
A CONTEXTUAL ANALYSIS OF THE GALO TRIBE'S CUSTOMARY LAWS IN ARUNACHAL PRADESH WITH SPECIAL REFERENCE ON MARRIAGE AND DIVORCE

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ABSTRACT

Marriage is a socially sanctioned sacrament, held in high regard by all cultures. Marriage is a legal and socially recognised partnership between a man and a woman. Marriage is still seen as having its foundation in a person's undying devotion to their spouse.

Different kinds of marriage are practised in every culture throughout the globe. Located in Arunachal Pradesh are the people who call themselves Galo. In this study, the author will assess the many wedding customs practised by the Galo's. Every individual in Galo civilization has the right to choose their own life mate. Parents give their children a lot of leeway when it comes to finding a life partner. Data collection includes both primary and secondary sources. Primary data is gathered through interviews, observations, and case studies. Also, research was conducted in a few of Galo communities in Arunachal Pradesh's West Siang District.

Keywords: Marriage, Culture, Child Marriage

Introduction

Marriage has always played a significant role in human history and culture. Marriage is the legal acknowledgement of the physical partnership between a man and a woman. Marriage is a cornerstone of society and a fundamental component of human nature. It has been noted that the state has governed many areas of human lives, including marriage, from the dawn of civilization. To protect the essential customs of the many religions that make up India and to promote the principles of religious freedom, there is no uniform legal structure governing marriage in the country of India. When two individuals decide to get married, they must first get approval from the country's matrimonial or marriage laws. The current marriage law in India is distinguished by its vitality and diversity, reflecting the country's multifaceted people. It is one of Arunachal Pradesh's 27 main tribes, and the Galo people are among them. The Tani people, of whom the Galo are a member, also include the Adi, the Apatani, the Nyishi, and the Tagin. Although they have a common origin in Abo Tani, members of the Tani ethnic group exhibit linguistic and cultural diversity. Galo was once considered a subtribe of the Adi, but are now recognised as their own people within the Tani ethnic group. The Galos are the predominant ethnic group in the West Siang district of Arunachal Pradesh. The Galos are organised into subgroups, each of which consists of its own set of villages populated by members of the same clan. Some of these groups, such the Karga, Karka, Bogum, Tator-Tani, Paktu, and Lodu, have even deeper sub-groupings. Their initial name was Tapo, but the neighbouring Minyong village gave them the name Galo, as stated by Husain (1995:73). The Galo people live in the west Siang districts, which make up the heart of Arunachal Pradesh.

The Galos are genetically Mongoloid. The Galo language is spoken by this group; it is related to the Tibeto-Burman subfamily of the Sino-Tibetan language family and is not dissimilar to the Adi dialect. Galian civilization is patrilineal and patrilocal. The Galos are farmers who rely solely on the production of rice and corn to fuel their economy.

One of their main foods is rice. They also consume rice-based products such as rice beer (apong) and rice cake, which are fortified with other grains like as maize and millet. Large quantities of wild greens are harvested. All of their major celebrations centre around their crops. Galos people domesticate a wide variety of mammals and birds, including cows, goats, mithuns, pigs, cats, dogs, and fowls. Among them lives a myth about the domestication of animals. The Galos are known for building sturdy homes that only need considerable maintenance every six to seven years. Their homes are made of bamboo, reinforced with wood, and strung together

with cane. One to ten feet from the ground, the house rests on wooden piles. As is the norm in their culture, they resolve their interpersonal conflicts through a social council (keba). Donyi Polo is the name of their religion and the Sun and the Moon are their ultimate god, both of which have deep roots in their ancient tribal traditions. They worship a wide variety of both evil and good gods. The nyibu is the title given to their most revered priest. They engage in both monogamous and polygamous marriages, but the former is far more frequent among the Galos. Once common, marriage between minors is now illegal in all but a few countries.

Customary laws: What they are and how they work?

The gender dimension of customary laws can be seen in the ways in which traditional gender roles are established. We will not cover every detail of it in this chapter, but rather focus on the factors that affect women and determine how much property she can inherit. Indian tribal customary law

The Scheduled Tribes are protected by the Indian Constitution so that they can flourish in their own ways. In law, an age-old practise is not supplementary to the norm but rather an integral component of the body of precedent set by ordinary law. In this view, the greater body of law issued and enforced by the formal State interacts with the smaller body of unwritten tribal customary law recognised as binding by their communities. Their contribution to the upkeep of tribal cohesion and identity is often disregarded in such exchanges. For this reason, the present research on tribal customary laws pays special attention to the function they serve not only as normative, conventional guidelines for governing tribal communities, but also as a means of maintaining tribal unity. A feature of most tribal customary rules is their emphasis on the group. This feature originated from people's need to regulate the environment or natural resources in their immediate vicinity. Most of these customs aided local communities in being self-sufficient, and they centred on agriculture, particularly the jhum that provided the majority of their food. The presence of the woodland rounded out the picture. The communal ownership structure governing such provisioning was unique. Considering the significance of land and woods to their way of life, their beliefs, rituals, and practises were all arranged accordingly.

Legal Definition of Customs

Most indigenous communities in the region hold that their customary legal system is fundamental to their own existence. Their roots are in routines that evolved into traditions through social reinforcement of the underlying norms. When people of a community perceive

a norm as sacred and necessary to maintain the integrity of their culture, the norm is elevated to the status of law. This is especially true in more traditional societies where norms for conduct were based on social convention rather than formal legislation. These kind of laws are essential to a stable community because they ensure that everyone plays by the rules. Therefore, we may say that Customary Law is a system of regulations that become binding on a community because they have been consistently followed for a long period. A culture's traditions are important to who they are (Singh 1993: 17) because they establish norms for behaviour, establish how those norms are to be enforced, and determine the consequences for breaking those norms. Thus, a customary law is the usual course of action of a society and incorporates do's and don'ts based on its norms, customs, and usages, mechanisms like taboos, punishments, social rituals, culture, public opinion, and ethics of each individual, and thus restrains their pattern of behaviour (Vitso 2003: 5). Social, cultural, and religious elements of people's lives are governed by these rules and conventions.

Religious categorization of marriage regulations

The first Governor-General of British India, Warren Hastings, basically instituted the concept of applying personal rules in weddings in 1772, and the British colonials continued this practise throughout their rule in India. By maintaining the same legal stance on weddings after India's independence, the government has made plain its goal to avoid offending people's religious beliefs. Marriage legislation, which M.P. Jain calls "communal items of legislation," can be broken down into the following categories according to a country's predominant religious beliefs.

Research Methodology

The villages of Nari, Lumpo, and Depa in Galo's West Siang district have been analysed for this study. This study makes use of both primary and secondary sources. Extensive fieldwork in the developing world has been carried out with the purpose of gathering primary data. Secondary sources included research from libraries, journals, and the internet. Different types of observation, open-ended interviews, and case studies from the field of anthropology have been used as approaches for gathering empirical data.

Forms of Marriage

The Galos have their own unique marriage system that comprises several diverse varieties.

1. Marriage via Discussion or Arrangement (nyida tagaknam)

Marriages among the Galo are typically set up by parents (nyida tagaknam). "The choosing of the bride is often affected by the mother of the bridegroom," says Nyori (1993:241), "since she desires to bring a daughter in law from her parent's family, clan, or village and therefore she seeks to preserve the expanding link there." Nyida tatnam is a form of negotiated marriage in which the parents reach an agreement. The families of both the boy and the girl often make the proposal. Without the agreement of the child, the parents make the marriage decision. Typically, in an arranged marriage, it is the boy's parents who take the first step toward a wedding. Parents often start looking for a bride for their son when they decide he is of marriageable age. When the parents have found a lady they think will make a good daughter-in-law, they may drop hints about her to the boy through his cousins or other acquaintances. If the young man gives his assent, the matter will proceed. On the other hand, planned weddings can also occur when a male expresses his desire to wed a certain lady to his family. Now it's up to the parents and other family members to work out a compromise with the girl's parents. However, the boy's family keeps a close eye on their son and daughter-in-law-to-be, and they talk openly about the predominant position of the girl's relatives and parents as well as the line of descent of the girl's father and mother.

If the boy's parents and relatives are happy with the circumstances, they will propose to the girl's parents. To connect them in this way is universally seen as correct. The (Mibu) Priest then visits the residence of the groom to determine whether or not the marriage would be successful by reading omens written on chicken liver (Porok Roksin Kanam) or pig liver (ek roksin kanam). The parents, other relatives, and the lumpo (Mediator) will visit the girl's home to make a formal marriage proposal if the outcome is positive. Nyida tadnam is the name for this method. The boy's family sends the middle man (lumpo) to the girl's home with a conical basket containing rice, beer, meat, tapum jeera (a piece of fabric), and vegetables (egin). If the girl's parents say no, the suitor does not provide the Topum Ejji (Eri chador/shawl) as a return offer. The boy's parents and relatives arrange a wedding date once he returns from the girl's home. Nyida is the ritual that takes place once the date has been set. The Galos do not practise elopement marriage. If a boy and a girl are in love and want to get married, their parents will often agree to the marriage through discussion even if they aren't really enthusiastic about the union.

2. Pre-birth Betrothal (Neppe nyida) (Neppe nyida)

Pre-birth betrothal (*Neppe nyida*) is the marriage where the choice is chosen by both parents of an unborn child right at the moment of conception, and it is a customary part of the Galos' marital rituals even before the kid is born. Marriage in this form is uncommon and occurs only among close friends, known as *kens*. Padu says that a couple should get married "if one's child is a daughter and the other one other is a son" (Nyori, 1993: 243-245). If a man was unable to provide for his bride price before she was born, he would be betrothed to another man. If the other party agrees to pay the bride price, the first party promises to marry off his daughter to the groom's son. If that's the case, he'll get the money for his unborn daughter's wedding.

3. Marriage of Minors/Child Marriage

The Galo traditionally engaged in child marriage (*neppe nyida*) at a high rate. In the recent past, the Galos' marriageable age ranged from early childhood to just past maturity. Boys and girls under the age of majority can be engaged, and it is the responsibility of the parents to decide when the wedding will take place. Marriage between consenting adults is a normal and accepted social norm now-a-days.

4. Exchange Marriage

The practise of marrying someone else in exchange (*Nyime lape sinam*) is also widespread. In this case, two men does a little brother swap. Girls of marriageable age are traded between households to even out the burden of the bride price. Exchange marriages can be established regardless of age.

5. Abduction and coerced marriage

Abducted/forced *Nyimen sinam*, or "forced marriage," is a type of marriage in which a male kidnaps a girl and marries her. When a girl isn't ready to get married or doesn't agree with her parents' marriage choice, she may be kidnapped by a suitor. In this case, the girl's family knows about the kidnapping.

6. The Yigo/Rigo Ginam: A Marriage of Levitation

In addition to the traditional methods of gaining a wife (paying a bride price and participating in rituals), there are cases in which a man inherits his spouse. Levirate inheritance, known as *Yigo/Rigo Ginam* in the local language, is the norm. Any unwed elder or younger brother of the deceased husband is legally entitled to take the widow as his wife after the death of the spouse. The brothers of the dead are the only people who may legally marry the widow because they paid the bridal fee. In the absence of a brother, the surviving cousin or other close family

member would inherit the deceased's wife. A brother who inherits a widow and keeps her as his wife is responsible for the remaining half of the bride price if the deceased husband paid half of it. As a means of providing care, protection, and assistance, the primary motivation for the Galo to remarry the widow to the brother or relatives of the dead husband is to preserve the widow and her children within the family.

7. Engaged in a Sorority (Yigne Lanam)

It is not uncommon for Galos men to remarry after losing a wife. If his wife passes away, his surviving sister or cousin sister may give him their blessing to remarry. Such a marriage is not coercive. There are cases of remarriage among the Galos when the primary motivation was to increase the population. If the wife is sterile, the man will ask her for permission before marrying his sister or another woman to have children with. It is not up to the husband to push the marriage if his wife's sister and parents are against it. If both parties are in agreement, however, a fresh wedding can be organised without the need for a bride price. Yigne lonam is the name for this type of union.

8. Bride Price/Cost (Ari)

The Ari, or bride price, is an integral aspect of each Galo wedding. The bride price is traditionally given to the bride's father in cases of kidnapping or arranged marriage. In accordance with tradition, the groom's family traditionally presents a gift to the bride's father. Bridal dowry was known as "Ari/Ome Ari" by some Galo peoples. To put it simply, a bride price is paid because a daughter is seen as a valuable financial asset to the family. The family of the prospective husband determines the bride price. For the sake of maintaining their reputation, wealthier grooms' families pay a higher bride price than those of fewer means. The traditional Galos bride price consists of mithuns, cows, pigs, a bronze bowl, and a single piece of cloth. Her wedding means the family will no longer have access to her helpful support. Her family takes the bride price as compensation for their loss. The bride price might be paid in a lump sum or in instalments, whichever is more convenient for the groom's family. Non-payment of bride price can have negative consequences for the marriage and the social standing of the groom's family, depending on the economic condition of the lads. The cost of a bride varies from one household to the next. A affluent household may provide ten cows, ten mithuns (*Bos frontalis*), and a collection of brass cooking utensils, whereas a poor family might only contribute one pig, one cow, one mithun, and a few large and tiny pieces of brass cookware.

Mothers' jewellery, brass cooking utensils, beads, chicken, seeds, and clothing are all gifts to the brides. The bride's family is also expected to present gifts to the groom's family in exchange for the monetary portion of the bride price.

Alterations to the Marriage System

Cultural elements from several civilizations are slowly being absorbed into Galo culture. The Galo's marriage system is evolving as a result of rising literacy, technological sophistication, and economic prosperity. Many of these shifts may be traced back to the individual's decision to become a Christian. One of the most obvious ones is how their personalities have shifted since becoming married. For the most part, Galian weddings are negotiated between sets of parents. The bride price, which is customary in Galo society, fluctuates frequently. Traditionally, the bride's father would have to pay for the wedding with a variety of items, including land, cattle, kitchenware made of brass, and mithun (a type of woven fabric) (*Bos frontalis*). However, in modern times, the bride's father and family are more concerned with the happiness of their daughter and granddaughter than with extracting any bride price from the groom and his family. They also want their future son-in-law to forego polygamy if the two of them ever tie the knot. The bride price paid by the groom's parents does not need to be repaid by the parents of the divorced females. Today, the bride price is much lower than in the past. In modern Galo culture, marriages that fail because the woman's family cannot afford to pay the bride price no longer occur. Love weddings are increasingly popular among the youth, and parents are supporting the system. Previously, planned marriage was quite frequent among them, where the opinions of the boy and girl were given priority. More and more parents are allowing their children more autonomy in relationship decisions, including in the context of planned marriages. It is not acceptable for the educated and progressive Galo women of today to take a second or third husband. The original Galo marriage ritual is very similar to the Christianized one practised by most Galo nowadays. While Christian Galos tie the knot at the church, their animist neighbours celebrate the union at home. Bride price is also paid in Christian marriages, however unlike in traditional Asian cultures, Christians do not use rice beer in their ceremonies. Rather of the traditional bride price of rice beer, they now provide the readily accessible alternatives of tea, soft drinks, and sweets. Pastors and priests in Christian churches officiate weddings. A priest will choose the wedding's official date, and on that day the bride and groom will officially tie the knot. Wedding attire is different for a Christian ceremony. The bride, of course, gets the final say on whether she dons the traditional white

dress or the white gown customary for Christian brides. However, Christian brides traditionally wear gowns, while grooms traditionally don black suits. Galo's customs allow them to dress and accessorise in the manner of their ancestors.

Women are not yet ready to bow down to the men in her husband's family. Although it is becoming less common, the practise of brothers taking turns caring for their sisters-in-law (known as *cicisbism*) is still practised in more rural areas. Although the law once banned women from inheriting from their parents, it has since been altered such that widows no longer have any claim to their husband's property upon his death. While the number of women who inherit property is small, changes have occurred as a result of the effect of contemporary law on traditional jurisprudence. We cannot expect all families to be able to afford to arrange traditional marriages due to their high cost. The Galos marriage ritual has also experienced notable alterations as a result of the pervasive effects of modernization on many aspects of Galian society. Marriage nowadays is an economic transaction. Market utensils made of aluminium or steel have replaced the traditional bamboo utensils.

They also take care to ensure that no fruits, vegetables, or meat are wasted throughout the wedding. Galo culture has finally put an end to the widespread practise of child marriage. Some of them still practise omen-reading before getting hitched. Both chickens and pigs are used for the test. Contrast this with modern times, when couples are less likely to "pop the question" and throw a big party to celebrate their engagement if an omen is less than favourable.

Law relating to divorce

As said before, all of the tribes have a system in place at the village level to ensure that their traditions are kept alive. Marriage, property, and other types of conflict are all handled by these conventional means of social regulation. Prior to the wedding, they serve as the authority that grants permission, and after the wedding, they mediate any disputes that may have arisen. Here, we'll focus on the second function.

The Role of Women in Resolving Conflict After Divorce

Women in tribal societies report experiencing discrimination and victimisation at the hands of both strangers and members of their own communities and families. This bias manifests itself in a variety of ways depending on the woman's social standing in her community. It morphs into something else if a marital dispute develops into a possibility of a divorce. Tribal societies

often plan for this kind of disagreement to be resolved through negotiation. Although there are no religious prohibitions against divorce in Aka culture, it is not often practised. A spouse has just as much legal standing in a divorce petition filed by either spouse. Ill health, infidelity, or infertility might all be grounds for divorce. The woman may file for divorce if he engages in extramarital affairs, physically assaults or otherwise threatens her, or if he is addicted to alcohol or is prone to arguments. In the event of a divorce, the council decides who gets custody of the kids. They are often the man's duty, although a nursing infant stays with her mother (Koley 2004: 116). In certain communities, a guilty wife is expected to pay twice as much as the original bride price back to her husband. The husband will receive half the bride price or nothing at all if he is found guilty. The Nugo presides over village council meetings at which divorce and bride price disputes are resolved in the presence of the couples, their parents, and the intermediaries. After a legal divorce has been granted, the wife is no longer legally bound to her former spouse and is free to remarry.

Divorce is legal among the Adibasi, however it is rarely practised. In the event of marital strife, women often give in to their husbands' wishes. Adaptation to the duties of marriage is natural in a loving relationship, however there are divorces that result from this (Kaniampady 2003: 132-133). Divorce papers can be filed by any spouse. Torture, alcoholism, chronic fighting, health problems, and extramarital affairs are all contributors. When a couple marries against the wishes of their parents, it's possible that a divorce may result. It's common practise for wives to leave their homes if their husbands are intoxicated or violent. After then, the village council listens to both sides and tries to mediate peace (Bhowmick 2002: 142). When a family dispute arises, it is resolved by the family's elders right in front of them. Of the sample group, only two women reported that the conflict was resolved by the tribe chief or the village council. The majority keep the fight at home.

While divorce was once widespread among the Angami, it is declining, especially among the educated and the Christian population. Adultery, infidelity, or a wife's inability to conceive are all potential causes, but a simple misunderstanding between partners or families can also contribute. A divorce can be started by either partner and can sometimes include the entire town. The divorce settlement should reflect the gravity of the problem. If the couple cannot reach an agreement, they may seek advice from mutually-accepted family members, whose judgement shall be final (Goswami 1985: 48). Forty people out of a total of one hundred responded that divorce disagreements are still often settled by older relatives. If it doesn't work,

they take it up with the clan's elders. However, it appears to be an exception, since only 6 respondents mentioned it while 51 claimed that people of both sides sit down to settle it. After a divorce, the woman usually receives one-third of the assets, in addition to anything she contributed into the marriage. On the other hand, if she commits adultery, she would lose everything, including her wardrobe and decorative items. Since the children are members of the husband's family, he has the legal right to seek custody of them after a divorce. A man's portion of the property is always greater, regardless of who was at fault.

Even though divorce is uncommon, it is legal among the Dimasa. Either partner can file for it if they've committed adultery, been subjected to torture, or discovered they're sterile. If a divorce appeal is received, the family's grandparents will work to smooth things out (Nunisa 2004: 14). If it doesn't work, it gets taken to the Khunang. If he rules in favour of divorce, it can go ahead. Ninety-eight percent of respondents indicated that the village council decides divorce cases, whereas two people said that family or village elders hear from both sides and then make a decision (Goswami 1986: 18). Marriage disputes are sometimes resolved by the families of the parties involved. If the husband is at blame for the divorce, he loses the bride price, but if the wife is at fault, she must give it back to her husband. Our current research indicates, however, that refund decisions about bride prices are made jointly by the Khunang and the village elders. With an amicable divorce, the bride price is also determined amicably. After the separation, Dad will take the boys and Mom will take the girls. Following the completion of certain rites in accordance with the couple's cultural norms, they are free to remarry (Barpujari 1997:126). Adultery, cruelty, reluctance to sustain the family, barrenness, unsound mind, and infertility are all acceptable reasons for divorce under Garo customary law (Marak 2000: 123). The mahari elders arbitrate divorce cases and try to reach mutually agreeable outcomes wherever possible. It is traditional for a couple to consult with their chra and mahari before making major life decisions. The chra of the wife must begin the process and provide final approval. Except for one responder, everyone else agreed that divorce cases are still typically resolved by respected family or clan elders. In cases when the family patriarchs are unable to reach a compromise, the dispute is taken to the clan patriarchs of both sides. If they continue to disobey their chra and mahari despite being warned many times, they will have to pay a fee of Rs 60 or more. However, if the couple gets a divorce by agreeing to it, they won't have to pay any fees (Goswami 1979: 85). If a husband is found guilty of adultery, he must leave his home with nothing, but if a wife is found guilty, her husband may file for divorce and she must pay this sum. When parents split, a kid will take their mother's surname.

Remarriage is an option for both previous partners. The normal course of action following a divorce is for the former spouses to cut off all contact.

Conclusion

Arunachal Pradesh, in the north-eastern corner of India, is home to a large tribal population. Galo is one of Arunachal Pradesh's 27 main tribes. Both of these Galo's regions have different marriage customs. The Galo possess marriages between members of different clans are forbidden. Examples include arranged marriages, love marriages, and marriages based on mutual respect and compromise. kidnappings, often known as abductions, occur frequently. Their culture has a long history of using underage brides. and in certain cases the marriage of the unborn children was planned. and if the pregnant woman gives birth to a boy and a girl, the couple is certain to be married done at the right moment They engage in levitation and sorority life. An unwed man may wed the older sister-in-law, and widows can wed the younger brothers about the dead. Galo's have been spotted engaging in a kind of pseudo-polyandry (cicibism). Physical intimacy with one's spouse is permitted after marriage siblings, cousins, and other relatives of his family tree. Most marriages last a lifetime, and divorce is very uncommon them, and then after that they may remarry in accordance with the pristine rules. The couple's children are living with their respective families after their divorce orientation. Historically, they engaged in cicibism, a religion that is no longer common among them.

Due of her versatility, a Galo girl is highly valued in her community a nuclear family She is the primary housekeeper, chef, and food provider also work as a caregiver for pets, kids, and the elderly is a method of agriculture based on constant change. Therefore, a family suffers an irreparable loss when a daughter gets married. Such the bride price is a kind of loss compensation often paid by the husband between them. The words "Mithun," "cow," "pig," "brass utensil," "country liquor," and "bamboo basket" monetary gifts, the quantity of which depends on the groom's relationship to the bride's father, are provided by the groom to the bride's financial standing.