

Efficacy of customary laws of the missing tribe of Assam in special reference to marriage system

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Abstract

Marriage is a universal social institution to fulfill our basic human social needs. As a social institution, it consists of some rules, regulations, custom, and traditions etc. which are accepted by the society. Every society has own traditions, customary laws to perform their marriage ceremony. Missing tribes of Assam also have their own traditions which are different from other society. They believe that marriage as a sacrament and followed all the unwritten marriage codes which are prescribed by their forefathers. The system of marriage is different from each society for their different socio-cultural, economic and religious background. But the main aim of marriage is same in every society.

Keywords: Institution, rules, regulations, custom, traditions, customary law, marriage

Introduction

The English word 'Marriage' has derived from the Latin word '*maritare*' meaning to provide with a husband or wife. It is one of the fundamental social institutions of our society and found in every society in the world. But it has very different implications, purpose, functions and types in different community and society. Though as a social institution, marriage is control and regulates the sexual behavior of the human. In this regards, every society has prescribed their own norms, rules and regulations according to their traditions and customary laws. As *Alfred McClung Lee* has said that, "*Marriage is the public joining together, under socially specified regulations of a man and woman as husband and wife*".¹

Thus we can say that marriage is an institution where a man and woman to give socially or legally permitted to live together and established a family.

Objective of the paper

The main objective of this paper is to discuss the customary laws of marriage system of Missing tribe.

Methodology

The methodology of the seminar paper is based on both primary and secondary data. For the purpose, the reference books, journal, magazines has been consulted to develop the seminar and also applied the observation method and interviewed with village people.

Discussion

From primitive early society to modern present society marriage institution is found everywhere. Though it is true that forms and patterns of the marriage is differ from society to society. According to the number of members, marriage is categorized as below-

Monogamy marriage is a popular form of marriage found among the people of early primitive society as well as modern society. Mono means single that means one man marries one woman. Westermarck in his book "*The History of Human Marriage*" is opined that monogamy is old as human society.² Monogamy marriage is divided in to two types: serial monogamy and straight monogamy. Serial monogamy is a type of marriage where a man can re-marry a woman after his woman's death. But straight monogamy is opposite to serial monogamy. It is a form of marriage in which a man has only one wife during their life.

Polygamy marriage is one kind of custom of having more than one husband or wife at the same time. Polygamy marriage is of three types; Polygyny, Polyandry and Group Marriage. Polygyny marriage is that type of marriage where a man marries more than one woman at life. And polygyny marriage is also divided in to two categories; Sororal Polygyny and Non-Sororal Polygyny. Sororal means sister, so sororal polygyny means all the wives are sisters and non sororal means wives are not related as sisters.

Polyandry Marriage is one kind of marriage where a woman marries with several men. The most popular example of Polyandry marriage was Pancha Pandava and Durpadi. Poyandary also divided in to two types: Fraternal and Non-fraternal Polyandry. Fraternal denotes brother, so fraternal Polyandry means several brothers share the same wife. And non-fraternal indicate that husbands are not brothers.

Group marriage is another type of polygamy marriage. Group marriage means marriage of two or more men with two or more women. It means husband are common husband and wives are also common wives.

According to rules/restrictions, marriage is mainly divided in to two broad categories: these are like, Endogamy and Exogamy Marriage. Endogamy is a form of marriage where the life partners are selected within the group. For example caste endogamy, class endogamy, tribe endogamy and race endogamy etc. It means in a caste endogamy marriage, a Brahmin Caste man has to marry with a Brahmin woman. Exogamy is opposite to endogamy. In this marriage a man has to marry outside his own group. For example, Gotra Exogamy (marrying outside one's own gotra), Pravara Exogamy (Same pravara can't marry), Village Exogamy (Marrying outside the Village), Pinda Exogamy (same panda can't marry).

Above mentioned are the general forms marriage system. But In our Indian context forms of marriage is something different from general forms of marriage. It denotes the method of consecrating a marriage union.³ In Hindu society marriage or Vivah enter with the stage of Grishthashram i.e. the household life. The meaning Vivah is 'carrying away' the bride to the house bridegroom (vi+vah= to carry)⁴. Vivah is a religious duty for the Hindu peoples not a social contract. Thereafter Hindus are maintained certain *rites* which must be performed in Vivah. Such as the main rites are: Vagdan (oral promise), Homa (Offering sacred fire), Kanyadan (Giving the Bride to bridegroom), Panigrahan (Holding the hand of the bride), Saptapadi (Seven steps go together) and Mangalyadharana (Mangalsutra).

These are performed in the marriage ceremony by a Brahmin priest in the presence of the sacred fire (Homa) and with Vedic mantras. The forms of Hindu marriages are: Brahma Vivah, Daiva Vivah,

Arsha Vivah, Prajapatya Vivah, Asura Vivah, Gandharva Vivah, Raksha Vivah and Paischa Vivah. The first four form of marriage are the most approved marriage in Hindu society.

Missing Marriage system

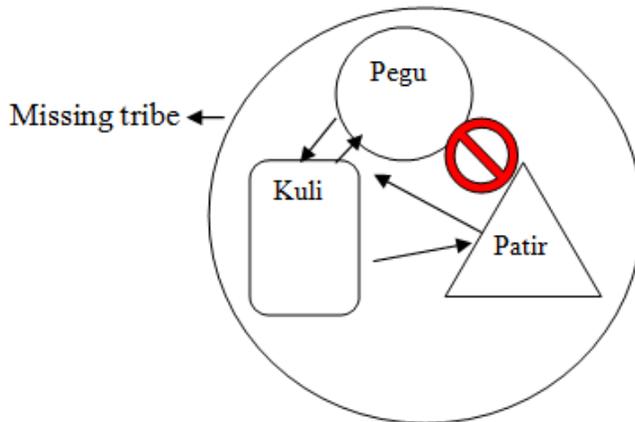
Now the main part of our discussion is customary laws of Missing Marriage system. Missing are an ethnic tribal group inhabiting the river side of districts of Dhemaji, Dibrugarh, Golaghat, Jorhat, North Lakhimpur, Sivasagar, Sonitpur and Tinsukia of the Assam. This tribe is also found in the three districts of Arunachal Pradesh like East Siang, Lower Dibang Valley, and Lohit District. Missing people belong to the Tibeto-Burman family of the Mongoloid race.

Like other society of the world, Missing people are also performed their marriage system. According to Missing society, Marriage is neither a social contract nor a purely religious sacrament. They have follow own way of traditional customs of marriage since immemorial time. The Missing people select their life partners from within the tribe i.e. tribe endogamy. They have followed the tribe endogamy, but

strictly followed the rules of clan exogamy. If someone marries within their own clan (Opin), then the couple is strictly punished by the society as ex-communication from the village/ community. For example, marriage within Pegu Boy with Pegu Girl or Kutum Boy with Kutum Girl will never be sanctioned by the Missing Society. As like marriage are restricted within sub-clan and tomin:sunam-Biraang (Affiliated brotherhood). For example:

Opin (Clan)	Urombi-minsunam Biraang	Tominsunam Biraang
Pegu		Patir, Kardong, Medok etc.
Kuli		Kutum, Koman, doley etc.

Still the Missing people are following the traditions and customs of clan exogamy marriage. If someone disrespects the tradition of clan exogamy marriage, he will be punished according to their customary laws. The efficacy of the marriage tradition and customs still exist in their society. The following table shows the picture of the clan exogamy among Missing society.



Here Pegu, Kuli and Patir are clans of Missing society and Pegu and Patir is considered as affiliated brotherhood. So, marriage between Pegu and Kuli are permissible, but Pegu and Patir are not permissible. It is also important that a Pegu boy can't marry a Pegu girl. It means clan endogamy is strictly prohibited in Missing society

Table: 1 (Patterns of Marriage clan exogamy in Burha Sen Sowa Missing Village)

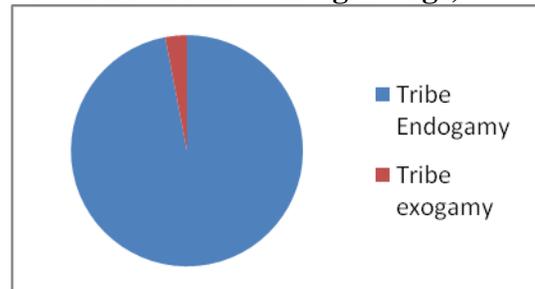
Sl.No.	Clan name	No. of Clan Endogamy	No. of Clan Exogamy	Total
1	Regon	00	29	29
2	Ngatey	00	08	08
3	Payun	00	02	02
4	Chintey	00	16	16
5	Padun	00	03	03
6	Pamey	00	08	08
Total Percentage		00%	66(100%)	66(100%)

Source: Field Study

The above table shows that 100% marriages were clan exogamy marriage. So, we can say that still Burah sen sowa Missing people are follow the rules of clan exogamy marriage.

Table, 2 (Patterns of Marriage Tribe-Endogamy in Burha Sen Sowa Missing Village)

Sl. No	Marriage	Frequency
1	Tribe Endogamy	64(96.97%)
2	Tribe exogamy	02(3.03%)
3	Total	66 (100%)



Source: Field Study

Table no.2 shows the picture of tribe endogamy marriage. Here it is shows that 3.03% of the people marriage outside tribe and 96.97% people marriage within the tribe. Here we can say that the rule of tribe endogamy is lost their virginity in Missing society. But the family did not allow the couple to enter their home. The society is also socially boycott the whole family until if they will not perform ritual ceremony. The family performed a ritual ceremony called PO:NI-DO:NAM in the presence of village elders, after that the couple enter the paternal parents house. Generally Missing are followed the cross-cousin marriage since immemorial time. Now days they are also preferred the non cross cousin marriage. For example – marrying the mother’s brother’s daughter and father’s sister’s daughter is permissible in Missing society. Like other tribes of Northeast region of India, Missing are not permit to marry mother’s sister’s daughter.

Missing are the patriarchal and patrilineal, so they trace their decent from the male side and followed the rules of patrilineal system. So after the marriage bride moves to groom’s house. Generally the Missing people are monogamous but polygamy is also practiced in some extent. But it is very rare in nature. If someone in polygamous, the first wife occupies the dominant position in the family.

The tradition of bride price (Aa:dum) practice is traditionally prevailed in Missing society. Like other tribal society of North East Region of India, there is no demand on bride price. The bride price is just a symbol of respect the mother and motherhood. The groom’s family gives bunch of Beetle-Nut, a pot of Rice Beer and one rupee coin as bride-price to the bride’s family. And dowry system is not prevailed in Missing society. But the family sent some luggage with the bride as a gift to the groom’s family. But there is no demand as like as dowry system.

Laws of Marriage: Some of the rules related to the Missing Marriage system which are given below.⁵

1. To any person who is a Missing irrespective of religion he or she professes.
2. Any child legitimate or illegitimate one of whose father is a Missing.
3. Any person who himself or herself converts to Missing and adopts Missing Culture a mode of living and there by recognized by the society.
4. Strictly follows the rules of clan exogamy law. One must marry from outside of one's own clan and affiliated brotherhood clan.
5. Marriage should not be within the prohibited degrees like- Opin (Clan), Gumin (Ancestor), affiliated Brotherhood, uterine blood relation etc.
6. Prohibited to marry his brother's daughter, sister's daughter, daughter, mother's sister, mother's sister's daughter, maternal uncle's granddaughter and his younger brother's widow wife etc.
7. The marriageable age is taken to be 18-25 for boy and 17-20 for girl.

Forms of Marriage: Missing marriage can be mainly divided into three types and these are:

1. Dugla Lanam (Elopement)
2. Kumsulanam (Informal negotiation).
3. Midang (ceremonial)

Dugla-Lanam: This type of marriage is also considered as 'Gandharva Vivah'. It is a kind of love marriage, if the parent raised objection against the relation, the love couple elope to some other village and lived as a husband and wife. After some days later, couple informed to their parent. The boys' parents sent a group of elderly persons is deputed to negotiate with the brides'

parents, with pot of apong and packet of beetle-nut. In such type of Marriage a higher bride-price may be demanded by the brides' mother.

Kumsula-lanam: It is also a formal kind of Marriage system. Some circumstances, if marriage parties are incapable of bearing the expenses of ceremonial marriage, then this form of marriage is adopted by the parents. The proceeding of this marriage is also similar with ceremonial marriage. It is a brief ceremonial marriage attended by only close relatives.

Midang: It is a pre-planned marriage by the parents and relatives of the both parties. Generally a proposal is sent from the boys' party with a packet of beetle-nut and a pot of rice beer. If they accept the proposal, the boys' party proceeds with the formal negation. After that, the boy with two or three friends visits the girls' home and stay with them for two or three days, helping the family in their deeds. This is called "Magbo-dugnam". This system helps the boy and girl to better understanding to each other.

The day before the Midang, the both respective family request to the Dolung Ke:bang (Village Council) and Yame:Mimbir (Youth Organisation) co-ordinate performance of the activities of Midang. The day of the Midang, the bride-groom is bathed, clothed with traditional cloth and brought down to the porch from their house. A boar without a blemish is sacrificed and cooked. After that, bride & bridegroom are allowed to dine together from a dish accompanied by two base men, two base women and other relatives. They also drink apong (Rice-beer) from a single cup alternatively. But at that moment widow and widower not allowed to enter that particular place.⁶ (N.C.Pegu, the Mishings of Brahmaputra Valley) Finally clothing of the both bride-groom are tied

together and take a bow down in front of elder persons.

Ladder and chang (bamboo platform) are important part of Missing dwelling system. A new ladder and Chang is made for welcome to the new couple on first day of the marriage. There are also kept two pot of water and a bucket of rice on the both side of the ladder. They believe that, these are the symbol of prosperous life

Widow Remarriage is allowed in Missing society. Generally widows' remarry to a widower, if the widow has child then she live with her children in practical life. In other tribal society of North East Region of India, an elder brother can marry his younger brothers' widow, but there is no such type widow remarriage system is found in Missing society.

Traditional practices related to Marriage:

Bride price: (Aa:dum/Alig)

The tradition of bride price (Aa:dum) practice is traditionally prevailed in Missing society. Like other tribal society of North East Region of India, there is no demand on bride price. The bride price is just a symbol of respect the mother and motherhood. The bridegroom's family gives bunch of Beetle-Nut, a pot of Rice Beer and one rupee coin as bride-price to the bride's family. (*Discussion with Villagers*) And dowry system is not prevailed in Missing society. But the family sent some luggage with the bride as a gift to the bridegroom's family. But there is no demand as like as dowry system.

Marriage by service: (Magbo-dug:nam):

Magbo-dugnam (marriage by service) is not type of marriage, but it was a part of marriage in olden day. Now it becomes obsolete system. It was a system of marriage where bridegroom stays and does manual labour in the father in law's house for one or two years. The services were like ploughing, fishing, making agricultural tools, collecting

firewood etc. If the father in law satisfied in his hard work, then the marriage is granted. It was an important part marriage, because main sources of economy of Missing people are agricultural activities. So every father wants to be a hard working man for his daughter. Now the impact of modern education has changed their occupation as well as social life.

Conclusion

The Missing marriage is neither consider as a sacrament nor a social contract in terms of their societal culture, norms and customs. They follow the unwritten codes, tradition and rules in the marriage since immemorial time till now prescribed by their forefathers. But now a day's some traditions, customs, rules are losing their position due to many reasons. Still Missing people are following the customary laws and rules regarding marriage.

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