

CHAPTER-IV

STATUS OF WOMAN IN MEDIAVAL ASSAMESE SOCIETY

4.1: Introduction

The nature and the mind of human beings both combine to form an organization. This organization is known as society. Society is a group of individuals who have some social relationship among them. These groups have some common bond of interest, which attach its members together. In the words of Maciver and page, "Society is a system of usages and procedures of authority and mutual aid, of many groupings and division, of controls of human behavior and of liberties. This ever changing complex system we call society".

Human life is not static, but it is always changeable. With the changes in human life, changes occur in society too. As T.S. Devadas observes "Society is a changing medium of creation and expression of his deep seated desires, values and aspirations. It outlines shapes and refines man's social nature, conscience and morals, as he also frequently and insistently projects his own images, values and experiences from the depth of his consciousness where he is unique by himself. In other words, man is thus deeply embedded and moulded in the matrix of society and the society in turn enables him to reveal his true nature".

It is already mentioned that society is a dynamic process. In this changing system, every man and woman has to play his or her distinguished role. In the two different forms of societies, viz., patriarchal and matriarchal society, the status of human beings varies according to their sex. In the former, it is the male member who dominates the society. In the latter, it is

the female member. Moreover, it is clearly observed that the status of men and women and their system of values changes in the process of evolution from time to time.

However it is very interesting to note that, in any form of society, whether it is male dominated patriarchal or female dominated matriarchal society, the women were able to capture a unique position and this has been reflected in the different available sources.

4.2: Condition of Early Assamese Society

Both Early and medieval Assamese Society were predominantly rural society in nature. They also constituted and characterized by powerful sentiments of kinship, locality, caste and community. In the traditional rural Assamese society, despite a subservient status, the Assamese women of various castes suffered less from social disabilities than their counterparts in some other regions of India.⁶³ Some of the strict social customs, like child marriage, Sati did not affect the Assamese women like the women of other parts of India. This was because of the influence of the Mongoloid Culture on the Assamese Society. As among the Mongoloid tribes, women had far greater freedom in marriage, divorce and other matters than we find in orthodox Hindu society⁶⁴. It is a known factor that socio-cultural elements of Assam were different from other parts of Indian society. That is why some writers interpret that 'Assam is a Country, which at most periods of its history has remained outside the India Civilization'⁶⁵. In fact, Assam was the home lands of heterogeneous racial elements were forced to sandwich together to form a strong homogenous Assamese Society.

⁶³ Barooah Jeoti, *Single Women in Assamese Hindu Society*, P-4.

⁶⁴ Chatterjee Suniti Kr (Dr.), *The Cultural Heritage of India*, Vol-II, P-90.

⁶⁵ Rapson EJ, *Cambridge History of India*, VI-I, pp11-12.

Since the Assamese society had a fusing culture composed of Negrito—Austic, Alpine, Aryan, Mongolian and other elements, therefore, the socio-cultural life in this region was influenced by both, Aryan and non-Aryan elements.

5. A Brief description of early Assamese society

Assamese society, by tradition was a rural society. It was also characterized by powerful sentiments of kinship, locality, cast and community. In the traditional rural Assamese society, despite a subservient status, the Hindu women of various castes suffered less from social disabilities than her counterparts in some other region of India. Some of the strict social customs, like child marriage, sati- dah etc. did not affect the Assamese women like the women of other parts of India. This was because of the influence of the Mongoloid culture on the Assamese society. As Dr. Suniti Kumar Chatterji comments: "Among the mongoloid tribes, women had far greater freedom in marriage, divorce, and other matters than we find in orthodox Hindu society". The study of the pre—historic and other remains prove that, though Assam was the part of Indian civilization, but its socio-culture life was different from that of Indian society. That is why, some writers interpret that "Assam is country, which at most periods of its history has remained outside the Indian civilization". In fact Assam was the homeland of heterogeneous racial elements traveling to this land at different periods of its history. These heterogeneous racial elements were forced to sandwich together to form a strong homogeneous Assamese society. Since the Assamese society had a fusing culture composed of Negrito, Austro—Asiatic, Alpine, Aryan, Mongolian and other elements, therefore, the socio-culture life in this region was influenced by both, Aryan and non-Aryan elements.

Through Aryans successfully penetrated in this region and made their settlements but they failed to Aryanise this land completely.

They had to forego some of their rigid customs to adjust themselves with the vast majority of non- Aryan population. The Aryans become liberal in their food, drink, dress, custom and manner. We can also say that the interaction and the consequent fusion of the blood of the different racial stocks contribution to the evolution of assamese society, wherein the Aiyans and non-Aryans beliefs, practices and the way of living interfused to form a composite assamese culture. The composite assamese culture did not necessarily contain all the disgracing customs and obscurantist practices like sati, child marriage etc., prevalent at other part of India under the major influence. So women of this region were also not affected by those evil and rigid social customs and practices of the Aryans. It proves that the position of Assamese women was comparatively better then their sisters in other part of india. In the social, religious or political arena of the Assamese culture, women occupied and dignified position and were considered in reverence as the ,pivots of the entire social organism.

4.4 : Caste system in Assamese Society

In order to properly estimate the position of_women in ancient and medieval Assamese society, a brief reference to the satisfactory system as expressed through Varna and the caste system is necessary. Traditional Indian society was primarily based on Vernasrama dharma. The Vernasrama principal of categorized of society in to four groups, viz. Brahmans, Kshatriyas, Vaishyas and sudras and four stages of life viz. Brahmacharyya, Garhasthya, Vanaprastha and Sannayasa existed in the vedic society. The RV stated that Brahman was born from the month of the lord; Kshatriya from the arm,-Vaisya from his stomach and Sudra sprang from his feet. In the early stage, the Varna system was not a hereditaryinstitution, but based on occupation. According to BG, "The work of Brahmans, Kshatriyas, Vaishyas and sudras are divided according to thequalities (gunas) born of their own inner nature".

Gradually the Varna system started to be critical. After the Rg-Vedic period, the Varna was not based on occupation, but on birth. P.V. Kane points out that in the period of the Brahman literature, all the castes of the Brahmans, Kshatriyas and Vaisyas were endorsed an upper position and crystallized according to birth, while the Sudras had been sanctioned a lower position. The four Varnas were mentioned in order of hierarchy where in the first three were called dwija, i.e., twice born while the Sudras occupied the lowest position in the society, and they are expected to serve the other three Varnas.

But in case of Assam, no concrete evidence either inscriptional or literary is available about the existence of all the four Varnas. The social division of the Assamese Hindus, though fundamentally allied to that of India, presents a picture of liberalized caste hierarchy. This liberalism was due to emergency of Neo- Vaisnavism according to which all the castes are equal in front of God. Due to the liberal outlook in the caste system and occupation, the Varnasrama dharma were also not properly observed here, as was followed in other parts of India. But, being an integral part of India, Assamese social life was also based on Varnasrama dharma, which is proved by ancient epigraphic and literary sources. The KP stated that Naraka, who is describe in the epigraphs as the head of the - Kamarupa kings, killed Ghataka, king of the Kiratas, and sages as well as members of the four castes. The copperplate of Balabarman 3rd mentions Bhagadaatta as the authoritative of all the four Varnas. (Varnasramanam gurukavirah). In the Nidhanpur copperplate, it is stated that the lord (Brahma) created Bhaskara to organize properly the duties of the four castes and stages of life, which were in a confused state at that tim (Avakirna varna sramadharmapravibhagayan Nirimits). In the tezpur grant, it is said that Vanamala gratified the appetite of the people of all the Varnas and the Asramas (praprita-samasta varnasramad). The Gauhati grant of Indrapala mentions that during the region of Indrapala, the laws of the four stages were observed in their proper order (samyagvibhakta- caturasramavarnadharmadharma).

classes and though above mentioned epigraphs and literature give us an impression that the ancient Assamese society was based upon divine social order and the early Kamarupa kings were created for upholding that order, but strictly speaking existence of the Varnasrama in proper order in ancient Assam was absent. The only Varna category, which is referred to in the inscriptions, is the Brahmins caste the donees of the epigraphs. The epigraph are completely silent about the intermediary two Varnas -Kshatriya and Vaisya. Maniram Dewan in his Burnaji Vivekranta observed that "amongst the four castes of the Hindu society, there are only two castes in Assam, viz. the Brahmans and the sudras. There are no kshatriyas and Vaisyas. In the long past, a Kshatriya boy, Jitari by name, came to Assam from the land of the Dravidas and established himself as a king of a small territory. Except him there was no Kshatriyas, there was only Brahmans and Sudras Dr. P.C. Choudhury also broadly divides the Assamese Hindu society into two classes, viz. the Brahmans and the Sudras; but he does not deny the existence of Vaisyas totally, which is supported by Haliram Dhekial Phukan also. So, in general practice the Assamese Hindu can broadly be divided into two categories, the 'Brahmans' and the 'Sudras'. To quote Das, "these are the Bamun (Brahmin) and Sudir. The Sudir group includes several castes of Hierarchical positions However, it is clear that the principal of stratification acquired normative significance, thus legitimizing the over lordship of the Brahmans. The Varna scheme was empirically expressed through various castegroups, indicating the adjustment of the system to the development needs of the society.

In the ancient and medieval Assamese society, the professions determined the caste position. But it never played a dominating role in the formation of caste rigidity in the Assamese society. While mentioning the important castes and profession of Assam, William Robinson makes significant remarks: "In Assam there seems to have been little or

no distinction of caste from professions and each cast or tribe practiced all the arts which are known in the country. They were farmers, traders, blacksmiths, carpenters, extractors of oil, potters, weavers, dyers etc., but they had not the art of shaving, washing or bleaching, working in leather or of making sweetmeats, butter and ghee. It is also important to note that caste or sub-caste differences were never considered an intractable barrier to social harmony and interaction in the Assamese society. According to data, "except in the case of Brahmins and few other higher caste, caste position has not been fairly easy". The main reason behind the liberal attitude of the Assamese folk mind in the caste—based society was the preaching of the great Vaisnava Guru Sankardeva and his associates. B.K. Barua comments, "The way for the social mobility was facilitated by the liberal attitude of the Neo-Vaisnavism who recognized the equality of status for all Vaisnava devotees".

We shall not discuss further in details about the caste system, but will take some of the feature of the caste system, which have direct relevance to women. Srinivas defines caste in the following words: "Caste is a hereditary, endogamous, usually localized group having traditional associations with an occupation and a particular position in the local hierarchy of caste. Relations between castes are governed among other things by the concepts of population and purity and generally maximum commensality occurs within the caste".

The concept of Hypergamous (anuloma) and hypogamous (pratiloma) marriage by definition denigrates women. A marriage where a boy of upper caste marries a girl of lower caste was approved and called anuloma, while marriages of women of ritually pure groups with men of lower ritual status does not receive a similar approval and known as pratiloma marriage. If a man of higher class or community or caste married a girl from the low class or community or caste then the man was degraded to the low community or caste of the

girl. On the other hand, if a man of low community or caste married a higher caste girl, then they were both considered as degraded and impure. Most serious punishment like excommunication could be evoked for transgressing the norms. Women as a guardian of 'purity' has not to lower herself but she could be raised high.

Another symptom of caste inequality is the different status of bride-giver and bride-take where the latter is considered to be always superior. Even within the caste there were groups, which were considered superior and for climbing high in the status ladder, the bride-givers had to give compensation in terms of dowry. Through the evil custom of dowry was not prevalent in the Assamese society, but the social status of the groom's party was always superior in comparison to the bride and her family. But, the system was quite different in the tribal society, where the bride price, which was the reverse of the dowry system, was prevalent. Among some of the tribes, instead of the bride, the groom used to go to the bride's house for permanent stay. Details about the system of tribal society will be discussed in separate chapter of the thesis.

The other very important feature of the system was its control over women's labor. Caste not only determined social division of labor but also sexual division of labor. Certain tasks had to be performed by women while certain other tasks were meant for men. In agriculture for instance, women can engage themselves in water-regulation, transplanting, weeding, reaping, thrashing, but not in ploughing. Women of the upper classes were withdrawn from the outside work. Physical mobility was also restricted through caste norms.

Although women of Assam or any part of India did not constitute a caste by themselves, they naturally took the caste of their husbands. Accordingly they had to follow the rules and restrictions. There were certain prohibitions strictly observed more by the widows of the Brahmins caste than by those of the other castes. Tradition prohibited them from remarrying and eating non-vegetarian things. The Brahmins strictly followed marriage within the same caste, i.e., endogamy. But the rules and prohibition were not too rigid for the women of the low caste. But one thing was common among the women of all castes, either higher or lower, that they were always considered as subordinate to male members.

The linking of women and Sudras together also points towards the low position of women. Recommendation and prohibition for Sudras and women were same on many occasions. The prohibition of the upanayana sanskar i.e. sacred thread ceremony for both women and Sudras, similar punishment for killing a Sudra or a woman, denial of religious privileges etc. are some of the illustrations which indicate how caste and gender get entangled. Let us make a comparative study of the social status of Assamese women with their counterparts in the other parts of India.

4.5 Position of women in Indian society

In Vedic age, women were considered as object of respect and were extolled as the symbols of prosperity. They were honored in the home and respected outside. Commenting on the position of women in Vedic age, D.N. Mitter writes,

"women held an honored position in the Vedic age and were quite competent to take part in every aspect of the social, intellectual and spiritual life of the race. In every sphere of life, they enjoyed equal opportunity, equal rights as that of men. The evil custom of sati, purdah, and child marriage was unknown in the Vedic age. The widow remarriage was

allowed in the society. The girls had an effective voice in the choice of their husbands. Women enjoyed the property rights and had access to the property of her father and husband. They had the privilege of adoption.

The upanayana sanskara (ceremony of wearing the sacred thread before entrance in the Brahmacharya Ashram) was performed in respect of both boys and girls. After this sacred ceremony both boys and girls were sent to their Gurukulas for studies. By the sheer exposition of dormant talent, some of the prominent women with the like of Lopamurda, Apala, Visvavara, Ghosa, Nivavasiet al were able to steal the heart of the scholars. Their indomitable spirit and passion for erudition helped them to ascend to the pinnacle of success with aplomb and command profound respect from the society. Lopamudra had preached 179 hymns of first book of the RV along with the sage Agastya. One of the Brahman literatures mentioned about a lady named Gandhargrihita, who gave lecture on some theological subjects before an enlightened audience. We find that few women scholar like Maitreyi and Gargi Attained eminence in the sphere of philosophy. The women scholars were given the same respect as male scholars. In few occasions the women philosophers even defeated their male competent in philosophical debates. In a philosophical discussion in the court of king Janaka of Videha, Gargi started cross-examining Yajnavalkya by asking some questions, which the latter refused to answer in public. This proved that Gargi was a dialectician and philosopher high order.

But the rights and freedom of women came to be curtailed gradually in the age following the Vedic period. Due to the rigidity of the prevalent social customs and practices, the status of women deteriorated considerably. This position of women continued throughout the Hindu times and the women were completely subjugated by their men folk.

The position of women again started to improve in the age of Buddha. There was no discrimination between a male and female progeny in —a Buddhist family. In the Buddhist society, the son was not essential for performing one's funeral ceremonies and giving oblations. A sonless man could also obtain Nirvana if he could lead a spotless pure life. The adoption of daughter was quite valid in the Buddhist society. Pre—pubescent marriages never exist in the Buddhist society. Marriage was never compulsory in the Buddhist society. Even a maiden was allowed to lead a life of celibacy and devote herself exclusively to other secular or spiritual affairs. During the age of Buddha, polygamy was uncommon and the general practice of marriage was monogamous. Women in the Buddhist society captured important position in the religious and spiritual spheres. Some of them like Sanghamitra were preachers of Holy Scriptures and even traveled to foreign countries like Ceylon for the purpose.

But with the emergence of Muslim invaders, the obscure period for the women began. Some of the prevalent social customs such as Sati, Child marriage, Prohibition of widow remarriage, Polygamy got deep-rooted in the Mughal age which brought about the segregation of girls and degradation in the condition of women during the period. Neera Desai writes, "Ideological women were considered.

4.6: Women and their Importance in Society

The development of civilization depends on the development social structure in different aspects. Women, who are considered as an integral part of social structure, have influenced the society by their dynamic actions and meaningful thoughts. The status and contributions of women in different spheres of life formulate a total picture of any civilized country. But question is that being an integral part and essence in the formation and nurturing of a

society, whether they are given the status equal to that of the other sex or could they achieve the position in a society according to their remarkable role.

Changes are inevitable factor of a society and with the continuous changing process of the society the importance, status and dignity of women also get changes. In the male dominated society, on one hand, women had been idealized and looked upon with reverence and respect; on the other hand they had been subjected to exploitation and ignominy. They were very much dependent on men for their security. But still in the midst of such an unfavourable condition, some of the women could achieve exceptional recognition only because of their creative faculty and sacrifices. Gradually now the overall picture of women society is improving through greater enlightenment and social conscious.⁶⁶It is also correct that women had to face many ups and downs in their position during different periods of history. Sometimes the position of their lots improved and in some period it declined. But one thing is clear that women through out all the generations and in all the countries has their peculiar position and their importance could nowhere been ignored in toto.

The social structure of a civilization to a great extent is based upon the status of women in its various periods. Since the origin of society, women have become an integral part of the social structure because they have influenced, the status and contributions of women in different spheres of life, we cannot have a total picture of any civilized country.

⁶⁶ Bhogabati Bimol, *Sczmajik Krunti Aru Nari*, P-1.

But the question is that being an integral part and essence in the formation and nurturing of a society, whether they were given the status equal to that of the other sex or could they achieve the position in a society according to their remarkable role.

With the changing time, the society also changes and with continuous changes in the society, the position of women also undergoes certain changes. In the male- dominated society, on one hand, women had been idealized and looked upon with reverence and respect; on the other hand they had been subjected to exploitation and ignominy. They were very much dependent on men for their security. But still in the midst of such an unfavorable condition, some of the women could achieve exceptional recognition only because of their creative faculty and sacrifices. Gradually now the overall status of women in society is improving through greater enlightenment and social consciousness.

It has been found that women had to face many ups and downs in their position during the different periods of the history. Some times the position of their lots improved and in some period it declined. Before we describe the position of women in ancient and medieval Assamese society, it would be useful to look at the normative structure and socio-culture life of the Assamese society in their earlier period.

4.7: Position of women in Assamese society

Though women enjoyed a dignified place in the society of ancient and medieval period of Assam history, there is a serious difficulty of locating authentic sources, which can help construct a profile of Assamese women.

But it can be assumed that, as an integral part of the Indian Society, the Assamese womenfolk were also guided by the same indian beliefs and customs prevalent in other parts of the country. That is why; they had to accept everything like the other Indian

women. But, due to the fusion culture, which we have discussed earlier, in certain respect, the Assamese women occupied a better position in comparison to her counterparts in other parts of the country.

Though principally her main role was trapped in the domestic and agricultural works in this region, but several valiant women epitomized the revolutionary fervor in the political arena at different periods. At same time, none can deny her incredible role as mother, daughter, sister or wife in the social framework in the formation of the great culturally and helplessness, continue the family line, offer oblations to the manes of ancestors for their spiritual benefit, add luster and glory to the good name of the family by noble and brilliant achievements. But, on the other hand, the daughter was the cause of agony for the parents. They had to collect substantial dowry to marry her off. In case of her husband, poverty or death she had to be maintained by her parents .

However, the birth of a girl child was not a source of consternation to the family in the Vedic and Upanishad ages. One of the early Upanishad recommended a certain ritual to a householder for ensuring the birth of a scholarly daughter. In the Vedic period, the girls were initiated in Vedic studies and were entitled to offer sacrifices to gods; the son was not absolutely necessary for this purpose. The Marriage of the daughter was not a difficult problem; the daughter herself often solved it. The dread of a possible widowhood did not very much ponder upon the mind of parents, because levirate and widow remarriage were prevalent in the society during that period.

But, in the later period the circumstances changed gradually the growing pervasiveness of child marriage, exclusion of levirate and widow remarriages brought endless worry and misery to a daughter parent; Inter- caste marriages were discouraged by the society and exogamy became the general rule. Now, Selection of a suitable son-in-law became very

narrow, thus intensifying the anxiety of the daughters father. According to a Brahman literature the son was, the family, while the daughter was a source of trouble to it. The Ramayana stated that a daughter father, even if occupied a position as exalted as that of the king of gods, had to put up with insults not only from his equals but also from his inferiors. Even after making a good selection of a son-in-law, his anxiety did not terminate, because he had to wait anxiously to find out whether she was enabled to lead her life in comfort and happiness. Under these circumstances it was natural that the birth of a girl child was a source of desolation for the parent. Therefore, a son was valued more than a daughter. The parents looked after the girl child as a transient member, a liability to be handed over on marriage to suitable man in her rightful in-law-family. Even though the average householder regarded the daughter as the root of all misery and the source of unending trouble, but the female infanticide never obtained a footing in the Assamese families, which crept into some sections of Hindu society in other parts of India during the medieval period.

4.8: Position of women in family and household

Women play a very significant role in forming and shaping a house. She plays different types of roles in a family such as mother, wife, adviser, cook, and an honorable host for the guest etc. The sanctity of the home also depends on her as a mother, she is chiefly responsible for domestic care and love and the socialization of her children. As a wife, she not only helps her husband in some his work but also provide moral support to her husband during his up-hill struggle for the family's survival. In short, woman is the axis on which the whole family world revolves.

The household and the family was the place where the women enjoyed abundance of honor, affection and sympathy. According to the Sh. Br, the proper place for women was

the home. Therefore, they should be respected in all matters of the household (Grihas way patanye pratishtas) ⁶⁷. In the Vedic age, women in the domestic affairs were given the supreme authority⁶⁸. She was addressed as the queen of the house, who rules over all the members of the family as ocean rules over all the river of the world ⁶⁹. According to Prof. Indra, The words Pati (master) and Patni (mistress) used in RV signified the equality of position of husband and wife in the household".

After the Vedic age, though she was still considered to be supreme in the household life, but her power was curtailed to a certain extent. She was given the authority, only in the domestic activities within the household. She was not given as much importance in the matter of decision—making, even if the matter concerned to her. Men were vested with the power of decisions making and exercise of authority. Women were only indirectly involved in the decisions with respect to family matters. Men could take women's opinions, but it was the decision of men that was used to be implemented.⁷⁰

The Assamese culture was the part of the Indian civilization. Therefore, women of this region also had to countenance the same Indian beliefs and practices. Although, due to the influence of Mongoloid culture, the Assamese women were free from the rigour of certain social taboos, to which women in other parts of the country had been subjected. Even if they were not subservient to these social taboos, they too suffered from the crippling

⁶⁷Sh. Br. XII-8.26.

⁶⁸ Indra, *Status Woman in Ancient india*, P- 24.

⁶⁹AV,XIV-1-43.

⁷⁰ Indta, *Status of Women an Ancient india*, P- 24

effects of lack of the educational facilities, economic dependence and lack of personal freedom. Even in the family matters, their position was subordinate to men.

From the very beginning, man was given the duty to earn bread and butter as livelihood for the family and hence he exercised control over family finances and enjoyed a right to family inheritance. This provided him with power and authority over women. It was laid down in the scriptures that husbands and wife both used to follow Grihasthadharma duties and responsibilities. The wife was sahadharma- charini who followed duties of a householder with husband. At the same time, it was stressed that she was inferior to, dependent on, and under subjugation of man. According to manu⁷¹, a woman must be kept in subordination day and night, by the males of the males of the family. Not only a girl or a young woman, but even an aged one was not allowed to do anything independently even in her own house. She should be kept under the tutelage of males, first to her father, then to her husband and lastly to her son. She was never fit for independence (Na stri swatantiyan arahati). Her whole life rotated around men and within domesticity.

4.8.1: Women as housewife

Women's role was recognized in the domestic sphere within the household. Assamese society was a rural and agricultural society where the main work of the girls was making the cow. And that is why they were named duhita- originating from the word go-dohan⁷². The detailed account of the household activities of the Assamese women in the ancient and medieval period is not available. However from the observance of the working day of an Assamese housewife in the present days, which surely comes as a tradition from the

⁷¹ *Mani IX-32.*

⁷² *RVVII 101, 15, X.27 AO, 5 P- 24*

previous, a rough can be drawn of the duties and responsibilities of the women in the household and family during the ancient and medieval periods.

The working hour of Assamese women generally begins from the early of the dawn. Her household duties in the early morning include dusting, sweeping and washing the floor, washing and cleansing the cooking pots and utensils. During the Ahom rule, it was compulsory for every woman to husk at least one Don (five seers) of paddy in the dawn⁷³ After cleaning the house and household items, she took her bath. Then, according to her religious faith, she offered jointly with her husband the Morning Prayer and worship to the God and Goddesses in her respective family chapel, known as Gosaigharlor Namghar. After performing the purificatory rites, she entered into the kitchen for cooking. The Assamese people of affluent class were used to take their meals generally four times a day. The principal meals were taken at noon night. At morning and sunset, they were used to take light refreshments⁷⁴

According to Hunter, an Assamese cultivator generally took three meals a day⁷⁵. It is clear from the above statement that an Assamese woman had to spend maximum time of her day in the kitchen. Moreover, she had to take care of the health of the children and family members. Women of the educated section also had to look after the education of her children. Women of the well to do families engaged their leisure hours in knitting embroidery, kitchen garden and household decorations. In comparison to the women of the upper class, women of the peasant and working class had to take lots of burden in their shoulders. Apart from doing the domestic duties, they had to do some outdoor duties also. They helped their husbands in all external pursuits and internal economy. In the external pursuits, women shared their husbands toil in cultivation work by sorting of seeds,

⁷³. S. Rajguru, *Medieval Assamese Society*, P-157

⁷⁴. S. Rajguru, *Medieval Assamese Society*, P-157

⁷⁵. W. Hunter, *Statistical Account of Assam*, 1879, P-250.

uprooting of seedlings, transplanting, harvesting etc. In the internal economy, they engaged themselves along with their husbands in bamboo, cane or wooden works, or in making agricultural implements, hunting and fishing instruments and other things in order to earn an extra income for the maintenance of the family and also to equip their house with domestic necessity. Under the supremacy of the Ahoms, the most important and compulsory work allotted to the women were spinning and weaving⁷⁶. It was necessary for every woman that in the night, before going to the bed they had to complete the spinning of the least forty cocoons. Nobody could neglect their duties, because there was a supervisor in every village to inspect the work of the people; somebody was found neglecting their duties without any reasonable cause, then she was punished⁷⁷. Therefore, it is clear that women did not engage themselves only in the domestic activities, but also spent their spare time in cultivation work and other arts and crafts. Over and above all these duties, the dominant role of a woman was considered to be a faithful wife and a devout mother.

4.8.2: Women as Mother

Motherhood had been the cherished ideal of every Hindu woman. Like her counterparts in the other parts of the country, the birth of a son immediately heightened the status of a mother in the Assamese society. The apotheosis of the mother reached a greater height in India than anywhere else. Motherhood was regarded as an embodiment of divine virtues on earth. Manu said that there is no difference between a mother and Goddess⁷⁸. The other law-giver of ancient India, Apastamba honoured the ideal of motherhood by expressing that a mother does so much for her children without any selfishness, therefore

⁷⁶ Dr.S.K.Bhuyan, *Lachit Burphukan and his times*, p.18.

⁷⁷ B.Sarma, *Durbin*, 1951, p.10

⁷⁸ *Manu*, IV-26

the children should not abandon her and must serve her constantly, even if she was boycotted society and religiously⁷⁹.

The role of a mother is very crucial and significant in a also gave to a powerful king Hajaravarman. The Hayunthul grants also compare her motherhood to Yudhisthira's mother Kunti and Abhimanyu's mother Subhadra.

Some of the king of medieval period built temples tanks in the name or memory of their methods. The most powerful king of the Ahom kingdom, Rudre Singha (1696-1714) had excavated the Jaysagar tank to commemorate his mother Jaymati's name, who sacrificed her life for the great interest of her motherland. Some of the king honoured their mother by naming the capitals in the name of their mother. Santanu, the originator of the Baro Bhuyans named the place of his rule as Lakhipur or Lakshipur after the name of his mother Lakshmi. Lakhipur or Lakshimpur has been identified with present district of Lakhimpur⁸⁰. Though these examples belong to the royal families but these conventional references indicate that women as mothers were highly respected by every Assamese belonging to any strata of the society. Besides playing significant role of a doting mother, a woman had to play the role of a self-sacrificing, self-effacing, virtuous, chaste, truthful and devout wife.

4.8.3: Women as Spouse

In the early Vedic ages, wife enjoyed equal right with husband. The Vedic literatures stated that the wife was the half of man and was equal to her husband in every respect and could equally participate in every religious and social function³⁰⁸. Though supreme authority

⁷⁹. A.D., 1-10-48-9

⁸⁰. K.L. Barua, *Early History of Kamrupa*, P-278, E.A. Gait, *A history of Assam*, PP-38, 39

wife's position was one of honourable subordination. In the Vedic and Epic society, we find that the wife was treated with utmost courtesy and regard. The Vedic stated that the wife was the ornament of the house and the keystone of the husband's happiness⁸¹. PP. stated that, "the house may be full of sons, daughters and daughters-in-law; but it is quite empty to a person if his wife is not there to supervise over it"⁸². According to Raghuvamsa, "Wife alone was the husband's trust friend, counsel and companion"⁸³ Without her he could not go to heaven either, so at the time of the symbolical ascent to heaven in the sacrificial ritual, he had to wait till his wife came to accompany him. In the time of the Ramayana also we observe that no sacrifice was undertaken unless wives were present with their husbands. During the period of the banishment of Sita, Rama performed his rites with the golden image of Sita by his side⁸⁴. The Bbh said that the most sacred duty of a husband was to maintain and support his wife, which must be discharged at all costs; otherwise, have no right at all to be called a husband⁸⁵.

In the Assamese society, indeed we do not get any direct evidence regarding the wives in pre-Ahom period. But mentioning the names of the queens along with their king husband in the inscriptions of ancient Assam indicated that as wives were given the dignified and honourable position. The comeliness of most of the queens such as Nayanadevi, wife of Sthitavarman of Varmandynasty⁸⁶, Srimangala, queen of Harjaravarman of Salastambha dynasty was compared to Goddess Lakshmi, which signified that women were considered as benevolent and bestower of prosperity. The inscriptions state that Devavati, queen of Narayanvarman, Nayanadevi, queen of Sthitavarman of Varmandynasty, Shamayika wife of Devadhara.

⁸¹. RV, BK. V, hymn 61, v. 8

⁸². PP, Uttarakhanda, 223,36-7

⁸³. Raghuvamsa, VIII, 67

⁸⁴. Ramayana, Balakanda, XIII-4

⁸⁵. Mhb, xii, 272,37

⁸⁶. Dubi Copper plate of Bhaskarvarman, vv. 50, 57

Ummoka Brahmin achieved the same status as their God husbands. This indicates that both husband and wife were attached to and complimentary to each other. In that period, the kings did not hesitate to state that wives were equal to them in status. Amba, queen of Jayamala (Virbahu) and Aihavadevi, queen of king Udaykarna were said to be equivalent in status to their respective husbands.

In the Ahom period, we get the reference of royal consorts, who occupied proud positions. We find that the kings were highly influenced by their queens. The queens began to exercise their influence in the politics also. At the instance of Chaoching, the consort of the Ahom King Suklengmung (1539-1552) created the third minister Barpatra Gohain when the Ahom King Siva Singha (1714-1744) came to know that he might lose his throne due to the evil influence of the stars, he handed over the reigns of the government to his Chief Queen Phuleswari who took the title Bar-Raja. Her sister Ambika and Sarbeswari succeeded her as Bar- Raja respectively. These references help us conclude that women of the royal families were given the status equal to their husbands. `

But, the general attitude towards women does not seem to be of such respectful. Generally, they were looked down upon as distrusted and incredulous. All sorts of indignities and insults were heaped on them indiscriminately. About the relegation of women in the by-gone ages, Dr Abinash Chandra Das on his book *Re-Vedic Culture*, comments that Women captured in war from rival clans or otherwise were forced to matrimonial connections, were necessarily kept in subjection and treated more like chattels than human beings. They were virtually treated as slaves, over whose life and liberty their husbands had complete control. This was the lowest form of marriage-if it could be called by that name at all. Even at such later times, as the age of the Epics-we find Draupadi the royal consort of the five Pandavas-pawned by Yudhishtira in a game of dice, which he played with Shakuni. The Kurus for whom the game was won forcibly brought out the queen from her royal

apartment and subjected her to a series of inhuman insults and indignities that made the blood of her royal husbands boil. But they were utterly demoralized and could not raise their voice-or even their little finger- in protest because they had lost in the game. The literary works of medieval Assam do not seem to have lagged behind in vilifying and disgracing the fair name of womanhood.

From some of the medieval works, it was gathered that women were regarded as the most immoral, inconstant, deceit, stupid, greed, impure, cruel and insolent class of people in the society. They were impediment in the path of devotion and liberty. KGC, in one of its statements, minutes that so long everything was made available to a wife, she was candid and virtuous, but as soon as she did not get her desires fulfilled, she began to disregard her husband and act in a way whereby the position of the husband was jeopardized. Another author Ram Charan Thakur in his *Guru Charit* asserts that women were most irreligious and sinful; they know nothing than untruth and were addicted to constant sexual pleasure. Even Sankardeva, who was sometimes regarded as comparatively liberal in his attitude towards women, was not free from such influences. He stated that women were foil of illusion and mesmerism; and even a sudden look at women would destroy all sorts of penances, sacrifices and devotions. According to him therefore, a wise man should the companionship of women as far as possible. Sankardeva himself refused to initiate the omen, as they wereliars, sinners, unchaste and too much attached to wealth and property. There were advocates of celibacy in the Vaisnava cult who compared the married life to that of a pig's life and the women as being doors to hell.

4.8.4: Women in Marriage and Married life

Of all the Hindu Samskaras, Vivaha or the Marriage was one of the most sacred and significant one, because it was the origin and center of all Yajnas performed by a grhastha. Marriage received spiritual significance as indicated in the literary expressions found in the

RV, and the AV. From the very early period, the contribution of the marriage institution was found to be very wide towards building the Hindu society and knitting bondage in it. Marriage was to every Hindu not an act of mere pleasure, not primarily a source of gratification to his sentimental longing or romantic loves, but an act of duty, a matter of moral and religious obligation, absolutely incumbent on him his ancestors. Two types of approval were given to the system by the Hindu society. These approvals were: Social approval and Religious approval; hence the people, who followed the system, had to accept the two fold bindings. Firstly, they had to accept the social rules and regulations and secondly, the marriage should be performed according to the rules laid down in the Hindu scriptures. The Sh. Br asserts that the wife was the half of man and hence as long as he not secure a wife and a son, he was not considered complete. The author of Mhb admires wives in a various ways. She was half body of her husband, so she was called Ardhangini. She was the closet friend of her husband as well she was the source of dharma, artha, Kama for the attainments of the objects human life.

4.8.5: Types of Marriage

Manu recognizes as many as eight kinds of marriage, merely possesses a historical significance. These marriages are:

Brahma (based upon Vedic rites).

Daiva (by which a girl is offered to a priest).

Arsa (marriage by purchase in which the bride's father normally receives from the Bridegroom a pair of oxen)

Kaya or Prajapatya (in which the marriage takes place after the proposal being Made by the would-be bridegroom).

Asura (marriage by purchase).

Gandharva (secret union). .

Raksasa (marriage by force or capture).

Paisa ca (secret elopement).

Manu stated that the first four kinds of marriages according to the order Brahma, Daiva, Arsa, and Prajapatya were lawful for Brahmas, while the three forms i.e., Gandharva, Rakshasa and Paisaca were for Kshatriyas. The Asura and Paisaca Forms of marriage were valid for the Vaisyas and Sudras. In all these forms of marriage, a woman was considered a precious person. The first four forms of marriage seems to be adopted from the customs of the paternal types of family consisting of Aryans who were divided into four varnas, while the last four forms of marriage were adopted from the customs of the maternal type of family³³⁹. It has been already mentioned that the society in North-East India was influenced mostly by the tribal and non-Aryan elements and most of the tribal society was maternal in nature, accordingly they follow the Raksasa, Gandharva, Asura and Paisaca forms of marriages. As it has been pointed out, "marriage amongst the Hindus in Assam was almost invariable by purchase, or as a Hindu would prefer to say, the Asura was prevalent form of marriage. The price paid, for a bride varied considerably; on a general average it might be placed roughly at Rs.60 to Rs.70, but very much larger sums were often paid more especially by the Shahas of Sylhet when they wished to procure a bride from the Kayastha or Vaidya caste. One result of this practice of buying wives was to rise the age of males at marriage as they could not take a wife until they could afford for her".

Unfortunately, there is a scarcity of evidences to draw a clear picture of marriage system in ancient Assam. Our predecessors, in their works of ancient period, opined that the traditional secret marriage of Aniruddha with Usa was of the Gandharva or even Paisaca kind. The union of Krishna with Rukmini was similar to the Raksasa type of marriage. Another form of marriage other than the above eight types was Swayambara which was prevalent in ancient Indian as well as Assamese society. This system was a device for bringing about a marriage of a Kshatriya damsel and it is referred to in the Rajtraingini in connection with the marriage of Amiritprabha with Meghavahana, a prince of Kashmir.

On the basis of the records and sources available, it can be assumed that the Brahma and the Prajapatya forms of marriage were widely practiced among the Brahmans of Assamese Hindus. But the Vedic procedure was uniformly followed not only by all the high caste Hindus but almost by all the lower castes also. Though it had been found that the marriage customs were not so rigid in Assam as those were in other parts of India, but it had been observed that some of the customs of later medieval period were largely influenced by the Brahmanical rites and became rigid towards the marriage customs. In one case we find that one Mukunda Gossain was sentenced to death by King Pratapa Singha for replacing the smarta marriage rituals by Nama-kirtana and exchange of garlands. This shows that the breach of traditional marriage customs was not tolerated.

4.8.6: Rituals in Marriage Ceremonies

Regarding the ceremonies given in the marriage hymns of the RV and the AV; one aspect should be observed that the main outlines of the Hindu marriage rituals of today are almost the same as they were in some five thousand years ago. In the beginning the marriage ceremony was performed in a simple way. In the course of time the society became complex and many local and chronological differences came into existence.

Marriage being a spiritual institution was based on the dual pillars of samya and satya, i.e., equality and truth. The Rig Veda exemplifies the statement in the following passages:

Aum Mama Vrata Te Hradyam Dadhatu

Mama Cittan Anucittan Te Astu"

" Yadasti Hradyam Mama

Tadastu Hradyam Tava, I

Yadasti Hradyam Tava

- Tadastu Hradyam Mama".

“Aum May you give your heart to me for my great and holy Vrata or Vow of marriage. May your heart be mine; may my heart be yours.”

The marriage woman in the RV was considered as the sakhi (friends) of her husband. The ideals of the Hindu marriage have come down from Vedic times and are preserved in the various rituals. As Radhakrishnan observes: "The marriage ceremony marks the beginning of the great opportunity for the development of an emotional maturity, in which the sense of justice, of understanding of consideration of, and forbearance for, others are born". The Hindu Sastrakaras had emphasized the importance of vivaha for both man and woman equally. However, to a woman, marriage was the bases of the purusarthas. Her life becomes complete only when she got married. The phenomenon-of old spinsters was not altogether unknown.They lived in their parents home till the hair was white with age.

It has been already mentioned that normally the higher class Hindus followed the formal rites of marriage according to the Prajapatya and Brahma type. The Puspabhadra grant (v.15) seems to throw some focus on the Panigrahana or I marriage. The Assamese Hindus of the plains, whether Brahmans or Sudras, followed in general all the rites of marriages. In a sanctified marriage ceremony) the following Vedic rites were performed :

- 1) Vagdana (settlement of the marriage with the performance of the ringceremony).
- 2) Varavarna (formal reception of the bridegroom by the bride,s party).
- 3) Kanya-dana (Giving away the daughter to the bridegroom)
- 4) Vivahahoma (the oblations offered to the Agni or fire by the bride and thegroom jointly).
- 5) Laja-homa (The sacrifice of the fried grains by the bride clasping the hands of the groom into the fire and the fried grains are poured into her hand by her father or brother)
- 6) Panigrahana (clasping and acceptance of the bride, s hand by thegroom).
- 7) Agni- Parinayana (round around the nuptial fire by the groom and thebride).
- 8) Hrdaya-sparsa (reciting the mantra by the groom touching the heart of thebride).
- 9) Saptapadi (taking of seven steps by the bridegroom and bride jointlybefore the sacred fire).
- 10) Asmarohana (standing on a stone by the bride).
- 11) Dhruvadarshana (looking at the polestar by the bride).

Besides these Vedic rituals, some of the pre nuptial local customs were observed in different parts of Assam. According to B.K. Barua, some of the customs are reminiscent of the primitive society when socially approved marriage system had not evolved.

4.8.7: Marriage custom of Assam

The first popular custom in eastern Assam was Joran-diya, which was known as Telbhardiya in western Assam. The earliest reference in early Assamese literature about this custom was found in IVlankar's P.P where the sage Narada had been shown as the person in charge of carrying articles of Joran from the cottage, of Mahadeva to the palace of

Himalaya. Narayanadeva's PP (17th century) also described this function in connection with the marriage of Behula- Lakhindar. According to this custom, two or three days before the marriage ceremony, on an auspicious day some articles like silken and other clothes, ornaments, oil, parched paddy, cinnabar, gur and two pots of curd, a big fish, a packet of vermilion are sent to the bride's house from bridegroom's house and the vermilion mixed with oil is then applied on the forehead and the hair of the bride amidst ululu sound of women. A part of the articles brought from the groomshouse including a pot of curd is sent back to the bridegroom's house with a dress and ring meant for the groom.

Other Popular local function, which was performed two or three days before the actual marriage ceremony, was Panatela ceremony in which sacred water was brought from nearby tank or river by the female relations headed by mother of the bride. A description of this is given from H.C Barua's Marriage systems of the people of Assam.

The mother of the bride along with other female relatives was used to proceed to a nearby tank or river accompanied by singers and drummers. Having reached the tank, they carried a dialogue of set words, the purpose of which was to ensure good fortune for the wedding couple. At the end of the dialogue the mother carrying water-pot threw a few cowries shells and thuriya-tamol (a piece of areca nut rolled up with betel leaf) into water saying, "oh, sun and moon, ~winds and clouds, bear witness, I carry water for the marriage of so and so". Then drawing three lines on the surface of water with a knife invoked the rivers Ganga, Yarruna and Saraswati to bless the marriage with their water. Then they returned filling the pot with water. On reaching home they sprinkled some water from the pot on the eaves of the house. After entering the house they placed the water-pot on the madal (mandaia=circle) prepared artistically with coloured powders and adorned with pictures of gods and goddesses a mirror was usually placed in the centre.

The groom or bride was then taken out for a ceremonial bath to the beighar, after giving him or her a ceremonial bath according to the traditional rituals and attiring them with a new dress they are taken, in their respective home, to the modal where they are dressed and decorated with fine where they are dressed and decorated with fine clothes, ornaments and toilets. On the previous evening of the marriage ceremony, gathiyon Kaunda ceremony and adhivasa rituals were celebrated in which a sweet scented aromatic root was pounded with a Muller held by seven married women and the powder of the root was applied to the head of the bride.

On the marriage day at the early morning before the sunrise another local custom was practiced known as the daiyan-diya, where the bride was allowed to sit at the door of her sleeping apartment and the mother or other female relatives knelt down before her with two betel leaves being dipped in some curd, takes one each hand and touches her cheeks, arms and feet with these moistened leaves. Before the departure of the couple, the custom of suvagtola was observed in eastern and central Assam but was generally absent in western Assam. In this ceremony, the mother with other female relatives and guests were used to proceed to the nearby tank or river to bring water in a pot, one of the women carried on her head a bamboo tray 9(data) containing seven lamps and another a winnowing fan (kula) on which were placed a copper coin fastened in a piece of cloth along with rice-powder. The women carrying Kula, called kulabudi, struck the fan with a stick. After observing some rituals, they returned to the home and then the water pot was placed in a medal. There was a peculiar function held on the third day of the principal marriage ceremony known as Khoba and khobi. In this function the evil spirits known as khoba and khobi were

driven away from the person of newly married couple. The local customs of central and eastern Assam are almost same but it is different in western Assam.

The main reason for the uniformity of the local custom of the central eastern Assam was that for a long time, the two regions were ruled by same dynasty whereas the rule of western Assam frequently changed hands. Therefore the local customs also changed with the ruling power. But one common thing was that all the functions were followed amidst ululu sound the folk songs sung by womenfolk besides the local customs mentioned above, some other practices were followed by the Hindu Assamese in the marriage system such as dara- agacha, angathi khela, duaradhara etc. Thus we find that the Assam marriage system was a composite one of Vedic and popular local customs. The womenfolk played major roles in the popular folk practices of the marriage rite.

4.8.8 : pre –Puberty Marriage

Customs of pre-puberty marriage were only prevalent among the upper caste Assamese Hindu. Those were rarely practiced by the castes other than Brahmins and Kayasthas. Brahman youths usually married after the completion of their period of education. Marriage was regarded as a social and religious duty and necessary samskaras in the Hindu system and the snataka was required to enter into matrimony soon after his brahmacyarya⁸⁷. If the Brahman was unable to bear the expense of his marriage, it was the duty of the King to help the poor Brahman to become a grhastha by bearing the expense of the marriage. This is incidentally referred to in the Nowgong grant (v.31). The smriti texts, including those of Assam enjoined upon the Brahmans to follow strictly the rules in respect of their marriage and advised to marry off their daughters before the attainment of puberty. It is not known when the custom of Pre-puberty marriage came into existence, but the worst effect of the customs was that to pre-mature

⁸⁷ Aitkar. *Education in Ancient India*, p.25

age and lack of education, women were completely subjugated by their male members. They were not allowed to participate in any decision –making process including the marriage of their daughter. As regards the causes, which led to the practices of pre-pubescent marriage, it can be said that perseverance on absolute chastity was responsible for it. According to Altekar, “An undue premium came to be placed upon absolute chastity, in order to prevent the theoretical possibility of unchastity in any bride whatsoever, it decreed that marriage should always perform before puberty”.

About the early marriage of the girls, Veena Das remarks, “Women were literally seen as points of entrance, as ‘gateways’ to the caste system. If men of ritually low status were to get sexual access to women of higher status, then not only the purity of the women but that of the entire group would be endangered. Since the main threat to the group came from female sexuality, it becomes vital guard it. Most groups solved this problem by the custom of prepuberty marriage”. Historian Indra also supported the above cause and said that perhaps infant marriage was used as the device to curb on incontinence. In his opinion, “in the early Vedic Indian, marriages were contracted after courtship and were ordinarily dictated by mutual love. But with the admixture of races, the multiplication of castes their iron exclusiveness and decay of morals, the only check to curb the growing desire for license among young men and women was to give them to chance of having a will of their own. Hence the convention, that a girl must be married before she attains puberty”.

We have already mentioned that the custom of pre-puberty marriage was prevalent only among the Brahmin and Kayastha families of Assam. Though the girls were married at an earlier age, but they were sent to their in-laws house permanently after they attained puberty. Sometimes bridegroom’s party escorted the bride for a few hours for the benefit of the relatives, mainly for the womenfolk, who could not accompany the marriage party.

This custom was called ghar-gachakowa, which means stepping into husbands's house. She was sent back to her parents's house after a few hours where she was allowed to stay till she reached puberty. Castes, other than the Brahmins and the Kayasthas, married grown-up girls and therefore carried their brides immediately after the conclusion of the ceremony. In the Brahmin and Kayastha families, when the first menstruation of the girl started, then the girl's family followed some traditional customs. First of all she was confined in a secluded room for a certain period ranging from a few days to a month as prescribed by the astrologer. After the seclusion period was over, the girl was ceremoniously given a bath accompanied with songs sung by assembled women of the village. A bundle was made containing seven wild figs and a few coral and gold beads fastened together in a piece of cloth. This bundle was named as kanai. This kanai was carried by a messenger who conveyed the news of the attainment of puberty of the girl to the entire village. Then the occasion of tolani-biya was performed in which the girl was given a ceremonial bath and kanai was placed on the lap of the girl and other females. After this ceremony on an auspicious day, the final part of the marriage ceremony, i.e., santibiya was held, in which the bridegroom used to sprinkle sacred water on the bride by praying and invoking different deities for the harmony and prosperity of their married life. After the ceremony was over, the bride accompanied her husband to the father-in-law's house. It had been found that majority of Kalitas and Sudras escorted their brides after performing marriage ceremony according to Vedic rites. But, in few cases, it had been that due to the poverty or some other reasons, some of the people of the Kalita and Sudra communities brought their brides with them by giving necessary ornaments to the bride and feeding the members of society without performing marriage according to the Vedic rites.

Such a pair was called Abiyai i. e., Unmarried. In such cases, the married women for good of the unmarried couple performed an auspicious function of ag-chaul-dia. But, such couples were considered as impure, so they were restricted to take part in many social functions. They could perform any function related to god only after making Prayaschitta (expiation). The bridegroom was not allowed to perform the Shradha ceremonies of his unmarried wife according to Vedic rites. Such couple was also banned to take food with their kinsmen and family members sitting on the same line neither were they allowed cooking or distributing food for others. The son of such an unmarried couple could not become the inheritor of his father's properties. But if the couple becomes parents during their unmarried state, then they were required to go through prayaschitta. If the husband of such a couple died without performing the marriage ceremony, either a pacificator function of the wife was performed by marrying her off to the idol salagrama or to one of the holy works, such as gita, Bhagavata or to a plantain tree. In some cases, the wife, in order to purify herself, married second time a person of her own community according to Vedic rites and then departed from him giving some ransom, instead of leading a conjugal life.

A widow, whose marriage was not performed and was kept by a Sudra, such as Keot, Koch etc., without performing marriage, was called Batalu. If she became bereft of husband for the second time and was taken as wife by a third husband, then she was called Dui-ghari Batalu. If she was taken by a fourth husband, then she was called Tin-ghari Batalu. But such cases were observed among the people who had no social status. The Tin-ghari Batalu was considered so wretched that people even considered her sight very inauspicious at the commencement of a certain work. Sometimes, a bride of her own settlement or bridegrooms' of his own agreement respectively went to the bridegrooms' or bride's house, lived as husband and wife. In the first case the bride is called Chapani or Dhemni and in the second case, the bridegroom is called Chapania, Again, sometime, the parents of a girl owing to the desire of having a son or a proper man to look after them at their old age as well as to shield their properties a young man of their old age as well as to shield their properties selected a young man of their community as bridegroom for their daughter, such

bridegroom was also called Chapania or Ghar-jowat. The custom of talking money or other commodities by the parents of the bride from the bridegroom or bridegroom's party was prevalent among some of the Sudra communities. The money was taken as a sort of price for the maintenance of the bride by the parents and was known as Ga-dhan (Ga=body, dhan=money). This form can be identified with the Asura form of marriage resulted in the form of polygamy. Altekar believes that the grooms, when matured, sometimes were not content by the brides of their parents' choice. Wives too were not cultured or educated enough to succeed in riveting their husband's affection and dissuade them from the contemplated second marriage.

4.8.9: Polygamy in Assamese Society

Monogamy was the general rule of the Hindus in the ancient society. The Vedic literature also indicated that the fundamental conception of marriage was monogamous. The words 'Dampati' Jayapati', meant the two joint owners of the household and did not permit the entry of a third partner.

The Vedic rituals too did not permit for the association of more than one wife. The Vedic Gods also were monogamous. In practice, however, polygamy often existed in the aristocratic and ruling sections of the society.

In the early Hindu society, polygamy was commonly practiced by princes or noblemen. Common people were ordinarily monogamous. On the basis of some motivations, polygamy was practiced by the ruling and rich section of the society.

According to Altekar, Polygamy was used as an instrument by the ruling classes to establish and fortify their political supremacy by contracting numerous but Judicious

matrimonial alliances whereas the richer section of the society kept many wives to exhibit their wealth, reputation and social position.

Gradually, polygamy became the common feature of the social system. Even the common people started practicing it. The main reason was their insatiable desire for progeny for the continuance of the family. A son was absolutely necessary to relieve his father from the torments of hell by offering oblations to the ancestors and so lawgiver permitted the husband to marry second time if the first wife was desolate or failed to produce a son. But, the sastras had permitted the practice of polygamy under few exceptional conditions ³⁶⁸.

- 1) If the previous wife was barren up to 8 years.
- 2) In Case, short-lived children were born up to 10 years.
- 3) If the previous wife continuously produce daughters up to 11 years.
- 4) If the previous wife could not perform religious sacrifices due to some incapacity in her.
- 5) If the first wife was found to be imbecile.
- 6) If she was suffering from an incurable disease.
- 7) If she was found to be adulterous.
- 8) If she was quarrelsome.

It appears that in the later ages, the practice of polygamy was not based upon the above conditions but actually treated as a privilege reserved for the twice born classes. Manu approved the practice by laying down that a Brahman could keep four wives, the first one from his own caste and rest three wives from the remaining three castes. Similarly, a Kshatriya could marry three times, the first one from his own caste and the remaining two wives from vaishya and Sudra caste. Likewise a vaishya could keep two wives-one from his own caste and the other one from the Sudra caste. But a Sudra was not allowed to keep more than one wife and therefore was to lead a perfectly monogamous life ³⁶⁹. In the epic literature, we find that men married several women even of the same caste.

The motive behind the practice of polygamy was neither spiritual nor religious. The absence of progeny from the firstwife was not necessarily the cause of marrying second women. A man could have married another woman without being subjected to any social opposition if only he had a latent desire. Arjuna, the hero of the mhb married Draupadi subhadra, Ulupi chitrangada and Uttara one after another, but he was never denied access to his high status, which he accupied throughout his whole life. Several such examples are found in the Mhb. It shows that the practice of polygamy had been very widely prevalent in the Mhb and it carried with it no sense of disapproval, Manu had even propounded that at moment the husband could discard his wife if she was found to be disagreeable to him. The position of wives were so much degraded that even if the wives could produce sons and were fully devoted to their husbands, still they were superseded by their husbands on the pretext of flimsy grounds. However, the practice went on spreading and in the later ages it was in vogue not only amongst the aristocratic classes but also even among the common people.

In early Assamese society also, polygamy was a common practice. The puranas, while relating the stoy of Narakasura, the ancient's ruler of Pragiyotisha-Kamrupa, also mentioned about his harem, where 160000 beautiful damsels were in his possession that were later on recovered and married by Krishna, the ruler of Dwarka after killing Naraka. Through the inscriptional sources of Varman, Salastambha and pala dynasties refer only the names of single queen, But it does not necessarily mean that the kings of ancient Assam were Monogmous, Perhaps the inscriptions only mentioned the names of the chief mother along with their king father in the inscriptions. On the other hand, medieval Assamese society had numerous examples of poly gamy. Durlabh Narayana, the king of Kamata had seven queens. Almost all the Ahom kings had at least two principal queens known as Parbatia kuwari and Raidangia Kuwari and many subordinate queens known as Chamua Kuwari. The nobles and ministers had at least two prinipal queens, known

as Parbatia Kuwari and Raidangia Kowari and many subordinate queens known as Chama Kowari. The nobles and ministers had at least three wives. The Koch king Bisva Singha had forty-eight queens and king Laksmi Narayan had as many as one hundred and twenty queens³⁷⁵. It appears that in the medieval Assam society, polygamy was widely practiced, especially by the members of the royal family. It seems that women were regarded as mere chattels, and could be captured in my number by men after the conquest of a territory. Women were generally used as an instrument for peace treaty. It had been seen that the vanquished king was used to give his daughter or sister in marriage with the victor king. When Nyayapala, king of a small territory got the smell of the attack on his kingdom by the powerful Chutiya king Ratnadhvajpal, he bought peace by offering his daughter to the latter. The Jayantia king married off two of his daughters to the Kachari king Satrudaman after tasting defeat. The Ahom king Sudangpha turned the rebel of the Tipamiyas to peace by entering into the married alliance with the daughter of the Tipamiya chief. The ruler of Gauda made peace with Ahoms by offering two princesses Khanbibi Harmati and Khanbibi Darmati to Suhungmung's (1497-1539) seraglio.

The existence of polygamy undoubtedly proves the low status, which was allotted to women in the earliest and medieval ages. Wife was then regarded as property, which could be staked at dicing and over whose life and liberty husband exercised complete control. The position of co-wives was extremely miserable. Each one naturally craved for the whole-hearted love of her husband and wished to be his favorite wife, but as this was impossible, the neglected co-wife very often took to the performance of secret rites and uttering of incantations with a view to gain her husband's love and put down her rival. The plurality of wives was never considered as contributing to the happiness of domestic life. Sometimes, the neglected wife tried to kill her rival co-wife. We come across one such case in the Ahom kingdom. The queen regent of Taokhamti (1380-1389) was a barren and jealous of co-wife. When the king went for an expedition against the Chutiyas, he

gave the power to the chief queen. She took advantage of the power and sentenced her co-wife, an expectant mother, to death on charge of an alleged adultery. But the men who were to carry out the orders secretly spared the unfortunate victim of her life. They set her adrift on the Bramaputra, and subsequently she got shelter in the house of a Brahman at habung. After some times she died after giving birth to a son.

From the above account it is pretty certain that the status of co-wives was not at all satisfactory. Yet it was expected that wives should be devoted to their husband. According to Manu, though unobservant of approved usage or enamored of another woman or devoid of good qualities, yet a husband must certainly, be revered as a god by a virtuous wife.

4.8.10: Women and the concept of Chastity

Chastity was recognized as the central and most indispensable aspect of a woman's character. The enormous importance of the purity of sexual life was recognized from the Vedic period and all deviations from it were regarded with disfavor. The great epic Mahabharata in one of its statements records Gifted with a good disposition, endowed with sweet speech, sweet conduct and sweet features and always looking at the face of her husband and deriving as much joy from it as she does from looking at the face of her child-that chaste woman who regulates deeds by observing the prescribed restraints comes to be considered as truly righteous in her conduct. Listening to the duties of married life and performing all those sacred duties, that woman who considers virtue as the foremost of all the objects of pursuits, who observes the same vows, which are observed by her husband, who adorned with chastity looks upon her husband as a good as a god, who waits upon and serves him as if he were a god, who surrenders her own will completely to that of her husband-who is cheerful, who observes excellent vows, who is gifted with good features and whose heart is completely devoted to her husband so much so that she never thinks even of any other man,

is considered as truly righteous in conduct. That wife, who even when addressed harshly and looked upon with angry eyes by her husband appears cheerful to him, is said to be truly devoted to her husband. She who does not cast her eyes upon the moon or the sun or a tree that has a masculine name, who is worshipped by her husband and who is gifted with beautiful features, is considered to be truly righteous lady. The woman, who treats her husband with the affection which one, Shows towards her child, even when he happens to be poor or diseased or work or worn-out with the toil of traveling is considered to be as truly righteous in her conduct.”

After the introspection of the inscription of ancient Assam in detail, we came to know that the queens and the Brahmin wives were primarily cherished for their chastity and allegiance towards their husbands. For instance, Dubi copper-plate and Bargaon copper plate respectively stated about the fidelity of suvrata, the queen of king Mahendravarman of varman dynasty and syamayika, the wife of Brahmin sadgangadatta. As the steady luster never failed to subsist with the moon, likewise the queens and the Brahmin wife were also persistently dedicated to their respective husbands. We get the names of other devoted queens and Brahmin wives, like wife of Gabhithira brahmin. Cchepayika, wife of vasudeva Brahmin, saukhyaika, wife of savarpala Brahmin, Anuradha, wife of vasudeva brahmin, Ratna, queen of king Harshapala of Pala dynasty, Pauka, wife of barite brahmin etc. The adherence of the above mentioned wives were compared with Saci, sita, lakshmi, parvati, who were the wives of Indra, Rama, Narayan and Siva respectively and thus portrayed an ideal wifehood or Grhlakshmis.

The medieval soial reformers were not different from suchbackings. The Vaisnava movement had put forward certain other restrictions also, such as women could not talk to any male person other than her close relative, could not laugh loudly, etc. and whoever dare to try to cross these limitations was declared.

Unchaste and inauspicious. Madhavadeva even advised Sankardeva's wife to address her husband as Gosain or God. Sankardeva specifically stated that devotion to husband was the utmost duty of a wife. The medieval literature presented the example of few chaste women who tried to keep their chastity untarnished. It had been recorded that to preserve her chastity from the contemporary. Koch king (Raghudeva), daughter-in-law of Sankardeva and widow of Kamalalochana, who extremely beautiful, her face by removing the teeth with a grinding stone. The KGC records an interesting event of a lady called Radhika santi who could attain glory by remaining a chaste. It was said that when the construction of the dam again and baffled due to the current of the stream, and the problem became inexplicable, then Radhika santi, wife of a fisherman named Purnagiri, took a miraculous action. She by dint of her chastity, brought water from the stream in a Pala (a fishing Instrument) having many big holes in it. When she poured the water of the Pala at the spot where the construction work was going on, surprisingly the stream became mild immediately and the construction of the dam was completed without any difficulty.

One of the chronicles recorded another similar miraculous incidence. When Chilarai, the brother and prime minister of King Naranarayana was suffering from incurable white leprosy, then the wife of an oil man, on the strength of her chastity, succeeded in bringing water in a copper Bessel, having thousand holes on its body, for worshipping the sun god. The sun god was pleased and Chilarai became cured. Since both the above ladies belonged to the lower strata of the social chain, hence these incidences pinpointed towards the importance laid on chastity of women belonging to any state of the society though the Assamese society stressed upon the chastity of the women, but we find another form of women who were known as concubines, courtesans and devodasis, which can be called as prostitution.

4.8.11: Women and the Practice of Prostitution

The term vesya is referred to in the Tezpur grant of Vanamala. The bargaon grant also mentions about besya and varastri, who generally resided in the best streets of the city. The grant of Venamala mentions that they were beautiful and attractive to all minds and they adorned them selves with various ornaments. The kings and nobles patronized these courtesans and they adorned many royal courts by there singing and dancing. According to B.K. Barua, they seem to have lived a life of cultured ease and pleasure. According to P.C. Choudhury, “The institution of vesyas or devodasis is nothing but a sacred prostitution in some form or other in its extreme development, the institution has a parallel in the pre-marital communal life of the bachelors’ quarters of The Assam tribes”. But the besyas were not used as prostitutes like the modern times. They were actually appointed as dancers and courtesans in the Siva temples and the system was in vogue from 3rd century A.D., not only in Assam but in other parts of India also. The institions of vesyas developed in Assam under Tantrik influence as described in the YT. Vanamala in his Tezpur grant made gifts of vesyas to the temple of Hatakesvara Siva. Thus it can be said that prostitution was present, but in a sacred Assam only after the Burmese invasion. After the Burmese invasion, the girls were not safe and to protect them from any awkward situation, the purdah system was introduced in the Assamese society.

4.8.12: Women and the System of Purdah

Purdah system was unknown in the ancient and medieval Assamese society. The Assamese women were free to move and take equal shares in the agricultural works with the men folk in the society without covering their faces. Such literature were found to be absent in the medieval period in the other parts of India. The ancient Assamese society seems to be much liberated comparing to the medieval Assamese society. The Tezpur grant indicates that women even took their bath in the open.

Purdah was not found in the early part of the medieval Assamese society. In the picture of Queen Ambika, we never see her to wear a veil on her head. Purdah system was not found in the Assamese society in the beginning of the medieval period. The reason was that firstly, the Assamese society was highly influenced by the tribal women were given a large degree of freedom in every matter and they never wore veil or covered their heads. Secondly, purdah system was found to be introduced in the Indian society by the Mohammedans and Muslims rulers. The Muslims could not invade Assam for a longer period and that is why the purdah system was unknown for the women of Assam. But after the initiation of the Vaisnavite movement and rigidly practiced among the women of the Assamese Hindu society. The Vaisnavite initiator laid more stress for purdah system. The Vaisnava literature clearly says that the exposure of certain parts of the body of a woman is a sinful action. The KGC mentions that wife of one Harihar Ata crossing a little stream during a journey towards a relative's house drew her mekhela up to the knee in order to protect her dress from being wet. Her husband did not like such an exposure of her leg and as punishment; he did not regret to abandon her 409. According to proverbial saying, the exposition of limbs, face, breasts, etc., by women was considered to be a sign of an unchaste wife. Therefore a certain piece of cloth known as chadar of Khania or Cheleng or Karchipi was used by Assamese Hindu women to cover their whole body leaving only the eyes, the nose and the feet. The stress on purdah in the Assamese society certainly brought degradation in the position of women. The position of widows was much more dilapidated one. They were supposed to be a symbol of misfortune and their remarriage was not only condemned, but was also highly prohibited.

4.8.13: Status of widows

Widowhood was a curse for any Hindu women. After the death of her husband, she had only two paths to track on. One she had to sacrifice her life by immolating on the funeral of her husband by becoming a Sati. Another, she had to lead a life of piety and absolute abstinence. The treatment, which she received from the family and the society, was inhumane and humiliating. She was considered to be inauspicious and was not allowed to participate in any social function. Neither she could remarry nor could she lead a decent, honourable and independent life. She had to spend the rest of her life in a miserable condition. She was regarded as an unnecessary burden both on the family and the society. Burying them alive with their dead husbands was considered as the best way to get rid of their unholy presence.

4.8.14: Women and the System of Sati

The custom of the sacrifice of the widow on the funeral pyre of her husband was widely prevalent in the ancient times. But there was no direct evidence to show that it existed during the Vedic period. Neither Yajnavalkya nor the early Dharmashastra writers referred to the system at all. Schrader had pointed out that it was an Indo-European custom, but it underwent some changes in India in the age of the Vedas. Dr. A.S. Altekar commenting on one of the verses of AV opines that the widows were not burnt along with their dead husbands, but they were to follow some formalities of the archaic custom of Sati during their funeral rituals⁸⁸. The RV says that the widows ascended the funeral pyre, but before the pyre was consigned to flames, the new husband, usually the younger brother of the deceased brought her back from the funeral pyre to lead a new life and a prayer was offered for her to lead a prosperous life with her children. This symbolic Sati is also referred to in the AV. It was only in the latter part of the Mahabharata, which records only a few instances of the practice of self-immolation.

⁸⁸ Dr. A.S. Altekar, *The position of women in Hindu civilization*, p.118

The most important among them was that of Madri, the junior queen of the king Pandu, who cheerfully died with her husband eulogizing the virtues of such an act. But in her case, it was interesting to note that the assembled sages tried their best to dissuade her from her resolve. Madri, however, was impassive by their arguments. She stuck to her point by urging that firstly, she was the cause of the death of her husband. Secondly, she would be unable to control her passions and thirdly since she might find it difficult to treat evenly her sons and stepsons, so it was better to die with her husband⁴¹⁴. Another incident of Sati was recorded in the *Mausala-parvan* of *Mhb*, where Devaki, Bhadra, Rohini and Madira, the four wives of Vasudeva ascended his funeral pyre⁴¹⁵. But, other than a few cases of Sati, there were scores of instances of widows surviving their husbands after the great war of *Mahabharata*. Dr. Altekar points out that the custom was not in vogue up to c. 300 B.C. (except among the few tribes in the Punjab); after this a few stray cases were found to be recorded and from c. 400-700 A.D. the *smritis* began to advocate the practice.

But the custom, however, was not regarded as obligatory for the widows. It was left to the choice of the widows themselves, whether to follow their deceased husbands or to keep living in the world and regard ascetic life. But from about 700 A.D., the custom of Sati or *Anumarana* was regarded as mandatory duty of the widows. The practice was highly applauded by some of the *Smriti* writers like Sankha, Parashara, Brihaspati, Harita, Angiras and Vyasa etc. according to Sankha a woman who becomes Sati with her dead husband directly enters with their husband in heaven and stays there for as many years the number of hairs on a human body. Angiras argued that it was an obligatory religious duty of widows to follow her husband after his death. Harita maintained that the wife could purify her husband from the deadliest of sins, if she burns herself with his remains. The two will then happily reside in heaven for three and a half crores of years. The views advocated by these writers gradually began to produce some effect on society.

The insidious practice of Sati had however obtained the status of a Well-recognized practice of Hinduism in the entire India from 1000 A.D. The custom became firmly established by medieval period. It became a religious duty of the widows to ascend the funeral pyre of their husbands. The custom resulted in such a deep-rooted conviction in medieval times that sometimes betrothed but unmarried women insisted on becoming a Sati and burnt themselves at the funeral pyres of their would-be husbands.

But this pernicious practice, which was in vogue in entire India, could not establish its firm footing in the Assamese society. The custom was not much emphasized, so barring a few cases we do not get any evidence of Sati in the ancient and medieval sources. We come across a case of Sati in the ancient period, which was referred to in the Kuttanimatam a work of the eighth century Varman dynasty became Sati after the death of the King. Another instance of Sati was recorded in the Tripura chronicle, which state that the queens of Ratnamanikaya immolated themselves in the funeral pyre of their husbands. Other than these few cases we do not get any date of Sati. It seems that both the women in the above cases became Sati out of deep love for their beloved and they felt their life to be meaningless without their partners. And so it appears that for Assamese society, the practice was never a compulsion and got little importance.

Because Sati was the religion custom in the other parts of Indian, therefore women of the Assam, who were married to the king of their regions of Indian, had to follow the custom. Rukmini, the daughter of king Bhismak of Vidarbha was married to Krishna of Mathura

Kingdom. When the news of the death of her husband reached Hastinapur, she ascended the funeral pyre along with her other five co-wives. At about beginning of the 7th century A.D. a Nepalese queen, named Rajyavati, was also found to become Sati. This Rajyavati seemed to be the daughter of Harsavarman of Salastambha dynasty who was married to Nepal Lichchavi king Jayadeva II. Though the above-mentioned women were the daughters who belonged to the king of Pragyotisha-Kamarua, but they were bound to follow the customs of the land where they were, married off. But the cases of Sati in the land of Assam were very rare to find with.

4.8.15: Niyoga(marriage with the brother of husband)

We have already mentioned that Sati system came in vogue after 300 B.C. Before that a peculiar system known as Niyoga or Levirate was prevalent in ancient Indian society. According to this system, if a woman became widow her husband's brother or any near relative was permitted to go to her and consider her as his wife and perform the duty of her husband by raising children to her. But Niyoga was only permitted if the husband died without leaving any male issue. To die without a son was regarded as a great spiritual catastrophe because it was a general belief that the sonless man goes to hell and his ancestors' ghosts in the absence of a descendant, who could feed them with the pindas at the rites in their honour, were doomed to eternal hunger and misery.

The A Br. gives the same statement by saying that "a father in begetting a son pays off a debt which he owes to his ancestors and thus becomes entitled to the state of immortality. All the enjoyments, pleasures and blessing that exist in the universe, fall to the lot of one who is fortunate to see the face of a son". For this reason, if a man died without leaving any son, it became a sacred duty of the younger brother of the deceased person to beget a son on the wife of the latter to rescue him going to hell.

It should be noticed that the system of Niyoga was a sanctioned social institution and the sons born by the custom resembled a real son and therefore considered as legal heirs to the property of the deceased.

The system of Niyoga was a common practice, not only in the Vedic ages but also in the succeeding ages of the Sutra and Smriti literature. According to Gautama, a woman who desired offspring after the death of her husband could bear a son to her brother-in-law. For this, she must obtain permission of her Gurus and should have cohabited during the proper season only. In the absence of a brother-in-law, she could get offspring by cohabiting with a Sapinda or Sagotra relation. One of the reasons to prefer the younger brother for the purpose was to prevent any outside person to be the claimant of the family property as the widow inherited her husband's properties. Another reason to select the brother of the deceased person was that the son borne this cohabitation would be more blood related in comparison to the son borne from a stranger.

This system was formulated not only on the women after their husband's death but to these women also whose husbands were alive but were incapable of procreating children. In the Mhb, many cases of Niyoga were found during the existence of the husband. The practice was recognized as a legal device in the Mhb to get progeny. Thus Bhisma was requested by Satabhama to beget offspring on her daughter-in-law so as to continue her family lineage, as the son of Satyabhama died in this young age.

It was said that due to the system of Niyoga, Jamadagnya Parashurama could not bring to an end of the Kshatriyas in spite of their slaughter. Similarly, Maharshi Vyasa was said to have begotten sons in the wives of Vichitravirya. Pandu, the father famous five Pandavas

of the Mhb himself allowed his wife Kunti to practice Niyoga to borne sons for him as Pandu was destitute of the power of procreation. Though the ancient lawgiver approved the custom of Niyoga but certain rules had to be followed by a woman who was desirous of getting a son by resorting to this expedient. To procure a son by the practice Ahoms after the death of the elder brother, the widow of the latter is kept by the younger brother as his wife. The Ahom king Laksmi Singha married Kuranganayani, the Manipuri queen of his elder brother Rajeswar Singha after the death of the latter. Therefore, it was the case of widow remarriage. Though the ancient lawmarkers legally sanctioned Niyoga but it went out of vogue after 600 A.D. due to the strong opposition of some Hindu refermers. Altekar points out that “it was a relic of barbarism and was quite incongruous and incompatible with higher ideas and ideals of marriage that was held before society”. The Hindu society disapproved the custom and found it to be detrimental for the mortality of both male and female. Therefore, a substitute for Niyoga was introduced in the form of widow remarriage.

In the Vedic society, the conception of marriage for women was considered as very sacred and it was permanent and unbreakable even after the death of the husbands. Manu repeatedly said that “A girl is given in marriage only once”. Yajnavalkya also had taken up exactly the same and believed that there was every danger of social structure being corrupted, if women were allowed to reunite themselves with men after their husbands’ death and opined that a maiden’s marriage could take place only once. Though the ancient lawgiver disapproved the widow remarriage but Manu sanctioned it for those young virgin girls who though formally married but were unknown about the consummation of their marriage.

The references of very few widow remarriages were found in the Vedic literature. The reason was perhaps the prevalence of the custom of Niyoga . We have already discussed that a woman could get as many as three sons by Niyoga. Therefore the Niyoga relationship practically amounted to a remarriage. But in the case of widowers, the rule was contradictory from the widows. The Vedas clearly permitted the men to remarry after the death of his wife. Manu commented, “Having given at the funeral, the sacred fire to his wife, who dies before him he may again and again kindle the fire”. Even the aged men and the father of several children were entitled to remarry. On the other hand, the women whose husband died were not only forbidden to remarry but also had to spend their rest here in rigorous austerity. But after the Vedic period, the society became a little liberal towards the widows, who were subsequently allowed to remarry.

4.9: Social Status Muslim Women

4.9.1: Emergence of the Muslims in Assam

It is during the beginning of the thirteenth century most probably in 1205/6, prior to the entry of the Ahoms in 1228, the Muslims had made their route through Kamrupa, the name of ancient Assam, while they had intended to proceed to Tibet region with the zeal of expansion of their missionary works with the help of military power. As a result of the battle took place with the king of Kamrupa, the Muslim king Bakhtiar uddin Khilji had to return, a good number of them remained in the region. It is a known fact that Muhammad Bakhtiyar uddin Khilji was accompanied by one ‘Ali Mech’⁸⁹, the first converted Muslim in the western part of Kamrupa. This shows that along with the first political contact of Assam with the Muslim powers, the Islamic faith found its way into the land.

⁸⁹ *Ali Mech, a chief of the local Mech tribe, who accepted Islam from Khilji and became his guide towards eastern invasions. This was perhaps the earliest instance of proselytisation which synchronised with their appearance on the border of Assam.*

It is after the defeat of Muhammad Ibn Bakhtiyar uddin Khilji in the hands of Vallavadeva⁹⁰, the 'Rae of kamrupa a good number of Muslim soldiers were captured as war captives. Later the king of Kamrupa paid them due hospitality, appointed them according to their choice and experience, married them to the local women and managed for their permanent settlement⁹¹. Thus with the Muslim invasions, the gateway for the Muslim settlements in Kamrupa was opened which received a deep momentum in course of time.

The Muslims, though could not establish their political supremacy over the region of Kamrupa as well as Assam, they continued their peaceful penetration, congenial interactions and gradually rooted throughout the whole course of time till today. Thus the entrance, growth and settlement of the Muslims ion the soil of Assam has been developed as a result of gradual and continuous process of invasions, conversions through peaceful penetration, infiltration and migration as well⁹², the beginning of which was started from the beginning of thirteenth century and continuing till date.

4.9.2 : The Conditions of Women before Islam

In those days before Islam, women were treated like slaves or property. Their personal consent concerning anything related to their well-being was considered important, to such a degree that they were never even treated as party to a marriage contract.

⁹⁰ Some historian try to identify the King as Prithu, but the exact reality is still a matter of deep research.

⁹¹ S.K.Bhuyan & M.K. Saikia, *Assam Muslim Relatiuons and their cultural significance*, P- 132.

⁹² Dewan, N.Q:, *Glimses of Sufusm in the Brahmaaputra Valley of Assam*, P-30.

Women were used for one purpose, and then discarded. They had no independence, could own no property and were not allowed to inherit. In times of war, women were treated as part of the prize. Simply put, their condition was unspeakable. In addition, the birth of a daughter in a family was not an occasion for rejoicing, but was regarded with humiliation. The practice of killing female children was uncontrolled. With the advent of Islam came the verse from the Quran condemning those who practiced female infanticide:

“And when the news of (the birth of) a female (child) is brought to any of them, his face becomes dark, and he is filled with inward grief! He hides himself from the people because of the evil of that whereof he has been informed. Shall he keep her with dishonor or bury her in the earth? Certainly, evil is their decision.” (An-Nahi 16:58-59)

And as part of a description of various events on the Day of Judgment, the Quran mentions:

“And when the female (infant) buried alive (as the pagan Arabs used to do) shall be questioned. For what sin she was killed? (At-Takwir 81:8-9)

Outside Arabia conditions for women were no better. In India, Egypt, and all European countries in the Dark Ages, women were treated worse than slaves. They were not regarded as human beings but as sort of a sub-species between humans and animals.

4.9.3 : Allah (SWT) Gave the Women Their Rights

The rights of Muslim women were given to us by Allah (SWT), who is All-Compassionate, All-Merciful, All-Just, All-Unbiased, All-Knowing and Most Wise. These rights, which were granted to women more than 1400 years ago, and were taught by the perfect example of the Prophet Muhammad (SAW), were given by the one Who created us and Who alone knows what rights are best for our female natures. Allah (SWT) says in the Quran:

“O you who believe! You are forbidden to inherit women against their will, and you should not treat them with harshness, that you may take away part of the Mahr (bridal-money given by the husband to his wife at time of marriage) you have given them, unless they commit open illegal sexual intercourse. And live with them honorably. If you dislike them, it may be that you dislike a thing and Allah brings through it a great deal of good.”(An-Nisa 4:19)

The most basic right of a woman in Islam is the knowledge and recognition that she never has to ask or demand or fight for her rights which are guaranteed to her by Allah (SWT) Himself.

4.9.4 : Rights That Islam Gives to Women

Islam has given numbers of status and rights to both male and female counterparts of the society which are concisely mentioned in this chapter.

4.9.5 : Human Rights

Islam considers a woman to be equal to a man as a human being and as his partner in this life. Women have been created with a soul of the same nature as man's. Allah (SWT) says in the Quran:

“O mankind! Be dutiful to your Lord, Who created you from a single person (Adam), and from him (Adam) He created his wife (Eve), and from them both He created many men and women and fear Allah through Whom you demand your mutual (rights), and (do not cut the relations of) the wombs (kinship). Surely, Allah is Ever and All-Watcher over you.” (Al-Nisa 4:1).

And in the words of the Prophet Muhammad (SAW) “Assuredly, women are the twin halves of men.” (Sahih reported by Abu-Dawud (RA) Islam does not blame Eve alone for the First Sin. The Quran makes it very clear that both Adam and Eve were tempted, that they both sinned and were both forgiven after their repentance. Allah (SWT) says in the Quran:

“Then Satan whispered suggestion to them both in order to uncover that which was hidden from them of their private parts (before): he said: “Your Lord did not forbid you this tree save you should become angels or become of the immortals.” And he (Satan) swore by Allah to them both (saying): “Verily, I am one of the sincere well-wishers for you both. “ So he misled them with deception. Then when they tasted of the tree, that which was hidden from them of their shame (privated parts) became manifest to them and they began to stick together the leaves of Paradise over themselves (in order to cover their shame). And their Lord called out to them (saying): “Did I not forbid you that tree and tell you: Verily, Satan is an open enemy unto you?” They said: “Our Lord! We have wronged ourselves. If you forgive us not, and bestow not open us Your Mercy, we shall certainly be of the losers. “ (Allah) said: “Get down, one of you an enemy to the other (i.e.Adam, Eve, and Satan,etc.). On earth will be a dwelling-place for you and an enjoyment, - for a time. “He said: “Therein you shall live, and therein you shall die, and from it you shall be brought out (i.e.resurrected).” (Al-A’raf 7:20-25)

In Islamic law a woman is an independent, unique individual in her own right. She has the same responsibilities towards herself, towards Allah (SWT) and towards other human beings as the male, and will be punished or rewarded in the Hereafter without discrimination towards her female gender.

4.9.6: Civil Rights

There is no compulsion in religion according to the Quran: “There is no compulsion in religion Verily, the Right Path has become distinct from the wrong path.

Whoever disbelieves in taghut [anything worshipped other than the Real God (Allah)] and believes in Allah, then he has grasped the most trustworthy handhold that will never break. And Allah is All-hearer, All-Knower.”⁹³

A Muslim woman is not permitted to change her family name to her husband’s name upon marriage. She is always known by her father’s name, as a mark of her own identity. In choosing a marriage partner, her consent to accept or reject any prospective suitor for marriage must be respected. A Muslim woman has the right to seek divorce, if necessary within the laws of Islam.

4.9.7: Muslim Women Have the Right to Go Outside of Her Home

Muslim women are not forbidden from going out in the community, working, or visiting relatives and female friends, if there is no objection from their guardian/ husband and they are covered and behave and speak according to Islamic guidelines and, if necessary, escorted by their Mahram (a close male relative). However, a woman’s home should be the main base that she works from. Allah (SWT) instructed the wife’s of the Prophet (SAW):

“O wives of the Prophet! You are not like any other women. If you keep your duty (to Allah), then be not soft in speech, lest he is whose heart is a disease (of hypocrisy or evil desire for adultery, etc.) should be moved with desire, but speak in an honorable manner. And stay in your houses, and do not display yourselves like that of the times of ignorance, and offer prayers perfectly (Iqamat-as-Salat), and give Zakat and obey Allah and His Messenger. Allah wishes only to remove Ar-Rijs (evil deeds and sins, etc.) from you, O members of the family [of the Prophet (SAW)], and to purify you with a thorough purification.” (Al-Ahzab 33:32- 33)

⁹³ *Al-Baqarah* 2:256.

4.9.8: Islam Gives Men and Women Equal Rights

In reality, and in Islam, the rights and responsibilities of a woman are equal to those of man, but they are not necessarily identical with them. Equality and sameness are two very different things. I think you'll agree that, for one thing, women and men are physically very different from one another, although they are equal to each other in other important ways.

In the West, women may be doing the same job that men do, but their wages are often less. The rights of Western women in modern times were not created voluntarily, or out of kindness to female. The modern Western woman reached her present position by force, and not through natural processes or mutual consent of Divine teachings. She had to force her way, and various circumstances aided her. Shortage of manpower during wars, pressure of economic needs and requirement of industry forced women to leave their homes to work, struggling for their livelihood, to appear equal to men. Whether all women are sincerely pleased with these circumstances, and whether they are happy and satisfied with the results, is a different matter. But the fact remains that whatever rights modern Western women have, they fall short of those of her Muslim counterpart! Islam has given women what duties her female nature. It gives her full security and protects her against becoming what Western modern women themselves complain against: a "mere sex object."

4.9.10: The Social Aspect of Women in Islam:

4.9.13: As a Mother:

(1) The Quran elevates kindness to parents (especially mothers) to a status second to the worship of God:

Your Lord has commanded that you worship none but Him, and that you be kind to your parents. If one of them or both of them reach old age with you, do not say to them a word of disrespect, or scold them, but say a generous word to them. And act humbly to them in mercy, and say, “ My Lord, have mercy on them, since they cared for me when I was small.”⁹⁴

(2) Naturally, the Prophet Muhammad (pbuh) specified this behavior for his followers, rendering to mothers an unequalled status in human relationships. A man came to the Prophet Muhammad (pbuh) and said, “O Messenger of God! Who among the people is most worthy of my good companionship?” The Prophet (pbuh) said: {Your mother.} The man said, “Then who?” The Prophet (pbuh) said: {Then your mother.} The man further asked, “Then who?” The Prophet (pbuh) said: {Then your mother.} The man asked again, “Then who?” The Prophet (pbuh) said: {Then your father.}

4.9.12: As a Sister in Faith (In General):

(1) According to the Prophet Muhammad’s (pbuh) sayings: { women are but shaqa’iq (twin halves or sisters) of men.} This saying is a profound statement that directly relates to the issue of human equality between the genders. If the first meaning of the Arabic word shaqa’iq, “twin halves,” is adopted, it means that the male is worth one half (of society), while the female is worth the other half. If the second meaning, “sisters,” is adopted, it implies the same.

(2) The Prophet Muhammad (pbuh) taught kindness, care, and respect toward women in general: { I commend you to be good to women.} it is significant that such instruction of the Prophet was among his final instruction and reminders in the farewell pilgrimage address given shortly before his passing away.

⁹⁴ *Quran*, 17:23-24, see also 31:14, 46:15, and 29:8

(3) Modesty and social interaction: The parameters of proper modesty for males and females (dress and behavior) are based on revelatory sources (the Quran and prophetic sayings) and, as such, are regarded by believing men and women as divinely-based guidelines with legitimate aims and divine wisdom behind them. They are not male-imposed or socially imposed restriction. It is interesting to know that even the Bible encourages women to cover their head: If a woman does not cover her head, she should have her hair cut off: and if it is a disgrace for a woman to have her hair cut or shaved off, she should cover her head.”

4.9.13: As a Daughter

The Quran ended the cruel practice of female infanticide, which was before Islam. God has said: and when the girl (who was) buried alive is asked, for what sin she was killed⁹⁵. The Quran went further to rebuke the unwelcoming attitude of some parents upon hearing the news of the birth of a baby girl, instead of a baby boy. God has said: and when one of them is informed of (the birth of) a female, his face becomes dark, and he suppresses grief. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Certainly, evil is what they decide⁹⁶.

Parents are duty-bound to support and show kindness and justice to their daughters. The Prophet Muhammad (pbuh) said: Whosoever supports two daughters until they mature, he and I will come on the Day of Judgment as this (he pointed with his fingers held together). A crucial aspect in the upbringing of daughters that greatly influences their future is education. Education is not only a right but a responsibility for all males and females. The Prophet

⁹⁵ *Quran*, 81:8-9

⁹⁶ *Quran* 16:58-59

Muhammad (pbuh) said: Seeking knowledge is mandatory for every Muslim. The word “Muslim” here is inclusive of both males and females.

Islam neither requires nor encourages female circumcision. And while it is maybe practiced by some Muslims in certain parts of Africa, it is also practiced by other peoples, including Christians, in those places, a reflection merely of the local customs and practices there.

4.9.14: As a Wife

“Men are the protectors and maintainers of women, because Allah has made the one of them to excel the other, and because they spend (to support them) from their means. Therefore the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husband’s absence what Allah orders them to guard (e.g. their chastity, their husband’s property, etc)...”⁹⁷

4.9.15: Mahr (Dowry)

In Islam the man presents his wife with a dowry they have mutually agreed upon, at the time of marriage. The amount varies according to his means and generosity, and his wife has the right to spend, save or remit any part of it. Allah (SWT) says in the Quran:

“And give to the women (whom you marry) their Mahir (obligatory bridal –money given by the husband to his wife at the time of marriage) with a good heart, but if they, of their own good pleasure, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allah has made it lawful)⁹⁸.”

But unfortunately in the Muslim families of Assam it has been observed that in the marriages the practice of dowry is seen where the girl’s father has to pay dowry to the

⁹⁷ *An-Nisa*’ 4:34.

⁹⁸ *An-Nisa*’4:4.

bride. As per Muhar theoretical existence is there, in every marriage provision of fixing ‘mahr’ is seen but in practice is not paid by the husband to the wife.

4.9.16: Maintenance

Women have been entrusted by Allah (SWT) with the task of providing a peaceful, comfortable home environment for the breadwinner who works for their provisions outside the home all day long.

It is one of extraordinary beauties of Islam that by entrusting the male to the position of protector and provider, it frees the woman, who is burdened with the long cycle of bearing, giving birth to, nursing and raising children, from having to assume the extra burden of her own and her children’s support, which is unjust and a tremendous hardship.

While a woman must obey her husband, as long as he does not ask anything forbidden of her, and guard his possessions while he is away from the house, and handle his money as he wishes, she must also be faithful, trustworthy and honest. A wife is regarded as a source of love, peace and compassion, as stated in the Quran:

“And among His Signs is this, that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy. Verily, in that are indeed signs for a people who reflect.”⁹⁹

“...But the father of the child shall bear the cost of the mother’s food and clothing on a reasonable basis. No person shall have a burden laid on him greater than he can bear...”¹⁰⁰

⁹⁹ *Ar-Rum* 30:21.

¹⁰⁰ *Al-baqarah* 2:233.

“o Messenger of Allah (SAW), what right can a wife demand of her husband?’ He replied, ‘That you should give her food when you eat, clothe her when you clothe yourself, not strike her on the face, and do not insult her or separate from her except in the house.’¹⁰¹

“A woman came to the Prophet (SAW) complaining of her husband, ‘Messenger of Allah (SAW), Abu Sufyan is a niggardly man who does not give me and my son enough; except what I take from him without his knowledge.’ He replied, ‘Take what is enough for you and your son according to what is ma’roof (well-known in your society).’¹⁰² In the Muslim families of Assam the provision of maintenance of the spouses were born by the husbands in good condition as they are the centre point of a family.

4.9.17: Good Treatment, Consideration and Companionship

Allah (SWT) instructs men that they must be compassionate and kind to their wives:

“...They are Libas [i.e. body cover, or screen or Sakah, (i.e. you enjoy the pleasure of living with her as in Verse 7:189) Tafsir At-Tabari], for you and your are the same for them”¹⁰³

“It is He Who has created you from a single person (Adam), and (then) He has created from him his wife (Eve), in order that he might enjoy the pleasure of living with her...”¹⁰⁴

This meaning that a wife and a husband are meant for mutual, support, mutual comfort, and mutual protection of each other.

¹⁰¹ Reported by Ahmad, *Ibn Majah and Dawud*.

¹⁰² Reported by *Al-Bukhari and Muslim*

¹⁰³ *Al Baqarah 2:187*.

¹⁰⁴ (*Al-A'raf 7:189*)

The Prophet Muhammad (SAW) also emphasized the importance of this compassionate treatment:

“I command you to treat women kindly. Woman has been created from a rib (the rib is crooked), and the most crooked part of the rib is the upper region. If you try to make it straight you will break it, and if you leave it as it is, it will remain curved. So treat women kindly¹⁰⁵.” Prophet Muhammad (SAW) also said:

“The best of you are those who are best to the women.” (Sahih At-Tirmidhi, Ibn Majah and Al-Jami Al-Saker)

The best husband is one who provides her with true leadership without harshness, or laxness, and who does not misuse his authority and strength. Even if the behavior of a wife should become hard to live with (for she may not always be strong health and of cheery disposition), the man is asked to be patient and kind to her. Allah (SWT) says:

“O you who believe! You are forbidden to inherit women against their will, and you should not treat them with harshness, that you may take away part of the mahir (dowry, bridal-money given by the husband to his wife at the time of marriage) you have given them, unless they commit open illegal sexual intercourse. And live with them honorably. If you dislike them, it may be that you dislike a thing and Allah brings through it a great deal of good.”¹⁰⁶

A wife has the right to her husband’s attention, companionship and time. The husband should try to please and make her happy, taking into consideration her needs, wishes, likes and dislikes, and making time for relaxation and recreation together.

¹⁰⁵Reported by *Al-Bukhari*

¹⁰⁶*An-Nisa* 4:19.

Prophet Muhammad (Saw) said, “Among the Muslims, the most perfect as regards his faith is the one whose character is most excellent, and the best among you are those who treat their wives well.”¹⁰⁷

“A believer must not hate a believing woman; if he dislikes one of her characteristics he will be pleased with another.”¹⁰⁸

“Woman has been created from a rib and in no way will be straight for you; so if you enjoy her you will do so while crookedness remains in her; but if you try to straighten her you will break her; breaking her being divorcing her.”¹⁰⁹

In the Muslim societies of Assam, women enjoyed a very congenial treatment. They were not completely guided by the Islamic tenants but they were guided with the local traditions.

4.9.18:Rape

According to the sunnah, a woman should not be punished for having been coerced into having sex ¹¹⁰. This attitude towards rape is discussed in the following hadith:

During the time of Muhammad punishment was inflicted on the rapist on the solitary evidence of the woman who was raped by him. Wa'il ibn Hujr reports of an incident when a woman was raped. Later, when some people came by, she identified and accused the man of raping her. They seized him and brought him to Allah,s messenger, who said to the woman, “Go away, for Allah has forgiven you,” but of the man who had raped her, he said,

¹⁰⁷ *At-Tirmidhi*

¹⁰⁸ *Sahih Muslim*

¹⁰⁹ *Sahih Muslim*

¹¹⁰ *Rape in Islam*”.

Muslimaccess.com.http://muslimaccess.com/articles/women/rape_in_islam.asp.Retrieved 2012-11-07

“Stone him to death.” (Tirmidhi and Abu Dawud)¹¹¹. According to a Sunni hadith, the punishment for committing rape is death, there is no blame attached to the victim¹¹².

According to Al-Mawardi, an 11th century specialist in Islamic jurisprudence (Sharia), if either the victim or a witness kills the perpetrator of rape during the crime, in order to prevent furthering the violence of the act, the killing is permissible and is exempt from the laws of murder and killing¹¹³.

4.9.19: Marriage and sexuality

In contrast to the Western world where divorce was relatively uncommon until modern times, and in contrast to the low rates of divorce in the modern Middle East, divorce was a more common occurrence in certain states of the late medieval Muslim world. In the Mamluk Sultanate and Ottoman Empire, the rate of divorce was higher than it is today in the modern Middle East¹¹⁴. The Quran is explicit in addressing *zawaj al-hall*, or a disrupted marriage, where a man intends to remarry a former wife for a second time; (2:230) indicates that for the second marriage to be lawful for the former husband, the former wife must have been remarried during the intervening time to a second man since the renunciation of the previous marriage. The intention behind this Quran passage was to end abuses of the right to marital renunciation dating from ancient customs¹¹⁵.

In medieval Egypt, Al-Sakhawi recorded the marital history of 500 women, the largest sample of married women in the Middle Ages, and found that at least a

¹¹¹ According to Ibn Qudamah, “*This is the view of Omar*

¹¹² *Sunan Abu Dawud Sunan Abu Dawood*, 38:4366.

¹¹³ *Reliance of the Traveller*, o7.3, p. 595

¹¹⁴ Rapoport, Yossef (2005). *Marriage, Money and Divorce in Medieval Islamic Society*. Cambridge University Press. p.2. ISBN 052184715X

¹¹⁵ Chebel, Malek (2009). *L’islam expliquée par Malek Chabel Perrin*. p.113. ISBN 9782262029821.

Third of all women in the Mamluk Sultanate of Egypt and Syria married more than once, with many marrying three or more times. According to Al-Sakhawi, as many as three out of ten marriages in 15th century Cairo ended in divorce¹¹⁶. In the early 20th century, some villages in western Java and the Malay Peninsula had divorce rates as high as 70%.

4.9.20: Who may be married?

Marriage customs vary in Muslim dominated countries. Cultural customs are sometimes implemented under the cover of Islam. However Islamic law allows limited polygyny under certain conditions.

According to Islamic law (sharia), marriage cannot be forced.

Islamic jurists have traditionally held that Muslim women may only enter into marriage with Muslim men¹¹⁷, Evidence for this is the verse 2:221 where it speaks of not marrying Muslim women off to non-Muslim men. Another piece of evidence is a woman at the time of the Prophet Ramla bint Abi Sufyan who's husband converted to Christianity, which made the marriage void. On the other hand, the Quran allows Muslim men to marry women of the People of the Book, a term which includes Jews and Christians, but they must be chaste. However, fiqh law has held that it is makruh (reprehensible, though not outright forbidden) for a Muslim man to marry a non-Muslim woman in a non-Muslim country. Notable scholar Bilal Philips has said the verse that permits Muslim men to marry non-Muslim women is not valid anymore today due to several reasons including its misunderstood interpretation¹¹⁸. One explanation for marriage restrictions that they are pursuant to the principle that Muslims may -

¹¹⁶Rapoport, Yossef (2005). *Marriage, Money and Divorce in Medieval Islamic Society*. Cambridge University Press. pp. 5-6. ISBN 052184715X

¹¹⁷ *On Christian Men marrying Muslim Women*

¹¹⁸ "Marriage to Non Muslim- Contemporary Issues- Bilal Philips". *You tube*. 2006-12-14. <http://www.youtube.com/watch?v=7b0A3baf2dg>. Retrieved 2012-11-07.

Not place themselves in a position inferior to that of the followers of other religions¹¹⁹.

The Caliph Umar, whom Muslims consider one of the ‘rightly guided’, openly banned interfaith marriage to non-Muslim women saying “If everyone were to make use of this provision who would marry Muslim girls?”¹²⁰

Sheikh Ahmad Kutty, a senior scholar from Toronto, has voiced his disapproval of interfaith marriage, citing the Caliph Umar’s statement¹²¹

Marriage within some predominantly Muslim countries still retains practices from pre-Islamic times. Endogamy, virilocality and polygyny are common in some Islamic countries. Everywhere, however, polygamy is outlawed or restricted by new family codes, for example the Moudawwana in Morocco.

4.9.21: Polygamy & polyandry

Polygamy is permitted under restricted condition¹²², but it is not widespread¹²³. However, it is strongly discouraged in the Quran, which says, ‘do justice to them all, but you won’t be able to, so don’t fall for one totally while ignoring other wife(wives)’. This also must be taken in historical context, as this was actually a restriction on the number of wives men of the Arabian tribes can take. Sometimes Pre-Islamic men could have up to eight wives. Women are not allowed to engage in polyandry, whereas men are allowed to engage in polygyny.

¹¹⁹friedmann (2003), p.162

¹²⁰ “*Marriage to a Christian Woman: Unrestrictedly Permitted?- Marriage-counsels*”.

¹²¹<http://www.onislam.net/English/ask-the-scholar/family/marriage/174258-marriage-to-a-christian-woman-unrestrictedly-permitted.html>

¹²² Ghamidi, Mizan, *The Social Law of Islam*.

¹²³ *The New Encyclopedia of Islam* (2002), Alta Mira Press. ISBN 0-7591-0189-2. p.477

A marriage of pleasure, where a man pays a sum of money to a woman or her family in exchange for a temporary spousal relationship, is an ancient practise that has been revived in Iraq in recent years. Its practitioners cite Sharia law as permitting the practice. Women's rights groups have condemned it as a form of legalized prostitution.¹²⁴

4.9.22: Behaviour within marriage

The Quran considers the love between men and women to be a Sign of God¹²⁵. Husbands are asked to be kind to their wives and wives are asked to be kind to their husbands. The Quran also encourages discussion and mutual agreement in family decisions although the man's decision is to be the final one.^[61]

Muslim scholars have adopted differing interpretations of An-Nisa, 34, a Sura of the Quran. In the event where a woman disagrees with her husband's decision "(sometimes referred to using the inherently pejorative word, 'rebel') Muslim scholars disagree on what is prescribed by the Sura. According to most interpretations, physical violence towards the woman is acceptable. This is described as given a right to a husband to "lightly" beat his spouse. This is disputed by a minority of scholars who contend that the expression used alludes to temporary physical separation¹²⁶.

4.9.23: Sexuality

Some scholars hold that Islam enjoins sexual pleasure within marriage; for better understanding Asra Nomani's polemic "Islamic Bill of Rights for Women in the Bedroom". Some examples of this influence are set out below.

¹²⁴ Jervis, Rick. "Pleasure marriages regain popularity in Iraq". USA

Today. http://www.usatoday.com/news/world/Iraq/2005-05-04-pleasure-marriage_x.htm. Retrieved September 3, 2011.

¹²⁵ [Quran 30:21]

¹²⁶ An-Nisa, 34#i.E1.B8.8Drib.C5.ABhunna, Wikipedia page for An-Nisa.

Also (prohibited are) women already married, except those whom your right hands possess: Thus hath Allah ordained (Prohibitions) against you: Except for these, all others are lawful, provided ye seek (them in marriage) with gifts from your Property,-desiring chastity, not lust, seeing that ye derive benefit from them, give them their dowers (at least) as prescribed; but if, after a dower is prescribed, agree Mutually (to vary it),there is no blame on you, and Allah is All-knowing, All- wise¹²⁷.

The Believers must (eventually) win through-those who humble themselves in their prayers; who avoid vain talk; who are active in deeds charity; who abstain from sex; except with those joined to them in the marriage bond, or (the captives) whom their right hands possess---for (in their case) they are free from blame¹²⁸.

Prophet! We have made lawful to thee thy wives to whom thou hast paid their dowers; and those whom thy right hand possesses out of the prisoners of war whom Allah has assigned to thee...¹²⁹

Not so those devoted to Prayer---those who remain steadfast to their prayer; and those in whose wealth is a recognized right for the (needy) who asks and him who is prevented (for some reason from asking); and those who hold to the truth of the Day of Judgement; and those who fear the displeasure of their Lord---for their Lord's displeasure is the opposite of Peace and Tranquillity---and those who guard their chastity, except with their wives and the (captives) whom their right hands possess---for (then) they are not to be blamed. ¹³⁰

A high value is placed on female chastity (not to be confused with celibacy).To protect women from accusations of unchaste behavior, the scripture lays down severe punishments

¹²⁷ (*Quran 4:24*)

¹²⁸(*Quran 23:1-6*)

¹²⁹ (*Quran33:50—O*)

¹³⁰ (*Quran70:22-30*)

towards those who make allegations about a woman's chastity. However, in some societies, an accusation is rarely questioned and the woman is accused rarely has a chance to defend herself in a fair and just manner.

Female genital mutilation has been erroneously associated with Islam. In fact it is practiced predominantly in parts of Africa, the Middle East and Asia where in certain areas it has acquired a religious dimension due to the justification that the practice is used to ensure female chastity¹³¹. A UNICEF study of fourteen African countries found no correlation between religion and prevalence of female genital mutilation¹³². In Mauritania, where "health campaigners estimate that more than 70 percent of Mauritanian girls undergo the partial or total removal of their external genitalia for non-medical reasons". 34 Islamic scholars signed a fatwa banning the practice in January 2010. Their aim was to prevent people from citing religion as a justification for genital mutilation. The authors cited the work of Islamic legal expert Ibn al-Hajj as support for their assertion that "[s]uch practices were not present in the Maghreb countries over the past centuries". FGM is "not an instinctive habit, according to the Malikis; therefore, it was abandoned in northern and western regions of the country." Added the authors¹³³.

4.9.24: Birth control

Islam, as the pre-Islamic Arabic culture before it, is natalist, and promotes the birth of as many children as a Muslim couple can produce. However, under certain circumstances, it is permissible according to Islamic doctrine to limit (tahdid an-nasl) or at least control ('azl)

¹³¹Mohd.Salih al-Munajjid (Hafizullah) (Unknown). *"Is there any saheeh hadith about the circumciusion of females?"*.

¹³²UNICEF. *"Female Genital Mutilation/Cutting:A Statistical Exploration."* Unicef.org,2005..

¹³³"Mauritania fatwa bans female genital mutilation", BBC, January 18, 2010.

reproduction, without seffering the fate of a penalty for the gesture. Limiting the number of children is recommended when a family lacks the resources to provide for them. General opinions among Muslims can sometimes be lenient with women who, being weakened, seek to end an unwanted pregnancy, particularly if her health is endangered or if she has given birth many times. These conditions were supplemented in the writings of Al-Ghazzali (1058-1111), with the clause, “if the woman fears for her beauty” (“ida khafat al-mar’a ‘ala jamaliha”). However, these permissive attitudes are contrary to some teaching of current Islamic theologians. Abortion (isqat al-ham or ijhadh) is not outlawed in itself, on the condition that the embryo is less than 120 days in gestation, the point at which Muslim teaching considers the pregnancy to have progressed too far for an abortion to be permissible¹³⁴.

4.9.25: Divorce

In Islam, in some circumstances, a woman can initiate a divorce. According to Sharia Law, a woman can file a case in the courts for a divorce in a process called Khal’a, meaning “release from”. However, under most Islamic schools of jurisprudence, boh partners must unanimously agree to the divorce in order for it to be granted. To prevent irrational decisions and for the sake of the family’s stability’ Islam enjoins that both parties observe a waiting period (of roughly three months) before the divorce is finalized.¹³⁵

Sharia Law states that divorce has to be confirmed on three separate occasions and not, as is commonly believed, simply three times at once. The first two instances the woman and the man are still in legal marriage. The third occasion of pronouncing divorce in the presence of the woman, the man is no longer legally the husband and therefore has to leave the house. The purpose of this procedure of divorce in Islam is to encourage reconiliation

¹³⁴Chebel, Malek (2009). *L’islam explique par Malek Chabel. Perrin*. pp. 204- 5. ISBN 97822

¹³⁵ *The position of women in Islam* by Dr. Jamal A. Badawi – *Islamic Dawah Centre International – Page 11*

where possible. Even after divorce, the woman should wait three monthly cycles during which her husband remains responsible for her and her children's welfare and maintenance. He is not permitted to drive her out of the house. This process may leave the woman destitute should her family not take her back or the ex-husband fail to support her and possibly his children.

After the third pronouncement they are not allowed to get back together as husband and wife, unless first the wife is divorced in another lawful and fully consummated marriage. This rule was made to discourage men from easily using the verbal declaration of divorce by knowing that after the third time there will be no way to return to the wife and thus encourage men's tolerance and patience.

Usually, assuming her husband demands a divorce, the divorced wife keeps her mahr (dowry), both the original gift and any supplementary property specified in the marriage contract. She is also given child support until the age of weaning, at which point the child's custody will be settled by the couple or by the courts.

In actual practice and outside of Islamic judicial theory, a woman's right to divorce is often extremely limited compared with that of men in the Middle East¹³⁶. While men can divorce their wives easily, women face many legal and financial obstacles. In practice in most of the Muslim world today divorce can be quite involved as there may be separate secular procedures to follow as well.

In some instances, a Sharia court may pronounce a marriage dissolved as a punitive measure against a woman who they have deemed to be haram, or sinful. In a 2005 case in India, a Muslim woman named Imrana turned to a Sharia court to complain of being raped by her father-in-law, Ali Mohammed, and her marriage was dissolved by the court on these grounds. Although India is a secular country, Muslim communities in rural India generally

¹³⁶ Joseph and Najmabadi,p99

make use of the Sharia judicial system rather than the secular one. The Sharia verdict was upheld by the Indian Muslim seminary Darul ul Uloom Madrasa, which issued a *fatwah* in support of it. The All India Muslim personal Law Board, consisting of 41 Muslim scholars, also upheld the verdict. In this instance, Imrana refused to accept the verdict of the Sharia court. Her case was heard in a secular court, which resulted in Ali Mohammed receiving an eight-year sentence and a fine.¹³⁷

4.10: Social Status of Tribal Women

Assam has always been experience as the land heterogeneous racial strains and cultures of both hills and plains people. The land is considered by the anthropologists and sociologist as a paradise from its colourful variety of castes and tribal population¹³⁸. According to Kailas Sharma¹³⁹, Assam is a museum of a large number of human species ever found on earth. Assam is situated in “ one of the great migration routes of mankind¹⁴⁰. Since time immemorial people of different ethnic groups from various parts of the world while migrating through this land at different periods and different routes left their substratum in both the hills and plains of the region. In course of time Assam has become a melting pot where races as diverse as the Indo-Burmese, Indo-Tibetan, Mongolian, Negroid. Aryans et. Drawn from diverse hives at different points of time were blended and shaped into the vivid Assamese people. No wonder, such perfect fusion of culture and heritage of her numerous races, tribes and sub tribes gave birth to Assamese culture rich tapestry woven with multicolored yarns of distinct heritages, traditions, lifestyles, faiths and beliefs. Earlier the name ‘Assam’ represented a vast area.

¹³⁷ “*Muslim women in India seek secular justice*”.

<http://www.womemsnews.org>. <http://www.womensenews.org/story/090116/muslim-women-in-india-seek-secular-justice>. Retrieved September 4, 2011.

¹³⁸ Sipra Sen, *Tribes and castes of Assam*. p.25

¹³⁹ Seminar NEICSSR, August, 1994

¹⁴⁰ J.H. Mills, *Assam Review*, March, 1928, P-24

The area of Assam was almost one-third times bigger of its present area. Till 1962, the entire Northeast India, which now represents seven different states, was known as Assam (except former princely states of Manipur and Tripura). In gigantic area of Assam, a huge number of tribal populations inhabited. These tribes drifted to this region at different intervals of time and settled in various provinces of this land several hundred years ago. It is very difficult at the present juncture to make presumption about the foremost settler of this region. But one thing is clear that the successive immigrant had merged up with the early settlers. The different tribes were discernible from each other. Not only this socio- cultural traditions and dialects, which varied from each other. Not only this the different tribes were secluded from each other for several hundred years due to lack of interaction among them. But one affinity found in the tribal population of Northeast India is that they belong to the similar bigger ethnic group known as Indo-Mongoloid.¹⁴¹ The Indo-Mongoloids were referred to as the Kiratas by the Vedic Aryans.¹⁴² The Mongoloids are characterized¹⁴³ by yellow or yellow brown skin colour, and black stretched or flat wavy and coarse head hair, their eyes are black or dark – brown in colour.

The eye-slit is oblique. One of the typical characteristic of the Mongoloid is the presence of Mongolian fold in their eyes. Their face is broad and zygomatic arches are very prominent. Another important feature is scanty growth of facial and body hairs. It is very important to note that the non-tribal plainsmen of Northeast India are mostly of Caucasoid origin that also migrated to this region long past.

¹⁴¹ *Encyclopedia Britannica*, vol.2,1977, p-208, cited in P.C. Choudhury, *The history of civilization of the people of Assam to the twelfth century A.D.* P.83.

¹⁴² B.M. Das. *Some aspects of physical anthropology of the tribes of Northeast India*. In *the Tribes of North East India*, edited by S. Karoteprel.pp.43 – 44.

¹⁴³ B.M Das, *Some aspects of physical anthropology of the tribes of Northeast India. In the Tribes of North East India*, edited by S. Karoteprel.pp.44.

Therefore undoubtedly, it can be said that certain Caucasoid ethnic strains have mixed into the tribal populations of Northeast India, particularly in those tribes, who are living in the plains and in neighboring areas of the non-tribal populations due to protracted contact between them through intermarriages and assimilation¹⁴⁴. In certain areas the intermingling between the Mongoloid and the Caucasoid populations had taken place to such an extent that it was very difficult to distinguish one from the other. It is said that Indo-Mongoloid tribes of Northeast India were actually the settlers of Northwest China near the Hwang-Ho and the Yangtze Kiang rivers, where from they migrated southward. Somewhere in North Burma the group became diversified. One group migrated westward along the sub-Himalayan ranges. Another group entered the Brshmsputra valley by the North-eastern route, while one more group moved southwards to reach as far as Southeast Asia. Linguistically, the Indo-Mongoloid populations of Northeast India belong to the Sino-Tibetan linguistic family¹⁴⁵. This family has been divided into two broad branches-Tibeto-Burman and Siamese -Chinese. One of the sub-divisions of the Siamese-Chinese branch is Thai.

The Ahom, Khampti, Khamyang, Aiton, Phakial, Turung, etc. living in different parts of Northeast India speak languages belonging to this Thai sub-division. Except the Khasi and the pnar, the other Indo-Mongoloids of Northeast India speak language of Tibeto-Burman branch. Again, the Tiberto- Burman language group is divided into two sub-branches-North Assam and Assam-Burmese branch. The tribes of Arunachal Pradesh and some tribes of Assam speak the languages of North Assam branch. Mention may be made of the tribes

¹⁴⁴B.M Das, 'Some aspects of Physical anthropology of the tribes of Northeast India'. In *the tribes of North East India*, edited by S. Karotemprel p.44

¹⁴⁵ G.A Grierson, *Lingustitc Survey of India*, Vol.1. part 1 p-41

like Adi, Aka, Mishng, Nishi (Dafala), Mishmi, Miri and Abar etc. The Assam-Burmese branch, another sub division of Tibeto Burman has been divided into many groups and sub-groups. The are : ; 1) the Naga dialects-Ao, Angami, Sema,, Tangkhul, Sangtam, Konyak, Lotha, Mao and Kabui, etc. ii)the Bodo speeches-Bodo, Mech, Rabha, Garo Kachari, Tipra and few more, iii) the Kuki Chin speeches of Manipur, Tripura and Mizoram, the most important of which is Meitei or Manipur which is quite and advanced literary speech¹⁴⁶. Apart from the other tribes of the region, Khasis with their sub-groups speak dialect of the Mon-Khmer linguistic group of the Austro-Asiatic language family. The present homeland of the Khasis is the state of Meghalaya. The Indo-Mongoloid tribes of Northeast India had been broadly grouped into six categories on the basis of few aspects like linguistic affinities, cultural parit, biological variations and geographical setting¹⁴⁷. These six groups are Arunachal tribes.

- 2) Nagas,
- 3) Bodos,
- 4) Lushai-Kukis
- 5) Khasis and Others.

All these various group of indigenous tribes are presently scattered in the entire northeastern region. A large number of Mongolian tribal population got refuge in Arunachal Pradesh. The major tribal communities are the Monpas, Sherdukpens, Akas, Khowas, Mijis, Bangnis, Hill Miris, Tagins and Nas of Upper and Lower Subansiri Districts; Adis, Membas, Khambas, Bangros, Chakmas, Deoris, Khamptis, Khamiyanges Mishmis, Noctes, Singphos, Tangsas and Wanchos etc. Some of these major tribes are

¹⁴⁶ B.M. Das, *Some aspects of Physical anthropology of the tribes of Northeast India*. In *the Tribes of North East India*, edited by S. Karotempel. P.47.

¹⁴⁷ B.M. Das, *Some aspects of Physical anthropology of the tribes of Northeast India*. In *the Tribes of North East India*, edited by S. Karotempel. P.47.

further divided into sub-tribes mainly on the basis of dialectical differences. Each tribe has a distinctive culture, customs language and traditions of their own.

The cultural similitude is found among the Mishings of Assam plains and the Adi tribes of Arunachal, whereas some of the customs of Naga tribes are found among the Noctes and Wanchos¹⁴⁸. Broadly, the term 'Naga' is a generic name for a group of tribes occupying the land of Nagaland, northern Manipur and bordering districts of Assam and Arunachal Pradesh. Of the main Naga tribes mention may be made of Angami, Sema, Rengma, Ao, Lotha, Chang, Konyak, Chakesang, Khiangnan, Phom, Sangtam, Yimchungre, Zeliang, Pochury, and Kabul. A large number of cultural and dialectal disparities among the various Naga groups and sub-groups are found to exist. These dissimilarities can be seen in their physical features, culture and dialects¹⁴⁹.

This difference is perhaps due to the geographical condition of the territory, prolonged inbreeding and lack of intermixture within the Naga group of tribes. Many sub-tribes of Nagas have marked affinities with the Bodo tribes¹⁵⁰. The major tribe of the Brahmaputra valley or present Assam is 'Bodo' tribe. The Bodos at one time had formed a solid block of Mongoloid people and ruled over the entire Brahmaputra valley and spread in the west up to North Bengal, and in the south they occupied Cachar, Sylhet and

¹⁴⁸L.J.S. Jaiswal, *Tribes of Northeast India: Ethnic and population aspects*, In *The Tribes of North East India*, edited by S. Karotemprel pp.28,29.

¹⁴⁹L.J.S. Jaiswal, *Tribes of Northeast India: Ethnic and population aspects*, In *The Tribes of North East India*, edited by S. Karotemprel pp.-85.

¹⁵⁰P.C. Choudhury, *The history of the civilization of the people of Assam till twelfth century* n pp.91-92.

Mymensingh districts¹⁵¹. Actually the word 'Boro symbolizes a lingo, but usually it is used to represent a broad ethnic group. The important members of the 'Bodo groups are Kachari, Koch, Mech, Rabha, Chutia, Lalung (Twa), Moran, Hajons, ect, apart from the Bodos themselves. The Garos of Meghalaya, Tripuris (Tipperas) of Tripura and Dimasas of North Cahar hills also speak Bodo language. Before the arrival of the Ahoms in the Brahmaputra valley, Bodos used to rule the greater portion of the region in the form of kingdoms like those of the Kacharis and the Chutiyas. Besides, the Bodo group of tribes, the other major tribal inhabitant of Assam is Mishing, Deori, and Karbi tribes, who had settled in the Mikir hills, which is currently known as the Karbi Anglong district of Assam. According to some scholars, the Karbi language has some similarities with certain Naga dialect on the one hand and Lushai-Kuki dialects on the other¹⁵². Another tribe known as Lushai-Kuki tribes, who are closer to Chittogong and Buma, occupies South Manipur and Mizoram¹⁵³.

The major tribe of Mizoram is the Mizo. Besides the Mizo, some other smaller tribes like Blate. Chakma, Hmar, Lusei, Mara, Pang, Pnar Riang, Tlau, Bawm, Gorkha, Hualngo, Magh, Paite, Pawi Lakher, Thado-kuki, and Ralte are also found in Mizoram. The Meithei of Manipur valley is dominating people of Manipur who shows intermediate characteristic between the Naga and the Lushai-Kuki¹⁵⁴.

Bessides, some Kuki-Chin tribes like the Aimolo, Chothe, Chiru, Kom, Purum, Gangta, Hmar, Paite, Thado, Vaipheis, etc and also Naga tribes like the Kabui, Kacha Naga,

¹⁵¹R.K. Kar, *The Tribes of North-East India: An Overview* in *Tribes of North-East India*, ed. By Sarthak Sengupta, p6.

¹⁵²B.M Das, *Aspects Physical Antropology; In The Tribes of Northeast India*, edited by S. Karotemprel, p.51

¹⁵³B.M Das, *Aspects Physical Antropology; In The Tribes of Northeast India*, edited by S. Karotemprel, p.87

¹⁵⁴ I.J.S jaswal, *Tribes of Northeast India: Ethnic and population aspects* in *The Tribes of Northeast India*, edited by S.Karotemprel, p.-29

Maring Anal, Mao, etc live in the state of Manipur. The most numerically dominant original inhabitants of Tripura are the tripuri (Tippera), Riang, Jamatia, Noatia, Halam, Chakma, Mag and Uchai. The homeland of Khasi Garo and Pnar is Meghalaya. It is also important to note that Khasi society is matrilineal in nature, which indicates that the position and prestige of women were exceptionally high in that society. To know the status of women in different tribal societies in ancient and medieval Assam, we have to go back to the remote past. But unfortunately the history and pre-history of the different tribal societies acquainted to us is not so older.

At the very beginning the tribes, mostly the hill tribes, were not so civilized. Consequently they were unable to inherit their own history. Since several centuries, the tribal population was living an isolated life. They were unaware of the region other than their own inhabitant, and had a spectacular, ingenious style of livelihood. Even the Varman dynasty of Kamrup that ruled the region in the 4th century A.D had little knowledge about the different tribal people living in the neighboring areas. It was only British administrators, military personals and some tourists, who for the first time revealed the existence of the different tribal groups inhabiting the hills and forests of the Northeast region in front of us. The hills or rivers are known by the name of the tribes inhabiting there. The various Indo-Mangoloid tribes of the present Northeast region, used to stay under one common territory known as Assam in ancient and medieval period. We have already mentioned that the earlier physiography of Assam had changed and most of the major tribal populated areas like Nagaland, Mizoram, Meghalaya, and And Arunachal Pradesh had already isolated themselves from Assam to get the status of independent states.

These independent states, along with already existent states of Manipur and Tripura in which almost one-third of the populations are tribal, form a common region that is presently known as Northeast India. Each tribe of the region has a distinctive culture, custom, language and traditions of their own. Yet some affinity and assimilation of culture have been observed among many of them. On socio-cultural aspect, tribe endogamy and class/ clan exogamy, bride price are the common principles of marriage. The religious beliefs and practices are governed by some traditional unwritten and non-codified customary laws, which are executed by the village councils. Agriculture with jhum method of cultivation is the traditional means of livelihood for most of the tribes.

Regarding the status of women it can be said that unlike the conservative Hindu Society, womenfolk of tribal societies were given many privileges. They were given liberty in different spheres of life. Women were independent to take part in all the social, religious, and cultural functions. The society sanctioned them to move without restraint within and outside the village. They could profusely mix with the boys and select their life-partner without any social obstacles. In spite of these privileges, they have not been given equal rights in social, political, judicial as well as economic fields. After sharing almost equivalent responsibilities in day-to-day activities right from child rearing, household duties to agriculture activities, the practical utility and gravity of labour they put and share are equally not appreciated. But before we go into the detail about the position of women in tribal society, it would be appropriate to know the social structure of different tribes.

Social and family structure of the different tribes

The Social organization of some of the tribes is found to be patriarchal and some of them are matriarchal and few are both patriarchal and matriarchal. All the tribes of Arunachal Pradesh, Mizoram, Tripura, Nagaland and Assam except Lalungs and Dimassas follow the patriarchal, patrilineal and patrilocal structure of society. The hill Lalungs of Assam, Garo, Khasi of Meghalaya follow the matriarchal structure of society, whereas the Dimasaa follows both patriarchal and matriarchal form of society. Let us first observe the social structure of patriarchal tribal societies. In these tribal societies, descent is recognized through male line. Generally father is regarded as the guardian of the family. In the absence of the father the eldest son, if an adult, shoulder the responsibility and takes full charge of the family. The mother is the mistress of the house next to the father and is much respected.

The smallest unit of the society is the family consisting of father, mother and their children. Both joint family and nuclear are prevalent in the different communities of tribal society. In the joint family system, the wife joins her husband after marriage and latter generally lives with his own parents and brothers. Most of the tribes have a traditional custom that the sons set up their independent residence after marriage and that is why the son constructs a house of his own before marriage and after marriage the bride goes straight to her husband's house, and not to her father-in-law's house. Among some tribes like the Adis, Noctes, Wanchos etc. of Arunachal Pradesh. Married girls live with their parents in a joint family till the birth of the first child. After child birth, they constructed their own house with help of the parents and other members of the family. Due to the unitary family system, the boy and the girl generally marry when they become mature to arrange for their own livelihood and handle their own family. When a joint family breaks up, customs demand that either the youngest or the eldest son

Continues living in the parental house to support the family and his old parents. All members of a joint family live in the same household, take their meals from a common hearth, performed rituals and ceremonies together and the expenses are met from the wealth earned or acquired by common efforts.

The authority of all movable and immovable property lies with the father, which is inherited by the eldest or youngest son or by all sons equally after his death. The daughters have no claim over family property, but they share the property of their mother like cloths, ornaments, and utensils etc. Whereas the customs and the social and family organizations of the matriarchal societies of Lalungs of Assam and Garo and Khasi tribes of Meghalaya is quite different from the patriarchal societies. In the matrilineal societies of the Hill Lalungs, Garo and Khasi tribes, the descent is counted through female line and it is women who inherit the immovable parental property like house and lands. The children take the clan name of the mother. In these societies, the son after marriage leaves his parental house and settles either in the wife's village or in her house. Generally one of the daughters, either elder or younger is given the major share and made the inheritor of the property who used to stay with her old parents after her marriage. In the Khasi and Jaintia society the youngest daughter (Ka Khadduh) is made the custodian of the family property. The other daughters were also given share of the parental property to set up their independent home in her parents village. Therefore the matrilineal society of household consists of a father, a mother and a daughter and resident son-in-law known as Gobhia in Lalung society and Nokrom in Garo society and their children. Another tribe, which is neither fully patriarchal nor matriarchal, is Dimassa tribe of Assam.

The Dimassa society has its uniqueness and peculiarities in its clan system. According to Danda, "The Dimassa system of descent is rather unique in this part of India as no other

tribe inhabiting the area has double descent"¹⁵⁵. They follow both patrilineal (Sengfong) and matrilineal (Julu) system of descent. Every man or woman of Dimassa tribe bears allegiance to two clans. A man primarily reckons his descent from his paternal grandfather and inherits his secondary affiliation from his maternal grandmother, whereas a woman primarily reckons her descent through her maternal grandmother and then from paternal grandfather. But her secondary affiliation changes when she gets married. She is transferred to her husband's patrilineal by observing a ceremony called Madai Khilinba but her primary affiliation of matrilineal however remains unchanged. As the Dimasas have double clan system, so the daughters and never daughter-in-laws inherit the properties of mother and sons inherit the properties of father. But there are no such restrictions that forbid the daughters to inherit the properties of parents. In the absence of sons, the properties of father are inherited by daughter. Since the Dimasa custom does not permit women of different matrilineals to live in the same house, therefore, after marriage a boy has to leave his father's house and has to setup a new family life after marriage. So a Dimasa family is of nuclear type consisting of father, mother and their unmarried children.

4.10.2 Women in North Eastern States

The status of woman in a society is recognized by the roles she plays in a family and in a society through different ways in the different states of her life cycle. She contributes her roles in the family from her childhood to womanhood as a daughter, sister, wife, daughter-in-law, mother, mother-in-law and as a widow woman. In every stage of her life there are different responsibilities that a woman has to discharge in a family and society. Therefore, her rights, obligations and duties, authorities and control give her status in her family and in her society by virtue of her rights and duties. Thus, the status and role of

¹⁵⁵ Dipali G. Dande, *Among the Dimasa of Assam*, p-51

women in a family and in a society is governed by their own social norms, values, customs, attitudes and social behaviours etc. as in every society a woman's role and her rights, duties and obligations are related to man. In the same way the different tribal societies of North Eastern India have their own tribal norms and customs according to which women have been given various roles and accordingly vast status is determined.¹⁵⁶ In fact, the status of the women usually centers on her family and society. Let us scrutinize her position in the different role she plays in a family.

4.10.3 : Position of a girl child in a tribal family:

The position of a girl child depends according to the descent and inheritance system of the tribes she belongs to. Among the male dominated and patriarchal societies through the daughter is not neglected and brought up with same affection and love, but son is more preferred because daughter is considered as transient member of the family as she leaves her place of orientation after marriage, where son is regarded as the preserver of the family lineage and support for parents in their older age. But if the parents do not have any son then the tradition has the provision that the youngest daughter could stay at her parents' house along with her husband.

In the matriarchal societies of Garo, Khasi and Jaintia societies, where the descent is traced through female line, but of a female child is preferred rather than the male to continue the family and clan. Inheritance of property also goes to the female. Gassah opines about the Garo custom that, "a female child ensures the continuation of the family tree and saves such a family or clan from being looked down by others as an extinct one."⁹⁰⁵ The girl child is also preferred, as she also becomes the support for the parents

¹⁵⁶ Morial nusa, *Status of women in tribal societies in the tribal woman*, ed. B.C. Bhuyan, P-83

in their old age. In the Khasi and Garo societies, the boy is the temporary member of the family, since after marriage leaves his parental house and goes to stay with his wife either in her house if she is inheritress of her parental property or makes his new residence in the village of her wife. But the custom is quite different in the matriarchal society of Jaintias. The husband after marriage remains member of his own mother's house and does not go to live his mother-in-law's house; he only comes to visit his wife. Gurdon states that "The husband comes to his mother-in-law's house only after dusk and that he does not eat, smoke or even partake of betel nut there, the idea being that none of his earnings go to support this house and therefore, it is not etiquette for him to partake of food or other refreshments but his children will be member of his wife's family. However, it is clear from the fact that in the matrilineal social system, the girl has more important social position in comparison to the position of boy. A girl child in either of the tribal families is it patriarchal or matriarchal, is no way neglected because she is considered as an economic asset for her parents. She not only serves the family in the home but also constitutes the major toil in cultivation; which is the primary resource of subsistence in the tribal society.

Besides, parents of the girls get a substantial amount as bride price during her marriage in most of the patriarchal tribal societies. It is generally seen that a girl from the age of ten onward usually helps her mother in the household and agricultural works. Since mother is found to be so busy in the day-to-day domestic as well as agricultural activities therefore the grown-up female child takes the responsibility of the minor children. Even in the present days, the female child in the hill societies is seen to be carrying her younger brother or sister on her back with the help of a piece of cloth. Hence, we find that in the tribal family, the girls from her childhood begin their contribution of works whereas a boy child is not pressurized by the parents to share the responsibility of the family affairs until he becomes matured. Hence, the girl child is always considered as a valuable asset for the parents and after marriage for her husband.

4.10.4: Job of women in tribal societies:

It had been found that the division of job regarding household duties, home management and family affairs was divided sex wise in the tribal societies. The burden of the domestic chores within the household right from cooking to food gathering from the early morning till late evening apart from helping the malefold in the agricultural works had to be abided by women. The men-fold in the agricultural works had to be abided by women. The men-fold is assigned with some hard work like cutting trees in the jhoom plots, cleaning jungle, hunting, fishing etc, which are not possible on the part of a female. The entire maintenance and earning of livelihood of a family depend upon the male. The latter very seldom helps women in household chores. But in times of need, for e.g. when women fall ill or go out of the village, men are bound to do the household duties. Tribal women play the major role in the daily life than the menfolk. If we compare the daily activities of women of tribal societies and non-tribal societies, we can say that former is much harder worker in comparison to the latter. Their works include a large area. Apart from doing their day-to-day household activities, they go to the cultivating fields and help their men-fold in agricultural activities.

Hence, they do more work than their male counterparts also and get exposed to a good amount of strain in terms of physical work. If we consider the total number of working hours, then it appears that the female force is way ahead of the male force.¹⁵⁷ This can lead us to the conclusion that the female force is the potential pillar and asset for their families,

¹⁵⁷ 906. P.R.T. Gurdon, *The Khasis*, pp 76-79.

who not only gives birth and nurtures the future generation, but also drifts the society towards progress with their sincerity and commitment to both in-house and out field work. Their busy routine begins at the crack of dawn till late hours of the night. Their daily activities begin with husking and pounding of rice and millet, cleaning of attle shed, miling the cows, rearing and feeding of domestic birds and animals, cleaning of house, washing clothes and utensils, fetching of water from water source, burning of firewood, cooking morning and afternoon food for the entire family, preparing of rice-beer. After cooking, she feeds the breakfast to men and children.

After finishing the domestic works, they pack the midday lunch and tubes of beers for their own and their male partners and hasten to the fields. In the agricultural field right from sowing to harvesting, women do the entire work. While returning back to home from agricultural field in the evening they collect basketfuls of vegetables, paddy and fuel from the forest on reaching home, they feed the domestic animals, fetch water and prepare the evening meal, beer and serve the family members. Apart from doing the normal daily domestic activities, women also entertain the guests by making special foods and wine. In the busy schedule of their day-to-day routine, they do not forget the role of mother. They take special care of the health and education of their infants and children. They spend their leisure time in spinning and waving. It is apparent from the preceding deliberations that women of the tribal societies work relentlessly without taking any rest. They neither neglect the domestic activities nor does the agricultural work because both the works are important for them. Therefore, tribal women were regarded as precious assets by their families for their valuable contributions. In spite of doing the major part of work of the family, women are not given rights and respects in same proportion by the society, Dominant and prestigious position in the society is occupied by men. Women are not entitled to play the authorative role in her family. Her

consultation is taken regarding the family affairs, but the final judgement is vested with men.

Even in matter of family economy or any other serious matters, the male members of the family do not think to take the suggestion of women. But the things are changing fast. With the spread of education and employment opportunities among women of Arunachal Pradesh, the status of women has improved. The attitude of the hill society toward the working women is changing in the previous days, women were regarded as housewives and helper for their husbands in the agriculture. But their work was not provided any economic value. Therefore, they were dependent on men. But in the present days the women also occupied the salaried jobs; therefore they directly supported the family economy. Therefore, the educated working women were able to snatch the equal position in the family and society as those of male. Now they got every right to take decisions regarding the important family affairs like family budget, children's education and marriage etc.

4.10.5: Marriage System

The marriage system is recognized as one of the most vital social institutions among the people of the tribal societies. Marriage is not only the amalgamation of two individuals but also union of two families in a network of social compulsion. For a girl the marriage serves as the base stone in her life because her new roles begin as wife, as daughter-in-law, as sister-in-law and most important of them is as mother. Marriage is a crossroads in the life of an individual because with the marital relationship a girl and a boy enter into a new relationship of a husband and a wife and thus forms an individual family unit. The responsibility of this new unit had to be shared by both of them. The number of member of this new unit increases, when children are born to the couple. The children

stay in the family till they grow into adults and are married in their turn and establish their own family. The different tribes of North-eastern region follow different types of marriage customs, rules and regulations while establishing marital relations.

The tribal marriages are contractual in nature and the ritualistic aspects are somewhat insignificant. The marriage customs are quite simple, the marriage being more social than the religious aspect of the union. About the marriage-rites of the Rings. Tipras and others or Chittagong hill tracts, Lewin remarks that, at marriage there is 1 particular ceremony, but a great deal of drinking and dancing. A pig is killed as a sacrifice to the deities of the wood and stream. Then the girl's mother pours out a glass of liquor and gives it to her daughter, who goes and sits on her lover's knee, drinks half, and gives him the half; they afterwards crook together their little fingers.

Presently Monogamy is generally prevalent among the different tribal communities of Arunachal Pradesh, Mizoram, Manipur, Assam, Nagaland, Tripura and Meghalaya but in the earlier days, polygamy was practiced by different communities or tribal society. Polyandrous families are prevalent among the Monpa tribes of Arunachal Pradesh. Clan plays the main role in regulating the marriage or the tribal societies. The communities are expected to follow endogamy but exogamy regarding the clans. Bride price is customarily prevalent among all the patriarchal tribes, which are paid in cash and kind to the brides' parents by the groom. Its price varies from tribes and even differs among the sub-tribes of the same tribe. Marriage is possible with some loose relations under some conditions. Levirate and Sororate are permissible among the tribal population of North-East India. The peculiar custom of marriage with stepmother and stepdaughter is permissible among few tribes. Pre-marital sexual affairs were socially sanctioned among some of the different sub-tribes of Adi, Aka, Nishing, Sulung, Mernba, Wall I and Nocte tribes in

Arunachal Pradesh, Nagaland and Mizoram. Widow remarriage is also prevalent among all the tribes. Let us go in depth regarding the different marriage customs prevalent among the different tribes of North-east.

4.10.5.1: Practice of Exogamy

The tribes of Arunachal Pradesh, Assam, Meghalaya, Nagaland strictly adapt the rules of clan exogamy. But few tribes of Manipur and Tripura follow clan endogamy. Clan is counted through male line, which follows the patriarchal system of descent and through female line, which follows the matriarchal system of descent. That is all the members of the same clan in the male line are thought to be descendants from a common ancestor and on the reverse in the female line are considered as descendants from a common ancestress. So, the clan members are considered as brothers and sisters. Therefore, marital relationship within the race would mean the marriage with his or her own blood relation and hence considered as incestuous, immoral and illegal. Therefore these types of marriages were declared unlawful who strictly follow the rules of clan exogamy and if one does this illegal act, he will be liable to serious sin in the eye of religion and socially cut off from their own tribe. Among the matriarchal tribes of Khasis and Jaintias, "The clans are strictly exogamous; marriage within the clan is the worst sin that a Khasi or a Synteng can commit. Both men and women become "Sang" (Taboo) and are excommunicated for this crime".

4.10.5.2: Clan Endogamy

Clan endogamy is widely prevalent among the IVIizos or Lushais. Shakespeare opines,

"A Lushai can practically marry any woman he chooses except his sister or mother"¹⁵⁸. Clan endogamy is mostly practiced among the mizo chief because a chief generally establishes marital relations with another chief who very often belong to the same clan. Kukis of Mizoram and Manipur are also not fully exogamous. Mao, Koireng, Tarao, Gangte, Hmar tribe of Manipur and Reang, Rupini and Mag tribe of Tripura follow clan endogamy though the sub-clans of Tarao and Gangte of Manipur and Mag or Tripura are exogamous. With some kind of preventable relations between parent and child, uncle and niece, aunt and nephew, brother and sister, marriage within the same clan, lineage and even within an extended family is permissible among the Reangs of Tripura¹⁵⁹. Among Nagas, only the Konyak Naga chiefs are not so much strict about the clan exogamy. The reason is that the chiefs considered themselves as sacrosanct and so the principal wife is brought from the same clan though not from the agnates¹⁶⁰.

4.10.5.3: Cross-Cousin marriage

Marriages with one's own cousin are popular and recognized customs among most of the tribes of North-East India. Marriage with the mother's brother's daughter/father's sister's son or father's sister's daughter/mother's brother's son is defined as the matrilineal and patrilineal cross cousin marriage respectively. Among the tribes of Arunachal Pradesh, Mikir and Mishing tribe of Assam, Aimol, Kom, Kukis of Manipur, cross-cousin marriage is not only the general rule but also given immense preference. The custom in the past had assumed a prescript form, so refusal to marry a mother's brother's daughter led to the payment of some sort of compensation by the avoiding party. Among the Kukis, sister's son is bound by custom to marry to mother's brother's daughter known as 'Neinu' (i.e. to be married to) and in case he fails to do so, he not only forfeits all his rightful claims

¹⁵⁸ Coiney I Shakespeare. *The Lushai-Kuki Clans*, p.49

¹⁵⁹ Dr. Jagadish Gan Chaudhuri, *The Riangs of Tripura*, p. 46

¹⁶⁰ I Shakespeare. *The Lushai-Kuki Clans*, Prakash Singh, Nagaland, p.42

and respect, indulgence etc. that he commands from his mother's brother and his daughter but he is also supposed to give fine of one ' Mithuri' to his mother's brother¹⁶¹. Similarly the Mikir custom envisages that a boy must marry his mother's brother's daughter, "and if he does not, the maternal uncle could beat the lad as much as he liked; but now they can do as they please"¹⁶². Most of the tribes of Arunachal, Nagaland, Manipur follow the matrilineal cross-cousin marriage and avoid Patrilineal cross-cousin marriage i.e. marriage with father's sister's daughter/mother's brother's son. Describing about the inclination towards the matrilineal cross cousin marriage among the Tangsa tribe of Arunachal Pradesh, Dutta writes. "In the cross-cousin marriage the mother's brother's daughter is considered to be the potential wife of the father's sister's son. In the absence of the mother's brother's daughter or the Father's sister's son, either party can take partners from outside according to their choice. Marriage with the father's sister's daughter is strictly prohibited"¹⁶³. The matrilineal cross cousin marriage is permitted among the matriarchal societies of Garo and Khasi or Meghalaya. But there is a different rule of cross-cousin marriage in both the societies. A Khasi can marry his maternal spouse as well as their family because they are familiar with each other's behaviour, taste, standard or living as well as each other's family atmosphere. As Dutta said "In cross-cousin marriage considerable socio-economic significance is attached. The prime considerations for such a marriage are mutual help and co-operation and compatibility or temperaments"¹⁶⁴. Similar is the presumption among the Mate tribe of Manipur that "the well-known traditional conflict between mother in law daughter in-law can perpetually avoided because the daughter in-law is mother in-law's brother's daughter.

¹⁶¹ TS. Gante. *The kukis of Manipur*, p. 59

¹⁶² E. Stack ZII, p.4910. C.I Lyall, *The Mikirs*, Sir Charles Lyall ed. *The Kukis*. P.18

¹⁶³ Parul Dutta, *The Tangsas* p. 49.

¹⁶⁴ Parul Dutta. *The Tangsas*, p.49.

Being related so; she will look after the old people of the family without ever deserting them"¹⁶⁵.

4.10.5.4: Parallel cousin marriage

Marriage with Gather's brother's children and mother's sister's children is known as parallel cousin marriage. Though this type of marriage is prohibited among most of the tribes but it is permissible among the Sherdukpen and Ramo-Adi tribe or Arunachal Pradesh, Mizo tribes, Halam, and Reang tribe of Tripura. Among the Noatia and Chakma tribe of Tripura, Pailibo of Arunachal, there is a custom or parallel cousin marriage between the children of two sisters, but marriage between the children of two brothers is prohibited.

4.10.5.5: Widow marriage

Custom of widow remarriage is prevalent among all the tribes of North-East. But there are certain rules different tribes. Widows of the Khasi and Jaintia community can not marry before one year of the demise of their husbands. Various forms of widows marriages are prevalent among different tribes such as custom or levirate marriage. Sororate marriage, Stepmother marriage and Daughter-in-law marriage. Let us first go through the custom of Levirate marriage.

4.10.5.6: Levirate marriage

The custom of Levirate marriage is the most common marriage custom still prevalent among all the tribes of Arunachal, Nagaland, Mizoram, Manipur (except Meithei tribes), and Assam. According to the levirate custom, the widow after the death of her husband is allowed to marry one of the elder or younger brothers of the deceased husband as per

¹⁶⁵ Langsun D. Mate, *The Mate tribe of Manipur*, p. 27.

customs of the tribe to which her deceased husband belongs. The tribes of Mizoram and Assam, Akas, Singphos, Taugasas of Arunachal Pradesh follow only senior levirate i.e. the widow can marry the younger brother of the deceased husband but not the elder brother who is regarded as a rather figure. On the other hand, the tribes of Nagaland follow junior levirate, which means that the widow can inherit only by the elder brother of the deceased husband while marriage with elder brother's widow is prohibited, since she receives the respect of a mother. And most of the tribes of Manipur and Arunachal Pradesh follow both senior and junior levirate i.e., one can inherit the widow of the elder as well as younger brother. Among the Anal and Ivlate tribes of Manipur, the widow may marry her deceased husband's younger brother in case he is unmarried: otherwise she is permitted to marry any other person keeping the rule of exogamy¹⁶⁶. But the custom of Levirate was strictly prohibited among the Meithei tribe of Manipur and Tipperas, Noatia, Uchai tribe of Tripura.

The reason behind the levirate marriage among the tribes seems to be the bride price system. Since she is purchased by her husband from her parents by paying the bride price during her first marriage, therefore she becomes the legal property of her husband. In case or the death of her husband, the brothers of the deceased husband hold a legal claim over her. Among the Kukis, an unmarried man, be a mere child, on curing of his marriageable age is bound to marry the widow of his deceased elder brother, however old the widow may be¹⁶⁷. Mitkong while discussing about the widow inheritance among the Aditribes said. "As per social system, of the Ad is, a wife of a man is considered as the property of the clan to which he belongs on the death of the husband the widow has to be inherited by a kin of deceased husband either for her security or for sexual need as per norm laid down by the clansmen"¹⁶⁸. Though the choice is left to the widow.

¹⁶⁶ Longsun O. Mote. *The Mote tribe of Manipur*, p.25.

¹⁶⁷ C.A. Scopitt, *A short account of the Kuki*. p. 15

¹⁶⁸ N. Mitkong. . 'Customs and Laws of widow inheritance of the Adis' in *Aspects of culture and customs of Arunachal Pradesh*, edited by Dr. P.C. Dutta Dr. D.K. pp.223-224.

but she has to accept anyone as her husband from the in-laws family. She can only be free from this bondage, if her parents agree to return back the bride price' to the brother of the deceased husband, which they have taken' during her first marriage. If the parents are not in the position or do not want to return back the bride price; then she is bound to marry one of her brother-in-law after her husband's death. However, Srivastav also mentioned that she could be free to return to her parents or marry someone of her choice only if her brother-in-law does not live to marry her or if the second husband agrees to pay the bride price spent on her marriage along with compensation to her husband's brother. Among the Singpho tribes if the brother disagrees to marry the widow of his deceased brother and also does not want to take the responsibility of the children of the latter, then he has to pay a fine of 140 rupees and a buffalo to the parents of the widow in a ceremony called "Moroang Ro"¹⁶⁹. After this ceremony no marriage can take place between these two families.

4.10.5.7: Sororate

Sororate is another popular marriage custom which is widely followed by the tribal people of Arunachal Pradesh, Kukis of Mizoram, Kacharis of Assam and Garos of Meghalaya. According to the custom, a man can marry any of the unmarried sister or wife only after the death of the latter. Marriage with wife's sister after the death of her husband can also take place. Among some tribes, only junior sororate is practiced and some follow both senior and junior sororate. Normal marriage rituals are generally not performed in such marriage.

¹⁶⁹ Parul Dutta, *The Singphos*, pp. 75.

4.10.5.8: Stepmother marriage

One peculiar form of marriage prevalent among few of the tribes of Arunachal Pradesh and Nagaland i.e. marriage with the stepmother after the death of father. This form of marriage is found among the tribes like Singphos, Hill Miris, Idu Mishmis, Mishing-Bangnis, Gallong Adis of Arunachal Pradesh and Semas of Nagaland. But marriage with the stepmother is permitted only after the death of the father. During the lifetime of the father it is never allowed and even sexual relationship is considered as serious crime¹⁷⁰. The marriage with the widow stepmother is performed after payment of a nominal bride price by the proposed groom to the guardian or the stepmother. The bride price varies from tribe to tribe and also according to the age of the stepmother. The previous issues of the stepmother even after marriage are regarded as brothers and sisters though she is considered as wife. The reason for the custom of marrying the stepmother is due to economic cause. As a wife, she can get care and security from her new husband, whom she can not expect as a stepmother and on the other hand the new husband will get experienced and additional helpful hand for his agricultural works¹⁷¹. However, the widowed stepmother or the stepson is not given force for such union. The union also depends upon the age of the stepmother, number of issues from her previous husband and most importantly the wish of the woman as well as the stepson.

4.10.5.11: Daughter-in-law Marriage:

Another peculiar custom of marrying one's daughter-in-law is prevalent only among the Singpho tribe of Arunachal Pradesh¹⁷². This system is activated only if the deceased Son is the only inheritor of the family and if he dies leaving behind no issues.

¹⁷⁰Parul Dutta, *The Singphos*, p. 76.

¹⁷¹BB Pandey, *The Hill Miris* p. 59.

¹⁷²Parul Dutta, *The Singphos*, p. 76.

But when there is an issue, this sort of marriage is not considered legal. In such situation the father-in-law marries the widow daughter-in-law only to keep the generation alive. The children who take birth from such union will be regarded as grand children. The parents or the guardian of the daughter-in-law are informed and the father-in-law pays a nominal bride price.

4.10.5.12: Marriage with widow mother-in-law and step-daughter

This custom is prevalent only among the Garo tribes of Meghalaya. When the household head dies leaving behind his widow, *nokna* (inheritress daughter) and *nokram* (resident son-in-law), the *nokrom* marries the widow, thus assuming the anomalous position of husband to both mother and daughter, where the mother assumes the position of the principal wife (*Jik mongma* or *Jik mamingj* of the *nokrom* and *nokna* i.e., the daughter becomes the co-wife (*Jik-gile*). On the death of mother, the daughter assumes the role of the principal wife. On the other hand, if the household head dies leaving behind his widow and unmarried daughters, the widow is supposed to marry one of the nephews of her deceased husband, who accepts the old widow as his principal wife and her inheritress daughter as a co-wife which may be termed as step-daughter marriage. If the widow refuses to marry the nephew of her deceased husband and marries another man, the nephew may claim compensation from both of them. This custom of marriage among the Garos is governed by the law of 'Worn' according to which once such a marriage is contracted either bride or the groom becomes free to remarry person or another clan, even after the death of either spouses.

4.10.5.13: Marriage Forms

Several forms of marriages were found to be prevalent among the different tribal societies of North-East¹⁷³. These are Marriage by Exchange marriage by Service Marriage by Capture or Elopement Marriage by inheritance, marriage by mutual consent and Marriage by Negotiation. Let us go through these different modes of marriages for the paternal tribal societies for acquiring life partners.

4.10.5.14: Marriage by Negotiation

Negotiation between parents or the two parties is the regular and common rule of marriage of the tribal people of North East India, which of course depends upon the reciprocal choice of the would-be couple. Negotiation is initiated from the boy's side. Marriage proposal comes hardly from the girl's side. The boy usually communicates to his parents about his marital choice through some relatives or friends. The parents, after seeking the approbation of their son's choice from the members of the community, express their desire to the parents of the girl through a mediator. The parents of the girl then consult about this proposal with their relatives and the other villagers and also sound the girl about her own reactions. After taking the approbation of the girl and other people of the community, the parents of the girl then proceed to settle the bride price. Normally, the bride price is to be settled up by the go-between on behalf of the boy's parents with the parents of the girl. Generally after negotiation, the groom visits the bride's house. Marriage through negotiation involves a lengthy procedure with a number of formalities and rituals that vary from tribes to tribes.

¹⁷³ Parimal Chandra Kar, *Garos*, pp. 68-69.

4.10.5.15: Marriage by Exchange

This is one of the most primitive modes of marriage in Arunachal Pradesh. About this form of marriage, Roy gives his opinion, "a boy desirous of marrying a girl undertakes to fill the gap in her family by supplying a suitable girl for a marriageable boy in exchange. By this method, the difficulty sometime felt in paying the are (bride-price) is, solved. In case tile marriage in exchange does not take place on account of unwillingness of the girl, who may run away with someone else, the bride-price that would have been due had there been no exchange, has to be paid"¹⁷⁴.

This system is popular among the Padams and Minyongs, two sub-tribes of Adi, Miri and Singpho tribes. Regarding the marriage customs of the Miris, Hamilton records, "The Miris, for example, never countenance a betrothal, unless at the same time a female belonging to the bridegroom's family is promised for some male member of the brides"¹⁷⁵. It does not necessarily mean that the marriages take place simultaneously. If the groom's family has no female of marriageable age at that time then they had to promise to give female from his own family in future to the bride's family. But problems arise when the family of bride-takers is unable to fulfill their promise due to some reasons. In Such case the bride-giver takes back his married daughter from the groom although she may have children by him, and again marry her off to buy of other family, who promises his sister or some other female relative, in exchange for her. If the second family also fails to fulfill his part of the contract then again the bride's father takes her away from there and gives her to third groom and so on.

¹⁷⁴ Sachin Roy. *Aspects or Padam-Minyong Culture*, in *Aspects of culture and customs of Arunachal Pradesh*, edit by Dr. P.C. Dutta & Dr D.K. Duarah p. 207.

¹⁷⁵ A. Homilton, in *Abors Jungles*, p. 93-94. cited in *marriage in Arunachal Prodesb* pp. 135-136.

4.10.5.16: Carriage by Service

Carriage by Service is an alternative pattern of acquiring mate among the Abor (Adi), Dafla, Sulung, Miji, Sherdukpen, Aka, Khampati and Singpho tribes of Arunachal Pradesh, Letha tribes of Nagaland, Mizo and Kuki tribes of Mizoram as well as also among the Garos of meghalaya. The reason for the system of marriage by service is due to the non-affordable position of the bridegroom to pay the bride price. Sinha while discussing about this system among the Akas opines that when a man is too poor to give even the minimum bride-price, then the boy may get a wife of his choice in conformity by putting up service at his would be father-in-law's house for a couple of years in lieu of the bride-price. He is, however permitted to cohabit with the girl even before Marriage and during his period of service, It may also happen that, by the end of his service period, two or more children are born to him .After the service period is over, after a formal ceremony, he is accepted as the husband of the girl and separates from his inlaws house along his wife and children to find his individual family¹⁷⁶.

Among the Ramos, one of the sub-tribes of Ad is, sometimes when the bridegroom is not able to pay the full amount of the bride price, then the marriage by service converted into marriage by exchange through a girl child born to the couple¹⁷⁷. She is given to the grandparents in lieu of the bride price, which means that the bride price of the girl will not go to her parents but to the maternal grandparents. Among the Sherdukpens, the father of the girl generally adopts this method of marriage when he does not have any boy child or other male relation to help him in his cultivation works. In such situation the would-be son-in-law is asked by the girl's father to provide service for some months in agricultural

¹⁷⁶ Raghbir Singha. *The Akas* p-84

¹⁷⁷ M.M. Dhasmana. *The Ramos of Arunachal*, p. 109

operations during which his potentialities, moral fiber and working ability are cautiously observed¹⁷⁸.

But it is an essential custom and condition of marriage among the Anal, Aimol, Chiru, Chdthe, Kom and Puimei of IVIAnipur, Darlongs, Reangs, Tipras, Naotia, Jamatias, Uchais, Halam, Mags of Tripura, Kacharis and Mikirs of Assam, After the final negotiation of marriage between both the parties, the groom before his marriage has to stay in bride's house for a certain period before his marriage like a son of his would be father-in-law and extends his assistance in agricultural activities as well as attends various duties of that house. After completion of this period, his parents' come to take their son and daughter-in-law¹⁷⁹. Obviously, there are some conditions of the service. If the boy leaves before the completion of the period, he has no right to marry the girl, who is free to marry anybody else but there are some relaxation too, such as some other person can serve on behalf of the groom in the girl's house if bride's father agrees", This service is called Loh and Nuhnicihic respectively among the Chothe and Kom tribes of Manipur, Jamai Khata among the Tripuris and Noatias, Damad Utha among the Halams, Khamatoore among the Mags, Chainarai among the Riangs and Maklut among the Darlongs of Tripura. The period of service varies from tribes to tribes and according to the agreement of the parents of the two parties, Among the tribes of Tripura (except Uchais, where the period of servitude is for three to four years), the period is usually for one-year.

Among Kacharis of Assam, the period of service, which is commonly known as 'Olao ghar-Jiya' is from three or four years to all upward limit of twelve or fifteen

¹⁷⁸ R.R.P Sharma, *The Sherdukpeas* p.55.

¹⁷⁹ "Dr. R.K. Somanto, *The Reangs of Tripura-Their socio-cultural and agro-economic changes*" in *The Tribes of North East India*. Edit by Sebastian Kurotempral p. 202.

years¹⁸⁰ Cohabitation, however is allowed after about twelve or eighteen months' service, and at the conclusion of the full period, the young people are free to depart whithersoever they will. The service of the bridegroom in the bride's house among the Kacharis of Darrang known as 'mal ghar-Jiya' and Kamrup known as Khasrot-Thokagha Jiya', the period of service is life-long, According to Endle, "the prospective bridegroom severs all connection with his own family, and identifies himself completely with that of his bride, in whose house he serves until the death of her parents when with his wife he entitled to the whole or the usual share of their property. On that of his own parents or relatives he relations no claim whatever"¹⁸¹ . Similarly among the Mikirs, if he daughter is the only child or heireass, the groom stays with his father-in-law's house for lifetime¹⁸². But presently the educated youth does not like the custom of marriage by service and bride price is paid in lieu of such service.

4.10.5.17: Marriage by Elopement

Marriage by elopement is considered as the romantic way of acquiring a mate. In other words, it can be said as love marriage. This type of marriage is ill vogue among all the tribes. This mode is Dilly resorted to, when the young lovers meet with parental objection or when there appears a third person ill between the boy and the girl who is likely to stand in their way, because of his being a serious contender to win the hands or the girl ill marriage, or when the economic consideration that involves in the event of all formalities of the marriage are to be fulfilled in the case of either the boy or the girl being in abject poverty, or even when the girl is impregnated by either of the lovers. In all these cases marriage by elopement is resorted to. If, however, the boy is caught, he is made to pay a heavy fine by the village council besides the bride price. The bride price in such marriages is usually higher than in

¹⁸⁰ S. Endle, *The Kacharis* p 45.

¹⁸¹ S. Endle, *The Kacharis* p 45.

¹⁸², Dr. S.T. Das. *Tribal life North-East India*. p208

normal marriages. The Miris used to resort to abduction when the demand of the bride price was exorbitant Hamilton tells, "Where the price demanded for the bride is in excess of what the youthful swain can afford to pay, the girl arranges the red cock before the elder of the village court"¹⁸³

4.10.5.18: Marriage for the poor

There are some less expensive and abbreviated types of marriages, which are taken recourse to by the poor. One such marriage is Joron Biya, which is prevalent among poorer sections of the Lalung society of Assam¹⁸⁴. In this type of marriage, the boy just brings one rice/beer jar, one basketful of rice/rice cakes, two gourds and some betel leaves and nuts to the girl's house and takes away the girl with him to his house. After three or five days, the couple visits the girl's house bringing with them one ohar (two basketful of rice, betel leaves and nuts etc.) and five fowls. During this visit, the elder people of both sides are invited who formally recognize the couple on that day: The two types of marriages that are prevalent among the poorer section of Dimasa Kacharis are known as Habriba and Hablaaba¹⁸⁵. The rites of this type of marriages are limited and take place inside the house. In the former type, the bridegroom is allowed to enter into the kitchen to meet the bride on the marriage day. The latter type of marriage, though rarely occurs is prevalent among the Dimasa Kacharis. When the groom is extremely poor and cannot spend anything for the ceremony, then he simply bows down to the bride's father and pays Rs. 5 as a token of bride price. If the bride's father accepts that money, then the boy and the girl get

¹⁸³ Lethuama Durlong, *The Durlongs of Tripura* pp. 149-150

¹⁸⁴"Dr. G.C. Sarma Thakur, *The Lalungs" in the tribes of Northeast India*, ed. by Sebastian Karotemprel, p. 160

¹⁸⁵ Dipali G. Danda *Among the Dimasa of Assam*, p.55

4.10.5.19: Marriage by mutual consent

This Marriage is very common the hill lalungs. According to this marriage, the boy and the girl decide to get married after long intimacy. Then the boy sleeps with the girl for one night in her house and then both are accepted as husband and wife. The boy also becomes the resident son-in-law and the next day this information is given to the villagers and the parents of the boy¹⁸⁶.

4.10.5.20: Marriage by force or capture

This marriage is though not popular, but is not uncommon among the tribal society. Among the matriarchal society or hill Lalungs, when the boy makes intimacy with the girl and yet not serious about his marriage with the girl, in such cases the villagers of the girl force the boy to enter into the wedlock with the girl and to become a resident son-in-law in the house of the girl ¹⁸⁷. Among the Vaipheis Kukis, this mode of marriage is called Nungaak-Gu or Thepthaak, where the girl is kidnapped by the boy with the help of two or more of his accomplices and the marriage are performed without any prior understanding or agreement¹⁸⁸, of course, the punishment is very heavy, if found guilty. Same is the case with the Khemungan Nagas. When a boy desires to marry a particular girl he narrates his choice to his parents and relatives and they raid the girl's house and abduct her and there after

¹⁸⁶ Birendar Kumar Gohain. *The Hill Lalungs*. pp 43, 44.

¹⁸⁷ Birendar Kumar Gohain. *The Hill Lalungs*. pp 44.

¹⁸⁸ S. Daliand Capvung. *The social instiiluons of the Valpheis' in Manipur: past and present, vol. III* ed. By Moorem, Sanajaabap.252.

they start living as husband and wife without any formalities or bride price ¹⁸⁹ .

10.5.21: Marriage among the matriarchal tribes

The matriarchal tribal societies of Northeast are different from the patriarchal tribal societies regarding their various customs of marriage, divorce and inheritance laws. Among the Garos, marriage proposal always comes from girl's side. But among the Khasis and Jaintias, the offer for marriage comes from boy's side. Marriage ceremonies in regard to details and formalities differ from tribe to tribe. The most remarkable feature of the Khasi marriage is that it was customary in the earlier days for the husband to live with his wife in his mother-in-law's house his wife gives birth to one or two children. After that they generally establish their separate household, but if the wife is *ka khadduh* (youngest daughter), then she becomes the inheritress of family property. Among the Khasis, the boy generally goes to the girl's house after the marriage. Similar is the rule among the Garos. Other than the *nokrom* (husband of the inheritress daughter), all other son-in-laws establish their separate household with their wives. But among the Jaintias, the case is different; the husband after marriage does not go to stay with his wife in his mother-in-law's house but visits his wife only in the night. Let us find out the marriage customs and rules of these societies. Various forms of marriages are in vogue among the matriarchal tribes of Garo, Khasi and Jaintia society. In the Garo and Khasi society many types of marriages are prevalent, some of them are legal and some are illegal though they were made official later on. These Marriages are:

¹⁸⁹ Paraksh Singh, *Nagaland*, p.44

4.10.5.22: Marriage by negotiation

It is the recognized and most common and honourable form of marriage among the Garos Khasis. Among the Garos, both the contracting parties assemble in bride's house and the priest consults the omen by killing a hen and a cock and predicts whether the marriage will be happy one or not. This marriage is known as Do'sia (Do - fowl and Sia - die) among the Garos¹⁹⁰.

4.10.5.22: Marriage by service

This custom is prevalent among some of the divisions of the Garos it is the reverse system of the service of the groom in the girl's house, which was in vogue among the Ivlizos and the tribes of Tripura According to the custom of marriage by service, which is known as Cha'senga (Cha- eat and Senga - wait), the girl goes to stay in the house of the boy and helps him and his family in all the household works. If the boy and his parents are satisfied with her performance, marriage is arranged¹⁹¹.

4.10.5.23: Seka or elopement

In this case, the boy and the girl run away from home and after few days they return to the girl's house and live as husband and wife¹⁹².

¹⁹⁰ Milton S. Sangma. *History and culture of the Garos*. Pp 197-199

¹⁹¹ Playfair, *The Garos* p. 67

¹⁹² Jabang marak, *The Garos Law*, p.50.

4.10.5.24: Marriage by capture

This marriage was in vogue among the Garos and Khasis in olden days and is almost extinct presently. Among the Garos, when a girl of marriageable age wished to marry a particular boy, he was suddenly captured by the girl's party, whenever he was found alone and was forcibly confined with the girl for more than one night in the girl's residence. Major Playfair mentions that it was the custom among the A'bengs and the Matabengs Gatos that if the boy indicated his refusal to marry the girl by absconding and concealing himself, then he was again hunted and was forcibly brought back by the girl's party. Now he was kept under strict vigilance, but if the boy would have flown for the second time by applying various tricks, he was again captured for the second time also. But if he would have escaped for the third time, then he would have been released as it pinpointed that he was really not interested to marry the girl¹⁹³. But if the girl was found to be seduced by the boy while they were alone together for two or three nights, then the latter had to give fine of certain amount to the parents of the girl, who shared this amount with Nokma and other relations¹⁹⁴. Marriage by capture was prevalent among the Kongor Khasis. Often the Kongor male was captured by the female syiems (ruler) party and was compelled to enter the marriage ceremony sometimes against his will. But there was a provision that if he was not interested to stay with the girl, he could have released himself by submitting an appropriate fine¹⁹⁵.

4.10.5.25: Marriage by temptation

This custom was prevalent among the Garos. According to this custom known as Chamejike (Chame- friend and Jika - to bait), pairs of boys and girls sing romantic songs

¹⁹³ Playfair, *The Garos* p. 67

¹⁹⁴ B.N. Choudhury. *Some Cultural and linguistic aspects of Garos* .p.34.

¹⁹⁵ Dr. H. Borah. *The History and Culture of the Khasi people* (3rd edition) p.294

to tempt each other and present rice beer, bete I nuts and tobacco or biri to their desirous life partner during certain festivals, such as Wangala, Mangona; etc. This process continues for one night or more until they are satisfied that they are fit for each other as life partner, otherwise they part¹⁹⁶. Among the Atong Garos, the pairs, after the entertainment is permitted for making physical connection, but this does not bind them to marry each other. The young girl never incurs obloquy for going to bed with the boy or on account of her lapses from the path of virtue, unless she is found to be an expectant mother¹⁹⁷. This custom is presently not in practice, as the educated and respectable people do not countenance it.

4.10.5.26: Marriage by secretly becoming sleeping partner

This custom is prevalent among the Garos. According to this custom known as Tunapa (Tu - lie down and Napa - enter secretly)¹⁹⁸, either the girl or the boy whoever is interested for the other becomes sleeping partner for the other at night, when all others in the house are asleep. If the partner is accepted by the other, the couple sleeps together and before the dawn goes to their own house. Marriage is then arranged after negotiation but if the partner is rejected, then the Imachong of the Suitor has to pay fine. Sometimes the funapa is done by the consent of parents and relatives.

4.10.5.27: Marriage by offering food

This custom is prevalent among the Matchis Garos. When the girl is in love with a boy but not sure about the boy's agreement, then she proposed to the boy by sending him a dish

¹⁹⁶ C.R. Marak, *The Gores and their customary laws and usages*, pp. 27-28

¹⁹³ Playfair, *The Garos* p. 68

¹⁹³ Jabang Marak, *The Garo law*, pp.50-52

of cooked rice in the nokpanic (Bachelors Barrack) by her sister or any of her female relations. The girl also pursues them but did not come forward to avoid the insult or shame if the boy refuses her offer, but If he started eating the food, which means acceptance of the proposal, then the girl comes out of the hiding place and eats with him. Marriage would then be arranged after negotiations. This form of marriage is known as Chadila (Cha - eat and Dila - to make a start)¹⁹⁹.

4.10.5.28: Marriage with nephew or nokrom

This custom is prevalent among the Garos known as On'sonpa and Onchapa marriage. According to On'songa marriage (provide continuation), when the father expires, it is essential for the nokrom to marry his widowed mother-in-law to assume the full liability of the household, as the mother-in-law is the de Jure owner of the family property and according to 011 On'chapa (additional gift) marriage, if the householder dies, then the nephew of the dead person has to marry the widow, but if the age gap is longer between the nephew and the widow then the nephew is permitted to marry any of the daughters of the widow and become the nokrom of that household. On'songa and On'chapa marriage custom is the privilege only for the nokrom, but not for the other son-in-law.

4.10.5.29: Bride Price

The custom of bride price is in vogue among the patriarchal tribal societies of Northeast India. But there is no custom of bride price among the matriarchal tribes, marriages in

¹⁹⁹ Playfair, *The Garos*, pp. 66.67

²⁰⁰ Milton S. Sangma, *History and culture of the Garos*, pp.201-202.

Patriarchal tribal societies involve an obligation on the part of the bridegroom and his people towards the bride's parents, This obligation he tries to accomplish by making some payment to the parents of the bride, which is known as bride price, The bride price is the guiding factor of a tribal marriage, The bride price is known by varieties of name by the different tribes and sub-tribes. The bride price is compulsory. The payment of the bride price can be postponed in case the boy is not in a position to pay it. But the marriage is not recognized by the society till the bride price is paid, Dutta writes about the bride price of Tangsas, "In Tangsa society, the possibility of a marriage is virtually determined by the amount of bride-price which is demanded by the parents of the girl. The rituals, performed in the marriage. Appear to be of secondary importance, the price is the main factor, and a high price makes a Tangsa father proud of his daughter²⁰¹". The bride price is paid either in cash or in kind, the latter generally includes cattle, clothes and utensils, The bride price depends upon many things such as status or the girl's parents, economic position of the bridegroom, age of the girl, working capacity of the bride in the cultivation work as well as in the household work, from of marriage etc. If the girl belongs to a rich family, the amount of the bride price will be higher. If the girl is young then the parents of the girl expect a high bride price from the groom's party. In case of cross-cousm marriage, the bride price is less than the normal price and in case of levirate and sororate marriage, a nominal bride price is given to the bride's parents. But in case or capture or elopement marriage, the bride price is high comparison to the marriage through negotiations.

The bride price is usually required to be paid at the time of marriage but its amount has to be in any case decided well in advance, and on its settlement only, the marriage is supposed to have been finalized. Marriage negotiations are likely to break off. if the two

²⁰¹ Parul Dutta. *The Tangsas* p-60.

parties cannot reach any agreement with regard to the bride price. In case, a man is not able to pay the whole amount of bride price in one installment. He may be permitted to pay a part of it at marriage and the rest afterwards, if the bride's parents agree to the arrangement. If the boy is too poor and is not in the position to arrange for the required bride price for the girl he wants to marry, then the bride price is paid by the groom through his service towards the bride's parents.

The nature and amount of payment vary from tribe to tribe²⁰². Generally, the bride-price offered by a Kabul Naga consists of 7 buffaloes two daos two spears two strings of hoes and for Tangkhul Nagas it is two dogs and two daos, for a (Vlao Naga, it is a pig and spear, for the Anals and the Purumsoo Manipur, it is a pig and hoe, but the price of a Vaiphei girl of Kuki tribes varies from two to ten IVIithuns whereas a Hmar fixes it within three to seven mithuns, one hoe, a pair of cloth and a jar of rice beer.

The price of a girl belonging to Lamgang tribe of Kuki is fixed for three pigs or buffaloes or cattle, a necklace of conch-shells, one bracelet and a black or blue cloth and the price of a Mate Kuki tribe is ten mithuns, two necklaces, two Mate poundum (Mate tribe traditional cloth) and two gongs. The price of a Thadou Kuki girl is the highest among all other tribes of Manipur It is generally fixed between two and ten mithuns or pigs, two large gongs, two sets of ordinary gongs and two tscds whereas the price of Chiru girl is only a gong, which is considered to be the lowest. Among the Hmar Kukis, the bride price is divided into various shares such as Man-pu/ (lion share of bride price goes to the bride's parents), Panghak (a portion is given to bride's parents kinsmen), Pusum (a portion -given to bride's maternal uncle called Pu). Nisum (a portion given to the bride's father's sister) and

²⁰²Jyotirmoy Roy, *History of Manipur*, 1958 p.221, Langsun D.Mate, *The Mate tribe of Manipur*, p.30

Zuorman (a small portion given to the bride's friends and cousins)²⁰³ Similarly among the Mizos, the bride price is shared in various parts. They are: Manpui (the main price) paid to the father or brothers of the bride, Pushum (given to nearest male relative on the mother's side who is chosen as the bride's 'pu' or protector), Palal (friend of the bride who is expected to look after her interests throughout her whole married life), Niaman (Aunt's price which is equal to Pusham which has to be paid to the bride's aunt on her father's side, in case the aunts are more than one then the eldest nicely and the second aunt that of the second niece and so on), Thian (female Palal, but she receives a small sum from Rs. 10/- onwards) and Nau Puan Puak Man (Price of carrying the younger sister in her cloth)²⁰⁴. These sums are not paid at one time, in fact the tradition is that some of the amount remains unpaid for many years, but it is the custom to pay a certain amount of manpu; before the marriage, which is called 'sum hma hrual' i.e., 'the price before taking'. Among the Darlong tribes of Tripura, the bride price is shared among Punrang (the paternal uncle/grand father of the bride), Pu hrang (the mother of the bride), Nu hrang (sister of the bride's father), U hrang (brother/sister of the bride), Palai hman (negotiator) and Cham hman (friend of the bride)²⁰⁵

Among the Naga tribes, the bride price for the Sema Nagas is the highest. Among them also, the bride price is shared by the different relatives of the bride apart from her father. The amount is distributed between three male and three female relatives of the bride. The lion's share i.e. two-third of the price paid for the bride is kept by the latter's father or guardian. The remaining one-third price is shared between bride's elder or younger uncle, elder brother all the male side, eldest sister of the bride, eldest sister of her mother and bride's youngest sister. There is a deep philosophy in Sharing the bride price among the

²⁰³ Lal Dena, *The Humors through the ages' in Manipur. Post and Present*. Vol III .edt, by Noorem Sanjnaba, p.268

²⁰⁴ Lt. Colonel J. Shakespear, *The Lushei-Kuki clans*,p.51.

²⁰⁵ Letthuama Darlong, *The Darlongs of Tripura* p. 146

relatives, which is explained by Ghosh in the paper 'Sema marriage'. According to him²⁰⁶, the selection of the bride's uncle from father's side who would be given the bride price depends upon uncle's physical and economic condition. The young and economically solvent uncle will be chosen to get the bride price, because he will be able to protect and help with men and money the newly married couple if the son-in-law or girl falls sick or faces danger. Before giving him the amount, the groom accepts him as A/a, that is, father. The same purpose is implicated on the other members of the recipient of the bride price. Thus, with the bride price, the promise of help is purchased.

The bride price is for the reason that daughter is considered as an asset and symbol of affluence for the family, since she is an earning and helping hands to the parents as well as to the whole family. The marriage of a daughter is a loss for her parents and helpful for the groom's party. Adding a female member in the groom's family means an additional hand for cultivation works and increase in the production and consequently the wealth of the family. Hence, the system of bride price is present in the tribal society. It seems that one of the intentions behind the bride price taken by the bride's father from the groom's party is to compensate the loss of service of the girl to her family after her marriage. That is the reason why in the matrimonial market, the would-be bride's working capacity is assessed rather than her chastity²⁰⁷. Due to the bride price, marriage in Arunachal Pradesh is more a display of one's financial status than anything else. The rich, who can afford the bride price, marry off their son at a very early age whereas the poor people, who cannot afford the bride price, remain unmarried for a long period or adopt other substitutes or marriage like marriage by service till they manage bride price. The bride price among most of the tribes is not paid at once but paid in installments. Often it is found that the Son-in-law throughout his life pays the bride price, and even his sons pay it off.

²⁰⁶ "Dr. B.BGhosh, Sema" in *The tribes of northeast India, ed. by Sebastian Karotemprel*, pp.139-140.

²⁰⁷ D.K. Duffa, *Status of women in tribal society Arunachal Pradesh*, ed. by Dr. S.S. Pandey p.322.

This is a kind of social binding for lasting relationship between the two families.

4.10.5.30: Marriage gifts

Like the bride price, the payment of marriage gifts is also compulsory to be given to the girl by her parents during her marriage. The gifts that are given generally consisted of one pig, variety of ornaments, beads of various shapes and sizes, utensils and clothes etc. according to the financial position of the girl's parents. All the marriage gifts are personal property of the girl and so she brings these gifts with her when she comes to her husband's house. The marriage gifts depend upon the bride price. Larger, the amount of bride price, the marriage gifts are also larger and valuable.

4.10.5.31: Polygamy :

Monogamy is the ideal and general practice among most of the tribes of Northeast India but Polygamy is also socially and legally recognized type of marriage. But there are also certain causes, which indulge polygamy, such as if the first wife is barren or if there is no male issue. But the main motivation behind polygamy is one's economic and social status. It is more popular among the rich section of the tribal society because paying the bride price for second time is beyond the capacity of common people. Among the Wancho, Nocte, Singpho tribes of Arunachal Pradesh and Konyak Nagas the privilege of polygamy is restricted to the chiefs only. The first wife, known as Wangsa dong, should be the daughter chief of another village and the others are from commoner's class known as Wangsa nadi or Wangnu ²⁰⁸.

²⁰⁸ Parul Dutta, *The Noctes* p-127

Polygamy enhances a man's status in society since it is indication of his economic strength to afford for more than one wife. But the position, rights and privileges of first wife always remain supreme. Co-wives, however living under the same roof never create any domestic strife or inconvenience in any way. A king of Manipur with three wives must share his company in rotation for five nights with his first wife, for four nights with his second wife and for three nights with his third wife²⁰⁹. But there are such tribes also, where monogamy is practiced strictly. Tangsas (except the and the Lungris) and Sherdukpen tribes of Arunachal Pradesh cannot have two wives at the same time under any circumstances²¹⁰. Apart from these conditions, sororal polygyny also prevails among some of the tribes like the Akas, Singphos, Sulungs, Hill Ivliri, Adi, Apatani, Bangni, Khowa, Memba, Mishng, Monpa, etc²¹¹. But most of the tribes follow sororal polygyny only if the wife is barren.

4.10.5.32: Polyandry

Polyandry is restricted among most of the tribes of Northeast India. But a peculiar custom of Fraternal polyandry is prevalent among the Gallong-Adi tribes and Ramo-Adi tribes, Memba tribes, Hill Ivliri tribes of Arunachal Pradesh. In these tribal societies, the married woman is bound to allow sexual access to all the brothers of her husband. This custom is known as Hego Bonam or Nyame Bonam by the Ramos²¹². The man who actually performed the marriage ceremony is recognized as the father of the children born out of such relations though he may not be the biological father of the said children²¹². The main

²⁰⁹ Jyotirmoy Roy, *History of Manipur* p. 221

²¹⁰ Parul Dutta. *The Tangsas*, p.59 R.R.P. Sharma. *The Sherdukpens*. p 55

²¹¹ *Status of women in Arunachal Pradesh* edited by BB, Pandey

²¹² M.M. Dhasmana, *The Ramos of Arunachal Pradesh*, pp. 120-124.

²¹² P. T. Nair *Tribes of Arunachal Pradesh* pp.54-55

reason for practicing this type of polyandry is lower sex ratio of females and also the economic problem of paying bride price. Because of less number of female in comparison to male members in the society, the demand of female in marital affair is supposed to be high, so the system of polyandry prevails in the society. Due to the lower sex ratio the bride price is high since the real brother's are unable to pay the bride price for individual wives they bring a wife for one brother and other brothers are permitted to get sexual pleasure with the sister-in-law.

4.10.5.32: Female Chastity

Unlike the Assamese Hindu society, premarital chastity is not measured as the indispensable excellence of the bride in most of the tribal society. The tribal people have a very scientific liberal attitude to all matters concerning sex. Unmarried girls and boys are not interfered with in their lovemaking and even the bearing of children out of wedlock before marriage is not strongly frowned upon. Since the grown up girls are not only cramped to the household chores, but also they have to go to the cultivated fields to assist their parents in the agricultural works, therefore it is always not probable for the girls to protect their chastity. Even sometimes when a girl is captured by an enemy, she offers her sex to protect herself from the enemy²¹⁴. Hence, fornication, infidelity, premarital sexual relation etc. are not regarded as serious transgression.

Some of the tribal communities of Arunachal Pradesh, Nagaland, Mizoram and Tripura are very liberal in allowing a lot of freedom to young boys and girls to mix freely with each other without any restriction. In fact, some of the tribes like different sub-tribes of Adis, Wanchos Tangsas, Singphos, Membas of Arunachal.

214 Jogendra Nath, *Cultural heritage of tribal societies*, p. 59.

Pradesh and Konyyaks and Phoms of Nagaland enter into matrimonial alliance after some amount of premarital understanding and even some amount of cohabitation. Among the Konyaks and Phoms of Nagaland, sexual liberty is given to both the sexes sometimes to prove the child bearing capacity of the boy and the girl, which is a pre-condition of formal marriage¹¹⁵. For these purpose two institutions namely Musup and Raseng, (male and female dormitories) respectively were created among the Padams, Looppong (boys dormitories) and loops or likpyas (girls dormitories) among Tangsas, of Arunachal Pradesh, Longshim (boys dormitories) and Ngalalong (girls dormitories) among the Tangkhul Nagas. The grown-up boys and girls sleep at night in the respective dormitorics. About these two institutions of Arunachal Pradesh, J. Nath comments, "In addition to many other socially important functions performed by these two institutions, these create congenial atmosphere for free pre-nuptial sexual relations between the boys and the girls. The Raseng serve as a place for premarital sexual relationship and mutual understanding and to test each other's potentialuy to produce children¹¹⁶. Sachin Roy while dealing with the courtship (If boys and girls before marriage in the Raseng writes, "After adolescence, a gill really starts her romantic life and in the Raseng, she starts her courtship which leads. Her choose her mate in future life. Young boys from different Musnups come and join the girls in the Raseng in the night. A girl is free to entertain any boy of her choice and there is no reflexion in the character of the girls of the boys for doing so "²¹⁷.

Among the Lushei Kuki tribes, there is no female dormitory but in each house there is a separate sleeping place for the young girls known as kumai, where the young boys are permitted to enter at night Shakespeare narrates, "If a young man is found on khuma/ nothing is said to him.....If a girl becomes pregnant, the man responsible at once surrounded by her relatives, who demand a as the price of his indiscretion.

²¹⁵ *Ibid*, p-80.

²¹⁶ Yogendra Nath, , *Cultural heritage of Tribal Societies*. Vol. I ((The Adis) , p-66

²¹⁷ Sachin Roy, *Aspects of Padam-Minyoung Culture*, pp.197-198

This is called 'sawn man' the price of the bastard This has to be paid even in the case of the child being born dead and in case of premature births, where the legs and arms are complete. When the father has paid the sawn man he can claim the child as soon as it is old enough to leave its mother"²¹⁸.

The Mizo society is also very liberal in the matter of female chastity. There is a peculiar system of *engilgelilent* among them known as *zawl-puan-phan* means preparing the lover's bed among the *Ivlizos*. If the negotiated marriage is postponed for some reasons, the boy and the girl are allowed to make physical relation in the girl's house and surprisingly girl's mother prepares the bed for such relation and if the marriage is cancelled due to some reasons after *zawl-puan-phan*, the boy has to a fine of *rour mifhuns* immediately single installment²¹⁹. Premarital sexual affairs are encouraged in the *Dimasa* society in turn to reduce the bride price. If the boy makes the girl pregnant, then the girl becomes bound to marry the boy and the latter has to pay a nominal bride price besides a fine for the offence imposed by the village council²²⁰.

Among Nagas, all the tribes are not so tolerant to give sexual freedom to the boys and girls. Mutton remarks about the chastity of the Naga girls, "While the Ao girl is bound to admit men to the girls' house at night, chastity before marriage prevails among the *Semas*, where the marriage price of a girl is reduced at least 50 per cent, by the fact of her having had an intrigue. The *Angamis* would seem to fall somewhere between the Ao and the *Semas*, Accurate information about the precise degree of chastity observed by *Angami*

²¹⁸ L.T. Coloneal J. Shakespear, *The Lushei Kuki clans*. p52.

²¹⁹ L.B. Thunga, *The Mizos* PP. 18-19 .

²²⁰ Dipali G. Dande. *Among the Dima of Assam*. P. 31.

girls is very difficult to Obtain²²¹. About the premarital chastity of the tribes of Tripura, Captain Lewin remarks, 'great freedom of intercourse is allowed' among the Puran Tippcrahs, Noatias, Jamatias, Riangs and Uchais of the Chittagong Hill Tracts. The first state of marriage starts with the sexual affairs developed between a boy and a girl, but this does not necessarily mean that particular couple engaged in the sexual affairs is bound to marry each other. Nath remarks, "In case a particular pair find sexual maladjustment or sexual impotency of one or the other, both the boy and the girl are at liberty to seek other partner²²². If the girl conceives during this probation period she delivers the issue without any social castigation and is free to marry any boy of her choice. The pre-marital child is not seen as illegitimate but is given the name of the father if the child is the boy and of the mother if it is a girl. The child becomes a member of the above family according to its gender. The restriction only given to them is clan exogamy.

4.10.5.33: Adultery

Though pre-marital sexual relation with either sex is allowed in tribal society, but it customarily becomes a punishable offence when someone is found to be involved in sexual affairs after marriage. In case of the husband, the wife may even seek divorce by restoring the bride price paid. In case of the wife, the husband may demand heavy compensation besides the bride price paid by him from the male co-adulterer or the parents of his wife. Among the Nagas, "In the very extreme case of an unfaithful wife, after having deprived of her jewellery and personal property, her hair cut off, her nose clipped or split upon with a spear, she is returned to her parents or relatives"²²³. If this happens within three years of marriage, the husband can even demand the full return of the bride price. The adultery cases are generally solved by the village council.

²²¹ J.H. Hutton, *The Angami Nagas* (2nd Edn.), p. 169.

²²² Captain TH Lewin. *The hill tracts of Chittagong and the Dwellers therein* .p.67.

²²³ Asoso Yonuo. *The Rising Nagas*, p. 12.

4.10.5.35: Divorce

Divorce is a rare occurrence among the tribal people of Northeast India. The main reason behind this custom is the bride price. This implies a sort of purchase of the girl by her husband's family /clan . Generally a husband never thinks of divorcing his wife without any reasonable fault because in such case chances of getting back the bride price is very less and many second times means again he has to pay bride price for the 2nd wife, which is very difficult if the groom belongs to a family of feeble economic background. And in case, where the wife asks for divorce without any fault of her husband, she or her parents have to return the bride price to the husband or his family. Usually, the parents, who have exhausted the bride-wealth for their daughter, are not desirous to give that the same. His Mills gives his opinion about the adjustment among the Rengma couple, "He knows that if it makes life intolerable for her he will lose both her then marriage price he has paid, she knows that if it becomes impossible to live with her husband, she can be turned out and her relation made to repay what they receive for her. All these make for reasonable give and take, and so for stability and happiness." Inspire of All these barriers both the husband and wife hold the right to divorce their spouse on certain ²²⁴ specific grounds. The husband can divorce his wife if she is very, notorious, defiant, ill tempered. Argumentative, unskilled in Agriculture operation, sterile or found to have some illicit relation with other man or misbehave him or other members of the family. Similarly the wife is at liberty to divorce her husband if he is not honest to his wife, short-tempered, gambler drunkard, important, deserts his wife, give no security to his wife, torture his wife or have illegal connection with other women. But among all these reasons, adultery is considered to be the main cause of divorce from either side. Among the Kuki-Lushai tribes, divorce is not permissible except for adultery and even it is rarely resorted to if the

²²⁴ J.P. Mill, *The Rangma Nagas*, P-163

couple had children. In such cases the adulterer is given the punishment of heavy fine²²⁵. The barrenness of a woman is not the cause of divorce in all the tribes. According to the custom of the Ramo-Adi tribes, if a woman is not able to procreate any child throughout her life, she cannot be sent back to her father's home and the bride price cannot be reclaimed but the husband can go for second marriage in her presence²²⁶. Among some of the tribes such as Singphos, Sulungs, Buguns of Arunachal Pradesh, if the divorce claim comes from wife's side, the bride price, which the husband has already paid is to be returned to him under any circumstances and the wife can not claim any compensation from her husband for her future life and if the divorce claim comes from husband's side and the wife is found to be guilty then the father of the girl has to pay double of the bride price paid for her²²⁷. But in Miji society of Arunachal Pradesh, if termination of matrimony is initiated by the husband then he has to pay a mithun to his father-in-law as marriage compensation, but on the other hand, if divorce is to be initiated first from the wife's side for the reason of her husband second marriage but without her knowledge and consent then he has to forfeit the bride price, which he has already paid to his father-in-law, but if a wife divorces her husband without assigning any reason, then she is to return the full bride price to her deserted husband. But nothing has to be paid to each other or the couple if divorce takes place with mutual agreement²²⁸. According to Shakespeare, among the Lushai-Kuki tribes of Mizoram, "The bonds of matrimony are extremely loose and are very easily slipped off if a couple disagree they simply separate. The woman returns to her parents and the man renounces all claims to any portion of her price, which he may have paid, unless the woman agrees to its being partially returned. If the man turns the woman out for no fault he must pay up her full price, if he has not already done so. If a woman commits

²²⁵ CA Sopitt. *A short account of the Kuki Lushai tribes* p 15.

²²⁶ M.M. Dhasmono, *The Romas of Arunachal* p.117

²²⁷ Parul Datta. *The Singphos* p 86, R.K. Deuri, *The Sulungs*, P-65

²²⁸ R.K. Deuri, *The marriage system of Miji's in Aspects culture and customs of Arunachal Pradesh*. ed by Or. P.C. Dutta & Dr. D.K. Duarah. p.61

adultery or leaves her husband against his will, however unfaithful he may have been, the whole of her price has to be refunded"²²⁹. The Darlongs of Tripura had some special divorce laws apart from the common ones²³⁰. If inma or inden (divorce) is commenced from husband's side and the wife is 'thisen pal' means has children from her husband, then the husband pays Rs. 70/- as 'Faruang' (share of the children) to retain the children and if he divorces his wife during her pregnancy, the child in the womb belongs to the mother and the husband has to pay Rs.30/- as maktha' (fine for divorce); on the other hand.

If the first move of divorce is from wife's side, she has to refund the full bride price to her husband and if there is any children, even the womb one also belongs to her husband, but the wife is not required to pay any "makfha". But nothing has to be paid to each other and divide their property as they wish if divorce takes place by Hlawmbong (mutual agreement). If the divorce occurs through Nupul rawkhal (abandonment of wife and family), then all his properties goes to his wife and in case the husband returns after a long gap, the wife has the right to accept or reject him .Another type of divorce is found among the Darlongs known as 'Ralinna', where either of the lover refuses to marry the other which is known as 'divorce before marriage'. If the man divorces his lover before marriage, he has to pay a fine of Rs. 50/- as 'makfha', whereas if the girl divorces her male lover she is not required to pay any fine. A special provision of divorce is known as 'Thiung Inma', which divorce after the death of husband, if the wife finds it difficult to continue to live with the relatives of her deceased husband, she can be free to return to her parents' house with all her share of property given to her by her husband after paying Rs. 30/- as 'makfha' to her deceased husband's family. If the divorced husband and wife want to marry each other then the husband has to pay Rs. 200/- as "Hmanpui' to the parent or guardian of his wife

²²⁹ J Shakespeare, *The Lushei Kuki clan* p.5i

²³⁰ Letfhumna Darlongs, *The Darlongs of Tnpuro*, pp. 253-255

amongst the Nagas, the marriage system of the Seema, Lotha and Rengma Nagas is based upon bride price. Therefore, the divorce is very subject for them because they not have to return any large amount after divorce. Mills opines about the Ao Nagas. "What marriage price there is very small? This is good in that it prevents parents from selling their daughters against their will, but it also ten us to make divorce easy, for the husband has paid little Cor his wife and loses little if he parts with her. Divorce is amazingly common. In fact it is very rare that one meets, an Ao man or woman or any age who has only been married once. Couples part on the least provocation"²³¹. Among the Sema Nagas, if the divorce takes place within three years of marriage on the ground of adultery, the husband can claim the marriage price from her paramour and also some considerable fine from the parents of the girl, but if the divorce takes place for the reason other than adultery within three years of marriage, the husband may claim back a part of the price, but not after that date. Though he can claim it if the wife leaves her husband on her own will but if she leaves her husband's house for maltreatment without cause, the husband docs not get back anything²³². Divorce is easy to be obtained among the matrilineal society of Khasi, Garo and Jaintias of Meghalaya. The Garos and the War Khasis get divorce without the mutual agreement between both the parties. Among the Garos, divorce is allowed almost automatically on payment of the customary dai of sixty rupees or so. And among the Khasis, the party requesting for divorce without his or her consent may get divorce by paying a compensation called ka mynrain or ka thnem which is literally a humiliating compensation to the other side²³³. There is a rule among the Khasi s that the couple once divorced cannot remarry with each other afterwards, but they are permitted to marry in different families”²³⁴

²³¹ , J.P. Mills, *The AO Nagas* (2nd edn.) p. 212.

²³² J.H.Hutton, *The Sema Nagas* (2nd edn.) p. 242.

²³³ P.R.T. Gurdon, *The Khasis*. p. 79 H. Bursh, *The History and culture of the Khasi people* p. 295

²³⁴ P. A T Gurdon, *The Khasis*. p. 79

The children in the matrilineal society belong to the mother's Aw' and therefore, remain under her custody in case of separation. Traditionally, the divorce ceremony is very simple among the Khasis and Garos. The divorce ceremony of the Khasis are performed in the presence of the senior members and some relatives of the community as witness, preferably the Ksiangs (negotiators) from each side who recite the marriage contract and the Kni (maternal uncles) of both the parties. The husband gives five cowries or pices to his wife and the latter returns them adding five more cowries or pices to her husband who throws them on the ground and this completes the divorce after which a crier nong pyrfa sknong) then goes round the village to proclaim the divorce²³⁵. Among the Garos, the divorce ceremony known as Bolseki Den 'a, the husband and the wife each take some dust in their hands and swear by Mane, the Earth, to have no dealings with and claim from each other in future in front of the village assembly. After the oath, the priest takes a sword, chopper or spear provided by the man whose marriage is being annulled, and strikes with it the Bolseki tree and calls upon it as a son of the Earth to be a witness to the oath which has just been taken²³⁶. The divorce cases of the patriarchal tribes are generally settled by the village councils or the respective couples to which they belong. The village council cautiously deliberates on the faults of the partner, who is accused by the other partner and then gives verdict of permission/fine as per their customary laws. Generally in the tribal society, the children of the dissolved marriage stay with the father. But among few tribes such as Digaru Mishmi tribes of Arunachal Pradesh, if it is daughter then during her marriage, one-fourth of the bride price shall have to be given to the mother²³⁷.

²³⁵ Ibid. pp. 79-80; H. Burch, *The History and Culture of the Khasi people* p.295

²³⁶ Milton S.Sangma, *History and culture of the Garos*,p.203.

²³⁷ 'R.K.Deori, *Status; Digaru Mishmi*' in *Status of women in tribal society; Arunachal Pradesh*, ed by Dr.B.B. Pandey,p.87.

Among some other tribes, like Padam, Minyong, Bokar Ad is, Ivlonpas of Arunachal Pradesh, Dimasas of Assam, the rule is that the father has legal right over the male child, whereas mother gets the responsibility of the female children. In Aka society, the right over the children of the dissolved marriage is generally settled through the village council the decision about this depends on the economic status of the husband²³⁸. After divorce the social status of the woman almost remains the same as before due to the provision of remarriage. By separating from her husband, she also loses her claim over the husband's property. But according to the tribal custom of Ivlonpas, the wife gets a share of her husband's property if she is not at fault and the divorce is initiated by the husband²³⁹

²³⁸R.N. Kolcy, *Status of women; Aka in Status of women in tribal Society, Arunachal Pradesh* ed. By B.B Pandey . pondy,p.359.

²³⁹T. T. Norbu *Status of women Monpa in status women in tribal society, Arunachal Pradesh*,p.305.