

Rights of Jolha Women in Marriage and Family Life

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ABSTRACT

The Jolhas are an integral part of the Tea Community of Assam as well as the Muslims of Assamese society. The Jolhas entered Assam during the British period along with other ethnic groups that were brought to work in the newly established Tea Garden of Assam from various districts of Chotanagpur, Bihar, Orissa and Madhya Pradesh, Uttar Pradesh and West Bengal. They were mostly Hindu, Christian by conversion and Muslim by religion. The Jolhas were Muslim by religion and brought to the land from the districts of Bihar like Hazaribagh, Dumka, Ranchi, Giridi and Purulia. These people are now spread over the districts of Upper Assam basically in the Tea Garden and also outside of the same. In this paper, an attempt has been made to find out the right of the Jolha women in marriage and family in the light of Islam. For the study both primary and secondary data have been collected. The secondary data has been collected from published materials, books, articles published in the news papers and information gathered from the field study. As there is limited source of secondary data about the past of Jolhas, hence some source people are selected. The investigators have been collected data by direct interview method through the designed schedule. Besides, personal discussion with the respondents is also held.

Key words : Jolha, Khortha, Mahr, Nikah, Talak,

Introduction

Women are the backbone of a family, society and Nation too. In spite of all effort of woman to do her best to the family, society or the nation, often question arises about the status of women in a society. We study, we do work to find out their footing in a society and at the same time we don't do the same for menfolk. As usual in this paper also, a focus has been made on the life of the women of the Jolhas whether they are enjoying rights in case of marriage and family or not. Human rights law upholds the positive right of all peoples to

marry and found a family. The human rights that are enjoyed by women in a society marks their social status in concern to their education, family life, economy, culture, religion etc. Though their status in a particular society depends upon the nature of its economy, religion, social behavior and attitude of the society towards women, the most important factor is women's own awareness about their rights in the society. Although women's role is important in family, women have not given equal right to men in societies of both developed and underdeveloped countries. But comparing with the other societies women of Assam are enjoying a suitable position in the society. Being a part of the broader Assamese society the Jolha women also played an important role in progress in the certain aspects like marriage and family in their society.

Objective of the study

In this paper, an attempt has been made to find out the right of the Jolha women in marriage and family life regarding first and second generation human right in the light of Islam.

Methodology

For the study both primary and secondary data have been collected. The secondary data has been collected from published materials, books, articles published in the news papers and information gathered from the field study. The Jolha women of Missamora Tea Estate and Dhemajia area of Golaghat district are observed and studied to find out the right of women in family and marriage. As there is limited source of secondary data about the past of Jolhas, the data had been collected by direct interview method through the designed schedule. Besides, personal discussion with the respondents was also held.

Review Literature

Though the Tea Community of Assam is considered as a single entity, it is a composite community comprised of a number of ethnic groups. Though a lot of study has been carried out on those ethnic groups, a little attention is paid to this people. Derajuddin Ahmed in his article "Jorhatot Musalman Jonobokhotiaru Jonogathonir Ruprekha" published in "Akhomor Somajaru Songskritir Ruprekha" edited by Salim Ali Ahmed, wrote on these

people where he mentioned about history and present concentration of the Jola and the Jolhas. Muhiuddin Ahmed in his published work entitled “Akhomoloi Musalmanor Agomanaru Sangskritik Songmishron” write about that the Jolhas are also known as JolaMusalman in Assam. U.C. Chaharia in his book “Tea Labourers of Assam” focused light on Muslim population i.e. Jolhas of tea community especially of Dibrugarh district. S.Akhtar and M Hussain made a focus on the history of the Jolhas in the article *Jolhas of Assam: A brief historical Account* published in Indian Journal of Social-Science and Sciences, Volume-1, Number-2, August 2011, ISSN:2231-2447. They also wrote about their practice of religion *Religious Beliefs and Practices of the Jolhas of Assam*, published in Journal of Juridical and Social Science, Vol:1, No:4, October-December, Regd. No. ISSN 2232-4636. The movement regarding their social and political movement was discussed by S. Akhtar in the article “Social and Political movement of the Jolhas of Upper Brahmaputra Valley” in ChirantanChintan, the yearly magazine of DibrugarhZone, ACTA bearing the ISSN No.2278-4756.

The Jolhas

Assam, particularly the Brahmaputra Valley of India is a meeting point of various ethnic groups, as various population groups of different ethnic identity entered the Valley at different intervals of time laying the racial and cultural foundation of the people of the region. The Modern Indian History also shows that a series of migration took place in Assam and the tea garden labourers were formed a major part of the immigrants. The Jolhas are one of the ethnic groups of those tea garden labourers, living in Assam with their ethnic identity in the seven districts of Upper Brahmaputra Valley. In the British period, with the opening of the tea gardens labourers were brought to Assam to work in the gardens from Chotanagpur, Bihar, Orissa and Madhya Pradesh, Uttar Pradesh and West Bengal (Saharia, U.C:2005, p.2). The influx of labourers i.e. Adivasi Communities may be describe as a forced migration to Assam during the pre independence period. These people came from different region of the country having different ethnic identity. They were mostly Hindu, Christian by conversion and Muslim by religion. The Jolhas were brought to the land from the districts of Bihar like Hazaribagh, Dumka, Ranchi, Giridi and Purulia. Like other Hindu and Christian counterparts the Jolhas were also kept captive within the tea estate by the British planters and led to a sub

human life. In 1840 A.D. Assam Company imported 652 nos. of labourers from Hazaribagh only to Assam (Ahmed, T :2006 :p.110). They engaged here in the tea gardens as *Girmitia* or bonded labourers. In course of time, when they became free, many of the Jolhas left the tea estate and settled down in Government wasteland or plot provided by garden authorities. Traditionally, the Jolhas were weavers who were brought to the land and were forced to work in the tea gardens in the British regime. In Assam they were no more connected with their traditional occupation and some of them were gradually switching over to present day diversified occupation other than tea garden engagement. The Jolhas are inhabited in ten districts of Upper Brahmaputra Valley such as Tinisukia, Dibrugarh, Sivasagar, Charaideo, Jorhat, Golaghat and Sonitpur, Biswanath Chariali and Baksa in both tea and ex-tea area.

RESULTS AND DISCUSSIONS:

The most basic right of a woman in Islam is the knowledge and recognition that she never has to ask or demand or fight for her rights which are guaranteed to her by the Quran.

Jolha women and the family life

Family is always considered to be a universal institution of Human society. The continuance and proliferation of human being is made possible through this institution and the family still forms the backbone of any social structure of mankind.

Right to individuality

To possess a separate individuality as well as identity is a right to every person irrespective of their gender. In Islamic law a woman is an independent, unique individual in her own right. She has the same responsibilities towards herself, towards other human beings as the male. . Like other women of Muslim society of Assam, not only in domestic life, but in case of social and economic life the Jolha woman retains her distinct individuality. Especially in tea garden women are enjoying more and more individuality comparing with the ex tea garden in the field of economy.

Right to equality and privacy

It is the rights demanded by woman in every age and in every society of human history. In a simple way we can define equality that each person whether man or woman should bear his own burden and share of work. In this respect, a distinct 'division of labor' is found among the Jolhas according their age and sex both in tea garden and ex tea garden area. In the villages i.e. in ex tea garden area, the male member of the society especially the youth are engaged in occupation like shop keeper, hawkers (ferrywalas), masons wage earner and agriculture too. The womenfolk pass their day to day life doing household task. They also help the men folk in doing shop keeping, agriculture etc. On the other hand, In tea garden area both the man and woman are engaged in various jobs of tea garden to earn their livelihood. Women get every respect as a dual earner of the family. They have to perform their household duties such as cooking, cleaning house, utensils and cloths, shopping etc. along with their regular duty of tea garden.

In Islam, privacy of a woman in her private and public life are preserved invariably. Here, we are not going to discuss about the security in private and public life of a woman that Islam gives to women. But overall, woman is gifted with the *Hijab* (It is a veil which covers the hair and neck). The *Hijab* which implies not just an outer garment worn outdoors but it helps to stop the crimes caused by the exposure of woman. Veiling the head is very a common practice among the married woman of the Jolha people specially in both tea and the ex tea gardens are considered the practice is necessary for maintaining their dignity, position and also religion as Islam always advocated 'Aboor' i.e. to cover the body as much as possible.

Pregnancy is a normal, healthy and exciting part of many women's lives. The reproductive rights of a woman may include the right to legal or safe abortion, the right to birth control, the right to access quality reproductive healthcare. It was found during the study that the present parents of the Jolhas have at a average of two children but at the same time it was also noticed that the woman of the age of almost above 50 years are having at a average of 6 to 7 children. Likewise, women in advance stage usually given lighter works. They have to

perform their day to day works during pregnancy as it is considered as beneficial for the pregnant lady.

Right to freedom from persecution

Everyone has the right to live free of the threat of torture and ill-treatment. According to the international human rights mechanisms, this right can be violated in a variety of ways including the deliberate infliction of severe physical or psychological pain. In a Jolha family, especially male, is considered as supreme authority in every affair of their day to day life and naturally male dominance was found in both tea and ex tea garden areas. But it came to the knowledge of the researcher that the husband usually consults with his wife in important matters of the family as like most of the societies though education is not much higher among them. As in the tea garden area, womenfolk are independent economically they are free of any mental and physical torture instead they acquire a higher position in the family. There is a plus point was found among them is that the men folk keep themselves away from alcohol after coming under the influence of the strict religious rule of Islam, which is a common phenomenon of the male of the tea community. It's resulted in the absence of physical assault and ill treatment to woman among the Jolhas.

Right to freedom from slavery and forced labour

The right to freedom from slavery and forced or compulsory labour is a fundamental human right. Forced or compulsory labour covers any type of work, whether physical or otherwise, which an individual is compelled to do. The researcher has found the Jolha woman in a better position within her family and also in working place. Majority of the Jolha woman have to perform their household duties such as cooking, cleaning house, utensils and cloths, shopping etc. along with their regular duty of tea garden. Usually in a family of a tea community a girl has to perform a lot of duties. She helped her mother by taking responsibilities of the younger siblings, while going out to the garden duties and also in the household duties. In tea garden area both the man and woman are engaged in various jobs of tea garden to earn their livelihood. Women get every respect as a dual earner of the family.

Right to freedom of expression

Freedom of speech and expression is a natural right, which a human being acquires on birth. It is, therefore, a basic human right. The husband usually consults with his wife in important matters of the family. The women have the freedom to express their views to their husband, but the final decision usually make by the husband only. Though in the decision making process of marriage the male head of the family though take the prime part, the girls reported that in their case this was done according to their mother's will.

Right of religion

The Messenger of Allah (SAW) said: "*If someone's wife asks his permission to go to the mosque, he should not deny it to her.*" Women should be covered Islamically, according to the Muslim woman's dress requirements. However, as Islam spread, it became unusual for women to worship in mosques because of fears of unchastely caused by interaction between sexes. At the same time, it is said that a woman's prayer in her home is better, from the standpoint of her household duties and duties as a mother. Also it is better in the sense that it prevents unnecessary mixing with men. So, the Muslim woman as well as the Jolhawomen are debarred from participating in *Namaz* in *Masjid*, going to the *Kabarsthan*(cemetery) and participating in *Zanaja* (The *Namaz* performed in the *Kabarsthan* for the peace of the soul). They performed their *Namaz* in their home only.

Economic and Social Rights

Economic, social rights include the human right to work; the right to an adequate standard of living, including food, clothing, and housing; the right to social security; right to education.

Jolha woman is considered as integral part of the society as the play a vital role in both social and economic fields. Muslim women are not forbidden from going out in the community, working, or visiting relatives and female friends as the Jolhas. The husbands prefer their wife to work in the gardens even he is not employed in the tea garden duty as they considered this

as more secured and proper job for their spouse, but in case of ex tea garden people woman do their household duties and also help s her husband in agriculture and also in other business like shop keeping etc. The researcher also comes across wit women of ex tea people who involve in the jobs like Teaching, Anganvadi, etc. Women is also entitled to share inheritance in different capacities like daughter, mother, wife and sister (Chaudhry.M.S:73) through which she is entitled to economic stability.

Historically, women played an important role in the foundation of a society, so the education of woman is considered to be important all the time. The right to education whether for man or for woman is a right that is recognized as a human right. In Islam also, a woman has the right to knowledge and education. Referring to religious knowledge, in the first place, and to any other kind of knowledge, in the second place, where one woman has the intention of benefiting herself, her family and the Islamic society, a husband should not forbid his wife from going out of the house to seek basic religious knowledge, unless he is teaching her at home. The literacy rate of Jolha women in tea community is almost similar with their male counterpart, on the other hand the women of ex tea community is much more interested in education like other Muslim women of the contemporary society. The investigation shows the percentage of school and college going boys and girls is almost equal which proves that the sex discrimination in the field of education is not prevailed among the Jolha community. In fact the mothers take more initiative in educating their girl child especially in ex tea area.

Security of the person is a basic entitlement guaranteed by the Universal Declaration of Human Rights. Security of a woman in her private and public life is preserved invariably in Islam as, the religion advocated concealing woman in *Hijab* from her male counterpart. As we said earlier, *Hijab* as well as *Purdah* of women in Islam helps her to be in a secured position from the evil eyes of the society. In other word it ensures a woman's right to security and privacy. During the field study the investigators found all the Jolha women particularly the married woman, maintain themselves in veils or *Hijab*.

The right to an adequate standard of living is recognized as a human right in international human rights instruments and a minimum entitlement to food, clothing and housing at a subsistence level. The right to food and the right to housing have been further defined in

human rights instruments. No question arises in this issue that every society and every family tried their best in maintaining this category of human right as well as the Jolhas.

Jolha women and Marriage

As a social creature man cannot live without the society and being a part of the society one cannot avoid the most important social institution like marriage. It is a part of the culture of human society.

Right to freedom of expression

There is two of marriage that exists among the Jolhas. Usually they prefer Negotiated Marriage, but Non- negotiated Marriage also prevailed among them. Regarding Negotiated Marriage the girl and sometime the boy also had little opportunity in selecting her or his spouse but in present day condition, after the spread of education among the Jolhas the girl are allowed to have a say about her or his choice in both tea and ex tea garden area. In some cases the consent of the girl is often sought before finalization of marriage as Islam gives every right to the girl regarding marriage. Negotiated marriage are considered as an important but expensive affairs as told by most of the people that are interviewed.

The woman has been granted as much freedom in the choice of her husband as the man has been granted in choosing his wife. Nobody has any right to give her away in marriage without her consent. *Nikah* (Marriage) is the prime and basic event of performing a marriage in Islam as like the Jolhas through which two person are tied up together for the rest of life. While performing '*Nikah*' the consent of both bride and groom is essential according to Islamic law. The consent of the girl is necessary in such a way, that if the girl doesn't want to accept the relation she has the every freedom to deny even at the time of *Nikah* before the *Qazi* and the *Zamat* (society). Islam also permit a divorcee or a widow to remarry but no instance was found of widow remarry among the Jolhas during the study.

Right to equality

Both men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right. Among the Jolhas selection of a boy or a girl is considered as the most important and tough process in performing a negotiated marriage which is always depends on the Almighty as told by the interviewed persons and that is an approved theory of mankind.

Like the other societies, the child marriage was also prevailed among the Jolhas prior and after coming to Assam. Though the child marriage doesn't exist in the society of the Jolhas, they prefer early marriage particularly in tea garden area. It was observed that in some cases the boys and the girls get married out of love even before acquiring their 21 and 18 years respectively.

The Divorce is permissible in Islam only in case of emergency. When all efforts for reconciliation have failed, both the husband and wife may go for *Talak* or *Khula*. When the proposal of Divorce proceeds from husband it called *Talak* and when it takes effected from the side of wife called *Khula*. So, Islam gives the right to woman to seek divorce from her husband and is entitled to have maintenance from her husband (Chaudhry.M.S:1997:30/31). But among the Jolha people especially in the studied villages *Talak* or *Khula* is not found during field study and they are also unaware of the law especially about *Khula* (meaning "release from").

Islam allowed Polygamy to a man but restricted his right to maximum of four at a time on condition that he has to treat them justly and equitably. In this way, woman also enjoys certain rights and protection in case of her husband polygamy. Among the Jolha people the researcher came across certain families who adopt the polygamy under certain condition and also came to know that they are treated justly by the husband.

Right to Economic Stability

A Muslim girl, upon attaining maturity, becomes entitled to undisputed economic right as she is the unchallenged possessor of her father's estate before or after marriage (Iqbal.S:1997:22).

A girl's economic state continues to be strengthened when she get married. Woman's unconditional and unrestricted right to receive dower (*Mehr*) from her husband have been guaranteed in Islam (Chaudhry.M.S:1997:40). The right to *Mehr* of a woman that exist in Islam as like the Jolhas is a bright side regarding the status of women, which helps women to be secured economically. '*Mehr*' is the amount that the groom promised to offer to the bride if Divorce or *Talak* occurred between the two, which resulted in the low rate of divorce or separation among them as in other Muslim community. Through the system of '*Mehr*' the husband remains in debt to his wife, and cannot claim to be free until or unless he paid the amount of '*Mehr*' to his wife. Usually the amount of '*Mehr*' depends upon the financial condition of the bridegroom. To some extent it helps to prevent the separation and divorce among the Muslims as well as the Jolhas.

Conclusion

Women's human rights have become a vehicle for women to develop their skills necessary for the twenty-first century. Human rights of woman and its practices improve the status of women in a society as in the society of the Jolhas. It is observed during the study that the Jolha women whether in tea garden or ex tea garden are enjoying the human right within the periphery of the institution like Marriage and Family. In fine it can be stated that it is a micro level study based on the Jolhas of Upper Brahmaputra Valley. More other studiesshould be conduct in field to bring out a full description of these ethnic people ,Jolha..

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