

CUSTOMARY LAWS OF THE BODOS RELATING TO MARRIAGE: AN EMPIRICAL STUDY

***DR. OINAM RANJIT SINGH & **DAHAL KUNGUR NARZARY**

**Associate Professor, Department of History, Bodoland University, Kokrajhar, BTC, Assam, Pin: 783370*

***PhD. Scholar, Department of History, Bodoland University, Kokrajhar, BTC, Assam, Pin: 783370*

ABSTRACT

The Bodos are one of the largest Mongolian stock of North East India. The term "Bodo" in general is a generic name of all the Tibeto-Burman speaking group of Sino-Tibeto origin which includes the Garo, Rabha, Kachari, Koch, Mech, Hajong, Lalung, Dimacha, Chutiya, Tipra and Moran. The present Bodo speaking people who were known by different names, such as the Bada or Bara, the Kachari, the Mech, the Dimasa, Timisa, and the Kiratas in history have finally remained to be identified as Bodo main. As they had extensive rule all over entire north east India, north Bengal and as far as Bangladesh, they were known by different names in different time and places. They are now spread all over north east India, west Bengal and, Nepal. Though staying in different places and environment the Bodos have distinct language, custom, tradition and culture except little variation from one place to the other. Here an attempt is made to study about the customary laws relating to the traditional marriages of the Bodos.

Keyword: Kharsonnai Haba , Dwnkharlangnai Haba Bwnai Haba, Dongkha Habnai Haba, Divorce.

METHODOLOGY:

The methodology of the study is based on primary and secondary sources. Historical method which is based on primary and secondary sources is mainly adopted in this paper. The collected data -both primary and secondary have been analyzed both quantitatively and qualitatively whenever necessary. Comparative study is also made whenever it is necessary to bring an accurate picture of the subject.

RESULTS AND DISCUSSION:

No serious research based study on the customary law on the Bodo marriage has yet been made by any scholar by utilizing all the available sources. But some scholars have brought to light the subject matter in their respective

works. However, still awaits thorough investigation and treatment within a wide arena. Marriage is performed in a very strict manner in the Bodo society by following the traditional norms of the society. Violation of such norms or failure in performing it in the proper way in the marriage ceremony ultimately led to instant fine to be paid to the other party in the marriage which is still in prevalence.

Marriage is called '*haba*' in Bodo society. The very term derived from two words: '*ha*' means earth which symbolizes worldly or terrestrial life and '*ba*' means carrying something on the back, which implies shouldering the entire burden or responsibility of family life after marriage. Therefore, the term '*haba*', in real sense in Bodo society implies to the acceptance of terrestrial life. The Bodo society being the patriarchal, after the marriage, the bride is brought to the house of the bride-groom where the entire responsibility of the bride's future is to be looked after by the bride-groom.¹

Marriage is considered as one of the most divine ceremonies among the Bodos. It is the only act by which a man and women is recognized by the society as husband and wife. The traditional form of marriage of the Bodos is called '*Hathasuni Kurnai*² *Haba*³ (marriage). Marriage is performed in a very strict manner in the Bodo society by following the traditional norms of the society. Violation of such norms or failure in performing it in the proper way in the marriage ceremony ultimately led to instant fine to be paid to the other party in the marriage which is still in prevalence.

There are strict customary laws in respect of arranging marriage in the Bodo society being followed from earlier days. Certain kinds of binding rules and restrictions are religiously observed. The social norms that are to be followed are:

1. The boy and girl must be from outside the family line of the father and mother, i.e. boy and girl having same family blood relation cannot get married.
2. It is possible to marry within the family only after the completion of five generation in the case of boy and four generation in the case of girl respectively.
3. The marriageable age for a boy is 21 and the girl is 18 years.
4. Both the girl and boy must be mentally sound.
5. There must be clear consent from both the boy and girl for the marriage.

TYPES OF MARRIAGE:

There are different types of marriages in the Bodo society. But, my objective of study here is not to discuss about all types of marriages. As my study is about the customary laws in connection with the marriage in this chapter, the area of interest will be focused only on the marriages those which require the intervention of the customary laws to settle them. Here it has been undertaken to analyse about the *kharsonnai haba* (a type of tradition where the girl flee to boy's house for marriage), *dwnkharlangnai haba* (marriage by elopement), *Bwnai haba or Bwnanwi langnai haba* (marriage by capture), which are not accepted as legal as per the customary laws of the Bodos, but settled by imposing fine and expiation for breaking the social norms of the society. These types of marriages, though takes place very often are not accepted as normal or social marriage in the Bodo society. Besides, the customary laws relating to *Dongkha Habnai Haba* (A type of widow remarriage), polygamy, and divorce also will be dealt.

***Kharsonnai Haba* (A tradition where the girl flee to boy's house):**

Kharsonnai Haba is not considered as social or legal marriage in the Bodo society. The term '*Kharsonnai*' is used to mean especially in the case, when a girl flee to the house of the boy with intention of getting married with him. Such a case may happen with or without the knowledge of the boy. In most of the cases, secret understanding between the boy and the girl are apparent. In certain cases it is observed that the girl risks even without the clear consent or knowledge of the boy where the matter stands bit complicated. Whatsoever, the family of the boy may refuse to accept the girl as bride or the parents of the girl may take the girl back home if there is no clear consent of acceptance from the boy. But there is binding rule that the girl's family cannot arrange her marriage to any other boy within a month.

In spite of being denied of acceptance, if the girl comes back more than thrice in a month to the house of the boy then the society has to settle the case in discussion with both the parties of the boy and the girl. But the consent of the boy is must in settling the case. As per the social norms, the persons concerned have to pay fine and undergo the punishment of expiation.⁴

***Dwnkharlangnai Haba* (Marriage by elopement):**

The term '*dwnkharlangnai*' refer to elopement, an act of escaping of a boy and a girl in love to an unknown place before marriage. It occurs in the case of love affair that is not accepted either by the family of the boy or the girl or both the family. In such a situation the pair runs away from their family to fulfil their desire to get married.

According to Dr. Kameswar Brahma, this kind of marriage is akin to the *Gandharva* system of marriage of the Aryans. Once the couple returns or brought back home, marriage is to be performed. Thus, the marriage taking place by means of elopement is called *Dwnkharlangnai haba* in Bodo society. But before performing the marriage the custom of penance is conducted. This is mandatory because pre marital affair is considered taboo in Bodo society. Therefore, fine is also imposed on them for breaking the social norms of the society. This type of marriage doesn't get due respect in the Bodo society.

Bwnai Haba or Bwnanwi langnai Haba (Marriage by capture):

In this type of '*bwnanwi lanai haba*', the girl is taken by force by the party of the boy for the marriage. The word '*bwnai*' means pulling or dragging by force. As the girl is taken by force by pulling or dragging to the house of the boy, this type of marriage is called '*bwnanwi lanai haba*.' This system of marriage, though socially not recognised, was in vogue in earlier days. Such kind of marriage is always very quarrelsome between the two parties of the girl and the boy. In case the boy is not acceptable for the girl as groom then the girl may be taken back home by their family. On the other hand, it may be possible that the boy's party repulse the girl's party by might and solemnise the marriage in hurry. In such a case the boy's party is punished with heavy fine for their unsocial act. This kind of marriage which is dishonoured by the society is slowly disappearing from the Bodo society. No doubt, the disgraceful act of marrying a girl by force still exists, but the nature is not that forceful as before.

Apart from the marriages discussed above, there are also certain types of marriages which require the sanction of the society as well. Mention may be made of '*Dongkha Habnai Haba*', which is socially approved marriage.

Dongkha Habnai Haba (A type of widow remarriage):

It is a custom of widow remarriage where the man has to move to the house of the widow. In this traditional custom of widow remarriage the man has to wear an earthen pot on his head and enter to the '*nomano*' (main house) of the widow. The Bodo terms '*Dongkha*' means earthen pot and '*habnai*' means entering. As the man has to enter into the house of the widow by wearing the earthen pot on his head it is called *dongkha habnai haba* in Bodo society. The customary laws relating to this typical traditional marriage is performed solemnised as under.

The marriage is to be settled formally by a tradition of offering one rupee silver coin to the widow by the man as a token of acceptance of the widow as his wife. This custom is called '*gongkhon hwnai*' in bodo society.⁵

The man has to give up his entire right or claim on his parental property before entering into this marriage. He has to delink himself from his family lineage. A customary rite of '*narzy orgarnai*' (spewing out of dry jute leaf after chewing) is to be performed as a symbolic act of departing from his family.⁶

In *dongkha habnai haba*, the man puts on the earthen pot on his head and moves seven times round the '*nomano*' (main house) by uttering ... *mew ..mew....mew....* like a cat. In this moment the widow keeps a plateful of fried pork or chicken and a cup of *jou* (traditional rice wine) in front of the door of the *nomano* (main house). While the man comes nearby the door in the course of moving round the *nomano* the widow pretends to drive him away by a gesture of beating him by a *Khadou* (traditional boombo made spoon-like plate stick used for spurting rice inside the pot). After completing seven rounds, finally the man enters into the *nomano* (main house) where he is entertained with the fried meat and rice wine by the widow as an affirmation of acceptance as husband. After a short while, the formal marriage called *hathasuni kurnai haba* is arranged. That is how the *dongkha haba* is performed.

1. By this marriage the man is recognised as the legal father of the children of the widow if any.
2. This marriage does not deprive the widow of the deceased husband's property.
3. The man has to completely convert into the family line of the widow.
4. Anybody, bachelor or widower, there is no bar for *dongkha habnai haba*.

But in the present time *dongkha habnai haba* is no more seen among the Bodo society. The custom of widow remarriage still prevails but the tradition of *dongkha habnai haba* is not conducted or performed anymore.

While discussing about the systems of marriages of the Bodos, it is must to study about the *biban langnai*, a customary obligation to be performed from the groom's side. In this tradition there are some strict rules to be followed failing which the groom's party is imposed with fine.

Divorce:

Divorce in the Bodo society is always subject to the condition of mutual consent of both the husband and wife, which is socially executed on legitimate ground with certain formality. If a couple desires divorce then the matter is discussed by the village elders in a public meeting where both of them must explain about their reason for divorce. On the clear consent of the person concerned the tradition of *fathoi lai bisinai*⁷ (tearing of betel leaf) is performed to symbolize the break-up of relationship of the couple, where both the husband and wife are made to

hold a betel leaf in two different sides and tear it up into two parts. It is a symbolic act which implies that, as the torn apart leaf can never reunite, so their conjugal life is also broken up forever.⁸

The causes for the divorce is thoroughly verified and if either of the wife or husband is found guilty or the causes they place before the village elders seemed to be unjustified or whimsical then the guilty has to compensate the marriage expenditure to the other. If the husband divorces his wife for reason that seemed to be unjustified or inadequate, he has to reimburse the marriage expenses to the divorced women, and even after the divorce is approved, he must pay a small amount of money for his freedom, which is divided between the village *panchayat* and the divorcee. On the other hand, if the cause of the divorce is just and legitimate, *e.g.*, as a result of betrayal to her marriage obligation, the divorced husband can recover the marriage expenditure from the women. Unless the divorcee reimburses the claim, she cannot remarry another man. It is observed that the compensation is made by the desiring man to remarry the divorcee.⁹ Dr. K. Brahama rightly remarked that, if a man divorces his wife on illegitimate ground then he is to bear the responsibility of her life for a certain period until an alternative arrangement for her livelihood is arranged.¹⁰

Biban Langnai:

*Biban Langnai*¹¹ is an age old practice of the Bodos that has to be performed from the bridegroom side in the marriage while going to bride's house. In this pre- marriage ceremony it is compulsory to carry areca nuts and betel leaves to the house of the bride. Two numbers of *thinkli*¹² (earthen pot) tied on two different end of a bamboo pole is to be carried to the house of the bride. One of the pots bears the symbol of sun and the other the symbol of moon sketched with lime. The drawing of the signs of the sun and moon are to be followed strictly on traditional norms failing which they are charged with instant fine by the bride party. Dr. Kameswar Brahma wrote, “ the earthen pitchers (*Hani thinkligongnoi*) are carried to the house of the bride. On the body of the two pitchers the signs of the sun and the moon are painted. If the sign is detected to be wrong the bride party charges a fine from the parents of the bridegroom.¹³

Polygamy:

The Bodos are strictly a monogamous race, though in certain cases some men marrying two wives have also been observed. Polygamy was very rare, which was almost limited to wealthy person or person of high social order, such as *Mauzadar*, *Mandal*, etc in some valid ground. According to Bodo customary law marrying second wife was permitted only in case the first wife bear no child, with a noble view of handing down the father's name to posterity in future generation.¹⁴ Oinam Ranjit Singh writes on the polygamy in general as “ polygamy was very

common among the kings, nobles and rich people. Common people also practiced polygamy under certain condition or other reasons like satisfaction of their sex appetite but polygamous person was treated with hatred and abhorrence in general.”¹⁵ In the society of the Bodos, persons having more than one wife and the act of his becoming polygamous does not have sound justification, is not only treated with detestation but also society look down on him. In this connection Sekhar Brahma stated that “..... Though monogamy is socially recognized practice in Bodo society, there are cases of man having more than one wife. But such man is considered a man of weak moral character.....”¹⁶

CONCLUSION:

The traditional form of marriage of the Bodos is called ‘*Hathasuni Kurnai Haba* (marriage). But this traditional form of marriage is not seen much among the Bodos. There may be more than one reason for the disappearance of this tradition in the Bodo society. Factors like – conversion to other religion, impact of western education, assimilation, modernisation and globalisation must have brought some changes in the mind set of the succeeding generation for the acceptance of new culture and lifestyle. It is observed that, the restriction as per the customary laws of the Bodos for marrying from Christian, Muslim or other Community is not followed anymore in the present day scenario. As a result, large scale assimilation leading to cultural degeneration is taking place. There are instances of chaos, confusion and misunderstanding in the society in case of following different types of marriages.

In order to eradicate this quarrel and confusions, the *BORO SOMAJ*, one of the parent organizations of the Bodos have been taking an active role in the society. Omissions and commissions have been made in the systems of the marriages of the Bodos to bring uniformity and make the society flexible in living together in harmony with all section of people irrespective of religion and culture. It is necessary to adapt new culture, which is an unavoidable trend of evolution process of human civilization. But it must be observed that the interest of flexibility or adaptation of new culture does not pose as a threat to the age old culture of the Bodos, because culture cannot be changed but preserved. However, except the converted Bodos to other religion, till today marriage is performed in a very strict manner in the Bodo society by following the traditional norms of the society. Though the traditional system of *Hathasuni haba* is not performed, yet all the terms and conditions or the customary laws relating to marriage are still in practice among the Bodos.

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