Garo customary law pdf

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Preview Preview In Meghalaya's lush green Garo hills, home to the eponymous tribe, it is almost always raining. For years, the largely rural region has been struggling with underdevelopment and underemployment. This, along with an insurgency movement seeking statehood for the entire Garo hills, home to the eponymous tribe, it is almost always raining. For years, the largely rural region has been struggling with underdevelopment and underemployment. West, North, South and South West Garo Hills – ensures that the region is perennially stormy. For the last week and a half, however, its residents have been grappling with a new concern. On March 29, the Garo Hills Autonomous District Council, which administers the region under the sixth schedule of the Indian Constitution, passed the Garo Customary Law Bill, 2009. The sixth schedule provides for decentralised self-governance and dispute resolution through local customary laws in parts of the North East. It allows village and district council courts to adjudicate most cases involving two tribal parties on the basis of local customary laws. Only the High Court and the Supreme Court have jurisdiction over suits and cases decided by these village and district council courts. The Bill codifies Garo customary laws into one Act that can be uniformly implemented across various clans and villages. At the heart of the row over the Bill is how it defines a Garo. According to the legislation, only a person born out of a legal marriage between a man and woman belonging to the Garo tribe will be considered a Garo. The offspring of mixed couples - defined as the union of a non-Garo man and a Garo woman, or a Garo man and a Garo woman - would not qualify as Garos, even if the child took the family name of the parent belonging to the tribe. Detractors of the Bill call this undemocratic and xenophobic, while its supporters claim the codification would make the interpretation of customary laws easier and help preserve Garo identity. "How can the council declare us non-Garo when we have been accepted by the clan as Garos?" asked Somu Ingty, who belongs to Assam's Karbi tribe and is married to a Garo woman. "The whole idea of pure-breed Garo is outdated and highly discriminatory. The world, as we know, is an amalgamation of different cultures."The definition of Garo in the Bill will only be applicable to children born after the passage of the act and will not be applied retrospectively. While most of the debate around the Bill will only be applicable to children born after the passage of the act and will not be applied retrospectively. Garo Mothers' Union, which represents women from the West Garo Hills, said that is just one of several problems with the legislation. "Whom the Bill will hurt the most is the Garo woman," said Sume Chandola Sangma, the secretary of the Garo Mothers' Union. "There are many discriminatory legislative provisions, especially relating to women's security and exercise of their fundamental rights."The Bill prescribes a fine of Rs 3,330 for a man found guilty of attempt to rape. "Such a provision is very troubling and it will allow the culture of impunity to prevail," said Sangma. "This is clearly against the country's rape legislations, but nothing in the Bill specifies that the statutory provisions will prevail where conflicts arise between statutory legal provisions and customary law." Sangma also pointed to a clause that states a man would have no responsibility towards a child born out of wedlock and called it outdated. These beliefs, she said, "have no place in the modern world". "In our society, when a woman dies, her younger sister is forced to marry the former's husband," she added. "It completely undermines the agency of the woman concerned, but even that [practice] has been codified into a law now." Sangma said the lack of female representation in the district council was reflected in the district present when the Bill was passed) only two are women, she said. According to Sangma, the very exercise of codification was questionable, given the fluidity of customary laws. "It appears that while codifying the laws the council has failed to understand that custom and tradition are always evolving," she said. "At times, old customs are phased out due to the impact of modernity and a change in lifestyle." The Garo Customary Law Bill now needs to be approved by the governor not to give his assent to the Bill, which is the last stage before its enactment. "It should have been kept in mind that traditions are viable, living doctrines that grow with the community and time." Photo credit: Vishma Thapa/Wikimedia images [Licensed under CC by 3.0]. Social scientist Walter Fernandes echoed Sangma's views and said that "in principle" he was not in favour of codification of customary laws as it tended to make them stagnate. "As long the customary laws and said that "in principle" he was not in favour of codification of customary laws as it tended to make them stagnate. "As long the customary laws as it tended to make them stagnate." remains a law that changes according to the changing situation, it remains a living law," said Fernandes, senior fellow at the North Eastern Social Research Council in Guwahati. Fernandes said that though Garo society was, on paper, one of the few matrilineal societies in the world, where women inherited land, decisions about the land were taken by men. Such unequal relations will be legalised following the codification, cautioned Fernandes. The Garo Students' Union's Chief Executive Committee president, Tengsak G Momin, however, defended the Bill and the codification. Momin said that tribal land was being indirectly transferred to non-Garos through marriage, a trend that the Bill sought to correct. "Although on paper Garo women inherit land, it is often controlled by their non-Garo husbands," said Momin, over the phone from Tura, a town in the West Garo Hills district. "Not only that, there have been many cases of non-tribals marrying Garo girls for business [commercial interests] and then leaving them stranded." Momin said the Garo Students' Union supported the right of women to be treated as equals but had "apprehensions of the possibility of Garo women [married to non-Garos] contesting elections and winning, and the non-tribal husbands interfering in tribal affairs". The Bill will also serve as a "strong tool" to counter the "silent invasion of the illegal Bangladeshi Muslim immigrants" in the Garo hills, said Momin. Meghalaya shares a border with Bangladesh and rising migration from the neighbouring country has been a concern in the Northeastern state. Please choose whether or not you want other users to be seen by others Keep this favorite library private Save Cancel Finding libraries that hold this item... © 1996-2014, Amazon.com, Inc. or its affiliates homeHomesearchSearchmanage searchAdvanced SearchlanguageculturesnumbersSubjectslibrary booksDocumentshelpHelpIn this brief article a lawyer examines maintenance law among the Garo. The 'personal obligation to maintain certain near relations as dependents' is Hindu custom and has been written into Hindu criminal law, with respect to the maintenance of wives, parents, and children by a male household head. The author wonders if similar obligations are found in a matriarchal society such as the Garo. The answer is yes and no. Among the Garo, it is the NOKNA daughter and her husband, who are obligated to support by her husband, who are obligated to support by her husband has no right to support by her husband. however her husband has no right to support by her husband. however her husband has no right to support by her husband. with marriage. Subjects Termination of marriage Household Family relationships Legal norms Judicial authority culture Garo HRAF PubDate 1998 Region South Asia Document Typeessay Evaluation Lawyer-4, 5 Analyst Ian Skoggard; 1998 Coverage Date 1953-1978 Coverage Place Garo Hills Autonomous District, Meghalaya State, IndiaNotes[Manjushree Pathak]Includes bibliographical references (p.75)LCCN95910488LCSHGaro (Indic people)Do not have an account? By Neil, Facty StaffUpdated: Apr 22, 2020Martial law is military control of a government that suspends civil authority in various degrees. According to law experts, the original intent was for martial law to be a rare, temporary solution for extreme situations such as invasions, widespread disasters, or national or regional emergencies. Governments may also invoke martial law if local authorities appear unable or unwilling to enforce the law, including those laws protecting civil rights. Some foreign countries have used martial law as a means to establish dictatorships by a military leader or politicians backed by the military assists civilian law enforcement to ensure public safety. This generally occurs when state and local authorities are unable to control a disturbance or handle the issues that occur following a natural or manmade disaster. However, These events include large crowd protests, riots, a fear of looting, or strikes. Absolute martial law means the military has taken complete control over all law enforcement. In the U.S., martial law means the military has taken complete control over all law enforcement. references pertaining to martial law within the Constitution. However, it does grant powers to Congress to use the nation's militia to execute its laws, and to "suppress insurrections and repel invasions." The Constitution also names the President as the "Commander in Chief of the Army and Navy" and state militias when called into service for the country. Governors may also declare martial law within their own state under the powers granted by their state constitutions. In force varies, governments have historically invoked martial law. The extent of that force varies, according to the specific order declaring martial law. Elected representatives are no longer in power. Civil liberties, such as free speech, freedom of movement, and protection against unreasonable search and seizure may be suspended. Authorities establish curfews with consequences for those who violate them. They may also confiscate firearms and other supplies. A military justice system could replace the nation's justice system, including the creation of military tribunals. Under martial law, authorities can detain individuals without trial or recourse. Bumblee Dee / Getty Images Under the U.S. Constitution, the government promises citizens protection against imprisonment without showing cause. The nation's founders believed habeas corpus to be essential to preserving democracy and included the writ in the first article of the Constitution. However, under martial law, the Constitution also provides the ability to suspend habeas corpus "in cases of rebellion or invasion" that affect public safety. In 2006, Congress passed the Military Commissions Act, which revoked the right to habeas corpus for foreigners the government labeled as "enemy combatants," however, it also pertained to U.S. citizens. The act was later amended in 2009 to improve protections for defendants. The U.S. Senate rejected passage of an amendment in 2011 that would prevent the U.S. military from detaining American citizens and other civilians without first charging them with an illegal act. csreed / Getty Images Most historians suggest that the first utilization of martial law in the U.S. was in 1814 by General Andrew Jackson as part of the defense plan to protect New Orleans from a British invasion. He arrived in the city to find its citizens in a state of panic, with many of the residents resigned to turning their city over to the invaders. Jackson declared martial law in place for months. This became an unwise decision for Jackson politically, with citizens viewing his orders as heavy-handed and an affront to civil liberties. AlexanderZam / Getty Images In 1861, Congress ratified martial law in 1863 during the Civil War, but citizens viewed it more as military protection than a detriment to their civil rights. Martial law rolled the South as Union troops defeated Confederate armies and took control of their civil rights. Martial law rolled the South as Union troops defeated Confederate armies and took control of their civil rights. Martial law rolled the South as Union troops defeated Confederate armies and took control of their civil rights. very close to proclaiming martial law in response to the railroad strike crisis in 1887, no other presidents have done so on behalf of the federal government. Limited martial law occurred through the permission of the Presidents have done so on behalf of the federal government. in October of 1919 due to race riots. Five days afterward, Wood also placed Gary, Indiana under qualified martial law because of a steel strike. In Texas in 1931, Governor Ross Sterling used martial law to force compliance of state agency regulations in east Texas oil fields regarding limits on oil production. The Supreme Court invalidated Sterling's use of martial law in 1932. The territorial governor of Hawaii declared martial law following the bombing of Pearl Harbor on December 7, 1941. The territorial governor suspended the writ of habeas corpus and the general for the Hawaiian military assumed the role of a military governor. The general took control of the justice system in the Hawaiian territory conducting military tribunals for civilian crimes. The Supreme Court later ruled that these military tribunals did not have jurisdiction over criminal cases. In February, he ordered all residents of Japanese descent along with alien Japanese, Germans, and Italians to stay inside their homes between the hours of 8 p.m. and 6 a.m. The Supreme Court upheld the curfew and justified the internment of more than 100,000 Japanese Americans during World War II. jriedy / Getty Images Martial law includes a show of military might over citizens, suspension of civil rights, restricted travel, with military courts taking over the country or region's justice system. Taiwan exerted martial law for 46 years, due to the pressures of terrorism. Ferdinand Marcos, the tenth president of the Philippines, kept the country under martial law at least three times: during World War I, World War II, and during the 1970 October Crisis. Bumblee Dee / Getty Images To maintain public safety when law and order are deteriorating, martial law is an option for the President and Congress to use to restore order. However, in the event of a natural disaster such as a hurricane or an earthquake or in an attempt to control dissent or opposition groups, governments are more likely to declare a state of emergency. A state of emergency declaration allows the government to expand its powers and limit some rights of its citizens without handing over power to its military. LOVE LIFE / Getty Images

