

DECLARATION BY THE CANDIDATE

I, Reshma Chama, bearing Roll Number LL.M. Roll No- LAM21013, hereby declare that the dissertation titled **“MATRIMONIAL PRACTICES AMONG WANCHO TRIBE: A SOCIO-LEGAL STUDY IN LONGDING DISTRICT OF ARUNACHAL PRADESH”** is the original work done by me and that the content of the dissertation did not form the basis for the award of any Degree to me or anybody else to the best of my knowledge. The work has been prepared and written under Dr Madhumita Acharjee, Assistant Professor, Department of Law, Tezpur University, Tezpur. The dissertation has not been submitted to any other University or Institution. This dissertation is submitted to Tezpur University, Tezpur, for the Masters of Law (LL.M) award.

Date:

Place- Tezpur University, Tezpur.

(Reshma Chama)



E-mail: madhuap@tezu.ernet.in

Mobile: +913712275784

Department of Law
School of Humanities and Social Sciences,
Tezpur University
Napaam, Assam – 784028

Dr Madhumita Acharjee
Assistant Professor

CERTIFICATE FROM THE SUPERVISOR

This is to certify that the Dissertation titled “**MATRIMONIAL PRACTICES AMONG WANCHO TRIBE: A SOCIO-LEGAL STUDY IN LONGDING DISTRICT OF ARUNACHAL PRADESH**”, submitted by Reshma Chama for the award of Master of Laws, Tezpur University, Tezpur is a record of bonafide research work carried out by her under my supervision, as per the Tezpur University Code of Academic and Research Ethics. To the best of my knowledge and belief, the contents of this dissertation have not been submitted and will not be submitted, either in part or in full, for the award of any other degree or diploma in this Institute or any other institute or University. The dissertation fulfills the requirements and regulations of the University and meets the necessary standards for submission. Her dissertation is an original work resulting from her sustained academic pursuit.

Dr Madhumita Acharjee

Date:

Correspondence Address: Dr Madhumita Acharjee, Department of Law, School of Humanities and Social Sciences, Tezpur University, Napaam, Assam – 784028, INDIA



E-mail: hod_law@tezu.ernet.in

Mobile: +913712275781

Department of Law
School of Humanities and Social Sciences,
Tezpur University
Napaam, Assam – 784028

Dr. Priya Ranjan Kumar
Associate Professor
Head of the Department

CERTIFICATE FROM THE HEAD OF THE DEPARTMENT

This is to certify that Ms. Reshma Chama carried out her original research work on the assigned topic “**MATRIMONIAL PRACTICES AMONG WANCHO TRIBE: A SOCIO-LEGAL STUDY IN LONGDING DISTRICT OF ARUNACHAL PRADESH**” under the guidance of Dr Madhumita Acharjee, Department of Law, Tezpur University, Assam. The present work has been carried out as per the guidelines available for the Dissertation guidelines of Tezpur University, Tezpur.

Dr Priya Ranjan Kumar

Date:

Correspondence Address: **Dr Priya Ranjan Kumar**, Department of Law, School of Humanities and Social Sciences, Tezpur University, Napaam, Assam – 784028, INDIA

ACKNOWLEDGEMENT

The advice, assistance, and encouragement I got while preparing my dissertation have made a substantial contribution, without which I would not have been able to complete it. I want to start by expressing my gratitude to my mentor and supervisor, Dr Madhumita Acharjee, for her advice, patience, support, and helpful feedback. I appreciate her efforts to guide me through my research, especially in helping me structure my ideas logically. She assisted me in stripping ideas down to their most fundamental components before building them back up in a structured way. I also acknowledge her support and kindness in getting me through this endeavor.

Additionally, I would like to convey my sincere gratitude to Dr Priya Ranjan Kumar, sir, Head of the Department, for his support and assistance when I began working on my dissertation. I appreciate his fostering our academic confidence and preparing us to become postgraduate research scholars. I would also like to sincerely thank the Department of Law faculty members for their constant assistance. Lastly, I want to thank my family, friends, and loved ones for their ongoing encouragement, support, and financial assistance in enabling me to pursue my Master's degree.

RESHMA CHAMA

CONTENTS

ABSTRACT.....	iii-ii
DECLARATION BY THE CANDIDATE.....	iii
CERTIFICATE FROM THE SUPERVISOR	iv
CERTIFICATE FROM THE HEAD OF THE DEPARTMENT.....	v
ACKNOWLEDGEMENT	vii
LIST OF ABBREVIATION.....	x-xi
LIST OF STATUTES.....	xii
LIST OF CASE.....	xiii-xiv
LIST OF FIGURES	xv
LIST OF TABLES.....	xvii
CHAPTER-1.....	1-21
INTRODUCTION	1
1.1 Background of the Study.....	1
1.2 Conceptual Framework	3
1.3 Statement of the Problem.....	5
1.4 Aim of the Study	7
1.5 Significance of the Study.....	7
1.5 Literature Review	8
1.6 Research Objectives	15
1.9 Research Questions	16
1.10 Research Methodology	16
1.10.1 Research Design.....	16
1.10.2 Mode of Citation.....	16
1.10.3 Universe of the Study.....	16
1.10.4 Sources of Data Collection	16
1.10.5 Data Collection Procedure	17
1.10 Limitations of the Study	19
1.11 Operational Definitions.....	19
1.11 Chapterisation.....	20
CHAPTER- II.....	22-37

JURISPRUDENCE OF THE INSTITUTION OF MARRIAGE UNDER DIFFERENT RELIGIONS	22
2.1 Concept of Custom and its Essentials.....	22
2.1.1 General Custom	23
2.1.2 Local Custom.....	24
2.2 Essentials of Valid Custom.....	25
2.2.1 Antiquity	26
2.2.2 Morality and Reasonableness	27
2.2.3 Continuance, Consistency and Certainty	28
2.2.4 Conformity with Statute Law and public policy.....	28
2.2.5 General and Peaceable Enjoyment.....	29
2.3 Concept of Marriage and Divorce under Different Religions	30
2.3.1 Provisions under the Hindu Marriage Act (Hm Act, 1955).....	31
2.3.2 Dissolution of Marriage in Hindu Law	33
2.3.3 Marriage under the Mohammedan law	34
2.3.4 Dissolution of Marriage in Muslim Law	35
2.3.5 Conclusion	36
CHAPTER- III	38-53
LEGALITY OF CUSTOMARY LAWS OF ARUNACHAL PRADESH.....	38
3.1 Introduction.....	38
3.2 Historical Perspective of the Administrative Growth in Arunachal Pradesh	39
3.2.1 Daying Ering Commission (DEC), (1965)	41
3.3 Constitutional Provisions Regarding the Legality of Customary Laws.....	43
3.4 Governor’s Accountability for upholding Law and Order (Arunachal Pradesh)	45
3.5 Special Provisions for the Administration of Justice.....	48
3.5.1 Status of Village Council under The Assam Frontier (Administration of Justice) Regulation, 1945	49
3.5.2 Status of Village Council under Arunachal Pradesh Civil Court Act, 2021	50
3.6 Conclusion	53
CHAPTER-IV	54-82
MATRIMONIAL PRACTICES OF THE WANCHO TRIBE OF ARUNACHAL PRADESH/STUDY	54
4.1 Introduction.....	54

4.2 Marriage Procedure and Rituals.....	56
4.2.1 Royal Marriage System.....	56
4.2.2 Commoner marriage system	58
4.2.3 Divorce.....	59
4.3 An Analysis of Arunachal Pradesh Recording of Marriage Act, 2008.....	60
4.4 Matrimonial Practises among Wancho tribe Specific to Longding District: An Empirical Study	62
4.4.1 Arunachal Pradesh (State Profile).....	62
4.4.2 Longding District.....	62
4.4.3 Data Analysis by the Researcher	63
4.5 Conclusion	82
CHAPTER- V	83-87
CONCLUSION.....	83
5.1 Findings for Research Questions	84
5.1.1 Marriage under customary laws of the Tribe.....	85
5.1.2 Implementation of Arunachal Pradesh Recording of Marriage Act, 2008	85
5.1.3 Foundation of the Village Council in Wancho tribe.....	86
5.1.4 Participation of Tribal Women to restore their rights.....	86
5.2 Suggestions	86
5.3 Scope for Further Research.....	88
BIBLIOGRAPHY	i-vii
APPENDIX- 1.....	ix-xvi

LIST OF ABBREVIATIONS

APRMA	Arunachal Pradesh Recording of Marriage Act, 2008
APMIPB	Arunachal Pradesh Marriage and Inheritance of Property Bill, 2021.
APSCW	Arunachal Pradesh State Commission for Women.
SREAPAA	Societies Registration (Extension to Arunachal Pradesh (Amendment) Act, 2008.
AWWWS	All Wancho Women Welfare Society
LD	Longding District
NFHS	National Family Health Survey
IPC	Indian Penal Code
ST	Schedule Tribe
APSTW	Arunachal Pradesh Schedule Tribe Women
AAPSU	All Arunachal Pradesh Student Union
TCSOs	Tribal Civil Society Organizations
APCCA	The Arunachal Pradesh Civil Court Act, 2021.
AFAJR	The Assam Frontier (Administration of Justice) Regulation, 1945.
GOIA	Government of India Act of 1935.
DEC	Daying Ering Commission.
NEFA	North-East Frontier Agency
VC	Village Council
NEI	North Eastern India.
SCASTC	Scheduled Areas and Scheduled Tribes Commissions, 1960.
CC	Customary Court
DC	Deputy Commissioner
AC	Assistant Commissioner

MR	Marriage Reporter
DMR	Divisional Marriage Recorder
SDMR	Sub-Divisional Marriage Recorder
NEARA	The North-Eastern Areas (Reorganisation) Act, 1971.
SAPA	The State of Arunachal Pradesh Act, 1986.
GQF	Google Questionnaire Form.
PM	Polygamous Marriage
NGO	Non-Government Organization.
UAMR	Urban Area Marriage Reporter
RAMR	Rural Area Marriage Reporter.
WC	Wancho Village
AP	Arunachal Pradesh

LIST OF STATUTES

The Arunachal Pradesh Civil Courts Act, 2021 (Act No 108 of 2021)
The Arunachal Pradesh Recording of Marriage Act, 2008 (Act No 1 of 2009)
The Assam Frontier (Administration of Justice) Regulation, 1945, (Act No 1 of 2005)
The Central Laws (Extension to Arunachal Pradesh) Act, 1993 (Act No 44 of 1993)
The Constitution of India
The Criminal Laws (Arunachal Pradesh Amendment) Act, 2018 (Act No 3 of 2019)
The Government of India Act of 1935
The Hindu Marriage Act, 1955 (Act No. 25 of 1955)
The Indian Penal Code, 1860 (Act No 45 of 1860)
0. The Muslim Women (Protection of Rights on Marriage) Act, 2019 (Act No 20 of 2019)
1. The North-Eastern Areas (Reorganisation) Act, 1971, (Act No 81 of 1971)
2. The Societies Registration (Extension to Arunachal Pradesh) (Amendment) Act, 2008 (Act no. 9 of 2018)
3. The State of Arunachal Pradesh Act, 1986 (Act no.69 of 1986)

LIST OF CASE

Name of the Cases	Page Nos
A	
<i>Abdul Kadir v. Salima, (1886) ILR 8 AII 149</i>	34
<i>Ambalika Dasi v. Aparna Dasi 47 Ind Cas 402</i>	26
<i>Anis Begum v. Mohammad Istafa, AIR 1933 AII 634</i>	34
B	
<i>Balaswami Reddiar v. Balakrishna Reddiar, AIR 1957, Mad</i>	27
<i>Bhaurao Shankar Lokhande and another v. State of Maharashtra, AIR 1965, SC 1564</i>	32
<i>Budansa V. Fatima bi, 22 Ind Cas 697</i>	29
D	
<i>Dastane v. Dastane, AIR 1975 SC 1534</i>	33
G	
<i>Gazula Dasaratha Rama Rao v. State of Andhra Pradesh, AIR 1961 SC 564: (1961) 2SCR 931</i>	30
<i>Gokul Chand v. Parvin Kumari 1952 AIR 231 1952 SCR 825</i>	26
H	
<i>Hammerton v. Honey, 24 WR 603</i>	28
<i>Hampton v. Hono, 425 U.S. 484 (1976)</i>	28
<i>Hupurshad v. Sheo Dyal (1876) 3, I.A 259</i>	31
M	
<i>Mohammad Baqar and Ors. V. Naim-Un-Nisa Bibi, AIR 1956 SC 548</i>	29
<i>Mr. X v. Hospital Z AIR 2003 SC 664.</i>	33
P	
<i>Produce Brokers Co. vs Olympia Oil and Coke Co, HL 15 Nov 1915</i>	27
R	
<i>Riju Prasad Sarma v. State of Assam, (2015) 9 SCC 461, 497. Supp (4), SCR 522</i>	30

<i>Rabindra Nath Dutta v. State of W. B, AIR 1969 Cal 55.</i>	
S	
<i>Sarla Mudgal v. Union of India, AIR 1995 SC 1531</i>	33
<i>Shamim Ara v. State of U.P, (2002) 7 SCC 518</i>	36
<i>Shayara Bano v. Union of India and Ors, AIR 2017 9 SCC 1</i>	36
<i>Smt. Shakuntala Devi v. Amar Nath, AIR 1982 P&H</i>	32
U	
<i>Udaya Swain v. Satya Swainani, (1970) 36, Cutt LT 1330.</i>	29
V	
<i>Velamuri Venkata Sivaprasad v. Kothuri Venkateswarlu, Supp (4), SCR 522</i>	30
<i>Venkata Subba Rao v. Bhujangyya, AIR 1960 AP 412.</i>	26-27

LIST OF FIGURES

Figure 4.1 Map of Arunachal Pradesh.....	62
Figure 4. 2 Map of Longding District of Arunachal Pradesh.	62
Figure 4. 3 Gender of the Respondents.....	63
Figure 4. 4 Marital Status of Respondents.....	64
Figure 4. 5 Status on Multiple Marriages.	65
Figure 4. 6 Types of Marriage.....	66
Figure 4. 7 Reasons for Polygamous Marriages	67
Figure 4. 8 Awareness on Marrying Twice is Punishable Offences Under the Indian Penal Code.	68
Figure 4. 9 Challenges Tribal Women Suffered Due to Prevailing Practice of Polygyny and Levirate Marriage.....	69
Figure 4. 10 Awareness on the Arunachal Pradesh Recording of Marriage Act, 2008.....	70
Figure 4. 11 Status of Rural or Urban Areas Marriage Reporter in the Area.	71
Figure 4. 12 Public Response on New Legislation Against Polygamous Marriage	72
Figure 4. 13 Respondent 1 (Y1): Mr. Shompha Wangsa, President of Wancho Council.	74
Figure 4. 14 Photo with Gaon Bura of Ranglua Village at Longding District of Arunachal Pradesh.....	75
Figure 4. 15 A photo with the Member of Village Council of Ranglua, Longding District in Arunachal Pradesh.	77
Figure 4. 16 A group picture of members of Wancho Council, Village Council and Elderly people.....	78
Figure 4. 17 A group photo of local notables including Wancho Council, Village Council, Gaon Bura of Ranglua Village, and Senior Advisor of Nyosa Women Welfare Society.	78
Figure 4. 18 A group picture of a member of Nyosa Women Welfare Society and Early People.	80

LIST OF TABLES

Table 4.1 - Gender of the Respondents.	63
Table 4.2 - Responses on Marital Status.	64
Table 4.3 - Responses Related to Multiple Marriages in Society.	65
Table 4.4 - Responses Related to Types of Marriages observed in the Respective Area.	66
Table 4.5 - Responses Related to Main Reason Led to Polygamous Marriages.	67
Table 4.6 - Responses Related to Awareness on Marrying Twice is Punishable Offences under Indian Penal Code.	68
Table 4.7 - Responses Related to Challenges Tribal Women Suffered Due to Polygyny And Levirate Marriage in Society.	69
Table 4.8 - Responses on Awareness Among People Regarding Arunachal Pradesh Recording of Marriage Act, 2008.	70
Table 4.9 - Responses Regarding the Status of Rural or Urban Areas Marriage Reporter in the Area.	71
Table 4.10 - Responses Related to Public Option on New Legislation Against Polygamy and Restore Women’s Rights in Arunachal Pradesh.	72
Table 4.11 - List of Interview Respondents.	73
Table 4.12 – List of Participants	78