

CUSTOMS RELATING TO MARRIAGE OF BODO PEOPLE IN GOALPARA DISTRICT AND IMPACT OF CONVERSION AND LEGAL STATUS

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Introduction : Although there is no black & White documentary proof but many great Bodo writers think that the "Bodo" are belong to the greater Race of the Mongolian people who were the inhabitants of a country in the North of the Himalayan and West of China. This land was known as *Bod*. The word *Bod* is supposed to mean a home land. It is also said that there are many parts of the country known as *HorBod, Kur Bod* etc.

The inhabitants of *Bod* country are known as *Bodo-Fichaor Bodocha* or *Bodosa* (*Bodo-* means land and *Ficha* means children i.e., children of *Bod* country). In course of time, they come to be known as simply *Boddo- Bodo-Boro*.*

Those who are the speaker of the Tibeto-Burman speeches they are Linguistically included in a large group of *Bodo* group of Bodo people. They are the *Boros, GarosRabhas, Sonowals, Hojong, Dimasas, Misings, Kocharies* etc.

Besides, North-Eastern Region in India there are also some pocket areas out side of India, Wherein the *Bodos* are Scattered. These are Bhutan, Bangladesh, Nepal, Sikkim and Burma.

In the present work, an attempt is made to discuss about the customs relating to marriage of bodo speaking people in Goalpara District and also impact of conversion and its legal status.

It Should be noted here that Dr. K. Brahma has described as many as six difference types of Marriage, these are-

(1)Sangnanoiainaihaba (marriage according to standard practice), (2) GarjaLakhinaihaba,(3) Kharsonnaihaba, (4) Bonanoiainaihaba, (5) Donkharlangnaihaba, (6)DonkhaHabnaiHaba, * But writerBinay Kumar Brahma has described Seven types of Marriage. According to him these are : (1) SamajKhanthiBadiHaba, (2) GorjiaLakhinaihaba,(3)Kharsonnaihaba, (4) DongkhaHabnaiHaba, (5) Bunanoi Lanai Haba, (6) DonkharNanoi Lanai Haba.And(7)RandihabaJafinnai.*

*Brahma, Dr. Kameswar : *Aspects of Social Customs of the Bodos*, Reprint 1995. Page- 1

* Brahma, Dr. Kameswar : *Aspects of Social Customs of the Bodos*, Reprint 1995. Page- 17

* Brahma, Binoy Kumar : *AsamniSomaj Aru Harimu*, First Edition 2011. Page- 171

A Brief Description of the aforesaid Marriage :

(1) **Sangnanoi lanai haba (marriage according to standard Practice)**

This kind of marriage considered as standard social marriage. According to this system Bride is selected by the parents of the Bridegroom and then marriage is settled after negotiation.

In Goalpara District this kind of marriage may solemnised in both the houses of Bridegroom and Bride. Bride-Price is common in Goalpara District.

(2) **GorjiaLakhinaihaba**

This type of marriage was also prevailed in Goalpara District. This was an irregular marriage. In this type of marriage the Bridegroom has to provide service at the house of the Bride. The Bridegroom will be entitled immovable properties which is entitled by the Bride.

(3) **Kharsonnaihaba**

This type of marriage also an irregular marriage because the Bride enters into the house of the Bridegroom before the settlement of the marriage. Actually, we can consider it a kind of love marriage. In this type of marriage the Bride fled away with the Bridegroom due to love affairs.

(4) **Bonanoilainaihaba**

This type of marriage was prevalent in the earlier days because the Bride is forcefully taken away from the house or from the place of "Puja Festivals" such as *Holy Puja* (Dol-Jatra), *Durga Puja* etc. This is not socially approved system of marriage in the present of Bodo Society. The Law also prohibited this kind of marriage and any person who attempt to forcefully taken away the Bride then he may be prosecuted U/S- 366, 376 I.P.C.

(5) **Donkharlangnaihaba**

This type of marriage is akin to the "Gandharba" marriage of the Aryan system. This kind of marriage may take place when the Bride and the Bridegroom are both elopement.

(6) **DongkhaHabnaiHaba**

Now a days, this type of marriage is very rare in the present Bodo society. If a man lives in the house of a widow as per husband then they would be recognised as husband and wife by the society.

(7) **Randi habaJafinnai**

Lastly, this type of marriage is known as widow re-marriage. A widow can re-marry any person who is not related to her, if she marriage second time then she would loss the ownership of property of her deceased husband.

DIFFERENT TYPES OF MARRIAGE AS DESCRIBED IN THE
“SAMAJ BIKHANTHI” RECOGNISE BY GOALPARA ZILLA

BODO SANMILAN:

In Goalpara District, specially under 36 No. Dudhnoi (S.T.) L.A.C., the Bodo speaking people are accepted different types of religion such as *Bathou*, *Jayguru*, *Shankari*, *Brahma*, *Christian* etc. and as such their customary marriage who are belongs to *Bathou* Religion. As described by *SamajBikhanthi* recognise by “GoalparaZilla Bodo Sanmilan” there are mainly 5 types of marriage prevailed in their Society 1. Dharamhaba, 2. SangaiHawiBibarluHunnaiHaba, 3. KharsonnaiHaba, 4. BalandaEba Randi Haba, 5. Registry Haba.*

(1) DharamHaba

This kind of marriage considered as standard social marriage. According to this system Bride is selected by the parents of the Bridegroom and then marriage is settled after negotiation.

In Goalpara District this kind of marriage may solemnized in both the houses of Bridegroom and Bride. Bride-Price is common in Goalpara District.

(2) SangaiHawiBibarluHunnaiHaba

This a kind of social marriage. Marriage is constituted after negotiation. Bride price is common in this type of marriage.

(3) KharsonnaiHaba

This type of marriage also an irregular marriage because the Bride enters into the house of the Bridegroom before the settlement of the marriage. Actually, we can consider it a kind of love marriage.

(4) BalandaEba Randi Haba

Lastly, this type of marriage is known as widow re-marriage. A widow can re-marry any person who is not related to her, if she marriage second time then she would loss the ownership of property of her deceased husband. A person whose wife has died can also re-marriage and recognized by the society.

• Editor-Daimary, Bhobendra :SomajBikhanthiGoalparaZillBoroSabmilan, 210, Chapter-IV, Page- 14 to 30

5. Registration Marriage

This is a kind of modern marriage now recognized by the Bodo society in Goalpara District. In this type of marriage the parties may perform their marriage by registration as per the law of *Special Marriage Act. 1995*.

There are also description in the "SamajBihanthi" recognized by *GoalparaZilla Bodo Sanmilan*, about some kind of marriage which is offenship type of marriage.

(i) Marriage with the wife of elder brother

In this type of marriage, if the elder brother has died then the widow can marry the younger brother of her died husband. This is a kind of irregular type of marriage. Some times rape may be committed by the younger brother of wife's husband and as such it is not recognized by the modern Bodo Society.

(ii) Forcefully Rape the wife of the other person

Some rules and regulation has prescribed in the society to prohibit such kind of offense which is considered rape in the Modern Bodo Society. If someone committed such kind of offense then he may be guilty and have to pay a sum of Rs. 500/- (Rupees Five Hundred) only as a penalty.

(iii) If Someone Marry the wife of another person

If someone marry the wife of the other person such kind of marriage is considered irregular marriage and the accused have to pay Rs.250/- (Rupees Two Hundred Fifty) only as a penalty for the offense and the amount of penalty may be increase upto Rs. 800/- (Rupees Eight Hundred) only. But this type of marriage at present prohibited as per law.

(iv) If a person Raped his own related and marriage

This also a kind of irregular marriage. An at present the modern Bodo Society considered it a kind of offense.

(v) Inter Caste Marriage

Marriage of the *Boro* people shall not be invalid by reason only of the fact the parties thereof-

1. Not belong to the same cast, Tribes or *gotra* etc.
2. Belong to any High or Lower caste of *hindu*. Hence *Boro* marriage between the Tribes should not deemed to invalid by reason only of the fact that the parties thereof belong to different religion castes, sub- casted or sects.

But the *Boro* people in Dudhnoi area observe some social rules if the parties of the marriage is not belong to the same religion, castes, sub- castes or sects.

(vi) **Re-Marriage between Divorced Couple**

In the Goalpara District this kind of marriage also recognized by the society but there are some rules and regulations observed by the society and may be punished by the society and have to pay some amount of penalty.

If any Party fail to perform marriage as per mutual discussion

If any Party fail to perform the engaged marriage as per negotiation then the Bodo people in Goalpara District follows some rules and regulations.

If the negotiated marriage fail to perform or may they return the bagaged of Goldest and sweetings then the party who fail to perform the marriage they had to pay a penalty of 500/- or may Rs. 1000/-. This amount of rupees also may divided between the two parties. Some portion also may be given as penalty to the other side or to the society where they belong to. The *Bodo Barodal* and *GoalparaZila Bodo Sanmilani* also approved almost same kind of rules and regulations regarding failure to perform marriage as per negotiation.

Legal Status : The *Boro* people are belongs to the schedule Tribe in Assam. Although "Bathou Religion" is considered the original religion of *Boro* people, but, in course of time they are converted to various religion such as *Brahma, Christianity, Sangkari, Jayguru, Sanaton* religion etc. Although, *Boro* people are converted to various religion or may they are not guided by their own personal religion but they have every rights to follow the same customary laws of succession, inherience, marriage etc., as if there has been no conversion Then only he may claim to be treated as a member of the concerned scheduled cast or scheduled Tribe.

It is to be noted that "only the President of India" after consultation with the heads of the scheduled caste or Scheduled Tribes vide Arts. 366 (24) and (25) of the constitution of India such lists are to be publicly notified for each state Union Territory or parts or regions thereof.

It is also to be mentioned that for that purpose of being treated as member of the scheduled Tribes in spite of his conversion to same other religion may still claim to be regulated by the law applicable to those two communities. In that event ha has to established that in spite of conversion, he or his ancestors, over a long time past have been following the same customary laws of succession, inheritance, marriage et. As if there has been no conversion then only he may claim to be treated as member of the concerned scheduled cast or schedule Tribe".*

*Mookerjee's Asutosh : Marriage Separation and Divorce, Forth Edition, 2008, Page- 32, State of Kerela Vs Chandra Mahanan 200 Cr LJ 1436 (SC).

Conclusion

Since the Bodo people who are living under the 36 No. Dudhnoi(ST) L.A.C. accepted various kind of religion such as *Bathwo*, *Jayguru*, *shankari*, *Brahma Dharma*, *Christianity* etc. and as such their customs relating to marriage are also different. So, we can not generalize the marriage of different types of religion of Bodo people.

References

1. Brahma, Dr. Kameswar: *Aspects of Social Customs of the Bodos*, reprint 1995.
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