

Desertion, Separation and Divorce in East Khasi Hills of Meghalaya: A Study of three Localities of Shillong

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Meghalaya is often regarded as a unique state in India as it is home to three matrilineal tribes called Garo, Khasi and Jaintia. Cornered in the North and east by Assam and in the South and western territory by Bangladesh, the three tribes have until today been largely able to sustain on the primordial family and kinship system despite various institutional and cultural onslaught. Moreover, despite the major impact of post liberalization market economy that has been felt by every community especially in the area of tradition and culture, little changes have been seen with regard to the matrilineal system of the three tribes. However, in the last two to three decades with the flow of capital and resources to and from the Northeast region of India, the state of Meghalaya has also witnessed a huge migration of people to the state and vice versa along with the phenomena of legal and illegal migrants both from within India and Bangladesh. Such mobility of people allowed for social and cultural interactions between the mainstream society with the small but different culture of the indigenous population of the state. Subsequently this also resulted in the gradual but increasing influence of patriarchal culture and customs on the Khasi society. This has changed the perception of many Khasi males of Meghalaya about traditional societal values, norms and customs of the Khasis to a significant extent. A Section of the radical Khasi men and women today believe that their traditional matrilineal system is backward and is hindering the community social mobility and development and at the same time is responsible for most of the social problems affecting both men and women. These people assert for a radical transformation of the matrilineal system under the banner of the SyngkhongRympeiThymmai (SRT) which was formed in 1990. They are convinced that the root cause of many of the social problems affecting the society in the post colonial and liberalized market society is the existing matrilineal system of kinship and lineage. They believed that the existing system often keep men at the bottom of the family inheritance practices and the system discriminate married men as they are left un-attended and least bothered by the parents. This is the social norms even though men before they marry and after might be contributing to the economic contributions at his maternal family. This organization have since been active in organizing and mobilizing local people especially the younger generation against the existing matrilineal system by stressing on the need to achieve equal rights and social status for men by reversing the centuries old matrilineal system of the Khasi succession into what they prefer to call as patrilineal system. They see this radical change as the way forward to deal and control many of the problems faced by males as well as the crime against women especially, the issue of separation, desertion, and divorce. The reasons often cited by men is that due to existing social system, men have the excuses of leaving the woman on mere pretext due to the lack of recognition, respect and also confidence when the man has to settle down with his wife by adjusting with the in-laws. In the Khasi system of inheritance furthermore, the problem is complex as the daughters although they may inherits the property, the youngest of them remains as the custodian. Often second-generation family relations are ridden with conflict. In the case of the uncles, although they have to be consulted with the family property, their already lost confidence in their in-laws makes them redundant in matters affecting their nieces and sisters. In this regard, the plethora of crisis and issues faced by women are left without any methods of dealing with them. Women of Meghalaya actually are encountered with worse situation in terms of seeking remedy when their marriage fail. Desertion, separation or divorce is one of the major crimes against women and because of which women in Meghalaya remain highly discriminated within the social organization.¹ Meghalaya is also a state with the highest levels of domestic violence among Northeast states with 31 percent of women report being beaten or physically mistreated.² Perhaps it is more striking that the same report indicted Meghalaya as second overall in India in the rate

¹Wangshimenla Jamir, A.P Warjri, labianglangKarbuki, WanshanskheRyndem& p. Rijied Lamare, “**The issues of Gender Discrimination in Meghalaya with Special Reference to East Khasi Hills**”, IOSR Journal of Humanities and Social Science, Vol. 19, issue 4, Ver. Vii (April. 2014) pp. 101-107.

²Ministry of Health and Family Welfare, 2001, p. 79.

of violence against women. For this reasons Khasi society is seen as a matrilineal society with a very patriarchal mindset.³

Separation, desertion and divorce are today some of the most serious and often ignored issues of gender discrimination being confronted by women of every culture. In India too there seems to be an increasing phenomenon of separations, desertion and divorces in the last few decades.⁴ While on the one hand women in major cities of India are confronted with the issues of security and patriarchal prejudice against their independence, on the other they are victims of the emerging working class conditions of live-in relationships that often resulted in desertion and separation.

In small cities like that of Shillong and its surroundings the problem gets more empowerment and secured and the clan system prevail over prejudice and discrimination that may arise out of wedlocks and economic demands of women's independence. However, the issue and its problems are even more afflicting due to clan's system of social relation dominance, perennial ignorance, moral imposition of social stigma and economic uncertainty of Khasi women despite the fancy of matriliney. The concern remains that there is absolutely no attention being given to this phenomenon of separation, desertion and divorce in the state of Meghalaya. There is no major study to indicate the influence of tribal culture, economy, social relations particularly in the contemporary social change that is affected by free market competition. Further women continue to struggle in the state of Meghalaya as there is no significant attempt at the policy level to deal with the crisis that these women encounter everyday of their life. The absence of any effort to acclimatize with the women lives, the struggle of single mothers to deal with the situation of bringing up their children, secure them their rights and entitlements should be considered as discrimination and crime against these women. In modern day society which is evolving rather fast and according to our economic needs, any social and kinship system, including matrilineal system have to also transform itself to accommodate the change thereon.

The Census report of 2011 reveals that Northeast India tops the chart of divorce, separation or desertion. The report further indicates that Meghalaya is next only to Mizoram in that chart. Although this official data shows that Meghalaya rate of separation, divorce and desertion stand at 4.11 percent, this seems to be the data taken of only those who have been officially under wedlock. The state of Meghalaya with its matrilineal system seems to be an odd case out. While some see the figure as the consequence of the iron fist of matriarchy, others see it as a liberating aspect of that system where women are free not to remain in such relationships where there is constant marital abuse, ill-treatment by their spouse, and there is less humiliation of social stigma for the wrong done to them. Among the crimes against women in Meghalaya, reports from Women commission have also shown that cruelty by husband or relatives is as high as 44 percent among other crimes against women.⁵

The site and methodology

The survey was conducted on three localities around Shillong. The localities included Nongrah, Nongmynsong and Umpling. The survey was carried out between July and December of 2017. All these localities fall outside municipal jurisdiction and one common characteristics of the three localities is that they are localities just at the periphery of Shillong city where all major establishments private and public are located the cost of living is relatively much cheaper than within the municipal areas and the population is more fluid in nature. These localities are also located in between the present Shillong town and the New Shillong and therefore, source of communication is more or less much easier to reach to the workplace. However, the significant difference between these localities are that while Umpling is a locality that does not allow or encourage non Khasi residents accept BSF families as tenants, Nongrah is another case where only people from the Northeast are allowed to rent houses for residence. In the case of Nongmynsong, the locality is plural in nature where one will find residence from every community whether tribal or non-tribal. This locality is historical in the fact that it came to be developed as a hamlet with the initial migration and residences of Nepalese who came from the time of the British rule. Now this locality has developed into a locality of all communities living together mostly in the absence of proper amenities and developments.

For the purpose of this study, a survey was done in these localities with regard to the background of the divorced, separated and deserted women. Although the term divorced may be constructed for women who are separated from their husbands, yet in most of the cases, the term cannot be applied as because most of the women surveyed have not attain proper legal recognition about their status of marriage because in most cases the couple had been living

³ Duncan McDuie-Ra, "The Constraints on Civil Society beyond the State: Gender-based Insecurity in Meghalaya, India", *Voluntas*, Vol. 18, 2007, pp. 359-384.

⁴ Bina Agarwal, "The Idea of Gender Equality: From Legislative Vision to Everyday Family Practice", in Romila Thapar (ed.), *India : Another Millenium?* (New Delhi: Penguin Books, 2001), 48.

⁵ *Meghalaya Statistic Handbook 2016*, Department of Statistics, Government of Meghalaya

together without social or legal sanctions. In other words, the old practice of make partners, elope and return was the method resorted by most people being studied. In order to try to understand the situation and the gravity of the problem, this pilot survey was carried out on forty women from each locality and each of them interviewed using both structured and unstructured techniques. The reasons for choosing these techniques together is because, it is rather difficult to get into interaction with these young women into revealing their past relationship as they carry the burden of the consequences of the failed partnership. Although the number seems rather small however for the purpose of such pilot study, the data is considered representative enough as most of these localities have less than one thousand households and not necessarily that a major portion of them undergo such experiences. Although random selection was done women surveyees included all income groups as the response show. Some of the women are those that are at least trying to seek legal rights for maintenance, some who have already initiated the process and have given up and others are those who did not consider the need to undergo such challenges. One of the limitations of the survey was that it has obviously relied on the version of the women surveyees. However, utmost precautions were taken to get to the truth through extensive questions and interactions to cross check their answers.

Major Findings

The majority of women (more than 70 percent) who are living without their husbands or are deserted/separated have indicated that the average age when they settled down with their husbands were between 18-28. Many of them have also in fact married even before the legal age of 18 but although some of them were ready to reveal their actual age at the time of marriage others are reluctant to do so. Many of these women have also revealed that they were deserted by their husbands between the age of 20 and 34. Among those who got separated after having had two or more kids are those who actually are more educated and the reasons being either because of excessive drinking of their husbands or abuse and in most cases both the reasons is being narrated. Among others, many of them narrated that they did not even customarily settle down or got married but on being aware that their partners were pregnant the man did not claim the child or even deny of having relationship with the victim. There are also many instances when the men’s family put pressure on their ward not to live together with their partner because of young age. Such instances are largely prevalent among the women who became pregnant during their students days.

Educational background of the respondents

Without proper formal education	15%
Matriculation	30%
Intermediate	40%
Bachelor degree and above	15%

When looked from the perspective of their education background, most of these women who are deserted (80 percent) have either completed only intermediate education or below that. This shows that those with lower educational background are more vulnerable. Especially living in and around the city, those who just entered into intermediate or have just completed intermediate education are more prone to being duped and cheated by their partners. Many of the respondents interviewed have indicated that while they started being little more independent and on their own they also were keen to explore and gain more risky experiences in life. This is also because most of them are during the most critical age of their lives.

Family Economic Background

Parents are urban/semi urban tenants	40%
Parents own a house in Shillong/Shillongneighbourhood	30%
Independently shifted to Shillong region for studies/work	15%
Stayed as maid in Shillong	15%

The family background of those people indicated that many of those who have to bear the consequences of being deserted are actually from semi urban background. By semi urban and urban background here it means those whose parents have been living in the neighbourhood of Shillong town. Around 40 percent respondents have indicated that they grew up in localities in and around Shillong and that is the case with both tribal and non-tribal women. However, while the tribal women are more mobile in terms shifting of residence, most of the non-tribal have indicated that their parents have been living in the same place from the time for decades. The reason for that is

because it is also rather difficult from them to move from one place to another as landlords are generally not allowed to rent their houses to non-tribal.

From the table it is understood that those who have lived in and around Shillong as tenants or as propertied family are most exposed to the problem of desertion. In fact, 70 percent from those surveyed indicated that they are residents born and brought up in and around the Shillongneighbourhoods. The other 30 percent included those who came to the city for work and studies along with those who came to the city for the purpose of engaging as domestic helps in some families. Although, it would have been easily assumed that the latter would be more vulnerable, but probably due to their work pressure, lack of knowledge and exposure with city’s life they often are saved from the vulnerability of an unsecured relationship which lead to desertion.

Occupation of Parents

Government service (at least one)	25%
Organised private sector	20%
Unorganised private sector	50%
Other	5%

A significant section of the affected women often come from middle class those whose families are primarily struggling in terms of their economic status. The table indicated above, it imperative to understand that those whose family income background are insecure are often more exposed to the perils of facing the prevalent crime against them in the form of desertion and unwanted separation. For those with family background with lack of economic stability. They have to live with desertion because there is neither the source for them to seek remedy or the strength to bear the challenge of winning the relationship. However, it should also be seen here that even those that come from families that are relatively economically more stable, they also have to bear with the consequences of failed marriage. It goes to show that love marriages or live-in do have their limits especially for these sections of the community.

Moreover, the lack of awareness with regards to the legal remedy is also one of the reasons which have allowed men to actually evade from the relationship without any responsibility and thereby making women face the crisis thereafter.

Economic status at the time of living together with their partner

Student	45%
Government service	5%
Employed in organized private sector	30%
Employed in unorganized private sector	10%
Unemployed	10%

It is pertinent here to understand that students especially those who have just completed their matriculation or intermediate are the most vulnerable section where 45 percent of them entering into informal marriage have faced desertion and separation. Another section which is prone to the problem of being deserted are those who are trying to sustain as working women in the increasingly private investments in the state. Most of the companies providing services and marketing opportunities seek to engaged young women who are ready to work for at least eight to ten hours. While that helped in enhancing the independence of young studying or dropped out students, the problem lies in the lack of any security measures and services being provided to them. In the metro cities, most of the companies provide transport services especially to those whose work time is odd hours, in Shillong since such services are not present, women have to handle the situation on their own and in most cases they seek to develop friendship with male friends and this in the process either led to long term relationship which attain the confidence of the parents or at times it leads to crisis where women are challenged by the increasing crime against them. The crime which in extreme cases led to kidnapping, rapes, physical abuses, undesired abortions and most importantly women has to face the sustaining stigma of being divorced, separated or deserted.

Causes of Separation/desertion

Family disagreements/pressure	33%
Drunkenness and Domestic violence	30%
Unemployment	7%
Cheated/suspicion	8%

Never lived together	22%
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As can be seen, a huge number of fallout of the relationship which led to desertion and separation is because of family issues. On investigation, it is found that most of the time family comes in either due to the age factor or because the spouses are still students and as such parents do not agree to the relationship. In a matrilineal system where the husbands have to move to the wife’s house at least in the initial stages of their family establishments, such family tension existing from the beginning of their marriage affect the confidence of the men who may be initially willing to settle down and take the responsibility as the husband. The situation is even made worse particularly in a situation where he is not properly employed and does not have a sustaining source of income to move out from the family with his wife.

There is a tendency of arguments among the male members of the Khasi society where in the modern times city life has made many of them as no propertied class and as such, men on being married they lose their status in their clan’s house and when moving towards their in-laws house there also they are not gaining much confidence as the in-laws usually make most of the decisions sidelining the role of the father especially if the husband is not economically very sound.

The issue of domestic violence or cruelty in the case of Shillong is often not very prevalent where the wife is either staying with the parents or in the case where she is being accommodated in the parent’s property. However, drunkenness remains one of the major problems especially with men in the Khasi society. The surveyed families have indicated in domestic violence, yet a whopping 30 percent torture their wife. Domestic as the reasons for divorced and separation is still prevalent in the Khasi society despite well-knit clan system.

In Nongmynsong area where the population is rather mixed, the cases of domestic violence are even more prevalent because in most of those cases due to mixed marriages, the women have been abandoned by her clan. In this locality, it is also observed that because of the mixed population, the local administration also does not play very active role in intervening on such issues faced by women and their children.

Apart from these issues, is is also imperative to understand that Khasi society despite the impact of Christian values, education, and market economy, for the people in the lower strata of the society the institution of the system of marriage is still a very fancy and expensive affairs to which many still consider an affair beyond their capacity. So the tribal concept of elope and settle is still a wide practice despite its insecurity especially for the women. More than 90 percent of those surveyed have revealed that they did not have proper legal or church instituted marriage.

Work and incomes after desertion

Less than 4000	47%
4000-8000	23%
8000 and above	5%
Depend on parents	25%

From the above table it can be understood that very few of the deserted women are relatively having occupations that can be considered as decent to run their family and provide education for their children. Most of the women being studied indicate high level of distress ad vulnerability. Although those who are dependants are also much more secured considering the kind of kinship system of the Khasis however on being asked they expressed great dissatisfaction as their future is very uncertain. On the one hand many of them are left divorced, separated and deserted at rather young age they are not very sure if they can still find good reliable partners in the future as very often they fear of being taken for granted and cheated again.

Children’s care

Self support	62%
Family Support	28%
Husband’s support	10%

The case where children’s care is being supported by the family of the victim’s parents, either the children is staying with the grandparents or even the deserted women is also staying together with her family. In the case where the husband support his children’s education most of those cases is because the deserted woman is a more educated like having had her bachelor degree. It is also to be noted that only those whose divorced husband are working in government sector that their children are getting some support from the father otherwise in all cases the children are

getting some support from the father otherwise in all cases the children are not at all getting any support from the father.

The crisis of separation, desertion and divorce

The undesired problems of separation and desertion often affect women gravely. Desertion and separation often results in acute feelings of anxiety and stress in women. The insecurity they carry about their future often makes them even more vulnerable and defenceless. Many are traumatized by what they have undergone. The guilt they carry about their break-up makes them lose their confidence and self-respect. They carry the pain of dependence on their natal families and particularly they are very concerned about their children's emotional and physical upbringing. More than 85 percent of those interviewed reported feelings of constant stress and anxiety. A heavy burden of responsibility was also felt by about 80 percent of those who are independent or by even those who can depend on their natal family as because they feel ashamed and guilty that they have added more burden to their parents who are also mostly growing old. Among those who doesn't express much of regret of coming out of the relationship are those who felt that coming out of their marital status was a positive move as they can get out of abuse, threats and violence. Most of them feel free after the break-up and they are happy that their family is supporting them in the process. Many of them also consider that the matrilineal system somehow are more liberating for them as even if they are divorced and separated, they do not necessarily have to bear the extreme consequences of social and cultural stigma.

Conclusion

Very often while the society tends to accept and empathize with widow, yet there is a tendency to ignore the fact that these deserted, separation, divorced women's conditions are rather worse. In any society including matrilineal society of Meghalaya, they are more despised. They face the dilemma of being in the twilight zone of neither being respectably married nor widowed.⁶ The case of women in Meghalaya is also made worse by the fact that many of those that faced desertion have not entered into these relationship formally.

The Indian law does provide for separated wife's economic entitlement. Perhaps the only legal right that Indian women have is a right to maintenance.⁷ However, in the case of the Khasis the orthodox view is that it is a sang (taboo) under customary practice to proceed in a court of law against the father for maintenance of their children. Very often, the male dominated local institutions or even the clan would make arguments that the filio-parental feeling would cease to exist if there should be such proceedings and as such women are scorned not to undertake such remedy. This includes both the Christians and non-Christian communities. Christian parties are governed by the Indian Divorce Act, 1869 which was adopted by the District Council and also the Special Marriage Act, 1954.⁸ Through these acts a wife is entitled to ask for maintenance (financial support) as an ancillary relief under these laws in a petition for divorce or judicial separation or restitution of conjugal rights.⁹ There are other general laws under which maintenance can be claimed by women all communities, except divorced Muslim women can claim maintenance from the Magistrates' courts throughout the country for themselves and their children. Muslim women can claim maintenance for themselves and children living with them under the Muslim Women (Protection of Rights on Divorce) Act, 1986. Under the Protection of Women from Domestic Violence Act 2005, women from all communities/religious can claim monetary relief in situations of violence.¹⁰

Despite the many enactments governing the laws related to maintenance, women are still at the receiving end with regard to being considered for the plight they have to face when marriage break down. In the case of Meghalaya, either women are not aware of these provisions of the law or as mentioned earlier the iron fist of clan system and the social and cultural stigma holds them back from asking for their rights. Moreover, with many relationship not being considered legally valid, they are far from being able to retain their marriage and live in the manner they had lived during the subsistence of marriage. The manner in which courts are constrained to enforce the rights of women due to procedural obstacles make women's dream of getting justice even more difficult.

⁶ Harsh Mander and Archana Raj, "Living with Hunger" in V. Manikandan (ed.), *Chronic Food Deprivation among Aged people, Single Women and People with Disability: A Study of Rural Destitution and Hunger* (New Delhi: CES, 2008), Available at <http://sccinnussuibers.org/Starvation/Articles/Livingwithhunger.pdf>.

⁷ Section 3 (b) of the Hindu Adoption and Maintenance Act. 1956.

⁸ The United Khasi and Jaintia Hills District Divorce Act, 1955

⁹ Section 24 and 25, The Hindu Marriage Act 1955; Sections 36 and 37, The Divorce Act 1869; Sections 39 and 40, The Parsi Marriage and Divorce Act 1936; and Section 36 and 37 The Special Marriage Act 1954.

¹⁰ Section 20, Protection of Women from Domestic Violence Act, 2005.

Any policy therefore, regarding separated and divorced women must take these factors into account and address these problems. In this case there is also scope for traditional political institutions to address the issue at the grassroots to help these women.

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