely for earning money or gaining repress sexual satisfaction. It was, on the contrary, a socially accepted mechanism which recognised the inherent right of the woman to make independent choice for her life partner. Parry in his excellent monograph describes an actual occurrence in this connection. A young man, in course of his courtship with his sweetheart, was caught by her parents on the family bed. Enraged at such audacity on the part of the young man the father kicked him out of the house much against the normal social custom. On his return to the 'Zawlbuk', he narrated the incident of his disgrace at the hands of the girl's father. The whole of the zawlbuk, having considered such action as unworthy and out of keeping with the established social mores, moved to the house of the girl's father next day and almost pulled it down, thereby compelling him to migrate to another village. The chief also did not intervene to
stop such joint action against the girl's father, his indifference purporting to support the action taken by the zawlbuk inmates.

Any couple deciding to consummate their relationship during courtship would agree to fix up their marriage soon afterwards. The period of courtship, however, could extend in many cases up to a couple of years or more, even though normally marriage would take place much earlier than this. It was for the man to approach formally the girl's parents and settle with them their daughter's price. But the parents would, before carrying on the negotiation, invariably ask their daughter as to whether she was willing to accept the suitor for her husband.

In case the proposal was acceptable to her, they would announce accordingly and from that date onward they would be deemed to have been betrothed. However, such formal acceptance was not socially binding on the man and woman to actually enter into marriage; what it really meant in terms of social mores was that their intimacy after such formal declaration of betrothal would be more easily tolerated by the parents than before. In fact, if any one of the two chose to break off such intimacy and announced his or her unwillingness to ultimately enter into marriage they could do so without incurring any penalty. However, under the normal circumstances, once the betrothal was announced, marriage used to take place.

Her Marriage

The institution of marriage in the Mizo society, with all its inner details of agreements, etc., also goes to establish a significant place for the women in the Mizo society. The practice of obtaining the girl's consent before the parents entered into actual negotiations as also her right to
break off the betrothal, if she so chose, speak eloquently of the society's high esteem of her inherent rights and position in its structure. In fact, the marriage price may well be looked upon as prestige value rather than the sole price of a commodity.

In keeping with the prevailing custom, people, both from bride's and bridegroom's party, would prepare 'Zu' (rice beer) for the marriage feast which used to be an invariable accompaniment of a marriage. On the wedding day fixed by mutual consent of both the parties, the bridegroom would send two of his representatives known as 'Palai' to the bride's parents for making payment of the agreed amount against the marriage price. It was very often that the total amount of the marriage price could not be paid in one instalment on the wedding day and hence the balance amount used to be paid in easy instalments—sometimes covering a very long period of time. On the wedding day the 'Khawchhiar' (village writer) used to record the fact of the marriage, the total amount of the marriage price, the amount paid on the marriage day, and the amount still due, in the presence of two witnesses. Copies of these records were given to the parties for their future reference. The two palai, who stood witness, were eagerly sought after to give evidence in case of any dispute.

The marriage price consisted of two parts—Manpui (main price) and Mantang (subsidiary price). The former was paid to the father, or in his absence, to the brothers. While, in the absence of both father and brothers, the main price would go to one who was responsible for her upbringing—may be a male member or even her mother, provided she was actually responsible for her upbringing after her father's death. In case she was a child born outside conventional wedlock and was not recognised by her father, the
marriage price used to be paid to the mother. The point of emphasis is that the Kanpui or the main price would always go to the person actually responsible for her being brought up to the age of her marriage. The fact that the society recognised an accepted position for a girl born outside wedlock and even for the mother of such a girl being conventionally authorised to claim 'Manpui' go to prove that the woman in the Mizo society could not just be considered as someone to be toyed with by the menfolks for their carnal pleasure. The subsidiary price known as 'Mantang' used to be distributed amongst quite a large number of people connected closely with the bride. The object appears to have been not only the recognition of responsibility shared by such people in the growth and upbringing of the girl, but also to ensure continuance of such solicitude for her in the new life she entered on her marriage. Thus, 'Palal', a price paid to a person who was selected by the bride to be her 'Pa' (adopted father), appears to have been a measure of additional security in her future difficulties, if any.

At the time of the marriage the bride was supposed to take with her a cotton blanket known as 'Puanpui' and a basket for keeping clothes therein known as 'Thul'. These two, in the then simple Mizo society, had a very high symbolic significance and a girl's failure to go to her husband's place without such possession was considered extremely disgraceful. In fact, if the husband had to buy these items for his wife or made them after her entry into her husband's house, a reduction in the marriage price could legitimately be claimed. But the mere fact of a girl not having these at the time of marriage was not an adequate ground to claim reduction of marriage price for she could ask her parents to make puanpui or thul for her after her marriage. What was necessary for such reduction of the
marriage price was that either the husband actually purchased these for the wife or the wife actually made them in her husband's house. The puanpui was so much looked upon as a girl's personal possession that in case of her death, her relations could claim it back from the husband under normal circumstances. However, so long as the husband of the ceased girl did not take a second wife, the relatives of the girl could not take puanpui and if they did take it by force, a sum of Rs.20/- would be deducted from the wife's marriage price. Besides such properties, puanfen, puan (woman's skirt), hmui (spindles), puanrin (cloth used by young women), thembu (weaving machine), phurhhlan (various kinds of baskets used for woman's everyday work), thi nghawngthlun (bead necklaces) and also thiduang (blue threads) used to be regarded as typical personal possessions and were collectively covered under the name "Nmeichhe bungrua" of the Mizo woman.

Cash would not ordinarily be included in woman's property, except when the same was earned in her dowry. In fact, any cash earned by her at her husband's place was by convention the property of the husband unless there was a specific contract between husband and wife that she would keep her earnings separately. This became more necessary when the girl was a salaried one or was running any business independently. The term 'Thuam', even though loosely used to cover all properties of Mizo women, technically meant her dowry only.

However, the symbolic and sentimental value of 'Thuam' as belonging to the women as her property was indeed great since they stood for continued good relationship between husband and wife, and could be confiscated by her husband only in case of proved adultery on her part, when she would be turned out by her husband without allowing her to take any of her property. However, when any separation took place through mutual agreement as 'Sumlaitan' or Peksachang the woman would often give her husband some of
her personal possessions voluntarily. This was rather a token of courtesy 
and friendliness than on grounds of social mores. In case the woman left 
her husband or divorced him (Sumchhuah) she would certainly take all her 
properties with her, such action being more an expression of her emotional 
estrangement from the man she disowned as her husband. But her parents 
would have to refund the marriage price.

The question now arises as to whether marriage price and the customary 
possessions of the woman in the Mizo society, with all their association 
with social mores and prevailing practices, could be considered as indica­
tive of her status in the Mizo society or were to be looked upon as mere 
gifts and her rights on such gifts. The fact that the Mizo girls chose 
their husbands during the course of 'Nula rim' more on their own evaluation 
rather than the seasoned judgment of their more experienced parents, could 
be construed as society's solicitude for their security in future life, 
which took concrete shape in the marriage custom of the Mizo society. Thus, 
'Thuan', which was her acclaimed property, could not be touched by her 
husband, except with explicit consent from the wife even at times of acute 
distress such as famine or disease in the family. In case any part of 
thuam was in actual circumstances disposed off, the husband was custom 
bound to recoup the loss in kind or cash at a later period if the wife so 
demanded by agreement at the time of such disposal. In fact, her claim 
stood repayable even if the wife was divorced of the husband died before 
such recoupment, in which case the heir of the husband, who inherited his 
possessions was to repay the agreed claim. This practice again testifies 
the society's concern about the security of the womanfolk. Similarly, 
claim on the last Rs.20/- of the marriage price was seldom made as it 
was felt that the same should be left untapped so that in case extremely
adverse days fell on the woman in her old age, she could have access to it by convention. This last Rs.20/- was known as 'Thutphah'. It has to be pointed out that the quantum of Rs.20/- should not be considered as disproportionately small for the purpose for which it was meant. In the backward village economy of those days wherein the possibility of amassmane of cash money was extremely limited the amount of Rs.20/- could not really be taken as insignificant. As stated earlier 'thuam' could not normally be touched either by the wife or the husband, but if at any time she felt seriously ill and she felt she had little chance of survival, she had the right to provide her 'thuam' amongst her sisters and/or children. However, she could not touch any articles which she acquired in her husband's house. In case her death occurred without such distribution of her thuam, her daughters could divide her property known as 'Tingthul' amongst themselves but could not touch her formal thuam which would go to the person entitled to get her marriage price.

It is important to point out here that the society's laxity regarding premarital sexual relationship and counter balanced by the social custom of extreme severity against adultery. The sociological import of this appears to be an attempt on the part of the society to ensure family integrity and coheriveness in a situation wherein sexual intercourse was not looked upon with any serious sense of taboo. It also appears that the maintenance of a healthy mutuality of inter-dependent relationship between husband and wife was well sustained through such measures and the marriage once solemnised was socially intended to be a permanent relation between them even though society had built up conventions of divorce etc. The practice of including 'Zawlpuan' in the woman's possession at the time of her marriage was a significant pointer to this. The zawlpuan used to be a piece of cloth woven by the girl herself and was intended for covering the husband's body in the
event of his death, a practice accepted by the girl marrying a person to be a very sacred duty. Indeed her failure to be able to do this for the lack of possession of a zawlpuan was considered as extremely disgraceful for her. So sacred was this considered that she was by social custom entitled to carry with her the zawlpuan in case of her being divorced, except on ground of adultery.

The various forms of marriage price, regulations regarding their payments, treatment of the same in case of different types of divorces and the overall customary details in its handling on significant occasions in the life of the bride all go to point out a large measure of social solicitude for the establishment and maintenance of a high status for the woman in the Mizo society. Indeed, they bring out very clearly that the womenfold enjoyed high esteem in their society in clear recognition of their roles for the perpetuation through their childbearing ability. The difference in its social concern for the 'Thisenpal' (those who have born children) and the 'Thisenpallo' (barrenwomen or childless ones) also go to show the high status value of the womenfolk. It is desirable in this connection to examine the various forms of marriage price and the different other transactions at the time of marriage, divorce, death of either the husband or wife, to gain an insight into the sociological suspects of the status value of womenfolk in the Mizo society. 'Numan' is a form of price payable to the mother of a girl who is going to get married even if she has separated from the girl's father. In fact, she is entitled to this even if she has marriage again or has been found guilty of adultery and divorced on that account as 'Uire'. Sehrui satohat (the English equivalent of sehrui satchat is breaking of mithun's rope) is a form of a penalty price which a man had to pay if he became instrument in dissolving the marriage of a couple by offering himself as the groom and then after being accepted by the girl declined to marry her.
However, it so happened sometimes that the girl, after having accepted the new suitor, declined to marry him. In such cases the girl had to pay a penalty of Rs.40/- to the new suitor for the purpose of calling back his previous wife whom he divorced in order to marry again. These practices appear to indicate that man and woman in a Mizo society had to suffer no discriminatory treatment in such important spheres as marriage, remarriage, and divorce. Similarly, the Mizo society disfavoured non-observance of the usual marriage procedures, no matter whether such breaches were made by the man or the woman.

Thus, if a man went to a woman's house or a woman went to a man's house and lived there as husband and wife without going through the social requirement of marriage custom they were equally dealt either in terms of paying fine when such relationships were regularised by marriage. Cases of elopement were in the same way frowned upon by the society. But this was considered more disgraceful for the woman than the man and as a measure of society's disapproval, the woman's price was increased by a fine of Rs.20/-. With a view to prevent any emotional maladjustment caused by a younger sister or a younger brother marrying before their elder's marriage, an extra amount of Rs.20/- had to be paid.

Even though marriages could hardly ever take place without the marriage price being paid, it did so happen sometimes that a marriage took place without the same being paid in particular circumstances. Thus, when a woman was divorced and she could not live away from her children due to emotional attachment to them, she would entreat her husband to allow her to live in his house to look after the children or remarry her without demanding any price. Again in the case of a widow's daughter, the mother being unable to get a suitable groom with appropriate marriage price, would agree to allow a young
man to marry her daughter without demanding any price. In such forms of marriage the social protection of binding between the couple was very weak, as either of the contracting party could sever the marriage bond without being required to incur any monetary loss.

It may have been noted that a marriage price was not necessarily required to be paid all at one time with a view to prevent any financial pressure on the groom. But the society established a measure of precaution whereby any man suspected to be unscrupulous was to pay a *Sebamawh* which was in reality a form of earnest money ensuring against any possible defrauding. Thus, sometimes when a man made a girl pregnant and agreed to marry her to avoid paying the Sawmman penalty for being responsible to make a girl pregnant before marriage and the girl's parents had a doubt that he was likely to play false by divorcing her after paying the first instalment of marriage price, an earnest money of Rs.40/- was taken from him against the possibility of his leaving her early after paying the first instalment of marriage price. Again a young man, being caught sleeping together with the girl at night in her house, was similarly required to pay the earnest money even if he agreed to marry the girl if the parents had any doubt about his bonafides. This earnest money was indeed a strong protection against malafide intention of a man as it was never refundable, except in case of proved adultery.

It is interesting to note that even a concubine enjoyed privileges not very inferior to married woman. In fact, the concubine known as "Hmei" in Mizo language, was entitled to the same price as a married wife, and if she was separated, she was governed by the same customs as in case of those of the regular wife. Even though there was a certain measure of social stigma
in becoming a concubine the girl's father would not usually object to allow his daughter to become chief's concubine—sometimes even without receipt of price—in the hope of being compensated otherwise through favoured considerations for himself in various spheres of his life and prospects.

Women's status in the Miso society received proper recognition mostly in view of her ability to bear child and thereby act as an instrument for the perpetuation of the society. Thus, in cases of divorce, women with children were entitled to claim the balance of the marriage price while those without children could not claim the same.

Since the womenfolk did not possess any property, their husbands or fathers/brothers were socially bound to pay the penalty imposed on her for any of the lapses on her part. In case, however, a man was charged for any offences and the same was proved to be false, her dignity was upheld by imposition of fines on the person or persons responsible for such defamation. Such fines used to be paid either to her brothers or husband according to the nature of the allegation proved false. Broadly speaking, in case of allegations against a woman for sexual lapses, when proved false along with a number of other grave offences, the fine imposed went to the brother, while in the case of other offences proved false the fine imposed went to the husband.

The marriage price for a woman was so much of an important item of her life that in some cases of acute difficulty this could be compounded against lifelong support of her mother or sister by the husband. If, however, it so happened that the husband could not pull on with the person being supported due to some reason or other, the husband could turn her out after he had supported her for a minimum period of three years subsequent to their marriage. In such cases the marriage price would, however, stand reduced by an amount
of Rs.40/-.

of Rs.40/-. The husband was required by custom to pay the balance of the marriage price in this case. On the other hand, if the person was turned out before the lapse of three years he had to pay the full customary marriage price. In case the husband divorced his wife and the wife was with children, payment of the balance of the usual marriage price was required to be made subject to a reduction of Rs.40/- when he had supported the wife's relative for a period of three years, while if the wife was childless, he was not required to pay anything. If the wife died after bearing children prior to the death of her relative who was being supported, the husband was custom-bound to support her till she died. In case he failed to do so, he was liable to pay the marriage price less Rs.40/- provided the relative had been supported for not less than three years. In the case of the wife's death without bearing any children, he was not liable to support the relative any further and she could not claim any part of the customary marriage price. On the contrary, if the wife left the husband or was guilty of adultery after her relative being supported for three years, she was required to pay a fine of Rs.40/- and further her husband could also retain her personal property with him. If a married man fell in love with a girl and she refused to marry him after he had divorced his wife, she was custom-bound to pay him Rs.40/- to enable him to call back his divorced wife. If, however, the wife did not return, she was divorced.

The marriage price was indeed a sacred custom in the Mizo society. It is true that, in view of poor financial condition, the entire marriage price was not required to be paid in one instalment and that could be conveniently distributed over a long period. But no violent method of realizing this money was encouraged. If it was really felt that the usual payment of any part of such marriage price was being unduly delayed or was not intentionally being paid, the aggrieved party could seek the chief's permission to seize
any of the property of the debtor against the claim. In case, however, he seized any of the debtor's property without the chief's permission, he forfeited his right on the balance that might still remain due. This was indeed a salutory practice as it prevented violent methods of realizing one's claims.

In fact, in case of acute poverty and inability on the part of the bridegroom's side to pay the customary marriage price, his marriage could actually take place even without any money being paid and with a symbolic sacrifice being made to register a promise of paying Rs.20/- or Rs.40/- at a later date at the convenience of the groom. Such sacrifice and promise used to be known as "Rerar Talh", and was respected. Rerar Talh meant a fowl sacrificed as a mark of reaching final agreement between the two parties in marriage—whether the marriage price was to be paid in full or in part. Even if the wife and the husband were separated before payment of this promised sum, he was to pay it no matter whether his wife was with children or without. The general conclusion that flows from all these different forms of marriage customs prevalent in the Mizo society goes definitely to show that women in their society suffered no discrimination or disabilities on ground of sex.

The treatment of any social lapse on their part was also not differently considered. Thus, the fact bears out that in their society the Mizo woman had her place of the same dignity and importance as that of a man even though their pursuits followed different lines from those of menfolk. It may perhaps be no exaggeration to say that they definitely enjoyed a higher esteem than that of menfolk because of their special contribution to the perpetuation of the society through their child-bearing ability.
Marriage as an institution in the Mizo society was a very important form of social control to regulate sexual life between a man and a woman, and to ensure a socially acceptable position for the children. In spite of this, however, the inherent right of man and woman to live together only on their mutual consent and each other’s acceptability was respected through various socially accepted forms of divorce customs.

According to Mizo custom, marriage is neither a sacrament nor a contract as it is in the case of the Hindus or Muslims. The objective of marriage among them is to have a life’s partner, to beget progeny, to maintain the continuity of Mizo society and culture, and also to procure a helping hand in the economic activities of an individual’s day-to-day life. Marriage is one of the social duties to be performed by every individual of the society, except by those who happen to be physically or mentally handicapped. It is not because of the social custom that the handicapped are not allowed to marry, but it is not so easy to get a life’s partner for such persons. As a matter of fact, their society does not stand in the way of the handicapped persons being married. But the crux of the situation among them is that each male and female individual takes an initiative in the matter of negotiating a permanent union between two persons of the opposite sexes. As such the handicapped individuals—male and female—find it difficult to choose a life’s partner in as much as a married life in their society and in their cultural milieu demands active co-operation between the married couple since the nature around them is not very very helpful. The land is infertile besides and erratic climate to produce bountiful harvest for maintaining a family, dependent entirely on jhuming economy.

The Mizos are free to choose any member from any clan, i.e. it is
agamous. Nowadays he or she can marry a non-Kiao also. Polyandry was never practised. The practice of Polygamy was, of course, found among the then-chiefs and wealthy persons. But it was not common. The commoners could not afford to have more wives due to poor economic conditions.

Monogamy is the common practice among the people, and it becomes the accepted norm of their society. Pre-marital sex relation in the society is permitted but still it is regarded as an adultery beyond a limit.

Before marriage adult boys and girls are permitted to mix up among themselves and thereby they get the chance of indulging in the sex relations. If the pre-marital sex relation leads to the birth of a child, the boy is required to marry the girl; lest he is to pay fine, which is known as "Sawnman". Regarding sex life of the people, McCall writes that "Lushai believed that a man who has been unsuccessful in seducing his quota of young Lushai belles (young women) would be peppered by one PAWLA, near entrance in the village of the dead man."

Marriage Prohibitions

There is no strict prohibition except familial tabus in respect of matrimonial bonds. One can marry from the father's lineages as well as from the mother's. They are allowed to marry from their own clan as well as from others. Their system of marriage is agamous. They observe familial exogamy only.

Prohibition is observed in the case of close relatives on the father's side. But if incestuous relations take place, then according to
the custom, the persons involved are subjected to a purification. It is done by pouring water by all the villagers over the heads of the violators of the rules of incest. The illegitimate relations between brother and sister, father and daughter, mother and son are regarded as vice, and so if such relations happen to occur, the people think that the crops in the field would be destroyed. So, to get rid of destruction from drought, they pour water over them. The effects of such incestuous relations touch the entire society. The drought caused by such incidence affects not only the individual family concerned but also it affects all the villagers.

In such cases, of course, no penalty or fine can be imposed. Children born out of such illegal and incestuous relation, of course, are treated like any other children of the village; the incidence of such type of illegitimately born children is very rare though.

The incestuous couple can lead a life like any other villager, but they are looked down upon by the society. There is no encouragement to this type of incestuous relations, but at the same time, there are no strict rules to refrain the violators from it. Of course, incestuous relation is very rare. Incestuous rules are applicable to all—whether one is a chief or a commoner. No separate sets of rules are prescribed for the rulers and the ruled.

Forms of Marriage

(1) Marriage by Payment: Marriage by payment of bride price is the most common and widely practised form of marriage in the Mizo society. The boys chooses a girl and if she too likes him, a period of mutual
understanding and wooing continues between them in the form of courtship. Later on, the "Palai" (go-between) fixes the bride price and a date for the marriage of the couple. The payment consists of two parts "Manyui" (main price) and "Mantang" (subsidiary marriage price).

The people take the payment as a measure of security for the wife, also for the longevity of their marriage life. This is hardly regarded by them as a measure of compensation for rearing her up from childhood.

Even without paying the marriage price, a marriage can take place. This type of marriage is called "Sasu Meidawh". It generally happens in the case of a daughter of a widow. It is very rare among those whose parents are still alive. In this case the marrying boy comes and stays with the wife and maintains the house. If after two or three years he becomes tired of this sort of married life, he can as well go away. In this case the mother-in-law cannot claim any payment as the marriage price. The boy, on the other hand, can take away whatever he accumulated during his stay at his wife's house. This type of marriage is called "Marriage by service" as no bride price is demanded.

(2) Secondary Marriage: It is not encouraged. It is looked down upon. One girl married to a person and she died after begetting some children. Her sister was taking care of the deceased sister's children. The husband married the wife's sister later on, not because of a custom among them. On the contrary he thought that she could as well maintain the house and look after the children much better than any other women.

(3) Concubinage: The chiefs kept concubines. The chief could possess concubines. He could also keep female captives as concubines (locally known as 'Hmei').
The status of the offsprings of the concubines was below that of the children of the first wife or the legal wife. Inheritance goes to the youngest son of the first or legal wife. But in the absence of sons from the first wife, the son of the concubine can inherit according to the expressed will of the chief.

The chieftainship has already been abolished and so nowadays the question of keeping concubines does not arise. Also, due to the Christian rules of marriage, monogamy is the only form of marriage. Nobody is allowed to marry more than one wife according to the Christian church rules.

(4) Marriage by Capture: In the past marriage by capture was prevalent among the Mizos. After the annexation of the Lushai Hills by the British, this type of marriage was prevalent; but later on it was banned. In some cases the real captor could keep the captive as his wife, but usually the chief became the proprietor of the captive men and women. Their (captive's) rank is next to that of the concubines for whom bride price has been paid. The status of the children of a captive wife is the same as that of the concubines for whom bride price has been paid.

(5) Elopement (tiandum): If an young man and woman cannot get the consent of their respective parents for their marriage, they elope with an intention to marry. In this case the marriage price is enhanced by Rs. 20/- only. But this form of marriage is not encouraged.

After elopement the respective parents come to an amicable agreement and the price for the bride is settled. Thereafter they are socially regarded as husband and wife. Elopement does not affect their status in the society.
(6) **Socially A-proved Union**: A form of marriage called "Dawn Pujnphah" is in practice in the Kizo society. In this type of marriage, even before settling the marriage price, the young man and woman live together as husband and wife with the consent of the bride's parents; but on condition of a promise to marry her. He is subjected to a fine of Rs.80/- in case he fails to fulfill the promise.

(7) **Pan (marrying a girl by going to her house)**: The boy goes to stay in the girl's house to live there as the latter's husband and thereby they are recognized as husband and wife. As marriage price is a must, the boy will have to pay the price minus Rs.20/-. On the contrary, if the girl goes and starts living in the boy's house before formal negotiation, the same form is known as "Luhkhung". This is widely known as marriage by intrusion. In this case an addition of Rs.20/- to the marriage price should be made. If such an intruding girl leaves the husband before the marriage is regularised, she is to refund to her husband the enhanced amount of her marriage price called "Luhkhungman" (price of luhkhung)—only if the same had already been paid. If the young man refuses to marry her and does not sleep with her even for one night, he need not pay anything. Otherwise, he has to pay a sum of Rs.20/- to the girl who intruded into his house.

The most common and accepted form of marriage is the marriage by payment.

**Betrothal (inhual)**

A Kizo marriage is partially arranged after a mature period of courtship. This needs an explanation. Before the marriage is proposed and finalised, there are certain scopes of understanding each other through wooing between
the boy and the girl. It is the courtship which leads both the parents
of the boy and the girl to come to an amicable arrangement regarding the
details of their marriage. In most of the cases the parents of the boy and
the girl are to give their consent in their marriage.

In the past also courtship was there. The boy who stayed in the
"Zawlbuk" (bachelor's dormitory) during the night came out of it and
stealthily entered into his beloved's bed and spent the night with her.
This process continued till they got married. There was no social restric­
tion in this matter. Of course, they had to take care so that the girl's
parents did not get disturbed. But it cannot be taken for granted. Sometimes
courtship may not end in a matrimonial bond. While courting a girl, the
boy generally engages a mediator called "Puarak" who stands as the eye­
witness of their courtship and gives evidence in times of any dispute
arising out of it.

If the boy, while courting, happens to cross the big bed (khumpui),
and the parents come to know about this offence, the latter compelled the
boy to marry their daughter besides subjecting the violator to a fine. This
fine is called "Khumpui Kai Man" (fine for crossing the big bed).

The man who carries the message of marriage proposal, which is conveyed
first by the male side, is called "Palai" who is a close relation of the
groom's father. He discusses the marriage proposal with the parents of the
bride and settles the marriage price. After the final marriage settlement
the couple are regarded as husband and wife. There is no definite period
of betrothal. The fixation of the marriage date may be in one sitting. There
is no definite custom of ceremonial visit to the bride's or bridegroom's
house before marriage.
Consent: It has been mentioned that a Mizo marriage is partially arranged and partially negotiated through courtship. The adult boys and girls are free to choose their mates. But their selection should be recognised by their respective parents. This is applicable nearly to all sections of the inhabitants of Mizoram. Minors are, of course, not allowed to marry. Illegitimate pregnancy before marriage is regarded as immoral. Any child born out of illegitimate union is known as "Sawn".

The putative father is to pay a sawmman (price for the sawm or illegitimate son) which is Rs. 40/-. If he agrees to marry her, still he is to pay Rs. 20/- which is not included in the marriage price. If the father of the illegitimately born boy/girl cannot be found out, he/she remains with the mother and nobody can claim the child thereafter. If the begetter is disclosed, the child can be kept by the mother till he/she attains three years of age after which the child will have to be given back to the father.

A marriage settlement may fall through even after parental consent of either party and even after finalisation of a date for the wedding ceremony. Occasionally, it so happens that a casual lover comes forward to emphasize his claims for the hands of the bride whose marriage has already been negotiated and finalised with another buck. The latter may ignore the accusations and go ahead with the nuptial ceremony. The accuser makes himself liable to a fine for libelling an innocent bride.

A breach of marriage proposal, of course, depends upon the nature of a complaint lodged by the complainant. If he can produce enough evidence and prove it, the negotiations or even final agreement may fall through at the eleventh hour. After the cancellation of the proposed marriage, if the girl refuses to marry the complainant, nobody can force her to get married.
The complainant can, of course, claim compensation. This will be in order simply because of the unfaithfulness of the girl who was expected not to entertain another person so long as she enjoyed the amours of the first lover. The complainant subjects himself to another compensation, to be claimed by the girl whose first engagement was nullified if he refuses to marry her after cancellation of the previous one.

The Marriage Payment:

The marriage payment or price is paid by the bridegroom to the parents or relatives of the bride. The payment can be made in instalments. There is no hard and fast rule to pay the same before or on the due date of marriage. It depends on the agreement made between the two parties while settling the marriage by the "Palai" (go-between).

The marriage price of a bastard's daughter, whose father is not known, is received by her mother. Marriage price is divided into two parts, which are discussed below:

MANPUI or Main marriage price

MANTANG or Subsidiary marriage price

"Manpui" is received by the father of the bride or her brother or the nearest relative.

"Mantang" is given for having a wider family circle.

The main marriage price is Rs.100/- It can be increased by Rs.20/- for a bride who is given a dowry (thuam)

The Subsidiary marriage prices are given below:

(1) Summahrui: It is received by the father or brother of the bride. The amount to be received is fixed at Rs.20/-.
(2) Sum Fang: It is generally received by the cousin brother of the bride or the parental uncle of the bride. The amount is fixed at Rs. 10/-

(3) Pnsum: The mother's father or the maternal grandfather receives it, and if he is not alive, then the same is received by the mother's brother. It is also fixed at Rs. 10/-

(4) Pa lal: It is received by a person whom the bride regards as her godfather. The receiver of Pa lal is to contribute a fowl, a pot of rice beer or its equivalent money value for the regularization of her marriage. It is fixed at Rs. 10/-

(5) Ni ar: Ni ar goes to the paternal aunt of the bride. The payment is Rs. 5/-

(6) Nau Puek Puan: It is a payment made to the elder sister of the bride in recognition of her services to her younger sister during the latter's childhood and particularly for carrying herself on her back. It is also Rs. 5/-

Besides the above-mentioned payments certain less important payments such as, Thian man, Lawichal etc., are made. "Thian man" is paid to the maid of the bride for her services, company and as a token of love and respect. So also "Lawichal" is paid to the leader of the bride's party. The leader leads the bride's party to the bridegroom's village. It is necessary only when the marriage is performed in between two villages. Those payments are neither regarded musts nor included in the marriage price. It is non-refundable or it need not be repaid in case of separation of the couple. The recipient of such payments may not reciprocate as reciprocity is not obligatory.

Besides, a payment called "Nu man", is paid to the mother who was divorced before her daughter's marriage, but remarried another person. She
can still claim the Nu man which is her due share. Even if she remains in her parent's house after divorce, then also she can claim it. It is Rs.10/- or any other thing worth this amount. It is paid from "Kampui" but not from "Hantang". It is worth mentioning here that, in the past marriages, payment could be made in kind also instead of paying in cash. Nowadays the marriage payment is made in cash which ranges between Rs.300/- and Rs.500/- . The payment of marriage price nowadays depends on the two parties mutual agreement. If the parties concerned prefer not to accept any marriage payment, they are socially allowed to do so.

Marriage payment is still prevalent among the Hizos. The introduction of marriage payment among the Mizos may perhaps be due to the desire of the society to ensure stability of married life and security of the woman. The status of women in Kizo society is somewhat lower in comparison to that of men. Marriage payment is a safeguard as well as a security and continuity of the marriage bond. It cannot be merely taken as a meagre compensation to the parents of the bride. It bears social significance. The groom must make efforts to accumulate the sum of money required for the pride price. This keeps him on his toes to earn such surplus.

This may as well indicate his ability to and capacity for hard work necessary for any Kizo householder. However, it may be an index of the mutual co-operation among the members of the closely-related kin group who receive a part of the bride price and who, in their turn, reciprocate the payment in the kinship idiom by contributing meat for the nuptial feast.

**Age of Marriage**

The age of marriage is determined only after attaining puberty in
The older custom of ascertaining maturity among boys was determined in the Zawlbuk (youth dormitory) where the boys were made to undergo an examination of their pubic hair. If the pubic hair was long enough to cover the smoking bamboo pipe, he was declared to be a mature one and thereby such a person earned the right to behave and pass as a matured person. But nowadays the old custom of determining the maturity of the boys is nowhere practised, and boys are regarded as mature within the age of fifteen to eighteen.

Before marriage and after attaining maturity, it is not the custom to have the taste of the fruit of married life. But still as there is free-mixing of boys and girls, it often leads to the pre-marital sex experience and sometimes it may lead to matrimonial bond also.

An unrestricted sex indulgence after marriage is an act of adultery. But the weight of adultery fall comparatively heavily upon the womenfolk rather than on the males.

Child marriage is and was never practised among the Mizos. While speaking of the age of marriage, it is not customary for the marrying couple to be of the same age group. Generally both the parties are within the same group. It has been mentioned earlier that most of the marriages take place through wooing and mutual understanding between the two before marriage. Hence, it is obvious that no girl or boy would let her or him court by an old man or lady.

Marriage Ceremonies

Every Mizo marriage is an outcome of a courtship. The courtship starts
after the attainment of puberty as pre-puberty courtship is not allowed by society. The selection of their life's partner is entirely left to the adult individuals. The parents accord their consent later on by finalising the terms of marriage payment. An adult boy chooses a girl and gradually improves the relation with her by offering gifts like bamboo pipe, bamboo-made-comb etc. The physical constitution and fair complexion, along with his or her capability to feed the family, are essential expected qualifications generally sought for in the selection of life's partner.

The quality of self dependency is necessary because of their agriculture-based economy and society. During courtship they use one mediator or go-between called "Puarak", who is generally a young boy. The puarak witnesses their love affairs and later on, if necessary, he stands as a witness. If the boy finds his girl friend suitable as his life partner during the courtship, he informs the parents of the girl about his intention to marry her. The parents ask the girl about her attitude towards the proposition. Should she be agreeable to it, she nods positively. The parents, after knowing the considered opinion of their adult daughter, agrees to it. Another go-between from the boy's side, called "Palai", who is from among his blood relatives, is sent to the girl's parents to place the marriage proposal formally for their consideration.

The Palai settled the marriage price and a day is fixed. Both the parties prepare Zu (rice beer) for celebrating the wedding which is joined by relatives on either side. During the British rule, the village writer had to write down the details of marriage price, the total amount to be paid and the balance to be cleared later. In the pre-British period the Palais were the witnesses to it. The marriage price can be paid before the wedding ceremony, on the day of marriage or after it according to the
agreement made between the parties.

On the fixed day of the marriage the girl is led by her friends and relatives to the boy's house amidst tumultuous joy and mirth. On the way the men always call out "Fanu favna kan lavipui e" meaning, "We are taking along the bride to have many sons and daughters". As soon as these words are uttered, everybody starts throwing mud and water at the bride. When the bride reaches her husband's house, the "Puithiam" or the priest kills a pullet (arla) and sings a chant wishing the couple long life and many children. He also invokes the blessings for a long married life until they grow infirm in ripe old age. This chant is addressed to the "Khuavang" who are the spirits of the air. The sacrifice of the pullet and the chant is known as "Arsangtuak". The bride then returns to her father's house after enjoying the feast. Again, the next evening she is led to her husband's house where she lives with her husband as a married couple; but they do not cohabit till the second night of their union. Towards the preparation of the feast at the bridegroom's house contributions are made also by the bride's relatives who receive a share of the marriage price. Generally pigs are killed and the "Mantang" receiver hands over the meat to the groom's friend for their feast. The "Palais" are given a pig's leg or a mythun's leg each. Such animals are killed on this occasion. Manpui receiver also contributes meat—half of which goes to the bride's relatives and the other half to the groom's. Throwing of such a voluntary feast does not reduce the quantum of bride price or dowry. Nor does it enhance any of the payments in connection with a wedding ceremony.

The marriage ceremonies take place at the groom's house. The bride comes to the house of the groom accompanied by her friends and relatives.
The expenditure of the marriage ceremony is borne by both the parties. Both the Mantang and Manpui receivers contribute towards the feast arranged in the groom's house.

The re-marriage of a widow also involves the same ceremonies and processes as that of virgins. But a reduction of Rs.20/- is made in the case of marriage with a widow.

The married couple live separately after marriage. They can stay with the groom's parents till they can erect another house for themselves. But in the case of the youngest son, he is to stay with the parents to look after them in their old age. Further, he is the only inheritor of the parental properties.

Season For the Marriage

There is no clear-cut, stipulated period or season for celebrating a marriage among the Mizo people. Mostly during the months of October and November marriage ceremonies are performed.

During the months of June to September marriages are not performed. This is mainly because they are to keep themselves extremely busy in the jhum cultivation. This is the peak period of their agricultural season. They also consider it to be a popularly an unsuitable period to get married.

Marriage is a very important event in the life of a woman. Matrimony, in course of time, is followed by maternity, and its recurrence makes the woman periodically helpless and absolutely dependent on her husband for
sometime. Marriage, therefore, determines the fate of a woman to a much greater extent than it does the destiny of a man. A good marriage is a welcome protection for the woman, a bad one is worse than a painful chain. Marriage and the problems connected with it form an important topic in the history of a woman.  

Divorce

Divorces among the Mizos are common and it is practised by both the sexes—male and female. Divorce is a socially accepted norm and so it is not looked down upon by their own people. The frequency of divorce by both the sexes signifies their liberal attitude and easy understanding between the married couples.

There are varieties of divorce, of them six can be regarded as the main and others as subsidiary ones. These are related to the grounds of divorce or causes of divorces. A divorce is co-related to the marriage price paid. If the husband wanted a divorce, he should have cleared the balance amount and if it was initiated by the wife, she would have to pay back the marriage price paid by her husband. (In reality she herself does not pay back the money as she has no property except her personal belongings. The price paid for her is repaid in the case of divorce by her guardians who were recipients of the marriage price of "Manpui" and "Kantang").

Dr. (Mrs.) N. Chatterji in her book, Status of Women in the Earlier Mizo Society found eleven forms of divorces. But according to the nature and execution of divorces the same can be grouped under six main forms of divorces and the rest can be regarded as grounds or causes or divorce.

(1) Mak/Ma: Mak or Ma is the divorce initiated by the husband. It is
one of the most commonly used forms of divorce. In Hak, the man would send the wife away by saying, "Ka ma a che" (I divorce you). If the husband divorces her, he has to immediately pay the marriage price including the outstanding balance. According to the marriage customs among them, the marriage price may not be paid at a time—payment may be deferred to a convenient time. In case the price was not paid at a time, he is to pay the full amount make the divorce effective since it was sought by him. He can claim no right of possession over her dowry of personal belongings. Again, if she was married from another village, her divorcing husband will have to escort her to her place of birth.

(2) Sumchhuah: Sumchhuah is a divorce initiated by the wife. In such an eventualit the divorcing wife shall have to pay back the price paid by her divorced husband. The woman left the husband on her own volition and then divorced him. Of course, she is entitled to carry back her personal belongings and dowry.

(3) Pekaachang: Pekaachang is a form of divorce agreed to mutually by both the partners where the question of marriage price paid and price to be paid do not arise at all, as it was effected by mutual agreement. The husband does not claim back the marriage price or does the wife claim the unpaid price to be paid. So it is a divorce by mutual consent. In this case, the wife can take back her dowry and personal belongings. The husband cannot lay his claim on either.

(4) Sumlaitan: It is also a form of divorce settled mutually but here the marriage price is divided equally into halves to be shared by each. In the case of Sumlaitan, both the parties share the marriage price equally and payments are made accordingly. An example will clarify the
situation. Suppose the total marriage price (manpui and Mantang) was Rs.500/-, the husband paid Rs.200/- at the time of marriage and now he is to divorce according to the norm involved in Sumlaitan. According to their custom the marriage price is to be divided into halves of Rs.250/- each to be paid by both the husband and the wife. But the husband already paid Rs.200/- and so he will have to pay Rs.50/- only in terms of the local idiom and ideology. He need not pay the whole amount. If the divorce would have been according to MAK procedure, he would have to pay Rs.300/- which was the balance to be paid to the wife’s guardians.

(5) Kawmaka Sula Mak: The literal meaning of this form of divorce is: While the old wife goes out of the door, the new wife enters the house making the exit and entrance simultaneous. It so happened sometimes that a married man, having fallen in love with another girl, divorced his wife and married the girl on that very day or the day after his marriage. Such divorce was called Kawmaka Sula Mak. In this type of divorce the divorced wife can claim one-third of the annual agricultural product called "Buhbal", which includes paddy, rice, maize and millet, in addition to her full marriage price. This customary claim is enforced for that particular year only when the divorce takes place. The children accordingly can stay either with the father or with the mother. No one can compel the children to stay or go against the children’s own preference. If they go with mother, the father cannot take it as disavowal but can claim the marriage price of the daughters.

Of course, if the husband still stays with his parents while divorcing his wife and if his parents still occupy the big bed (Khumpui), the divorced wife cannot claim "Buhbal" as the head of the family is still the father of the husband but not the latter. Kawmaka sula mak is a type of divorce of
wife by her husband who marries another wife simultaneously by divorcing the first one. In fact the society considered such action on the part of a married man as highly irresponsible and extremely affronting to the wife.

(6) **Uire** The literal meaning of **Uire** is 'adultery'. Adultery is one of the most serious offences which are committed by woman or man. A woman committing **Uire** or adultery, if caught by her husband, must return all her marriage price. She also forfeits all her claims over personal properties and dowry. If she committed fornication after three months of her husband’s death, her marriage price need not be repaid by her. If she commits fornication while staying in her late husband’s house, she cannot claim the balance of her marriage price. The members of the deceased husband’s family can turn her out if wanted to, but she could retain her dowry with her. Of course her children can allow her to stay with them if they wanted to. The balance of her marriage payment need not be paid. The man who committed adultery with this woman must pay half of the marriage price to be paid.

**Uire** is applicable in case of a male person also. If a married man commits '**Uire**', his wife may not like to stay with him. In case she leaves him she is not regarded as doing injustice or divorcing him on **Sumohhuah**. She can take back her dowry and personal property along with her at the time of departure. The balance of price to be paid must be cleared up by her adulterous husband.

These are the main forms of divorce generally practised by the people in Mizoram. Among them, **Kak** and **Sumohhuah** are the most commonly practised forms of divorce by both men and women. With the introduction of Christianity in Mizoram, the practice of divorce has come down in the wake of the restrictions put forth by the church. Nowadays nearly all the inhabitants are Christians and they are acting according to the laws regulated by the churches.
in the case of marriage and divorce. A divorced wife can be called back by paying Rs. 20.00 which of course cannot be included in the marriage price. If the wife later on divorces him on Sumohhuah, the price for calling back, i.e. Rs. 20.00 cannot be included in Marriage price. This is known as Fanghna no si.

While divorcing her husband either on Sumohhuah or Mak, if she takes something belonging to her husband, then she must pay a fine of Rs. 40.00 according to the custom. But this practice has been dropped in a number of villages because of its biasness. It may so happen that the husband himself stealthily keeps something inside her belongings to claim fine later on. Nowadays the article discovered inside the bundle of her belongings is simply returned to its owner without fine. This is known as Hmeichhe bungray lak.

Grounds of Divorce

The reasons for divorce are several. First, if the husband left the country or the family for a long period of time and therefore, if the wife left her husband's house during his absence, she is considered as taking recourse to Sumohhuah. But if she left the house because of some misunderstanding with the members of the family, she shall not be treated as coming under the above category. The husband in this case has to call her back. If she does not come back, she will be regarded as divorcing in terms of Sumohhuah and she cannot claim for maintenance. If she does while waiting for her husband to arrive, the husband is to pay outstanding balance of her marriage price, provided she left behind a child or some proof of pregnancy.

Second, in case of madness or either of the individuals of a couple, divorce can take place. Before the finalisation of divorce a stipulated
period of three years is to be observed by either of the parties concerned. If the madness does not cure during the period of three years, the party so suffering can be divorced according to the local form of divorce popularly known as Pekxachang. If the divorce is effected before the lapse of three years it would be regarded as either Mak or Sumchhuah. These particular terms indicate the relevant person who initiates the divorce procedure. This condition is known as Atna-avanga-inthen.

Third, a wife cannot be divorced by the members of the husband's family. If it so happens, the husband will have to call her back unless it is regarded as a divorce locally known as Mak. It is otherwise known as Hmeichhia a pasal ohhungten an ma thei lo.

Fourth, if a man abandons his wife and children, and if that has been accepted by the Court, his household property and children will belong to his wife. Such a lady receives her daughter's marriage price, when she gets married. It is popularly known as Nupui fanau tlan bosan.

Fifth, if the husband is impotent and is unable to satisfy her sexual urge, he should undergo a treatment for a special agreed period or for about three months. If the efforts according to prevailing custom, for a period agreed upon, failed to bring about a recovery, the marriage ties could be dissolved by the wife. The form of divorce in this case would be Pekxachang. If, however, the wife failed to live with him before the expiry of the period agreed upon or before three months, she would be Sumchhuah. While if during this period she took another husband or had intercourse with another man she was Uire. This condition of divorce is known as Zangzaw. To prevent misuse of these privileges by the wife, the society made adequate rules and procedures
to ensure that the accusation made by the wife was well established. If it was proved that the wife was making false accusation she was penalised with a sum of Rs.40.00 or a Sepui.

Sixth, if the wife is incapable of satisfying her husband sexually or due to serious physical disabilities failed to perform her duties to her husband, she is kept under treatment for three months. In case she is not cured within this stipulated period, she could be divorced by him with full recovery of the marriage price or Sumchhuah. This is known as Chhuping.

Social protection of the married woman and her children against willful abandonment on the part of the man was provided for by the right of such abandoned woman to retain all the properties of the husband. If, however, the husband would try to come back to his wife after a year or so, it was left to the wife to accept him or not, and even if she chose not to accept him, all his properties including the house and the children were to pass on to her by social custom.

Nearly all the inhabitants at present being Christians, the practice of divorce has come down appreciably. Perhaps it is not that they are not more interested in divorce but that divorce is not permitted by the church. If a married man or woman divorces his wife or her husband, the church has standing rules that the divorced one cannot get married until the lapse of five years. That is to say, if some one divorces, he cannot remarry till the period of five years is completed. The rate of divorces nowadays has been reduced because of the strict imposition of rules regarding marriage or divorce by the church. Besides, a moral and ethical upheaval among the Mizos has taken place along with unprecedented increase of educated persons and because of
acculturation. Very rarely cases of divorce among the Mizoos now come up for consideration. After divorce also no conspiracy and backbiting between the concerned families are there. 9

Widowhood:

The widow could not inherit the property of her husband after his death; it passed on to her sons. Yet decorum required that they should live under the protecting care of their mother after the death of the father. They could not think of partition during her life time. She was in fact their de facto guardian. Relations between the mother and her children were very tender; people felt old, not when their hair had grown grey, but when their mother was no more. Mothers were never more unhappy than when away from their children.

The position of the widow in society is one of the most important topics which the historian of woman has to discuss and elucidate. The treatment which she receives is often an index to the attitude of society towards women as a class. What was the general lot of the widow? Was she allowed to survive her husband, or was she compelled to die with him? If permitted to survive, could she marry again if she so desired? Did she receive a humane and considerate treatment from the family and society? Could she hold or inherit property so that she could lead an honourable and independent life after her husband's death?

Among the Jews a widow would become her husband's brother's wife without any ceremony; if he refused to marry her, she would spit in his face. The Old Testament also declares that if a woman becomes a widow, her
husband's brother shall go unto her and take her to wife, and perform the duties of a husband's brother unto her. The marriage of Hamlet's mother with Claudius and of Henry VIII with Katherine indicate an earlier custom of Niyoga, eventually developing into a regular remarriage with a brother-in-law.

The reasons for the prevalence of this custom are not difficult to make out, if we would understand the primitive ideas about women and children. The woman was everywhere regarded as a species of property, which passed into the husband's family on her marriage. She was married no doubt to a person, but also in his family. So if her husband died, his brother or any other near relation would take her to wife. This custom prevails among the Karbis of Assam. This usually happened when a person died without leaving any male issue behind. To die without a son was regarded as a great spiritual calamity, and it was the sacred duty of a brother to see that a son was raised on his sister-in-law to perpetuate his brother's memory and to ensure him a seat in heaven. If this was not done, there was also the danger of the widow marrying a stranger and being lost to the family.\(^{10}\)

**Widow Marriage or Remarriage:**

Widow marriage or Remarriage was normally held less desirable than the first marriage and as such the marriage price in these cases used to be reduced. However, if the prospective bride was attractive and still considered capable of bearing children her marriage price did not suffer any reduction.

The marriage price of a woman who had already been married once was reduced by an amount of Rs. 20.00. A Lushai woman used to be called differently in terms of her marital status. A 'nuthlawi' or a 'hringkir' was a woman
who was separated from her husband by any form of divorce or death after
she had borne a child or two. A 'lengleh' was a woman who had left her
husband before bearing any child. A 'lusun' or 'lamthlang rapthla' was a
widow. In case any of these got married, she had usually to suffer a
disadvantage by having her marriage price reduced by an amount of Rs. 20.00.
However, if she was considered very attractive because of her young age,
child-bearing capacity, physical ability, etc., the reduction used to be
waived. Remarriage of widows in the Mizo society was a normal custom. But
in case a widow with grown-up children decided to marry again, she was
required to consult them and if they did not give their consent she could
marry only from her own relation's house. The children of the widow could go
and live with their father's relatives.

In case of the death of husband, his widow was normally required to stay
in her husband's place for a minimum of three months and pass her days in
austerity and anguish. If her relatives chose to take her away from her
husband's house before the expiry of this period they forfeited their right
on any unpaid balance of her marriage price. **11**

In absence of definite data, it is difficult to state what percentage
of widow used to avail themselves of the opportunity of remarriage when it
was permitted to them. Probably women with children did not usually think of
remarriage. Among the rest also, many had a genuine love for their departed
spouses and would not therefore think of remarriage. They tried, and tried
with admirable success, to wade through the dreary life of widowhood,
supported by their devotion to their husbands and such consolation as religion
could afford. **12**
Generally, the Mizo women do not want to remain as widows throughout their life. Wider practice of widow-remarriage among them does not make the helpless widows dependent on their relatives. A widow who continues to live in her husband's house can adopt a child to support her in day-to-day domestic life, if no immediate kins or grown up children are there to support her family.13

**Dowry (Thuam):**

Dowry or thuam among the Mizoos is prevalent but it is not compulsory. If a wife is given dowry her marriage price increases by Rs.20.00 only. Should a bride go to her husband's place without dowry there is automatically a reduction of her bride price by a sum of Rs.20.00. The dowry can be given after the marriage also, if promised earlier.

It should be mentioned here that all the possessions of the wife are not regarded as dowry. Generally she takes with her a bamboo basket container *Thul* and *Puanpui* (big blanket), *Puan fen* (cloth used as skirt), wearing clothes, etc. These constitute her private property. These cannot be included in the dowry. But if she does not carry any *Puanpui* and *Thul* and if the same was purchased by her husband, a reduction in her marriage price can be made.

The articles included in dowry are:— (a) 'Thival' beads – three strings, or (b) Old 'Thifen' beads – one string, and red 'Thival' beads – one string, or (c) 'Amber beads' – worth not less than Rs.20.00, or (c) Cash not less than Rs.20.00. Any one of the articles mentioned above constitutes dowry. But the worth of the dowry should not be less than Rs.20.00. If it is less than Rs.20.00 it is not regarded as dowry.
Dowry is exclusively wife's property. It cannot be disposed of without her consent. She also takes along with her a blackish cloth called 'Zawlpuan' which is meant for wrapping the dead body of her husband. It is not included in dowry as without it no increase or decrease in the marriage price can be effected. Yet she is the sole authority over this cloth and the dowry.

In some cases the husband can dispose of the 'thuam'. If the wife commits adultery, she can be divorced by her husband and thereafter he can dispose of her 'thuam' or property. The 'thuam' can also be utilised if there is a famine but with her consent. The husband should also promise to replace it when necessary. But if he utilises it on a feast and thereafter he divorces her on hak (divorce by man) he shall have to replace it. Also if the dowry was spent in case of death in the family without first making any clear promise between them, the same cannot be claimed back by the wife after separation.

Generally, the marriage price is not paid fully. Though paid, a sum of Rs.20.00 remains unpaid. This is called 'thutphah'. It is meant for the benefit of a wife in times of scarcity as well as in her old age.

The wife can distribute her personal belongings other than dowry among her children or sisters during her life time; which eventually generally does not occur. She, however, enjoys the social approval for doing so during her life time. It has been observed that in real life situation, this remains a theoretical proposition only.

Here it is appropriate to observe that though she appears to be an owner of her dowry and personal belongings while living with her husband, she can
dispose of only the personal properties as she likes. But the dowry always belongs to the one who received the marriage price, i.e. father or brother of the bride. Hence, she willfully cannot dispose it of. But after death the thum remains in her husband's house nowadays.

The amount of dowry given is very small but still it bears the stamp of the status of the bride's family as it were. In the past the demand of bead strings, especially old ones, was very great indeed. Nowadays the amount as well as the articles given as dowry has changed radically. Instead of bead strings, gold ornaments and instead of 'thul', modern suitcases and boxes are given. The present day dowry may include a sewing machine, too. The amount which was Rs.20.00 in the past increased several fold. Instead of one or two 'puan', the wife nowadays takes a lot of mill-made clothes. But it does not mean that the people are no longer using the 'puanfen' or 'puampui'. They use it, specially by all the women folk, but gradually the habit of manufacturing it in one's own house has decreased. It may be partly due to availability of woven fabrics locally and partly due to the paucity of time for the weavers, women folk, who have widely gone in for modern education. Generally the duration for completing a 'puampui' or 'puanfen' is much longer and needs a lot of perseverance and weaving skill.

But it is prestigious to bring some home-made clothes like 'puampui', 'puanfen', 'puandum' by the bride. The 'thum' though a private property of the wife and although the husband cannot claim possession of the same except when the wife commits adultery, the latter cannot only claim the 'thum' but also can confiscate the same according to the custom of the soil, whenever it is proved that his wife has committed adultery. Such a confiscation follows divorce of the adulterous wife.
'Thuam' is related to the marriage price and divorce. If divorce is there, the wife is to take back the 'thuam' with her. But if it is distributed among somebody else, it may prove to be a hindrance against such a course. So generally the wife does not distribute or give away anything. But during her old age, when there is no fear of divorce, she generally distribute it among her daughters.  

Inheritance:

The Mizo terminology of inheritance of property is Rokhawm. The society is patrilineal and hence descent goes through the male line and a man's heir is his nearest male relative on the father's side. Normally the inheritance of father's property goes to the youngest son subject to certain conditions which will be discussed later on. In the olden days the succession of chieftainship, the inheritance of property including land passed on to the youngest son. He was the sole inheritor of all properties of his father after the latter's death. But the chiefs took every care to send their elder sons as chief of other villages created within their own jurisdictions. In this way all other sons in the past got established elsewhere.

The rules of inheritance among the Mizos are as follows: Direct inheritance from father to son is known as Pa-Rokhawm. According to custom if a father has got several sons, his youngest son is chosen as an heir who is known as Fatlum. But in practice (as the society has undergone rapid changes due to modernization) a man's properties are divided among all his sons before the youngest son gets a major share of the ancestral property. The youngest son has to stay with his parents all along, as all other sons leave their parental household after their marriages. He is to look after his parents
in their old age. If he fails to do his duty of looking after his parents, he cannot enjoy the privilege of being the heir simply because he happens to be the youngest son. In that case the chance of getting the privilege of heirship goes to the next senior son who comes forward to support his parents. If the youngest son quarrels with his father disgracing his position and prestige, then the father can disinherit his youngest son in the presence of the elderly people of his village or else he can execute a written Will Deed transferring his properties to his other son or sons, so that his youngest son alone could not claim his property after his death. If there is no written Will Deed, the dispossessed youngest son or Fatlum may claim his father's property after his death. The youngest son as the sole inheritor gets the lion's share of his father's properties as the nature of inheritance follows the principle of ultimogeniture. An illegitimate son or sawm can claim inheritance of his putative father's property under certain circumstances as noted earlier.

Among the Mizo inheritance of property is strictly restricted to the youngest son and in the absence of the same, the genealogically nearest relatives on the father's side enjoy the privilege to inherit the property. One who inherits the property of a person must assist and support the deceased's dependants in their daily life and in old age. But it may so happen that there are not children of the foster parents to inherit their property. In such a situation they may as well adopt the foster child to inherit their property. This is regularised with the approval and permission of the village authority and knowledge of the adoptive parents, close relatives and the natural parents of the foster child. In the matter of transmission of properties by a Mizo father, his desire to apportion the properties as he likes is indisputable.
Modern trend in the Mizo society appears to be somewhat in favour of the illegitimately born sons whose paternity is acknowledged by the putative father. Such sons born outside the marital union also are given in modern time, a share of the father's property. But if such a father has not sons to inherit, the illegitimately born sons, too, are given the right to inherit properties overriding the claims of the nearest relatives of such a father.

It is to be noted, however, the illegitimate son cannot claim inheritance of his putative father's properties as a matter of right unless the putative father regularises such a birth by payment of sawman.

The claim for inheritance by a Hmeifa or son of concubine comes next to those of legitimate sons but prior to that of the sawm. After the death of the father the adult sons cannot divide up their father's property if their mother does not desire to do so. A widowed mother who continues to occupy the Khumpui (big bed) and looks after her husband's household can give her consent about the division of her husband's property among her adult sons. If she has unmarried daughters or widowed daughter or very young grandchildren generally she continues to live in her husband's house. Such a woman hardly remarries.

A widow is never entitled to inherit her husband's property. But if a woman survives as widow with minor sons, she needs one of her husband's male relatives to take over her husband's estate on behalf of the infants as she herself is unable to keep the estate without the assistance of male member. If the deceased's brother or another close relative takes over the estate, he will have to support the widow and rear up the minor children as his own. Under such circumstances he is entitled to receive the marriage price of his deceased brother's or relation's daughters.
An heir inherits all the debts and assets of the owner and he must repay the loans contracted during the owner's lifetime. He must support and assist the widow of the person from whom he inherits. Failing this he forfeits the right of inheritance.

There is another type of an inheritance where a man's properties pass on to one of his brother's son. This is known as Pami Rokhawm. If a husband dies leaving his widow without children, then his heir will be one of his brother's sons. In this case one of his brother's sons will inherit his property and the person who inherits the property will have to look after his widow if she prefers to continue as a widow. He will lose the right of inheritance if he refuses to support the widow. In such a case the chance of inheritance of property will pass on to the person who supports the widow.

A widow can ask her deceased husband's nephew to take over the property which her husband left, if she has minor children. In that case, the nephew will have to look after the widow from his own house or from the widow's house whichever is convenient to him. The nephew is entitled to receive the marriage price of the widow's daughter; but he will have to pay also the marriage price for the sons of the widow.

In some cases a brother inherits the property of a deceased brother who has no son to inherit. If the deceased left very young children, his full brother will have to support them. If the brother fails to undertake the duty of looking after them, then the widow is at liberty to find some one else who is ready to support the widow and her minor children. The widow alone can run her husband's estate but she cannot dissipate it. Inheritance from a brother among the Mizos is known as Unau Rokhawm. If a person has no
near relations than one of his distant relatives or even fellow clan men, whoever supports and helps him during the former's life time, will inherit his property. If the person has small children and wife, then after the death of the person his heir is obliged to look after the deceased's widow and children.

If a person is unable to do any work and if his close relatives refuse to support him, then he can ask any person to help and support him. The person who is ready to support him will inherit the property of the latter. This is known as Chawhlum Rokhawa, that is, inheritance from a helpless person.

A person having no natural heir nor close relatives is at liberty to appoint a person to inherit his property. The appointed person must help the benefactor from whom he will inherit and he must perform the former's burial rites. Inheritance by an appointed person is known as Zawnohawn Rokhawa.

A person can inherit from his own son, that is, if a son dies during his father's life time, his father inherits his property and if the deceased had wife and children, his father would have to look after them. During the life time of the father a deceased's brother/brothers cannot inherit. The inheritance by a father from his son is known as Fa Rokhawa.

Though according to customary rule no woman can inherit property but under certain exceptional circumstances a female, too, can inherit her husband's or father's property. A man who has no close male relatives to inherit his property can make a Will Deed for transferring his property to his wife or daughter. A person having more than one daughter has to transfer it to his youngest daughter as an heiress. This type of inheritance by a woman is known as Hmeichhia in Rokhawa.
In the remote past the married daughters or even widows could not inherit their father's or husband's property, but the unmarried daughters were entitled to get maintenance from their father. But at present a daughter can get or inherit some share of their father's property if the latter left a Will to that effect. However, unless there is a Will they cannot claim a share to their father's property.

If however, there is a Will Deed executed by the deceased father in favour of his married daughter/daughters, the deceased father's estate can be claimed by her/them. Formerly this could not be done due to an absence of any provision for written Will Deeds. The daughters are, however, entitled to a share the mother's personal property such as necklace, ornaments and clothes, etc., but they could never claim the ancestral property of their father in the past. A woman's property consists of Thul (basket container), Zawlpuan or muandum (a special blackish cloth), Thival (string of beads), Thifan (a string of beads), etc., which are acquired by a woman at the time of her marriage as marriage gifts or as dowry. Whatever property she acquired as a part of the marriage ceremony, her husband has no claim over the same. What is more, she is not entitled to dispose of the same in any way she likes. But it can be inherited by her daughters after her death. On the other hand, whatever she earns during her husband's lifetime is her husband's property.

The inheritance of property by female descendants was not permitted in the past. But nowadays if there are not male issues but only daughters, the youngest one can inherit the parental property. If the father, before his death, makes a Will Deed distributing shares of his properties among his sons and daughters, his will shall be respected.
Adultery:

Adultery in the Mizo society was at all times considered an extremely serious offence and the society imposed stringent punishment for such offence. If a married woman committed adultery while living with her husband or even after his death in mourning or while still living in her husband's house, she stood socially discredited and was 'Uire'. The magnitude of the penalty differed in case of the circumstances described above. Adultery on her part during the husband's life time was considered worthy of more severe punishment than that after his death and the penalty too in these two circumstances differed appreciably. The society, however, was cautious to ensure that unscrupulous husbands could not take any undue advantage by making false allegation. Thus if the wife declared 'Uire' brought a case against the husband for false allegation and it was proved to be so, the husband was bound to take her back or otherwise he was to be considered to have divorced her (Nak) with all its consequences.

The cases of adultery were severely dealt with and the woman committing adultery suffered very heavily in her social position while the man was made to pay fines for lapses differing in amount according to circumstances. But a woman did not, simply because of this offence, become an outcast and was not required to live an ignomous life of prostitute. In fact, she might continue to live with her husband, if he so permitted, after the disposal of the case, or even manage to get another husband after being turned out. However, if the society found that any girl or woman, in view of her unnatural propensity for sexual intercourse, sought to satisfy such urge through a number of young men it would not stand against the customary practice. In this process a young would first take the woman outside the village and then subject her to repeated intercourse by a large number of young men, one after the other.
In view of great social disapproval for adultery in any form, any attempt at seduction was considered a serious offence and a man who tried to seduce a married woman was liable to a fine of Rs.20.00 and 'Salam'. Such an act of offence was known as 'Hi nu thlim'. Similarly if a man induced a married woman to let him sleep with her by pretending to be her husband, he was deemed to have committed a serious offence and would be liable to a fine. In fact in very old days he would have his ears and nose slit off in such cases. But later on this was softened to the payment of the whole of the woman's marriage price to the husband. Such provision enabled the man to divorce his wife if he really considered her to be unacceptable without any financial loss on his part. This very similar other offence was for a man to slip into a married woman's bed while she was asleep taking advantage of her husband's absence, in which case also the fine was the same as in 'Lawi thlem'. This offence was known as 'thlim'.

If a couple separated by any form of divorce while the wife was pregnant and she chose to have intercourse with another man she was bound to pay a fine of Rs.40.00 and 'salam' for having defiled her former husband's unborn child. In such cases of imposed fine it was up to the former husband to own the child after being born or refuse to do so, in which case he would be 'falak' (fatherless child). Any adultery by a married woman while carrying was considered a more serious crime than an ordinary adultery and the woman was to pay an amount of Rs.40.00 in addition to the usual penalties for adultery. The child after being born, if disowned by its father, would become 'falak'.16
Sex Adultery and Fine:

Sex adultery both in case of married and unmarried man and woman leads, in some special cases, to imposition of fines. To have sexual relationship with married or unmarried man or woman in the following contexts leads to imposition of a certain amount of fine which is customarily prescribed.

(1) A child born out of illegitimate sexual relationship between two unmarried persons of the opposite sex is known as Sawn. The putative father is to pay a customary fine of Rs. 40.00 to the mother. Should he agree to marry her, the fine gets reduced by Rs. 20.00. He further pays the marriage price as usual. There is no reduction of the stipulated marriage price. In case the putative father does not like to marry the girl, he has to pay the full amount of fine, i.e. Sawn man. He can call back the child after expiry of the customary period of three years during which the child is kept in the custody of the mother who rears the child.

If a second child is born out of the same illegitimate sex relations committed by the same offender, the customary fine of Rs. 40.00 need not be paid for the second child. But for the third child so begotten he is to pay another sum of Rs. 40.00 only and so on for each alternate illegitimate birth.

(2) If a young man while courting his girl friend bypasses the big bed of the girl's parents and if the offenders are caught red-handed by the girl's parents, he is to pay a fine of Rs. 20.00. This is popularly known as Khumpui Kaiman. Commission of sexual intercourse on someone else's big bed is subjected to a subsidiary fine called Salam. Here Salam is Rs. 5.00 and the rest is Rs. 20.00.
(3) A sexual intercourse indulged in by a married woman during her pregnancy with another man other than her husband after divorce involves a fine of Rs. 50.00 to be paid by her. The child after birth belongs to the begetter. The progenitor can take back the child if he so desires or leave it in the custody of the begettress for all time to come. The same principle of imposing a fine as well as custody of the illegitimate child begotten by a maiden is equally applicable.

(4) Sometimes it so happen that a man commits sexual intercourse with a married woman pretending to be her husband during the latter’s absence. In this case the offender is fined a sum of Rs. 100.00 only. Under such a situation if her husband does not like to live with her any longer, the man who committed the offence must return all her marriage price to her former husband. This is known as Lawithlen.

(5) Again for committing sexual intercourse with a sleeping or unconscious woman, the punishment is like that of Lawithlen mentioned above. It is regarded as a serious offence. In the olden days such adulterer was punished by chopping off his ears and nose. This is called Thlim.

(6) In some cases before having illicit sexual intercourse an agreement or promise is made between the two to get married or to pay a certain amount of money if it resulted in some trouble in future. Of course, such a private agreement cannot be enforced in case the persons involved are unmarried man and woman. If the agreement was made between a married man and an unmarried woman, it can be enforced. The fine under such circumstances is fixed at Rs. 50.00. If the man in accordance with the agreement made earlier with another girl divorces his wife but later on if the girl refuses to marry him,
the girl shall have to pay a fine of Rs.50.00 in order to enable him to call back the divorced wife. The term used for this fine is known as Intiaa.

(7) The touching of an unmarried woman's breast against her will is an offence and the offender is punished by a fine of Rs.20.00. Also the fondling of a married woman's breast is regarded as a similar offence, the fine for which is higher than in the former case, i.e. Rs.50.00. The former is known as Hnutedeh, while the latter is called Minuhnutedeh.

(8) If a person takes up and spreads out publicly a woman's skirt she had kept, he is liable to a fine of Rs.20.00 only.

(9) A husband is indignantly righteous to divorce a wife who was impregnated by her lover before her marriage with the former, on disclosure of this event by the wife to her new husband. In such an eventuality the marriage price paid by the divorcing husband is to be returned in its entirety by her parents. He may of course shelter her till the birth of the child with due information to the village authorities.

Such a matter, viz. Sawman cannot be claimed from progenitor of the child as she did not disclose it earlier. The child remains with the begetter can, of course, claim the child to be his but cannot demand the fine for defiling the unborn child by the married husband, obviously because of the secrecy maintained about earlier impregnation.

(10) A man without previous contact and good understanding may try to sleep with a woman. Under such circumstances the offender is fined Rs.50.00. An attempt to seduce a woman is also looked down upon and regarded as an offence. The man can be punished, if informed by the woman concerned, with a fine ranging up to Rs.50.00 only.
(11) Should there be sexual relations in between close relatives, such as brother-sister, mother-son, no fine is inflicted upon the offenders. The villagers simple pour water over them so as to wipe off the sin. Thereby they mean to protect the crops from drought.

The fine imposed upon the wife for wrong deeds committed, goes to her husband or to the recipients of her marriage price according to the nature of wrongs committed by her. The fine for committing adultery by a married woman is received by the person who receives the marriage price. Likewise the fine paid on account of sexual adultery such as lavithlem, hnutshedeh, etc. by the guilty person, who pays the fine, goes to the marriage price. The fine for accusing a married woman for adultery is received by her husband but never by the person who receives the marriage price. 17

Pregnancy

The society allowed a large measure of free mixing between boys and girls and did not even have serious reservation against pre-marital sexual relationship between them provided that such relationship did not result in pregnancy of the girl. In fact even in the case of pregnancy if the girl chose to abort herself, no penalty could be claimed from the boy. It is, however, important to note that along with such laxity at the pre-marital stage, society had stringent measures against any form of adultery on the part of a married girl. The direct result of such social mores was that sexual aberration such as sodomy and prostitution were very uncommon in the society and any case of such indulgence was severely dealt with under the existing social control. Besides, the strict social attitude against adultery also went a long way towards maintenance of family as an integral unit of the society. It is not that
there were no cases of divorce. In fact, these were quite common because the inherent rights of man and woman to live together as husband and wife only through continued mutual consent and agreement was the basic foundation of the society. Hence maladjustment between the two on any ground, economic or otherwise, and at any time in their life, could eventuate into separation. But even in such separations, measures of pecuniary losses on either side was very little if mutually agreed upon. The society, however, saw to it that any violence or impropriety on the part of either of the two was dealt with adequately to ensure social justice. Another direct effect of the Kizo society's tolerance and acceptance of pre-marital sexual relationship was the easy and natural assimilation of issues born of unmarried mothers. Little, if any, social stigma was attached to such issues even though the father was required to pay different fines for his lack of restraints.

Thus, for an illegitimate child who used to be called sawn in Lushai, the unmarried mother was entitled to receive Rs.40.00 from the sawn's father. This appears to point to two important facts. The girl who bore the child was not held responsible for the social breach. Secondly, the father of the sawn could be identified and penalised as during the courtship period the girl refrained from close intimacy with more than one boy. Indeed in case it was established that the girl had a sexual relationship with a number of young men, the child would not be accepted by anyone to father him and the girl would not be entitled to any price for it and the child would be known as falak, belonging entirely to the mother.

If after the paternity of a sawn was established the pregnant unmarried mother had any intercourse with another man, she lost her claims to the sawman (the penalty of Rs.40.00 from the father of the sawn) and even had to
return the sawman if already received. The sawn's father, on the other hand still retained the right to own the child or to reject the same in which case the child would be a falak. If the man making an unmarried girl pregnant married her, the sawman would only be Rs.20.00 instead of Rs.40.00 and would have to be paid in addition to the normal marriage price. Her right on this Rs.20.00 was absolute and in case she chose to be thrown away later on in life, she was not required to return this amount. If, however, she refused to marry him she was entitled to the amount of Rs.40.00 sawman in spite of her refusal. Another important fact to be noted is that the sawn in spite of its being born outside wedlock suffered no insecurity due to any social stigma. Thus the problem of unwanted children as prevailing in the more advanced societies was not faced within the Mizo society. The sawn after being born was to be looked after by the mother for three years, after which period the father had to take it. If the unmarried mother refused to perform her duty in this respect she was bound to return the sawman of Rs.40.00 and the sawn used to be taken by the father or his relatives. It sometimes so happened that the father of a sawn died before taking its charge, when the mother was required to look after the sawn and even could keep it after her marriage later on. If the husband accepted the sawn just as one of his own children, he would be entitled to all the marriage price in case of a girl sawn and would be required to extend the same privileges to a boy sawn as for his own son. The mother, however, could if she so chose, give the sawn to her parents or other relations. They would be regarded as the sawn's parents with all social responsibilities and privileges devolving on them. The most important fact which comes out of these is that the sawn was looked after by the mother and other responsible persons at least in his childhood, which happened to be the crucial period of psychological importance for the development of his personality. It was thus never denied any social support due to the handicap
of its being born outside socially accepted wedlock. There was seldom any objection on the part of the husband to undertake these responsibilities as he knew that a child no matter whether it was a boy or a girl was an asset rather than a liability and as social custom had it, was free from any stigma.

Sexual offences of various types were recognised in the Mizo society even though the society permitted free mixing of boys and girls as also any sexual intercourse between them based on mutual consent and not resulting in pregnancy of the girl. Sodomy (mawngkawluk) and adultery were the two forms of offences most seriously decried by Mizo society which resulted in very heavy penalties on the accused. Thus in the case of sodomy the father of the 'pathikos' or the 'pathikos' himself could even taken the life of the sodomite within the approved legitimate rights. A lesser punishment was that the father would shoot any of the mithuma in the village and give a feast to all the villagers the entire cost being borne by the sodomite.

As stated earlier, the Mizo society permitted free sexual intercourse of mutually agreed between boys and girls in Lushai village and for such intercourse the girl could not claim any payment or present. But if a married man had such intercourse after having made an agreement with her that he would either marry her or pay her a certain sum of money he was bound to honour the same. However, no agreement to pay more than Rs.40.00 could be enforced. On the other hand if the girl refused to marry him after such agreement, she was bound to pay Rs.40.00. The agreement referred to here was known to be Intiam.18
Other Offences

Even though the Mizo society held free mixing between boys and girls as also premarital sexual relation between them as quite natural and normal and did not attach any social stigma to children being born out of wedlock, customs prevented any lascivious and intemperate behaviour in their conduct while engaged in such pursuits. It has already been mentioned earlier how any girl or woman was dealt with for socially unacceptable ways of excessive sex relations with a large number of boys. Intemperance and/or inappropriate deportment on the boys/men too were dealt with in no less severe way. Thus if a young boy ventured to touch the breast of a girl without previous development of close intimacy he was liable to payment of a fine for such indiscretion. The punishment was known as hnutadeh. Any young man gaining notoriety in this respect was looked down upon and in case of being found guilty at any time was very severely punished by the Chief and the Upas (village elders). The touching of breast of a married woman was held as a more serious offence and was subject to a fine ofRs.20.00 and salam in all cases. It appears that this was looked upon as almost trying to seduce the married woman. The punishment in this case was known as minuhnutadeh.

Another form of impropriety punishable according to social custom was an attempt on the part of any man to take up and open out a woman’s skirt (puanfen), which she might have kept folded before going for her jhum work. However, if such a skirt was left without being properly or neatly folded, a man handling the same was not considered guilty. An offence of this type was punishable by a fine of Rs.20.00 and salam and was known as puanfenzar.

Any attempt on the part of a young man to make advances for close intimacy with a girl without previous courting was also considered an offence.
Thus if a man tried to visit a girl by night at her house and to sleep with her, he was considered guilty of a serious social lapse and was punishable by a fine of Rs.20.00 and salam. This offence was known as zan. The punishment was inflicted even if such attempt did not result in actual sexual intercourse. In fact if this actually took place, it was presumed that this resulted from mutual consent and was not a case of zan. Similarly an attempt at rape was considered highly offensive and in the background of social sanction for extremely liberal mixing and intimacy between boys and girls, the same was not very frequent. In fact it so happened that a girl of rather light virtue often tried to save her face by declaring herself to have been raped. Any actual case of rape was to be immediately reported by the girl to the Chief, who according to government rules was required to report the case to the Superintendent without delay. Rape in Lushai is known as pawngewal. Offence of having sexual connection with an underaged girl, though not common, was considered a serious case of rape and was to be immediately reported to the Superintendent. If, however, it was found that the intercourse took place with the consent of the girl, even though underaged, he could not be considered to have committed an offence for which he would have otherwise been punished with a fine of Rs.40.00 and salam. The offence was known as puitlinglo mutpui.

The main purpose of giving in detail the various types of offences connected with the intimate relationship between man and woman, both married and unmarried is to show how the woman enjoyed not only equal treatment with man but was given by the society the highest measure of security and respect for her free will. Any improper or harsh treatment to her was not only decried seriously but was dealt with by imposing heavy fines on those responsible for the offence.
Notes and References

5. Dr (Mrs) N Chatterji, Status of Women in the Earlier Mizo Society, pp. 3-7.
6. Ibid., pp. 7-20.
15. Ibid., pp. 85-96.