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THE GARO LAW

By
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THE GARDEN

BY
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THE
GARDEN

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PREFACE

The beautiful LAW of the GARO exists in the country and that in the very midst of the people and in a close contract with them who enjoy the rights of that Law.

But it is mystery to note that although the LAW has ever been with the man and in a close contact with him always, yet the LAW and the man were still unknown to each other.

The LAW had not got the chance or an opportunity to make her appearance before the man, face to face, to enunciate and reveal to him that she had existed and was ever abiding with him and in all times.

Thus the MAN and his LAW, though they lived and mixed together freely for a considerable long period of years, they had been in such a state as though they were in the two separate water tight compartments that obstructed and caused an absolute impossibility to appear before each other, and to see and know one another.

No Book of the Garo LAW has yet existed up to date, The MAN therefore had no facility to read, study and know his LAW.

Thus under such mysterious and adversed circumstances,..... THAT ANCIENT, YET EXTANT, THE LAW of the Primitive and Typical Garo had been in BEING and flourished luxuriantly unimpeded, quietly for decades and generations in the deep DARK.

Under such state of affairs, disadvantageous and dearth of material, I had to make my attempt to compile this CODE; I was much handicapped, and had to make collections from here and there, and piece by piece of it, from those recognised authorities upon the prevailing practice.

My grateful thanks are ~~accorded~~ to my OLD Garo Friends who put their practical knowledge of the GARO LAW at my disposal and endorse the content of this book. The prominent persons I am referring to are, late Bong Laskar, late Manseng Laskar, late Gobang Laskar and late Rev. Thamring Momin and among those who are still living are Sri Janggin Sangma Nokma and Laskar

~~Sri M. L. A.~~ Sri Sanjing Sangma Nokma and Laskar, Sri Rati Sangma Nokma and Laskar Sri Seng'jan Sangma Nokma and Ex. Laskar Sri Singwan Sangma Laskar, Sri Ding'jan Sangma Nokma, Sri Dual Sangma Nakma and others.

The District Magistrates of Courts of Civil Justice when they try such cases as those which directly affect or concern the Law of Inheritance of properties have been obliged to rely upon verbal statements, made by people cited as witnesses, and record their decisions and issue rules on basis of such verbal statements. But there is an evident danger in being thus beholden to verbal statements, especially when the witnesses are not known to be interested parties or not.

It is therefor necessary to have a book (Code) of Law.

It is known to all and to be admitted by all that the principle of the Garo Law is recognised and observed by Courts.

INTRODUCTION.

In order to facilitate the readers of this book to know THE LAW OF INHERITANCE of the Garo I give a brief discription of the Garo properties. They are of two classes...

The class I properties are Hereditary and Traditional; whereas those of the class II are the EARNED properties by some individual persons in their lifetime; and they are called MAN'ATHANG GAMJIN (Riches)

NOTE :— Properties or Riches are called "GAMJIN" in GARO.

The class I Gamjin are, as said afore the OLD and Traditional Riches which belonged to the SUCCESSIVE PREDECESSORS which have been handed down to their CONSECUTIVE SUCCESSORS. They have been preserved, for generations, as souvenirs. They are not personal properties, and they cannot be distributed, not even to the daughters of the house though they may be resi-

ding therein, for the very apprehensive. reason specified in section 25.

The class II Riches, as already said can be personal properties which are made or earned by some individual persons such as the father of the house in his lifetime may be, by a joint labour with his wife, sons and daughters as a cultivator or a Land-Lord. And they might have been made or earned by father of the house alone, as an Officer, and trader who built houses, made and purchased lands (both Akhinglands and Patta lands) independently of his own but do not inherit them as a Nakrom.

Some Garo Riches are very precious in Garo eyes. For instance, The OLD and ANCIENT RANG-GITCHAM (the Traditional Garo Khoras) costs each from Rs.100/- up Rs.1000/- or even more. Whereas the RANG-GITAL (new ones of the day) costs Rs.10/- to Rs.100/- each.

There are some precious cloths which are counted in the Garo Traditional riches the value which is some hundreds of rupees a piece, which are known as BA'RA-PHAN'

RA, BA'RA-MARANG and KHADISIL and some others,

There are also costly ornaments and articles of the Garo Costume and Uniform which are also counted in the OLD GARO Riches, namely SREP, OTHONGGA, ANTHE-KHA, RIKMATCHU, RIKDIRONG, RIKDURI, NADERONG, RIPOK-RAPA, RIPOK-SENG'KHI, NATHAPSI, KHONAL, DANG GA-SILITING and some more others. Their price vary from Rs.30/-.....to Rs.300/- and upwards each.

Some are extinct and cannot be had now.

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THE GARO LAW.

Chapter—1

The Law of Inheritance.

1. The Law of Inheritance is Matriarchal, so it correctly goes to the best daughter, the most obsequious one, of the family.

2. That best daughter is known as Nokna, if she be duly selected.

3. It should be remembered that no Garo man can own the Hereditary properties in the Matriarchal system which exists. Sec. 29.

4. In the event of his wife's death and that of his daughters properties of that family become that of the nearest maternal woman relation for sometime as in section 41.

5. Since as in sections 3 and 4, afore, no Garo man can own any of the Hereditary properties he has no right to sell, give and remove, not even his own dwelling house, without the permission of the mother of the house, her daughters of age, her sisters and also Chras. To do so, without that permission, is tantamount to theft in Garo eyes.

SELECTION OF NOKNA.

6. In a Garo family one of the daughters, the best one of all, is selected to be a NOKNA. Secs. 1 and 2 afore.

7. If there are no daughters of the house then the mother of the house may select any unmarried daughter of her sister or sisters, or one from her mother's sister or sisters, that is from her maternal aunt or aunts.

The selection is done jointly by both the mother and father of the house and in consultation with Chras.

In the event of the mother and father disagreeing as to the choice, the mother has the right to insist upon her selection, that is the one she chooses must be considered NOKNA.

8. As in section 6 afore the option of selection, always and mainly, lies with the mother of the house, and that she must select from the same Ma'chong and family group as herself. Chras and Chatchis are generally consulted, and this is compulsory when an Akhingland is at stake, or she wishes to select one as Nakna from outside her Ma'chong or family group.

9. The mother of the house can select any best one of her daughters as Nokna as against the youngest or eldest.

10. The Nokna and Nokrom must reside in the house of her (Nokna) parents, and in one and joint mess otherwise something may crop up to entail forfeiture of her rights to propertis. Sec. 18.

11. If there is no suitable daughter or girl, or no daughter at all, of the mother of the house, then she turns to her maternal lineage for one. If that fails her she cannot take in a girl of another Ma'chong as Nokna without consent of her Chras, because thereby on her (Nokna's) death properties would be going out of the family group to another family group.

12. Should the mother of the house die without a female issue or before a Nokna has been taken in then the father of the house must be given a new wife by the Ma'chong or family group of his deceased wife.

Even if there be a Nokna and the mother of the house dies then the deceased wife's Ma'chong must supply that widower with a new wife.

13. If the widower should refuse such offer and marry a woman of another Ma'chong as he likes then he must leave the house as his connection with that household ceases immediately on his doing so. And he will also have to pay Dai for breaking Akhim under the Akhim Law.

14. As in sections 11 and 12 should no Nokna have been selected before the death of the mother of the house then the new wife of the widower takes on the role of the deceased mother who may select a Nokna. But if there are daughters by the first (the deceased) wife living in the house the new wife must select one of them to be a Nokna with the consent of her husband (who was widower). If however those daughters leave the house or marry away from the house after their mother's death then they have no claim to Noknaship against the Nokna selected by their step mother; if she be of the same Malchong of the deceased mother of the house and her selection of her own Nokna was made with the knowledge and consent of Chras and Chatchis of the deceased wife.

Some do not agree to this but the entire Garo community, Heathen and Christian, are in unanimity on this point.

15. If as in section 13 afore the father of the house (the widower) is willing to re-marry a woman of another Ma'chong, not of his deceased wife's MA'CHONG, he may ask permission of Chras to do so; and then owing to the failure to keep up the lineage of his deceased wife her Ma'chong in default can lay no claim to whole of the properties except the Akhingland which cannot go with him (widower).

16. But if there be a daughter living in the house, married or unmarried, then the father of the house (who was widower) cannot take properties with him as she assumes the place of Nokna. Then the widower with his new wife leaves the house and start a fresh household anew. Sec. 27.

17. There cannot be two Noknas nor two Nokroms nor more in a family.

For this reason Jikgites are forfeited, that is they have no claim to properties.

Therefore a name of any Jikgite is not allowed to be mutated in the map of an Akhingl and or Geneological Table as long as the mother of the house and her daughter, Nokna, and Nokrom are alive.

18. A Nokrom must marry into the house wherein he is to be the Nokrom, reside therein in a Joint mess and take share in day-to-day routine works of the household. Sec. 10.

19. A Nokrom should be son of sister or sisters of the father of the house, or of his niece or nieces. If such male cannot be had from his sisters and nieces then another male from the same clan may be taken in. And again if this fails him a male of another clan may be taken in but only with a consent of his Chatchis and of the mother of the house ; because the matter concerns both the clans of the father and mother of the house.

By some is thought a consent of the mother of the house and of her Chras is sufficient as she does not leave her Ma'chong by changing Nokrom's Ma'chong.

20. If a Nokna refuses to marry the man selected for her a compromise is sometimes made by allowing her to have her choice, otherwise she is removed from Noknaship and another girl selected in her place.

But this action, if taken, by parents and Chras of the clan against the duly selected Nokna is not strictly right (correct) in accordance with the Garo Law of Inheritance because the Akhinglands, patta lands and other Hereditary properties belong to the mother of the house, and her daughter-Nokna who succeeds after her (mother's) death.

NOTE :

An Akhingland belongs to the mother of the house and her Nokna and not to the father of the house nor to Nokrom. Sec. 31.

All Courts, civil and Revenue, recognise and observe the principle of the Garo Law of Inheritance and draw up their decisions and issue rules (Rulings) on the basis of this Law accordingly. Vide Rev. No. 96 A. C. of 1949-50, Rimji Mechik Vs. Dual Sangma Nokna.

3. 7. 50. Rimji Mechik and Rimchi Mechik (Nokna) complain that Dual Sangma Nokma wants to transfer a portion of their Akhing to Dual's Jikgite, Jing'khi Mechik. Examined Dual Sangma Nokma. He says that he does not want to transfer any part of the Akhing to his Jikgite, Jing'khi Me'chik, he wants just to get her name mutated along with his name and with the names of Rimji Mechik and Mingsan (Nokrom). Rimchi is daughter of Rimji. Mingsan is the husband of Rimchi and is the Nokrom of Dual and Rimji.

The Akhing belong to Rimji Mechik. Dual Sangma Nokma has no right to get his Jikglte Jingkhi's name mutated. He is warned not to do so.

Sd./- G. Baruah A. D. C.

No. 327 Misc. of 1924-25, (76 A. C. of
1943-44).

Parties appear and also Chatchis and Maharis. The case is a simple one. Dual the husband of Rimji Mechik as, against the wishes of the Maharis taken one Jing'khi as his concubine or Jikgite. The Successor of Rimji,— Rimchi and her husband, Mingsan Sangma is the Nokrom of Dual ^{and} Rimji.

The maharis are apprehensive that Dual may attempt to illegally make his Jikgite Jing'khi or her offspring the successor of Rimji and asked that orders may be issued now dismissing Dual from the Nokmaship and appointing his and Rimji's Nokrom, Mingsan. This is quite un-necessary as Rimji and some of Maharis arranged for the Jikgite of Dual.

It is therefore ordered as long as Dual is alive he will not be removed from the Nokmaship but that on his death his Nokrom Mingsan will succeed. Under no consideration will either Jing'khi or her offspring, if any, succeed in preference to Rimchi or any other claimant with a superior claim.

Sd./- L. L. Peters,
D. C., 21.10.44.

Rev. Case No. 33 A.C. of 1947-48 of Gara-Bokman-giri II-21 (18), dated 13.12.48.
 "..... the last NOKMA was Asing Mechik and the present Nokma Mechik is Sim Mechik her daughter and NOKNA.

Vide also Rev. A C No. 19 of 1950-51 Akhing-Nokmaship succession of the same Village, Gara-Bokman-giri,—Cheng Mechik and Dhon Girl (a minor) Vs, Sim Mechik and Jingkha Marak,..... Sim Mechik is daughter of Sengjan Nokma and Asing Mechik, his first wife. Sengjan Nokma had five wives, and khilji Mechik was his favourite one of them, though she was the third wife. Once Sim Mechik's name was cancelled by the D. C., Garo Hills, from the G. T. and map of the Gara-Bokman-giri Akhing, but later on Honourable the High Court did not accept the order of the D. C. and remanded the matter to D. C. for retrial de novo.

That case was retried on 16.10.51 by A,D,C., Garo Hills who issued ruling thus.

.....
 "Sengjan Nokma and Maharis concerned gave consent to the marriage of Sim and Jingkha Marak, a non-clan man to her father, It is undisputed

fact that the Akhing belonged to the mother of Sim and Sim being the NOKNA of the house has the best claim.....

.....The witnesses are unanimous that a non clan nokrom can be accepted if the Maharis agree to the marriage,Jingkha was married to Sim about 6 years ago and at that time neither Sengjan nor any other person of the Maharis ever lodged any complaint in court to disinherit Sim whose name was mutated in the Geneological Tree.....

I accordingly direct that the G. T. be corrected accordingly substituting of name of Sim and Jingkha as heirs and owners ^{question}.....

Under the principle of Law of Inheritance Simdi Mechik could not be made to marry away from house though her Choice, Jingkha Marak, was a non-clan man to her father ; and they had to accept them as Nokna and Nokrom, and by courts also as well.

21. If a Nokna, with her husband, leaves the house and resides elsewhere either in the same village or in another village against

the will of parents then they forfeit their rights to Noknaship. Sec, 10.

22. Nokna alone has rights to all Hereditary properties.

23. The other daughters, sisters of Nokna, of the house although they may be residing in the house they have no claim to properties of the household, after a Nokna has duly been selected.

24. Two or more sisters, if married, do not reside in same house unless they are married to the same men.

25. It is thought by some that all sisters should have some share of properties of the house but that is not the Garo Custom because thereby the class 1 riches would be divided up amongst all sisters in which case this Gamjin could not have been preserved in tact as Souvenirs but they would extinct in the long run. For this very reason a Nokna exists,

26. Should a mother, having daughter or daughters, die but they have been married away, separated and are already residing in separate houses of their own prior to her

death, and if the widower remarry a new wife with consent of Cshras then any one of those daughters cannot claim noknaship against the new wife and her daughter, if the new wife be same clan woman to the deceased wife.

If a Nokna has been selected by the new wife then that Nokna's husband will be the Nokrom, as in secs. 19, 18 and 21. But see secs. 16 and 27.

27. If a Nokna, with Nokrom or not, already exists when the first wife dies then the new wife and her daughter or daughter's cannot claim Hereditary properties. Sec. 16.

28. As no Garo-men can own Hereditary properties he has no right to dispose of them without consent of Nokna and mother of the house. Sec. 5.

29. A Garo-husband is only a guardian and manager of his wife's properties and as such he cannot dispose of them nor enter them into any liabilities without an explicit assent of the mother of the house and other female members of the family and some other important members of the family group.

Sec. 5, 28, 32,

30. If a wife proves unfaithful to her husband and if she is divorced by him, without Dai, then her Ma'chong must supply the man with another wife from their Ma'chong. If a marriageable girl cannot be had at the time, sometimes, he waits for some girl to grow up who is then given to him.

But if the man, without consent of Chras and Chatchis, marries any one else as he likes then he forfeits properties of the house-hold, and further he has to pay Dai for breach of Akhim under the Akhim Law.

If the husband after a wait of some years still is not given another wife then he may marry, with a consent of Chras etc., whom he likes in which case the share of the properties earned by him during his lifetime as a husband of the house goes with him, in default no matter what Ma'chong he should marry into.

If the husband happen to be a Nokma of an Akhingland the land stays with the divorced wife as she must have been the Nokna of that Akhingland, or with the Chras and Chatchis pending another Nokna will be selec-

ted, if necessary, to replace the divorced wife if she has to be removed from Noknaship for some grave reason or reasons.

31. A legally selected Nokna cannot be divorced and be driven out of her house because the Akhing^t and all other properties of Hereditary belong to her but not to the husband nor Nokrom. Sec. 20.

32. If the husband proves unfaithful to his wife and is divorced by her, without a Dai, then the divorced husband's Ma'chong must give her a new husband.

If they fail to supply one within a reasonable time then she can marry to her choice, with a consent of Chras and Chatchis of the divorced husband and properties remain with her. Sec. 29.

33. If both the husband and wife die without a Nokna and having no other daughter living with them at that time then the Chras and Chatchis select a Nokna for that family.

34. If the deceased couple had married daughters at the time of their death but who have already been married away from house

and separated, and were residing in separate houses of their own, then even though they have no rights to succeed, the Chras and Chatchis can select any pair of those married couples as Nokna and nokrom, although the husband of the selected couple be of non-clan-man to the deceased father of the house.

The couple who take a prominent part in the Obsequies and the most Obsequious one of all are selected.

35. The man goes to his wife's house when he marries her both as Nokrom and Chawari.

The Chawari couples live in girl's house with her parents and in a joint mess for sometime,—months and years in some cases and help them in their day-to-day routine works. But they cannot be expected to stay on so for good as they were married under the Chawari-Rim-a form of the Garo marriage.

A chawari can be either of the father's Ma'chong or of a different, clan-man, to the father.

36. No Akhingland can be disposed of in any way without a consent of the mother

of the house, Chras and Chatchis and prominent female members of the mother's Ma'chong, or family group.

In cases of other household properties and Patta lands also although the mother of the house is the deciding factor or authority, such consent is inevitably necessary.

37. A Nokna can give up her Noknaship and move out from her parents' house at her will.

38. When a father of the house dies and his nephew (Phanthe) marries the widow and her daughter (common among Heathen Garos) then he becomes the Nokrom of that house, and the daughter of the widow, the ON'CHAPA Jikgite, the Nokna.

Should the widow have no daughter of her own then she looks for a girl from her sisters or her maternal aunts who is to be taken in as ON'CHAPA Jikgite who also then becomes the Nokna.

If the widow should beget daughters they (daughters) have no priority against the ON'CHAPA JIKGITE and her daughter

or daughters to the properties, Sec. 3 of Chapter V.

NOTE:

Thus there are two kinds of Nokna. one is by a Selection, and the other one is by virtue of becoming an ON'CHAPA wife JIKGITE in the form of ON'SONGA MARRIAGE.

Likewise the Nokrom also of two kinds one is by the form of marriage as under this section and section 3 of Chapter V, and the other kind is by an ordinary DO'DOKA or DO'SIA as in section 77.

The widow wife reigns supreme over the house during her lifetime, but after her death the ON'CHAPA JIKGITE succeeds who then reigns supreme over the house.

39, If a man marries two sisters, rare then it is for the senior wife to select a Nakna.

This marriage occurs in this way ...the man marries first one sister and the other sometime after, but not at one time.

The sister who was married first is the senior wife or Jikmamong, and the other

sister who is married sometime after is Jikgite even though she may be the elder one of the two.

*The senior wife (Jikmamong), as is the law of other ordinary Garo Families, rules supreme over the household in all matters.

Such marriage, that is to marry the elder sister of one's wife (niocheksari), is rare.

40. If there are two wives in a family the Jikmamong reigns supreme over the household,

ORPHAN DAUGHTERS.

41. Should the parents die leaving behind them unmarried daughters then Chras and Chatchis at a Baithak select a female guardian for them until they grow up when one of them is selected as Nokna.

Such selection falls to the lot of the eldest who most likely to be married first and will be in a position, with her husband, to take care of the younger ones.

DEBTS.

42. A woman if she should marry two or more husbands, one after another, is

responsible for all debts of all husbands incurred while she was their wife, if unpaid and demanded of her after they died or divorced her.

If she is divorced the debts devolve upon the person who gets properties for which she then owners borrowed the money.

43. A husband cannot move, with his household, to another village without his wife's consent. If he should do so it may amount to desertion.

44. A Garo man marries into the woman's clan but not the woman into the man's clan, so the property rights are Mat-riarchal.

45. A married couple although they may be married in the house cannot be taken in as Nokna and Nokrom unless they are selected as Nokna and Nokrom legally. But there are some exceptions to this.

But should a Nokna dies unmarried and there is no other daughter to replace her then the married couple, with a consent of Chras, and if they be willing, can be taken in as Nokna and Nokrom, although

they may have been married away from house and separated and residing in their separate house, and though the husband be a non-clan-man to the father of the house.

46. As in sec. 32 if a wife should be divorced by her husband sometimes properties remain with her; but debts incurred by the couple before divorce falls on properties. See Sec. 31.

Should a clan fail to give another wife and give him freedom in that case also debts fall upon properties.

47. The persons of the Ma'chong who are responsible to execute various duties as Mahari people consist sisters of the mother of the house, her aunts and their daughters etc. beside the Chras.

Although Ma'chong and Chatchis take the family group matriarchally as long as they are living for administration purpose two or three generations back is considered, by some, sufficient; namely,—the Mother-group of the mother of the house, and the GRAND-MOTHER-GROUP and so on.

The most Garos are not agreeable to this.

48. If there are two or more wives in a family living, the first wife's consent first, then of Chras must be obtained before another or even more wives can be taken in to the house by the husband of the house, otherwise marriage or marriages of the Jikgite or Jikgites to the father of the house would be illegal.

If the first wife should die without a Nokna then the second wife takes on the role but only if she is of the same Ma'chong of the first deceased wife, otherwise she cannot do so, in that case Ma'chong of the deceased wife select a Nokna. If they fail to find a suitable one, or for any other reason allow the second wife though she be of a different Ma'chong to assume responsibilities of the first deceased wife. Then the properties become of the second wife, but only for her life time. And after her death properties will revert to the ma'chong of the original mother of the house with a new Nokna who is to assume the duties of the second wife.

A Nokna must be of the original Jikmamong's ma'chong, at any rate, if at all practicable.

For this reason the second wife who is non-clan woman to the original Jikmamong cannot select a Nakna without the consent of Chras etc. because thereby the ma'chong of the deceased Jikmamong would have to relinquish all claims first ere she, the second wife, could assert her supremacy as jikmamong. In short properties must be kept within the Ma'chong of the original mother of the house unless her Chatchis relinquish all claims thereto.

49. Should a wife die and the responsible clan be unable to give another wife for the widower then he has to be released from Akhim by the Ma'chong having rights to do so paying a khimsota Dai under the Akhim Law. See Sec. 52.

50. Likewise a husband can be released from Akhim under the Akhim Law if he is proved to be undutiful to his duties as a husband of the house and for not performing obsequies for his deceased wife.

The released husband leaves the house and goes to one of the houses or families of his maternal relation; because after he is released

he has no more connection with that family in all matters of that household.

51. If one Ma'chong desire to relinquish and obliged so to do, for various reasons, their rights in favour of another Ma'chong there must be a Baithak whereat both clans must be represented and the desired transfer is duly made.

52. As specified in section 49 although the widower is free to remarry his choice after he is released from AKHIM that does not give the new wife any claim to properties unless she be of the same clan as the original mother of the house or she has been accepted ~~dy~~ Chras and Chatchis.

53. Should a Nokna goes out from her parents house and reside elsewhere with her husband (Nokrom) then she cannot be considered as Nokna except she has to do so for business convenience. Sec.18.

54. Parents desiring to sell properties or mortgage them must consult their daughters of age who have the right to nulify such sale and mortgage. Reason is daughters may be apprehensive of their mother's having some evil intention against them.

55. If a man intentionally touches breasts of a woman, who is a wife of another man he is liable to pay Rs. 5/- to Rs. 15/- Dai; but his intention be with a view to conjugal enjoyment and the woman denies sexual rights to her husband the Dai shall be Rs. 30/- to Rs. 60/- Sec. 64.

PANTE ME'TRA THOREA

56. If a bachelor (Phanthe) commits a sexual intercourse with a girl (Me'tra) Dai is decided by girl's parents and Chras.

In such cases the interest of the girl, her future prospects are taken into consideration as the major point.

Should the girl be an Akhim or Nokna she is considered as a married woman and Dai claimed accordingly.

Otherwise (if she be not Akhim etc.) although she becomes pregnant and should she refuse to take the Pante as her husband she claim^s subsistence maintenance allowed by law. But sometimes a compromise is made by paying and taking a lump sum decided at a Baithak for the purpose.

In case should the girl be willing to take the Pante to be her husband but should he be unwilling and admits guilty then he is to pay Rs. 60/- Dai, or any other reasonable amount that may be claimed by girl's Chras etc.

NOTE : To polute a girl is far worse than to seduce an already married woman.

57. If a bachelor should commit adultery with a married woman. (wife of another man) then he has to pay Rs. 30/- Dai to her husband if the husband retains his wife. But if she is divorced Dai is Rs. 60/- whether the bachelor takes her as his wife or not.

58. If a girl or spinster should commit adultery with a married man or husband of another woman sometimes she is taken in as Jikgite with a consent of Jikmamong and Chras without Dai ; otherwise she is to pay Rs. 30/- Dai to the man's wife if the wife takes back her husband . if divorced Rs. 60/- is the Dai.

59. If some one's husband should commit adultery with a spister or girl of the ~~some~~ motherhood as his wife Dai is decided by parents and Chras of the girl who has been poluted. Should the girl be Akhim

or Nokna then sections 56 and 58 apply.

60. If a husband should commit adultery with another man's wife then the adulterer has to pay a sum of Rs. 30/- Dai to the husband of the woman if divorce does not take place, but if divorce takes place Dai is Rs. 60/-.

And further the adulteress must pay Rs. 25/- Dai to the wife of the adulterer.

If either couple divorcing each other then Rs. 60/- Dai is to be paid to the recipient of the divorcing pair and Rs 30/- and Rs. 25/- according to whether male or female has to pay to the recipient of the other couple if they do not divorce.

In cases of this nature, it sometimes happens, very rare, that they exchange wives. In that case (if exchange takes place) the guilty party (accused pair), adulterer and adulteress, have to pay Rs. 60/- Dai each to the corresponding couple for breaking up the original union or contract.

61. If a married woman should commit adultery with a married man (husband and wife alive) Section 60 applise as ^{vice} varsa.

If the adulterer (husband) is the ^{some} motherhood of the husband whose wife he has polluted then generally no Dai is claimed except divorce takes place in which case Rs. 60/- Dai is paid by the adulterer husband to the other husband.

62. If a married man should commit adultery with a married woman of the same motherhood as his wife the adulteress is sometimes excused from Dai as the some Chatchis would have to give and eat the Dai, but if the two husbands are of different motherhood then the accused husband would be made to pay the usual Dai to the husband of the woman whom he seduced.

Similarly if the woman were of different motherhood but the men (husbands) are not, then one of the woman would have to pay Dai, that is by the adulteress to the other (woman), but the men being of same motherhood would not pay Dai each other.

63. If a man should make an attempt to commit adultery a nominal Dai of Rs. 15/- is taken from the accused; this does not apply if both are unmarried and they are not Akhim

and the girl is not a prospective Nokna : if so, that is if they are either AKHIMS, and the girl is the NOKNA-ELECT then Rs.15/- and Rs.30/- Dai, would be paid by guilty person to claimant Mahari.

64. If a man should touch a woman's breasts and she complains then Section 55 applies. But if the parties are married or one of them is married the Dai would be as specified in section 55.

65. A Nokrom must be the same clanmen to his maternal uncle, father-in-law, as specified in section 19

66. If a Nokna should die leaving a minor daughter behind her, and if her widower-Nokrom remarries a new wife from a Ma'chong other than that of his deceased wife (late Nokna), then neither he nor his new wife have rights to properties of the household, except Chras concede to them any share of properties under some exceptional circumstances.

67. If a Nokna has no issue then one daughter of her sister or sisters is selected as Nokna, or a daughter of her ^{maternal} aunt or aunts if one could not be had from her sisters.

68. The father of the house is the guardian to his minor children after the death of his wife; but if he should remarry a woman from another Ma'chong other than that of his deceased

wife, then usually, one of the sister-in-law of father house is selected as their guardian ~~the~~ till they grow up when one of the orphan daughters is selected as Nokna.

Should some grave and apprehensive circumstances arise then the father and new wife are separated from the house as a safety measure for the interest of the Minor Nokna.

But it is customary for the responsible Ma'chong to provide with a new wife to the father of the house from their Ma'chong ; failing which a woman of another clan may be taken in to the house as the new wife of the widower thus preventing complications.

In that case new wife's claim to the properties is decided by Chras etc. before her marriage to the widower. Then even the Nokna and other sister living in the house cannot claim the properties conceded to the new wife and the father.

69. Should a widower marry a widow having daughter or daughters then the daughter or daughters can climb^a only her or their mother's properties after her death; but not the other properties of the household, nor the properties acquired after the remarriage of the widower to his new wife (the widow).

70. A mother is fully responsible to support her minor daughters and sons till they grow up and married off; and any debts incurred by them, whether driven away or have gone away from their mother's house must, if demanded, be met by the mother and motherhood group who are near relations.

71. In the event of parents dying or deserting daughters and sons, they (orphans) must be maintained and cared for by the nearest maternal relation as their guardian till they grow up when one of them (daughters) can be selected as Nokna, Sec. 4!.

72. The Chras and Chatchis of the Nākna in a Baithak cannot, as against the will of the mother, give properties of the household to her sons because patta lands and other properties would thereby pass out of

the Ma'chong to another group of ma'chong.

But the rights remain with the Chras if circumstances should make it necessary and desirable, to distribute the class II properties to daughters after the death of the mother of the house.

73. In the event of the husband commits adultery but he stays with his wife then his wife's Ma'nok and Chatchi's of that Ma'nok can claim a gro (Dai) of Rs 30- from the husband's Ma'nok. It is known as SO'-MALNI GRO.

Someties^m the guilty person's mother, Ma'nok and Nokchik have to pay Rs.60/- Dai to the jikchatchi (wife's Chatchi)

74. If a man commits adultery prior to completing Sradha of his deceased wife his Ma'nok or Nokchik shall pay from Rs.10/- to Rs.60/- Dai or GRO and four khoras,

NOTE:

To pay Dai or Gro of Rs.60/- and four Garo Khoras is the general rule for an adultery case (if the khoras can be had),

75. In the event of a wife deserting her husband after having denied him conjugal rights

a Gro-or Dai of 60/- can be claimed from her for breach of contract; this is known as THOROM-PE'A GRO.

76. When an engagement for wedding has been announced but either party breaks it off and marries another the defaulting party has to pay a GRO or Dai to the other party and clan. The amount of Dai is decided at a Baithak wherein clans of both the parties are represented.

77. When a nephew is caught and brought to his maternal uncle's house to be his Nok^{ra}, usually at late evenings....., and DODOKA has been constituted, the father of the house can forcibly detain him behind closed doors with his bride for a couple of nights or more and try to tame him in that way.

An attempt of this sort is repeated thrice or more times, usually one attempt in year at the WAN-GALA occasions, thereafter if he is proved to be really unwilling then he is relinquished.

AKHINGLANDS :

78. Akhinglands are the landed property in the HILLS Sections of the District. They

are the most valuable of all the Hereditary properties in Garo eyes and it may be so because a Garo Nak^mna of an Akhingland and the clans concerned spend thousands of rupees in each land dispute case.

Some Akhinglands contain flat lands fit to make permanent paddy fields.

CLASSES OF AKHINGLANDS:

There are four classes of this land.....

Class I.

The A'JOMA, a common property of one Mahari or clan in the name of a Nokna Mechik and Nokma, the wife and husband.

A'JOMA is a common word of two words, A'A and JO-MA; that is A'...means A'A, and JO-MA means COMMON (JINMA) ...a common land (Jinmani A'A).

CLASS II.

A'JIKSE; it is a land of two clans; that is that of the clan of the mother of the house (wife's clan) and that of the clan of the father of the house (husband's mahari).

In other words this land belongs to the Mahari of the Nokna Mechik and also to the Mahari of the NOKMA.

After the death of the Nokma Mechik and Nokma the NAKNA. their daughter, with her husband NOKROM, succeeds.

It should be remembered that as specified in Section 17 of chapter 1 there cannot be two NOKNAS nor two NOKROMS nor more in a family.

Therefore name of a Jikgite nor that of her offspring cannot ^{be} mutated in the G, T. of an Akhingland nor in a patta (of a periodic patta land). Vide section 20 and the "NOTE" under that Section wherein instances of two specific orders of two courts have been cited as examples as respects this matter.

CLASS III

AMATHE. this is part of an Akhingland which has been bought off by some person or clan from the main Akhingland but still remaining in that Akhingland.

CLASS—IV

A'MILLAM, The true meaning of the word A'MILLAM is booty of WAR between clan and clan and village and village.

A'..... means LAND, and MILLAM means Dagger of Sword; so A'MILLAM is a land of Dagger and Sword.

A'millam is not recognised now by Government as an Akhingland belonging to a particular clan or Mahari, and is considered as KHAS-LAND.

There are fixed boundaries of an A'MILLAM with the borders of the regular Akhinglands.

There is a Nokma of an A'MILLAM who is appointed, sometimes, by the Deputy Commissioner in consultation with the leading men of the Rayats of the land, in some cases election takes place as in the case of the election or appointment of the regular Akhing-Nokma.

THE ELECTION OF AN AKHING-NOKMA.

79. Procedure and Franchise :

An Akhing Nokma is always elected, by voting, by the NEAR Mahari People.

The Adult persons of the Near Mahari are the Franchise (electors). No other people or persons have right to take part in that voting.

An Akhing-Nokma is finally elected or appointed by the majority decision (by voting) of the Near Mahari. The Deputy Commi-

ssioner or his Assistants generally approve that majority decision.

The final decision is made in the District Court by votes. Thus an Akhing-Nokma is always elected or appointed by the Near Mahari People as specified afore and not by any other authorities, Court etc. but by the Near Mahari People,

CHAPETR-II

THE GARO FAMILY.

1. In a Garo family the mother of the house reigns supreme over the household.

POSITION OF WIFE AND HUSBAND IN A FAMILY.

2. Garo Law permits husband to beat his wife but denies to her any right to beat him. Should she do so near relatives of her husband have a right to kill and eat her best bullock or pig at their choic~~e~~ and as they wish the loss of which must be borne by the wife and her Ma'nok. This is known as GITOK CHA'A.

3. In a Garo Family one of the daughter is selected by par~~ants~~ as their Nokna.

4. A Nokna must marry from her father's clan, if she refuses to do so she is forfeit~~ed~~ and another selected in her place. But see section 20 of chapter I.

5. The other daughters of the house are called A'GATI Daughters, and their husbands are Chawaris. Secs. 23, 35.

6. If a wife leaves her house because of husband's cruelty or oppression she does not thereby destroy her rights to her properties

If a Nokna leaves parents' house for their cruelty and oppression she does not lose her rights to her Noknaship.

7. If parents of a family have no daughter and should they desire to adopt one as Nokna it is arranged as under the Adoption Law. Secs. 1, 2 and 3 of Chapter VI.

If one cannot be had from the MA'-CHONG, of the mother of the house then they can select one from another (at a MA'-CHONG) Baithak, convened for the purpose. The subsequent feast of that Baithak ratifies the adoption.

THE GARO MAHARI (CLAN):

78. There are many Maharis (Clans) of the Garo Tribe, namely Chambugong, Dajel, Mangsang, Phantho, Gengminja, Cheran Gabil, Dalbot, Koksi and A'gitok and some more others.

And there are two main classes of Garo Mahari (clan):

Class 1 The Near Mahari (clan)

Class 11 The Distant Mahari (clan)

DEFINITION

Class 1 the Near Mahari people are the Local People of a village and of an AKHINGLAND, that is the permanent residents of that village and Akhingland, are the Near Mahari people of that village and Akhingland.

EXAMPLE:

(i) The inhabitants of the Me'gong-giri village and Akhingland are the Chambugong Mahari (clan) who are the NEAR-CHAMBUGONG-MAHRI-People of that ME'GONG GIRI village and Me-gong-giri Akhingland who are the sole owner and proprietor of that Me'gong-giri Akhingland.

(ii) The Near Mahari who reside ~~in~~ in distant and different localities.

There are persons, relatives residing in some other distant and different villages who left their mother home village and have gone out therefrom as Chawari, Nokrom, and on songa...are also the members of the NEAR MAHARI (both male and female)

(iii) Dongnappaegiparang (the sojourners).

The other non-clan permanent residents of the village and Akhingland who have a

close connection with the Near Mahari people of that village and Akhingland who share expenses on cases of land dispute and take a keen interest in such litigations because they also have rights to jhum free of a will (quitrent) and open paddy fields within the Akhingland; and also because they are Rayats of that village and Akhingland and its Akhing-Nokma.

class II. The Distant Mahari:
 Each group or cluster of this class (the distant mahari), the inhabitants of each village and Akhingland, have their [own Akhingland in their village or locality.

Example :

The people of the Rengsan-giri village are the Chambugong Mahari who have their own separate Rengsan-giri Akhingland wherein they dwell;

Likewise the people of the Selbalgiri village are also the Chambugong Mahari who have their own Selbalgiri Akhingland in that locality wherein they dwell;

Those people of the Rombagiri village are too the Chambugong Mahari and have

their own Rombagiri Akhingland in their own land (the Akhingland).

Thus each group or cluster of people of the Chambugong Mahari the inhabitants of every village, have their own Akhingland in their limited locality or territory.

Thus as explained afore the local people of Chambugong Mahari of the Rombagiri village and Akhingland are the Near Mahari people of that Rombagiri Akhingland, ... they are not the Near Mahari to the people of the Chambugong Mahari of the Mogonggiri village and Akhingland, but they are the Distant Mahari to them (people of the Chambugong Mahari of the Megonggiri).

class I. The Near Mahari:

Further

EXPLANATION:

The local people of the Chambugong Mahari of the Megonggiri village and Akhingland are the NEAR MAHARI of that Megonggiri village Akhingland who are the sole owner and proprietor of that Megonggiri Akhingland and no other... (not the other Chambugong Mahari people of the other distant villages and Akhings in the District).

Similarly the local people of any other Mahari of any village and Akhingland are the NEAR MAHARI of that village and Akhingland. The rest of the people, resident of the other villages and Akhinglands, are the Distant Mahari although they be of the same clay (Mahari) to the people of that particular village etc. they may not even know each other though they may belong to same Mahari.

CLASS 11

THE DISTANT MAHARI

The other Major class of Garo Mahari is The Distant Mahari. As explained afore as an example, the inhabitants of the Megong-giri village and Akhingland are the Chambugong Mahari-people.

There are great many people of that Chambugong Mahari in many other different and distant villages and Akhinglands who are spread and scattered all over the District (Garo Hills) for instance.

There are people of the Chambung Mahari in the villages and Akhinglands of the Megong giri, Rengsan-giri, Selbalgiri, Misimagiri, Gondenggiri, Chidekgiri, Rambagiri, Turabanda

giri, Garogiri, Damalgiri, Boldamgiri, Wanang giri, and in many other villages and Akhing-lands.

There are many groups of the Distant Mahari people of each Mahari, that is inhabitants of each village etc. form a group of this clan; that is the people of the Chambugong Mahari of the Megongiri village form a group of that Mahari in that locality; and the people of the same Mahari of the Rengsan-giri village form another group or cluster of that same Chambugong Mahari people in that locality.

Likewise all the people of the Chambugong Mahari who reside permanently in various different and distant villages are the distant Mahari to any particular group of the people of the same Chambugong Mahari because they dwell in the different and distant villages not near each other. so they are the distant Mahari, not near, to the people of Chambugong Mahari of one particular village, for instance, to those of the Megongiri village although they all belong to the same Chambugong Mahari.

CHAPTER - III

THE AKHIM LAW.

1. When a woman is married to a man she strictly becomes the Akhim of her husband and his MA'NOK, and vice versa, the man becomes her and her Ma'nok's Akhim.

2. After the death of a husband his wife remains as widow until the Ma'chong of her deceased husband provide her with another husband. She cannot remarry any man at her choice; should she do so she would have to pay a Khimsota Dai for breaking the tie or connection of Akhim.

3. The object and purpose of Akhim Law is to retain the family tie and connection between wife and husband and between their respective MA'CHONG(S) (MA'NOK or CLAN).

4. The rights of the AKHIM exist as long as the Garo Customary Laws exist.

5. By rights of Akhim one Ma'chong can claim GRO, or Dai against another Ma'chong; that is wife's Ma'chong can claim

Dai against husband's Ma'choug for breach of Akhim.

To Retain or set free a widow or widower
 6. The near Mahari people have the full right to take action to retain or to set free (to release) from Akhim a widow and widower on good grounds.

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CHAPTER—IV.

Marriage Laws

1. A Nokna must marry a man of her father's clan if one can be had.

2. A Marak may marry a Momin, Songma etc. But not marak ; to do so stigmatises his offspring as Ma'dong, a name that produces a Laugh, meaning as it does, one who marries his own mother's clan or machong

3. But some ma'chongs though different yet come under the class (known as KHATCHI in Garo) of marak, Sangma and Momin. Parties of these defferent Ma'changs can intermarry and are not considered ma'dong

4. When a married couple fail to have issues then the husband can claim one of her yonger sisters-in-law or another girl from his wife's ma'chong for his Jikgite. This is done with the consent of the barren wife, or some times a girl is adopted.

5. If a husband dies his widow can claim one of younger brothers of her deceased husband to remarry him under AKHIM LAW.

6. If a young man should marry an Old widow he can claim a young girl from the widows Machong for his Jikgite. Usually her daughter is given to him if she has one, who is known as ON'CHAPA or DOKCHAPA JIKGITE, and ~~X~~ strictly becomes Nokua of that family.

CHAPTER - V.

FORMS OF MARRIAGE.

1, DO'DOKA (DO'SIA, DO'BIKNIA) is the most common and honourable form of all forms of marriage and highly respected by all Heathen Garos.

Three fowls are necessary to constitute DO'DOKA marriage, one male another female, and still another big cock for DO'RASONG.

The rooster is eaten only by non-relations of the marriage pair. The other two fowls are also roasted and sacrificed and are eaten by non-relations of the marriage couple.

In order to predict fortunes of the wedded couple the entrails of two roosters are consulted. If the hooks at the ends of the long entrails be of equal size and of similar forms, and the two tips of the hooks are not parted but meet each other, then the fortune of the wedded couple is ensured.

The Officiating Priest with his right hand closed fist smites on the back of the wedded couple ; this constitute the DO'DOKA marriage.

2. The TUNAPA-FORM of marriage is called SEKA and JIKSEKA, they are of one class or group, they are contract of ILLEGAL marriage to live as husband and wife outside the legal forms of marriage of the Heathen Garos

The form of marriage. "SEKE-KAT-A"-is same as elopement, and abduction; the couple run away from home and go about from place to place for sometime before they return to the girl's house (home).

Persons who go with elopement, abduction, Tunapa, Seka and Jikseka do not go through the proper form of legal marriage.

TUNAPA:

In this case a girl or boy may be the suitor who approaches stealthily to the bed of the sleeping party and lies quiet beside him or her at bed times, when it is thought all are asleep.

If the suitor is accepted the couple sleep together for a while and then go to girl's

place before dawn breaks up. But if refused the sleeping party runs away, then the suitors MA'CHONG or clan have to pay Dai. In the event of either party be an AKHIM, or the girl be NOKNA then Rs.30/- is the Dai. Secs.56, 58 and 59.

The ~~MMA~~'NOK who reject the matrimonial overture enjoy the Dai.

A tunapa is done by some with the cognisance of parents and Chras etc. but not all.

Some Tunapa cases take place at NOK-PANTES, Bachelors' quarters, wherein all Panters of respective villages sleep. Sometimes Nokpante is disturbed in the Tunapanights.

3. ON'SONGA MARRIAGE: When the father of the house is dead his nephew is made to marry his widow and her daughter. The daughter is known as the ON'CHAPH Jikgite who strictly becomes the Nokna of that family. This form of marriage is to provide with a new father to the house of the widow, that is to substitute a new father, of the house.

Sec. 38.

4. Nokrom RIM-A: This form of marriage is same as Section 77 of Chapter 1,

CHAPTER VI

DIVORCE.

1. Divorce can take place at mutual consent. But if one party proves to be guilty Rs. 60/- Dai is imposed upon that party.

2. If a husband proves unfaithful to his wife then she can divorce him taking Rs. 60/- Dai and four Garo khoras.

3. Being a hermaphrodite or either party being sterile constitute sufficient ground for divorce.

4. Some grounds for divorce are very lax; incompatibility of temper, not cooking food well and properly, not paying attention to domestic affairs etc, are grounds, separately or jointly, for divorce.

5. Adultery is the main and common reason for divorce.

6. Divorce is not looked upon with any disgust among Heathen Garos.

In the Old Days of the Pre-British period the treatment dealt out was severe;

but now Rs. 60/- Dai is the RULE,

7. If husband and wife should divorce by mutual consent there is no Dai, But either wishes to divorce the other then the one to be blamed must pay 60/- Dai to the other for breaking up the contract.

8. Strictly according to Garo Custom when a Divorce takes place then the MA'CHONG of the person who leaves the house must supply another in that person's place to continue or to retain the family connection, but only when the divorce was without Dai.

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

The Minor children are considered as properties in shape of human being because they are maintained at costs of the house hold and the mother of the house is the owner of the house.

CHAPTER VII

ADOPTION.

1. When a girl is to be adopted a Baithak is convened for the purpose. The subsequent feast ratifies the adoption.

2. If the adopted girl leaves the house to which she was taken in as an adopted daughter and does not return she loses her rights to the properties.

But if she was oppressed by parents of the house she can claim separation, and a Baithak for that purpose can grant the separation and she retains her rights to the properties.

3. If the adopted girl is not from the MA'CHONG of the mother of the house and she deserts adopting parents house, and if she does not return, and no compromise can be made, then another girl is looked for adopting in her place.

4. In the event of parents dying with no issues a claim to properties of that house

is established by performance of Sradha by the nearest kins-woman.

No rights is maintained, however, if some rightful poor relation unable to bear the expence of the Sradha at the actual time who promises at a Baithak to help in the obsequies and later ratifies that promise.

5. One MA'CHONG can adopt a girl from another MA'CHONG with a consent of CHRAS and MA'NOK concerned.

6. Should an adoption of an unknown parentage, or a foreign girl, or from another MA'CHONG, without a consent of chatchis and chras, be made then the adoption gives that girl no rights to properties, including lands, which must be kept within the blood of the MA'CHONG of the original mother of the house.

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CHAPTER - VIII

WILL.

1. Inasmuch as no Garo man ^{can} possess the Hereditary properties according to the Law of Inheritance strictly he cannot make a WILL but he may make a WILL with a consent of his wife and Chras of the MA'NOK, and only when the matter is decided at a fully formed Baithak.

The recipient of the WILL must have some sort of token to show that certain properties have been thus given in the WILL, a failure to provide with this the WILL can be considered illegal.

2. Some WILLS have been disallowed on the ground of its being a Foreign to Garo Custom. Some Christian Garos made WILLS some are recognised, others not. In fact I know of no Garo having made an Affidavit disowning the Garo Custom and making a WILL under the provisions of the Christian Succession Act.

CHAPTER-IX

FORFEITED (FORFEITURE)

1. Any woman merely staying with or kept by a married man whose wife is living is forfeited.

2. Should a wife commit adultery and leave the house deserting her husband and go in a flight with another man then she is forfeited.

But in the event of their (wife and husband) having a daughter if she goes with her mother in her flight then she too is forfeited.

But if the daughter stays in the house with her father and does not follow her mother in the flight then she must be the Nokna of that remaining family ?

And properties remain with the father of the house till his daughter reaches her age, when she will be selected as Nokna ; still the properties remain in the custody of the father of the house.

If the father of the house proves to be not guilty then the deserted wife's MA'CH-

ONG have to provide with a new wife to the father of the house.

Then the two MA'CHONGS and Chras concerned, at a Baithak, concede certain specific part or parts of properties to the father and his new wife, who have then become the guardians of the prospective Nokua.

When the Nokua is married to her Nokrom then the father of the house with his new wife, at their own will and at the mutual consent, leave the house and setup a separate house of their own and reside therein separately as an independent family.

The following instances (some order of Courts) are furnished as a SPECIMEN of cases that should come under this Section.

Misc. Appeal No. 36 of 1936.

Appellant and respondent present. There seems to be no hard and fast custom regarding the property in cases of this sort involving Christians. Lajamati the respondent is living with her mother. According to non-Christian Garo custom it appears that if she was living with and supporting her father after her mother's flight the property would be hers but that

as she is with her mother the property should remain with her father until such time as the wife's relatives supplied him with a new wife. To give the property to Lajamati does not appear right as it is not non-Christian Garo custom and if the affair is not governed by Garo custom presumably the mother would get the property. If appellant even as a Christian divorced his wife he would ^{be} able to keep the property if he accepted the new wife offered by the old ones relatives. It appears that the Christians try to keep the ordinary Garo custom regarding property as far as possible so in this case the appeal succeeds and the property can be kept by the man Chasneg.

Ad, C. A. Humphrey

23.5.36.

There appears to be no question the wife has gone away after committing adultery. The marked paragraph is the important one. According to non-Christian Garo Custom every one appears to be unanimously of opinion that the properties should remain with the man

if the facts were as in this case. It is admitted the Christians try to follow Garo Custom and as there is no one nominated by the Maharis to inherit the property who is living with the man there seems no reason to modify my order

Sd C. A. H.

28.5.36

In modification of the order of 23.5.36 it is meant that the property remains in the custody of Chaseng until such time as he is offered a new wife by the relatives and that it will be inherited through his daughter Lajmati or other female relatives of his wife. Inform both parties

Sd. C. A. Humphrey

30.5.1936.

*In the Court of Commissioner, Assam
Valley Division.*

The 29th November 1936.

Misc, Appeal No. 36 of 1936.

Before

J. C. Higgins, C. I. E., I. C. S.

Commissioner of the Assam Valley Division.

Appeal against the order of the Deputy
Commissioner of the Garo Hills in the matter
of inheritance of Properties.

Appellants ;—Lojamathi Shira and other
of Dalbat Clan, Garo Hills.

Vs.

Respondent :—Chaseng Marak, Garo Hills.

ORDER.

The facts of the case are that the wife
of the Respondent, Somphulo Machik, com-
mitted adultery and left him. In a suit for

her property the Extra Assistant Commissioner awarded it to her daughter, Lojamathi. On appeal to the Deputy Commissioner the order of the Extra Assistant Commissioner was reversed and the property was awarded to the Respondent. Against this order of the Deputy Commissioner Lojamathi, with others of the Dalbot (the mother's) clan now appeal, on behalf of the clan.

As the Deputy Commissioner has remarked, the case is complicated by the fact that the parties are Christians. Among non-Christian Garos the custom is clear. Both Playfair ("The Garo") and Baldwin ("Garo Law") are agreed that a Garo husband has full use of his wife's property during their joint lifetime. In the event of the wife's death it is incumbent on the clan, of the deceased woman to provide the widower with another wife from the clan, thereby securing the interest both of the widower and of the wife's clan in the property. Similarly, should a wife desert her husband, the obligation of her clan to provide him with another wife is the same.

and in this case also the property remains with the husband during his lifetime. The Deputy Commissioner reports that Christian Garos endeavour, as far as possible, to adhere to the tribal custom in these matters. But the Christian religion prevents the respondent from taking a second wife (from the clan of Somphulo) until he has divorced her.


In my opinion, the finding of the Deputy Commissioner is correct. Nothing can extinguish the right of the respondent to the custody and use of the property during his lifetime except his refusal accept the second wife provided for him by his first wife's clan. But as he is a Christian his acceptance of a second wife is barred by the law of his religion, until he is divorced. This is no fault of his and he must continue to enjoy the custody and use of the property until his death, unless he eventually obtains a divorce or becomes a widower and marries a woman of another clan in place of the woman then offered to him by his wife's clan. After his death the property will, by custom, return to the Dalbot clan by the inheritance of Lojomothi, unless

some other breach of custom intervenes to prevent this.

It is alleged by the appellants that the respondent is causing the deterioration in value of the property by waste and misuse. He is entitled to cause such deterioration as is due to proper use and fair wear and tear. No specific charges of waste and misuse have been put forward and in any case no such allegation would affect the main issue, which is the right to custody and enjoyment. These allegations are not, therefore, grounds of appeal, though they may be made grounds of separate suit for damages.

The appeal is dismissed,

Sd. J. C. Higgins,
Commissioner, A.V. Dvn.



INDICES.

CHAPTER-I

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