

Changing Patterns of Property Ownership and Inheritance System of the Garo Society in Bangladesh: An Overview

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Abstract: Property ownership and inheritance system in the Garo society had been transforming for the last many years, and having a direct influence on their lives and cultural position. Matrilineal Garos' property ownership and inheritance system was very unique where inheritance always passed down through female line and never to men line. Following the matrilineal system, Garo used to take mother lineage or Mahari name or title for their children. Case studies, observations, FGDs and interview methods have been utilized to collect the ethnographic data from the Garos of Modhupur of Tangail District. It is found that Garos have lost many of their traditional inheritance traits and adopted some outsider inheritance features but still practicing some of their traditional inheritance rules, rituals and characteristics that represent their traditional Garo culture in Bangladesh.

1. Introduction

Garos are one of the most prominent matrilineal communities in the Indian sub-continent, having practiced marital exogamy within their own *Ma'chong* or *Mahari*. Because of these matrilineal traits, every Garo belongs to his or her mother's lineage or *Mahari* and takes their family name from their mothers (Khaleque, 1982: vii). Garos property ownership and inheritance system is very distinguished and related to their matrilineal ethos, where men do not inherit any property from their parents; all properties are inherited by women. Another distinct feature is that, Garo follows matrilocal residence pattern, where husband move to wife's house after marriage (Chowdhury, 2007: 171).

It is estimated that their current population in the world is nearly half a million; most of whom live in northeastern India, particularly in the Garo Hills areas of Meghalaya state (Bal, 1999: 5). Although there is a disparity between government and private estimates on the total number of the Garos in Bangladesh (Drong, 2004) but Bangladesh is home to around one hundred thousand Garos (Bal, 1999: 5). However, majority of the Garos are concentrated in the bordering *Upazilas* of Mymensingh, Tangail, Jamalpur, Sherpur and Netrokona Districts. A big number of Garos have settled in Modhupur *Upazila* of Tangail District. A few Garos live in Sreepur *Upazila* of Gazipur District, and some Garos are also found in the bordering areas of Sylhet and Sunamgonj districts (BBS, 2011). Because of social-cultural transformation, nowadays property ownership and Garos inheritance system has been changed significantly where men are also inheriting family property instead of women. This type of transformations promoting changes in other parts of Garo life and culture, particularly influencing the gender relations and women position in the community largely. Hence, no ethnographic description could be completed without analyzing them and having a clear understanding of the Garo property ownership and inheritance systems.

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2. Property Ownership and Inheritance System

There are very few recently published literatures regarding Garo and their culture (Bleie, 2005:238). The publications, articles, books and booklets available on Garos mainly focus on Garo land tenure system, religious conversion, violation of minority rights and forest degradation. The earliest article about the Garo was written in 1793 by an Englishman named John Eliot who was a British officer assigned by the authorities to explore the Garo Hill territories, and he conducted a study that was published in Asiatic Society research report as an ‘observation on the inhabitants of the Garrow Hills (Bal, 1999:3). The most notable literatures what we find on the Garo culture and inheritance are written by Francis Buchanan (1807-14), E.T. Dalton (1872), Rowney (1882), Risely (1891), Major Playfair (1909), William Carey (1919), Reverend Baldwin (1934), are very significant. Later on, some other renowned scholars work on the Garos and their inheritance are; B. Mukherjee (1955), Robbins Burling (1963, 1997), Chie Nakne (1967), Marak J.K.R (2000), D.N. Majumder (1972, 1978), Milton S. Sangma (1981), Sangma U. (1998) and so on. Following the independence of Bangladesh, we find following studies pertinent on Garos and their inheritance such as Sattar (1971), Khaleque (1982,1998), Islam (1986), Jengcham (1994), Homrich, E. (1996), Marak K.R (1997, 2005), Bal (1999, 2007), Gain (1998), Bleie (2005), Chowdhury (2007), Barakat, Halim and Osman (2009) and others.

3. Objectives and Methodological Considerations

This paper examines changing property ownership and inheritance system of the Garo in Bangladesh. To materialize the specific focuses, particularly the paper addresses issues such as the practice of Garos traditional inheritance system in the community, the causes and process of changes the traditional inheritance rules, and recent trends of inheritance system. It is the outcome of a ethnographic study conducted in two Garo villages, named Chunia and Joynagacha of Modhupur *Upazila* in Tangail District of Bangladesh. Here, villages are taken both as geographical and social units. Multi-methods approaches have been utilized to address problems during the fieldwork to understand the Garo society holistically.

In the study, different ethnographic tools and techniques were used for obtaining data including participant observation, survey and total enumeration of two villages with structured questionnaire, 24 research participants have been interviewed through In-depth interviews, 10 KIIs interviewed with open-ended questionnaire, 8 case studies have been conducted from both the villages using particular guidelines, 6 Focus Group Discussions (FGDs) have been conducted from both the study villages (3 FGDs from each village), majority of which were attended by 10 to 12 informants, and informal discussion has also been conducted throughout the duration. Visual methods such as photography and videography were also utilized in the ethnographic study. The study has also utilized secondary sources of information for discussing the historical past and position of the Garo community.

4. Changing Property Ownership and Inheritance System

Once having a distinct property ownership and inheritance system which had differentiated the Garos from other communities, is now under tremendous pressure of

change due to several reasons. Keeping matrilineality in the central focus, traditional Garos were practicing joint and communal ownership of land for *Jhum* cultivation since long past and for that reason, the nature of individual property system was never found among the Garos. This view is also evidentially supported by Burling (1997: 147) who says that among the traditional Garos, everything relating to the ownership of property was protected by the community and there was a complete accountability of such activities to the community. Garos traditional property ownership and inheritance systems have been transforming and now the concept of individual ownership system and the idea of private property as well as newer family inheritance type has been developing gradually. Traditionally, *Sangsarak* Garos practiced laws of inheritance by retaining matrilineality in central aspect, particularly following the female lines of succession. Hence, Garos traditional property ownership and inheritance system is heavily influenced by their matrilineality, which they adopted since long past, but it is now under transition.

5. Customary Rules of Property Ownership and the Inheritance:

Being an agriculturalist community, land is the most important production instrument among the Garos in Bangladesh. Their social standing and status relating to Garo families and individuals are mostly determined by their pattern of land ownership. Among the Garos, land is also traditionally recognized as a source of influence, providing them with due position and pride in the community. Due to having an agrarian social structure, land owner Garos exercise power over the landless and weaker counterpart in the community. Chowdhury (2007:81) mentioned that the Garos, like many other ethnic communities in Bangladesh, are more land-focused community. But nowadays, due to various reasons, Garos have mostly lost control over their land. Today, Garos are one of the most poverty-stricken marginalized communities, having very few things for leading their life. Besides, landed property, Garo families have some other types of properties at home for their daily usages. While talking about Garo property ownership system, Khaleque (1982:115), mentioned that Garo property may be categorized into two major types: (i) landed property, which comprises all arable land as well as land for homesteads and other outbuildings; and (ii) household property, which again, can be divided into two categories: (a) household hereditary property, which is passed down from generation to generation. (b) earned property, which is earned by members of a household during their lifespan.

According to Garos traditional property ownership and laws of inheritance following principles were practiced in the traditional Garo community since long past, such as

- a) no man could hold or inherit any property under any condition
- b) Women inherit parents' property whether movable or immovable
- c) all properties acquired by man after marriage becomes the property of his wife
- d) Male cannot receive or claim any property, even though, they earned it through their own efforts
- e) Man has the right to control and administer his wife's property.
- f) *Nokne* inherits the property, and one of her daughters inherits the property after her
- g) if the parents are wealthy, they may leave a portion of their properties to other *Agate* daughters but never to their sons

Garos adopted all these property ownership and inheritance rules centuries back keeping matrilineality in the central focus. Burling (1963:148) observed that traditionally, property among the Garos is passed down from mother to one of her daughters; and ideally, the youngest one who is called as *Nokne* (Heiress Daughter and her husband is also identically known as *Nokrom* (Husband of Heiress Daughter). A *Nokrom* should ideally be the genuine nephew of *Nokne*'s father. If a couple does not have a female child; a girl or the daughter of her real or classificatory sister, is adopted as heiress. Except for the *Nokne*, all other daughters of a household are known as *Agate*, which means 'non-heiress, and they cannot, in principle, inherit any of their mother's property. A *Nokrom* lives in his parents-in-law's household and assists them with all domestic works. When his parents-in-law reach at old age, he bears the responsibility for their care, protection, and support as the *Nokrom* of the household.

Among the traditional Garo community, sons, as well as the *agate* daughters and their spouses are not bound by any strict obligation to look after the elderly parents like *Nokne* and *Nokrom*. The *Nokne* must reside in her parents' family with her husband, the *Nokrom*. The *Nokne-Nokrom* pair is not permitted to construct a separate living place, rather, the *Agate* couples are required to construct a separate living space for her. According to the customary laws, Garo allows their sons to leave their parents' house at marriage and are allowed to join the family of their respective wife's parents for post-marital living. The *Nokne* and *Nokrom* are regarded to be *Nokne*'s parents' household member. The *Nokrom* obtains the right to cultivate the land given to the *Nokne*'s parents' household from the village's common *Jhum* field by marrying the *Nokne* who becomes a member of the *Nokne*'s parents' household (Chowdhury, 2007:82).

Depti Rema, aged 48 years old, lives in Chunia village of Modhupur Upazila. He attended primary school and completed class V. He stated that most of the Garos of our community are poor and do not have any property except few agricultural land and basic household things. We mostly spend our substance without any surplus things. He also added that once our ancestors follow distinct inheritance system and passed family property to Nokne (heiress daughter) and the Nokrom (husband of heiress daughter) who administered the family property. Nowadays, we do not follow this principle of inheritance strictly but sometime women get more priority regarding the property inheritance. Today, we give property to our sons and also encourage men to earn property for himself before and after their marriage. Men mostly keep their property in favor of his name which is earn by him. Today, we do not practice Agate system and mostly try to distribute landed property equally among the children. Sometime parents try to support their preferred child with whom the parents want to live in their old age period, or male children more by providing moveable or immoveable properties of the household.

Nowadays, inheritance is determined by the parent's financial position as well as by their parents' references. The parents are not under formal obligation to leave over all properties to their sons or daughters under the present inheritance system.

6. Female Line Property Ownership and Inheritance System

Traditionally, Garos follow matrilineal property ownership and inheritance system, which has primarily grown via through their communal lifestyle and rituals, that are now under transition (Islam, 1986:298). Garo traditional property ownership and inheritance system

only allows women to be the owners of the household property, which means that men usually do not inherit any property. Different scholars try to unearth Garo property ownership and inheritance system. Traditional customary laws following *Sangsarek* religion have tried to define the nature and practice of matrilineal Garos female lines property ownership and inheritance system, are as follows:

a. *Gam Rakhakigipa (owner of family property as wife)*

The wife, who is the mother of the family, could have full ownership of the family's immovable and movable property. All the property of the family, as well as everything her husband and son earn, could be under her complete control. Despite the fact that the husband was recognized as the property manager, he could not use the property without his wife's permission.

b. *Gamani Nakagipa (owner of all family properties as mother)*

Mothers are the sole owner of the family property. Whatever *Nokrom*, unmarried son, and her husband earn in their lives goes under the control of the mother of the family. In some cases, the mother could send her unmarried son as servant for a while in return of money or to repay the loan. If her husband dies after bringing *Nokrom* to the house, then she could be considered as *Nokrom*'s chief wife.

c. *Gam Mangikogipa (owner of property as a Nokne)*

A girl was usually selected as the heiress to every family was known as *Nokne*. After marriage, *Nokne* used to live with *Nokrom* in her parents' house and inherit the property after the death of her mother. *Nakrom*, is usually chosen by *Mahari* people and relatives. *Nokne* is responsible for upholding the customary practices and then handing it over to the next *Nokne*.

d. *Deragathgipa (adoptive daughter)*

If a couple does not have a daughter, the *Mahari* could give them an adopted daughter from within their *Mahari*, who could be the heiress of the couple. If no suitable girl could be found inside the *Mahari*, they could adopt a daughter from other *Mahari*. The adopted daughter, like the actual *Nakne*, could inherit the entire family property and took care the parents. The adopted daughter replaced her deceased mother or become the wife (*Zikgati*) of her adopted father.

e. *Agati (girls in the family other than Nokne)*

If there is a chosen *Nokne*, the other *Agati* girls in the family normally could not receive property from the family. *Agate* couples had to construct separate household of their own. Sometime *Agati* couple got some properties out of love and affections but it was not obligatory.

f. *In Zikgati (owner of property as second wife)*

When *Nokram* marries his widowed mother-in-law; his real married wife was considered as *Zikgati*. Upon the death of the chief wife, the second wife could be granted the status of a real wife with the approval of the *Mahari*, but only the chief wife's daughter could be chosen as *Nokne* (heiress daughter). On the other hand, if the main wife did not have daughter, then any girl child of the second wife could be selected as the family's *Nokne*.

g. *Onsanga (owner of property as exceptional second wife)*

After the death of the first wife, a woman given by *Mahari* as the second wife could also be the owner of the family property like the first wife. But if the present wife did not have any daughter, and if she became widow with a daughter before the marriage, then the daughter of the former husband of the second wife could be chosen as the heiress of the property with the approval of the *Mahari*.

7. Property Rights and Inheritance of the Male Members

Garos traditional property rights and inheritance principles do not allow man to own property, only women were entitled to own the household property (Chowdhury, 2007:81). In some rare cases, Garos traditional customary rules and practices tried to define the nature of exceptional property ownership and inheritance system, where Garo male members became part of the property ownership and inheritance system, are as follows:

a. *Panthigita (unmarried man):*

When the boy reaches the age of maturity and active, it was customary law among the Garos to enable him to cultivate some land on his own, and in Garo language it was called *Athoth*. Beside other household activities, the Garo young man usually cultivate this own land (*athoth*) to produce crops for spending his personal necessities.

b. *Chawari Githa (as the son-in-law):*

On the day of the wedding, the man usually moves to his father-in-law's house with his own mint and clothes earned from his *Athoth*. Sometimes parents lend some of their land or utensils to their sons but the man could not take any asset with him without parents' permission.

c. *Nokrom Githa (as the husband of the Nokne):*

On the day of the marriage, *Nokrom* had to hand over all his belongings to his mother-in-law and could be accountable to the family for the rest of his life. He could only take care the family property of the *Nokne*.

d. *Miyapa Githa (As husband and father):* Customarily, everything a husband earns during his life was given to his wife, and males were mainly considered as family caretakers. In order to use any of the inherited resources or capital for family necessities, the husband (*Nokrom*) must first obtain the consent of his wife, or *Nokne* or in some situations even *Mahari*. He only could keep some money for his daily travel and tobacco usages.

e. *Wangipa Githa (as step-father):*

When a man marries a widow, he was obligated to care of his wife's family property. He could not claim anything for his use without the permission of the *Mahari*, except daily travel and tobacco usages.

f. *Jixim Angimin (as a widower):*

Unless a second wife is given by his deceased wife *Mahari* to a widower, he had to remain in that house and will have to manage the family as the caretaker under the

Mahari. On the other hand, if the widower marries a girl other than his deceased wife's *Mahari*, he was obliged to leave the house without taking anything from the family and had to pay a fine/fee to his deceased wife's *Mahari*.

g. *Zikse wat Griqgipa* (divorced man):

If the marriage is divorced with the consent of both parties' the male had to leave the family without taking anything from the family. If the man did not agree to take the second wife from the *Mahari* choice, then he had to leave the family and the house without taking anything. In that case, he had to pay a fine/fee under the traditional practices.

h. *Kathangipa Githa* (if fleeing):

If a man flees from his wife's house, he become unable to take anything from his wife's residence. Accordingly, whatever he earned elsewhere must be sent to his abandoned wife and children. And if he went somewhere and marries another woman, following traditional law, he had to pay a fine/fee to his first wife.

8. Loosing Inheritance and Property Rights

According to Garos traditional property rights and inheritance principles, inherited or adopted property owner might lose their property rights for the following reasons;

- (a) Mother: When a son marries, his mother loses all rights to her son's future earnings. If a widow declines to marry *Nokrom* after the death of her husband, she could reside in her own house, but the rights of all property would be given to *Nokne*.
- (b) Wife: If a wife divorces her husband or marries another person without any logical reason, in that case, she loses all her property rights. After husband's death, until the *Mahari* gives her second husband, if she accepts a husband without *Mahari*'s approval, she will lose the property rights of the family.
- (c) *Nokne*: If a *Nokne* does not agree to marry *Mahari* selected *Nokrom* for any reason, and marries someone without the approval of the *Mahari*, she might lose her property right to inherit and, in some cases, she may also have to be punished.
- (d) Adopted Daughters: It was the sole duty for any adopted daughter to live with and be faithful to her adopted parents. If she makes any exception, she might lose the right to claim property and would be returned to the place from where he was adopted.

According to Garo customary laws, a man did not have the right to have own property, but he was considered as the custodian of the family property. However, he may lose his caretaker rights for following reasons; a). If he leaves home b). If he abandons his wife for no good reason c). If he refuses to marry her mother-in-law after his father-in-law's death d). If he refuses to accept the second wife chosen by his wife *Mahari* following the death of his first wife and he marries another girl of his own choice.

9. Syncretism of Property Ownership and Inheritance System

Garos traditional system of communal ownership of land and inheritance system are not operating now in the Garos of Bangladesh. Instead, new inheritance system and the

concept of individual household ownership has been developed. External ideas related to land system and some other causes pushed or encouraged Garos to pursue contemporary inheritance and individual ownership system which was previously unknown to them.

Some basic changes happened regarding the property ownership and inheritance system. Today Garos do not believe in the rights of ownership of all property by women. An unmarried male person earning are kept for him or for family usages, mostly do not go to his mother, or to his sister. In the case of a married man, they do not pass property to his wife or mother but Garos still recall and tries to uphold the spirit of traditional inheritance norms but in practice, there are many violations and derivations within these practices. Today, it is observed that male person owned property in many cases. Lands are passed down to their sons instead of daughter. Parents at their old age are now living with sons. The traditional practice of selecting *Nokne* (heiress) or *Nokrom* is no longer practiced among the Garos of Modhupur, despite the fact that everyone understands the notion. In fact, a daughter is no longer distinguished from others by stating her *Nokne*, nor her husband referred as *Nokrom*. The elderly Garos are aware of the traditional principles of *Nokne* and *Nokrom*, but they do not carry out such responsibilities in accordance with the traditional system. Previously, a few small items could be provided to male children to assist them in establishing their own households, but everything else was passed down to the heiress daughter and her spouse and no one saw this as wrong (Burling, 1997:147).

Today, most of the Garos do not want to follow the generations-old traditional inheritance method in which everything was declared to the heiress women. They say it is incomplete and not possible to follow the traditional inheritance methods nowadays. When I asked them why it is not possible, simply they stated that it is unfair, less articulated and unjust to pass all property to women rather than distribute it to both sons and daughters. Barling (1997:148) also mentioned that the most significant fact is that there is a lack of common consensus among the Garos on their inheritance principles. There is no accepted authority among the Garos, even not the governmental authority that could legislate an acceptable new principle for the Garos. Even there are some restrictions on them to sell or transfer landed property to others.

Sunita Mri, 45 years old, lives in Chunia of Modhupur Upazila, mentions that we cannot easily sell or purchase a piece of land which the Bengalis can do. If a Garo want to sell or purchase a piece of land, we need to take permission from local Adivasi Welfare Association as well as from the government. We are entitled to sell or buy the land only within our own community members. Some Garos demand easy access to sell or buy the land. Most of the Garos do not have any official records of land ownership only using generation after generation. Garos want to get official papers of their land ownership.

Eventually, traditional principle of passing the hereditary ownership of all property to women is not maintained, but some of the properties that have no commercial value, such as brass basin, ornaments and so on, are solely passed to the daughter as symbol of the traditional inheritance system. It is difficult to find who implement and who oversee the Garos traditional inheritance practices. Regarding property ownership, I asked some male Garos, who mentioned that it is his property or the property of his household and his mother or wife's name is not even included. On the other hand, some of the Garos

mention that the assets of my family owned by my wife, and I only maintain but we do not have the government records. Thus, some Garos recognize the long-standing practice of property ownership of the women. At this moment, it is clear that woman possess some property, but usually she does not mean, or does not even want to know, whether or not what her husband does with her property is permissible. We checked with land record office of Modhupur and find that both male and female Garos have some 'Recorded Lands' in their name. So, property is registered and owned by both man and women, rather than only women. Let us consider a case from my study village Joynagacha, which may clear Garos present inheritance system. *Akash Delbot (65) has two sons and one daughter; all are married but his daughter is living with Akash Dalbot with her husband. He distributed his landed property among his sons and daughter equally.*

The tendency to transfer property to men has increased recently. Nowadays, when a man buys a plot of land, it is usually registered in his own name. At present, fathers tend to pass their property to their sons rather than to their daughter. As there is no longer *Nokne* concept, so other daughters particularly *Agate* daughter are also receiving property from their parents. Traditionally, Garo passed down property through female line following matrilineal principles but due to newly developed individual ownership, Garos traditional matrilineal system has been changing substantially. As a result, traditional way of life, social organizations and kinship system are also changing, and finally matrilineal Garos are transitioning to patrilineal one, which inviting changes in all aspects of Garo life, culture and practices. Different internal and external factors contributed to the transformation of the Garo property ownership and inheritance system such as conversion to Christianity, introduction of formal education, government policies and initiatives, integration with the globalized system, market economy, access to modern agricultural equipment, occupational diversification, Bengali settlement in the area, wet rice cultivation, economic insecurity, migration to the city, changes in work and income, introduction to modern technologies, infrastructural development, exposure to modern media especially TV, radio, film, Facebook etc. In this transformation process, modernization had played a pivotal role, which influenced various other elements and somehow transforming Garos traditional property rights and inheritance system into a new setting.

10. Conclusion

Garos property ownership and inheritance system has been transformed significantly over time, and varieties of factors are responsible for these transformations. Garos have lost many features of their traditional ownership and inheritance system and adopted some outside features yet, they continue to practice some of their traditional system, which help to represent Garo as a traditional ethnic community in Bangladesh.

Traditionally women possessed all the family property, especially by the *Nokne*, but in reality, properties are largely owned by men nowadays. This trend is particularly true for landed property, which is usually owned by men rather than women, that arose in relation to newly introduced wet cultivation. Apart from the idea of property ownership, property inheritance system has also been experienced tremendous transformation, particularly in relation to the changes brought by Christianity, modernization and wet rice farming. Property is now distributed among all children, rather than only to the heiress daughter (*Nokne*). It is also found that there is an increasing trend to transfer or pass land property

to male children or sons rather than the heiress daughter alone. Eventually, Garos of Bangladesh are now moving towards patrilineality, which has tremendous impacts on different aspects of Garo life and culture. It brings changes in post marital residence system among the Garos as well. Although, all these changes among the property ownership and inheritance systems have not been able to create barrier to the Garo culture, life pattern and mindset. As a result, the Garos are still a distinguished ethnic community with their own distinct inheritance system and culture which however, is undergoing with a process of massive transformation.

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