

Garó Adoption and Guardianship

Adoption

In the event of a Garó couple being childless, adoption is allowed. When a girl is to be adopted, a *boithak* or meeting is held for the purpose and all the clans concerned must be present at the meeting. The subsequent feast ratifies the adoption. The adopted daughter stays with the man or woman who has adopted her and is responsible for feeding and clothing him or her till death. If the girl leaves them in a short time (say, two or three months) and does not return, she loses all the rights to the property of the mother. But if she is, by reason of her birth, a near relation of the mother, she can become the rightful heiress to the property in that capacity. Otherwise, on her departure from the family of adoption, the property can be claimed by some woman more closely related.¹

After the death of parents without children, the adopted daughter or the nearest kinswoman performs the obsequies. Failure to do so destroys the right to property.

If a son performs his mother's rites because no other relation exists, he does not thereby establish any right to property, but may claim the actual expenses. If a man adopts a daughter when he already has a son, then the male descendants of the mother's clan and the female descendants of the mother's clan and their husbands may give to that son such property as they decide. On the marriage of the son, this property goes to his wife.²

The mother looks to her matrilineal relatives to adopt a daughter. Usually, the choice falls on the daughter of an actual sister, but there is no legally prescribed minimal group within which the choice must be made. When a woman fails to get a child for adoption from her own

1. C D. Baldwin, *Garó Law* 17-18 (1933); Jangsan Sangma, *Principles of Garó Law* 17-18 (1973).

2. Baldwin, *id* at 18-19

machong it would be open to her to adopt a girl from any *machong* but she must be of the same tribe as the adopting mother. Parents may even adopt an infant female of unknown parentage from the orphanage or hospital without consideration of caste or creed.

The adopted child is entitled to full status as the real child of the adopting parents for all purposes. Adopted children inherit or forfeit that right by their subsequent conduct.³ When an adoption would involve succession to *nokmaship* of an *akhing* land, the adopting parent (*i.e.*, the *nokma* and his wife) would, do well to consult the family members of the adopting mother, so as to avoid future disputes regarding succession to *akhing* land.⁴

Guardianship

The mother is the natural guardian of her minor children. After her death the husband may be the guardian but if he wilfully marries outside the deceased wife's clan, the nearest female relation, usually the sister-in-law, becomes the guardian of the minor children and of their properties.

3. Jangsan Sangma, *supra* note 1 at 18.

4. *Ibid.*