CHAPTER III
HINDU WIDOW'S REMARRIAGE ACT
AND
ITS IMPLEMENTATION

Historical Background

Since the widows were not permitted or required to die with their husbands on the funeral pyres down to B.C. 300, there were three courses open for them to lead their remaining life. They could either remain in the state of widowhood for the rest of their lives, or have some children by levirate (Niyoga), or remarry regularly. The first was considered to be the most honourable course, but there were many who followed the second or third alternative. Down to this period, i.e., 300 B.C., the widow's position on the whole was fairly satisfactory. From 300 B.C. her position began to deteriorate. The custom of 'Sati' began gradually to come into vogue in Kshatriya circles though its spread was checked for some centuries by secular and religious Hindu thinkers. Eventually, however, their opposition proved of no avail and the custom spread to all sections of the community. Ascetic views and ideals had greater influence on society and as a result, the custom of both 'Niyoga' and remarriage began to become gradually unpopular at about the beginning of the Christian era. Widows, not inclined to lead a celibate life, could, however, have recourse either to 'Niyoga' or remarriage down to A.D. 500.

Thereafter, the force of public opinion made it difficult for them to do so. 'Niyoga' came to be definitely forbidden by

---

* Socially approved norm of allowing widow to procure a son for the deceased husband through his brother or near male relative.
* Sati; socially approved custom of burning alive a widow at the time of her husband's death.
this age. Remarriages of child widows continued to be permitted until about 1000 A.D., but soon thereafter even this concession was withdrawn.

From c.1000 A.D. the condition of the widows further deteriorated. The custom of "Sati" appealed more and more to all classes of society. As a result, sometimes even unwilling widows were driven to follow it under the force of public opinion. On rare occasions even child widows were burnt, lest they should go astray and bring disgrace to families.

According to Mitakar, widow remarriages were gradually coming into disrepute during the period c.200 B.C. to 300 A.D. He quotes that when Duryodhana was urged to make peace on the last day of war, he remarked that he was disinclined to enjoy the earth as a man is to marry a widow.** After about 1000 A.D., widows came to be regarded as unsanctified and they could not be present at the marriages of even their own children. They had to lead a dreary life of enforced celibacy and society did not show them much sympathy. Many widows ended through their unwanted life, supported by such solace as religion could afford them. Some summoned the necessary fortitude and preferred to escape, freed life by Sati. A few found it impossible to follow either course and landed into a life of ignominy and immorality.

In the earlier period, when the Sati custom was unknown and

---

** Ibid - p.160
remarriages were allowed, the widow's lot was somewhat better; nevertheless, she was regarded as insuspectious. Later on, it became positively unbearable. She had to spend her life with her head shaved and arms bared; she was an outcaste on festive occasions; she was a had-ecen, her very sight being regarded as most insuspectious. A woman representing widowed observs in the Brahma in that a widow is sounded on all sides by the wicked like a piece of flesh by the birds of prey, and Narayana says that the greatest dancer that can overcome a woman is widowed."

According to Shakuntala Rao Shastri in her book 'Widow in the Vedic Age', the life of a widow was not characterized by as many restrictions and austerities during Vedic age as in the later days. The widow was taken charge of by the brother of the deceased who could marry her with the permission of the elders.

The same fact is brought out by Kendria that intimacy between a woman and her brother-in-law was known to the Vedic Aryans. In the funeral hymn in the Rigveda, the widow who lay on the pyre by the side of her dead husband was asked to rise and come to the world of the living: 'He by whose side you lie is lifeless. Gone, this your wifehood of the husband who took thy hand and vowed thee has (now) been fulfilled.' And in the

  Ed. 75, Varanasi - p. 164.
  "Shakuntala Rao Shastri; Widow in the Vedic Age
  Page 93."
Atharvaveda is added, 'Come to him who crosses thy hand, thy
dear [dichi]; thou hast now entered into the relation of
wife and husband.' Further, he points out that in post-Vedic
literature also there is the section of conjugal intimacy being
restricted to a woman and her younger brother-in-law. In the
Ramayana, after the death of Rama, Juggava married his widow,
Sita. Vishnasa likewise married his elder brother's widow.
When Lakshmana was hesitant to leave Sita alone in the forest
and go to the help of his elder brother at her bidding, she taunted
him saying, 'You wish to see Saram dead that you may get on for
your wife.' While in these illustrations from the epics, intimacy
is confined to a younger brother-in-law only, Vishnasa 300 B.C.-
A.D. 100 would not restrict a widow's marriage to her younger
brother-in-law. The wife of one who has long been abroad, or
who has become a recluse or who is dead should wait for seven
menstrual periods and for a year if she has a child already.
Thereafter she may marry the full brother of her husband. If
there be many brothers she should marry one who is near in age
(to her first husband), who is virtuous, capable of maintaining
her or who is the youngest or unmarried. If such a brother is
not available she may marry a younger-winner brother, a 'sapinda'
who is a member of the family. But the writers of the
Shansadattas (300 - 300 B.C.) and Swamakita (200 B.C.-100)
put a check on the intimacy of a person with his younger brothers'
wife or widow. Some later writers instead of categorically
forbidding any intimacy between the two restricted it to a
particular situation and defined its expression in a particular
manner. When a man dies childless, the widow might be allowed to
to procure a son for the deceased through his brother or a near relative. The marital relations between the two were temporary and restricted. They lasted till the signs of pregnancy were visible or at the most, till two children were born. No amorous dallying with the woman or any frivolity was allowed. If these restrictions were not properly observed, the son begotten did not get the share of his father in the family property. Under this new form, known as ‘Niyoga’, privileged intimacy was denied and conjugal rights were sanctioned only to secure an heir to the deceased. These prescriptive rules of marital behaviour restricted conjugal rights, and it was attempted to minimize them further by giving the widow full freedom to resort to ‘Niyoga’ or to live a chaste life."

Kapadia points out that widow remarriage seems to have been fairly well known and accepted as normal from the Vedic period onwards but the new morality contemplated fidelity on the part of the woman, and this implied restriction on widow remarriage and minimization of privileged intimacy with the deceased husband’s brother. And the smarastra writers (600-300 B.C.) as mentioned earlier, set themselves to implement both these changes by reinforcing new ideals and inhibitions. The ideal of a chaste wife was provided by saying that ‘a woman who, from a desire to have offspring violates her duty towards her (deceased) husband brings on herself disgrace in this world and loses her place with him (in heaven).’ Consistently, ‘Niyoga’

* Kapadia, K.M.; Marriage and Family in India
  Pages 97-11
was condemned by saying that 'it is the violation of the ancient law.' Even as late as the time of Kautilya, 6th or 7th century A.D., a woman was allowed to take a second husband when her husband had gone away for long, when he was dead, when he was outcaste, when he took to the life of an ascetic, or when he was invalid. From the beginning of the Christian era views against widow remarriage were being propounded but they did not become the cause of a long time to come. By the 7th century, however, widow remarriage must have been rare, owing to the prohibition of enforced widowed or 'vati' at that time.

It may be deduced from the above illustrations and statements from different religious scriptures of Hindu, as brought out by different authors, that remarriage of widowed Hindu woman was customarily permitted and sanctioned by religious law during Vedic times; during the post-Vedic period, though the norm still persisted yet there was a move for discouraging and banning it; by about the 7th century the practice of widow remarriage became quite rare and was no more a widely approved norm of society. Gradually the Hindu law considered the remarriage of a widow valid as invalid and children of her second marriage as illegitimate. Widow remarriage was an approved norm only among certain lower castes whose customary law sanctioned the practice.

It seems that from 7th century onwards, Hindu law

**Note:**

*Paradis, K.N.; Marriage and Family in India - Page 57.

*Ibid - Page 172.*
gradually became so averse to and the socio-religious sentiment of Hindus so much disapproved of the practice of widow-remarriage that even if some one belonging to the higher castes wished to marry his young widowed daughter he could not. During the course of about 7 to 8 hundred years the difficulty of universally prevalent Hindu law, custom and sentiment being against widow-remarriage, seems to have been felt by some of the learned and celebrated Hindus who made resolute attempts to marry young widows but failed. During his speech on the widow remarriage Bill in the Legislative Council, J.P. Grant (a member of the then Legislative Council who moved the widow remarriage Bill in the Council), mentioned that the law for removing disabilities of the remarriage of Hindu widows which the petitioners proposed was not proposed for the first time. The terrible consequences of the prohibition had induced very wise and great Hindus, at many times, and in many places, to attempt to reverse it. There was, perhaps, no part of India were some distinguished members of the Hindu community had not, within the last few hundred years, made this attempt, e.g., between three and four hundred years ago, in Benagal, Madras, etc., a very learned and celebrated Pandit, who had written a digest of the Hindu law made a resolute attempt to this effect. He had at one time firmly resulled that his own widowed daughter would remarry; but the attempt failed. Raja of cool of copy, about the middle of the 18th century, made a similar attempt which seems to have been almost successful. He quoted a learned and law opinion of a large body of learned Pandits; but finally his attempt also failed. About the same time, the chief of Bhatia made a similar attempt, with no better success. In Calcutta, there was a great agitation on the subject
It was in consequence of the failure of this agitation that \*\*\* Chandra Sivamanger, (the then principal of the Sanskrit College in Calcutta) had taken up the subject.*

According to G. Grant's statement there were upwards of 55 petitions signed by more than 6,000 persons for passing the Bill to remove legal disabilities of remarriage of Hindu widows. As against these there were upwards of 80 petitions against the Bill, signed by about 50,000 to 60,000 persons, so (Grant) remarked that of all of that number, (those who opposed) there was not one, who could be said to have, in any fair sense of the term, any individual or personal interest in the measure. On the other hand, of the 6,000 persons who had petitioned in favour of the Bill, there was not one who could be said to have in the fairest and truer sense of the term, a strong individual and personal interest in it. There was not one of these who, if the Council should refuse to pass this Bill, might not hereafter have occasion to call it to account for having refused to do that which would have saved the domestic happiness and, perhaps, the honour of his family.**

The petition on which the Bill was founded, made certain allegations of the fact. It said that, 'by a long established custom, the marriage of Hindu widows is prohibited; that the

* Proceedings of the legislative Council of India from January to December, 1885 - Vol.11 - Page 759
** Proceedings of the legislative Council of India from January to December, 1885 - Vol.11 - Pages 424 to 426
Civil law of this country, as administered both by Her Majesty's and the Company's courts, incapacitates Hindu widows from contracting second marriages, by pronouncing such marriages to be invalid, and making their issue illegitimate. It proceeded to say that 'this cruel Hindu widow, whatever their own opinions or the opinions of their families in this latter may be, to continue as widows, all their lives, in some cases, from the age of five years.' It further said that 'this state of the law inflicts great cruelty upon the widows, who, now being unable to hold themselves as 'Sati' with their deceased husbands, have no alternative left, and must lead a life of severe mortification — in fact, a life of the most painful asceticism.' On the basis of the requests of the petitions in favour of the Bill for removing disabilities of remarriage of Hindu widows, J. Grant formulated and presented the following objects and reasons of the Hindu Widow Remarriage Act on the 17th November, 1936.

Statement of Objects and Reasons of Hindu Widow Remarriage Act. 11

"The petitioners allege that by a long established custom, such marriages are prohibited; that this custom is cruel, unnatural, immoral, and mischievous; that in their belief it is not in accordance with a true interpretation of the Hindu Shastras, that they are conscientiously impelled to disregard it; that

Proceedings of the Legislative Council of India from May 9, 1894 to December 30, 1895. — Vol. I

Legislative Papers of Act 27. — Vol. I & II. — P. 37-64
they are prevented from following the dictates of their
consciences in the matter by the law as now administered in
our courts, which pronounces such marriages to be invalid,
and makes the issue of such marriages illegitimate. Therefore,
they pray that, without affecting the interests of any other
Hindus, who entertain a different belief, they may be relieved
from this legal restriction; and they assure the Council that
a law affording such relief will be in accordance with the wishes
and feelings of a considerable section of orthodox Hindus.

The object of this Bill is to give the petitioners and
all who agree with them, the relief prayed for; without
interfering with any other people.

It is well known that by Hindu doctrine, a Hindu widow
who does not burn as Suttee (which act can no longer be committed
in India) is bound to a life of the most painful bodily morti-
ification. Those who agree with petitioners allow the reputable
alternative of remarriage. Those who do not, allow of no
reputable alternative. The law of our courts allows no reputable
alternative to either.

There is no doubt that all the statements of fact made
in the petition are true. A large number of Hindu families are
prevented by the municipal law of the country, as now existing
in practice, from acting as they wish to act, and as they believe
it right to act. All Hindus of caste, though they should be
anxious to encourage the marriage of widows, are prevented
from taking even a first step towards such encouragement, by
this state of the municipal law.
This prohibitory law, viewed generally, is far from
being in the interests of good morals, and so far from leading
to mean happiness, as admitted by all to operate intensely
to the injury of good morals, and to create at least a frightful
amount of human misery. Upon general grounds, therefore, the
enforcement of this prohibitory law by the civil code of the
country is indefensible. It is true that the reasons which
prohibit the marriage of widows operate and ought to operate,
as a moral sanction upon all who believe that the prohibition
is in accordance with the directions of an authority which they
revere and to which obedience is a primary duty. But this
circumstance affords no justification to a municipal law which
enforces by worldly penalties even as against those who
believe them a dogmatic prohibition which operates injuriously
to morals, and cruelly to individuals. Still less does it
afford a justification or excuse for a law which enforces such
a prohibition by worldly penalties against those who disbelieved
the dogma and who regard those who believe it as the victims
of a false interpretation. If the learning, reason and con-
science of a single Hindu father direct him to save his little
child from life-long misery or vice, the law of the country
should not stand in his way. It is not less abominable to
force a Hindu who disbelieves or abhors this fatal inter-
pretation of the Hindu教条, to act in accordance with it,
than it would be to force a Christian or a Mohammedan because
he happened to live amongst people of another creed, to
sacrifice his daughter in the same manner.
The Bill now presented will wipe out that blot in the municipal law of India. At the same time it will leave all those Hindus who do not agree in the opinion of the petitioners, precisely as they are now. It does not pretend to say what is the right interpretation of the directions for conduct in respect of marriages in the text books; or which of the conflicting authorities ought to be followed by a Hindu. It will interfere with the tenets of no human being; but it will prevent the tenets of one set of men from inflicting misery and vice upon the families of their neighbours, who are of a different and a more human persuasion.

These are my chief reasons for proposing this enactment."

The principal objections advanced against the Bill were two. It was said that this measure would interfere with the Hindu Religion; and that the measure, though in outward appearance merely a permissive one, was in point of fact a coercive law.*

J.P. Grant refuted both the objections. He stated that, "There was no foundation whatever for the first of these objections. The Bill left every Hindu free to act in accordance with his own religious views. But it would also be an interference with Hindus in their religious concerns if the Council should refuse to pass the Bill. The five petitioners,

in favour of the Bill, told the Council that, according to their convictions, the rule which prohibited the remarriage of Hindu widows was not in consonance with the true interpretation of their religious books. In addition to this, they said that the restriction against the remarriage of widows was absurd, unjust, cruel and in its consequence, immoral."*  

Sir James Colville, who seconded the motion, also said that "the law would be essentially permissive, and permissive only. It would enable no human being to do that from which his or her conscience revolted. Widows who felt that widows ought to live as the Hindu law prescribed would live so still. But to those who felt that they were living under a cruel bondage from which their feelings and conscience revolted this Act would be most welcome relief. . . . . . . It might prevent the monstrous fact of a virgin widow condemned against her will to a life of mortification, by way of showing duty and respect to a deceased husband whose face she might never have seen, except at the hour of betrothal. It might prevent a vast deal of immorality which resulted as the natural consequence of enforced celibacy, and of violence done to nature; and those domestic scandals which, he feared, were unfrequently concealed by darker and graver crimes."**

Regarding the second objection, it was alleged that this law, though professing to be merely a permissive measure,
was in reality a measure of coercion. In support of this position, it was said that if certain widows were remarried, they might have children, and if they have children, then some future heir might be disinherited in his hope of succession. This objection was also fallacious and ludicrous according to Grant.

It was in the midst of opposition by a large majority who believed that the remarriage of a widow involved guilt and disgrace on earth and exclusion from heaven; and even usages and obligations of caste and custom were equally opposed to what was proposed, that a small minority of learned Hindus could get the permissive Act of Hindu widow remarriage being passed on 26th July, 1890.**

The Act was considered to be a necessary complement of the law for the abolition of the rite of 'Sati'. J.R. Grant reported that all attempts of remarrying young widows had failed because only a minority was in favour of it. But the Legislative Council had it in their power to give to the minority, even if that minority consisted but of a single family, liberty to act according to their own consciences and feelings of humanity.***

---

* Proceedings of the Legislative Council of India from January to December, 1900. Vol. IV - Page 435

** The Calcutta Gazette - Page 1187

*** Proceedings of the Legislative Council of India from January to December, 1900. Vol. IV - Page 760
This Act was passed to remove all legal obstacles to the marriage of Hindu widows. It was considered just to relieve them from a legal incapacity to marry; it was stated that the act will tend to the protection of morals and public welfare.

The act declares that no marriage of a woman whose husband was dead at the time of her second marriage is invalid and no issue of such marriage shall be illegitimate.

In case the remarrying widow is a minor whose marriage has not been consummated, the consent of the father, grand-father, mother or elder brother or nearest male relative is required and any marriage contracted without such consent is void, but no such marriage shall be declared void after it has been consummated. Where the widow is of full age or more her former marriage was consummated, her own consent is sufficient.

It provides that the remarriage of a Hindu widow operates as her death with respect to any right or interest in her deceased husband’s property by way of maintenance or inheritance or by virtue of any will conferring on her a limited interest without express permission to marry. Any interest including an interest in the husband’s property, if she acquired it absolutely for herself (either under a will of the husband or on a community with the members of the
husband's family) continues in her."

It has been mentioned earlier that even when the customs and usage of Hinduism were declared to be against the practice of widow remarriage, custom persisted and approved it customarily. It is known that only high caste Hindus place restrictions on the remarriage of their widows. Altey writes that from about 1700 A.D., even child widows could not be married but this prohibition became operative only in the higher sections of Hindu society. As far as the lower strata were concerned, remarriages continued to be common among them.**

According to the customary law of Allahabad district also,

the area from which sample is taken, Tajura and Tapan divided to recognize 'kawwa' or widow marriage under any circumstances whatsoever. It is mentioned further that hardly any custom can have greater force over the people than the influence of certain castes against widow marriage.

Instances are quoted of two Tajuras of Thana, a town in Allahabad district, saying that in both the men were excluded from the caste. Among castes which customarily permit widow marriages, though a widow has full power to marry anyone she pleases, it is reported that custom requires her to take

**Agarwala, I.D.: Widow remarriages in some rural areas of Northern India.

** Altey, I.D.: The position of women in Hindu Civilization.

her second husband from her first husband's relatives if there are any available. At any rate we will not carry elsewhere unless with the consent of the first husband's heirs.

In 1720, it was reported that caste had relaxed and there were instances of remarriage of Rajputs and Brahmin widows in well known families without penalty, though not without reserve. In those cases the remarried widow was treated exactly in the same footing as a wife married for the first time...........

It was reported in 1718 that Rajputs commonly practiced "graiva lavyata".

Implementation of the Hindu Widows' Remarriage Act

The Hindu Widows' Remarriage Act was passed in the year 1956. It has, however, been brought out in detail that only a few Hindu elite, having the zeal for social reform, supported it while the large majority of Hindus opposed and resisted it. Even now more than one century after the enactment, the often repeated remark is that the above act has not served any objective whatsoever and that it is no use putting on statute books such enactments as are bound to remain ineffective because of the incompatibility of their provisions with the ethos of a community, emanating from multifarious socio-cultural factors. The present study is taken up with the specific objective of finding out the acceptability of the hypothesis that the legal permissive measure of widow remarriage has been effective in the society to the extent it is in tune

with its social structure. Whereas the effectiveness of a prohibitive or coercive legal measure may be assessed from actual incidence, the effectiveness of a permissive measure may be assessed mainly in terms of its acceptance by the people at opinion level. It is presumed that when people in general hold favourable opinion about the remarriage of widows as enshrined in the act, there would be no opposition or resistance to those who may like to avail themselves of the permissive measure.

The present study is conducted on a sample population survey consisting of castes which had customarily permissive and prohibitive norms respectively for the remarriage of widows. The effectiveness of the above act has been assessed at 'opinion level' in terms of its acceptance by the respondents, i.e., 325 heads of households. The extent of actual implementation or how far has this permissive measure been availed of in remarrying the widows, is assessed by procuring the actual incidence of widowedness and remarriage within the circle of primary relatives of the respondents.

The assumption underlying the analysis of empirical data both at the opinion and actual levels is that a greater acceptance of the legally permissive measure of widow remarriage would be found among those whose socio-cultural norms may be amenable to it. In other words, certain factors of socio-structure are assumed to be related significantly to the differential acceptance of the legal provision of widow remarriage. Whether the assumption is acceptable or not, may be found out from the analysis of empirical data.
Acceptance of the Widow-remarriage Act at opinion level

At the opinion level, 303 respondents out of the total sample population of 325 respondents i.e., (93 per cent) favoured the Hindu Widows' Remarriage Act. Only a small minority of 22 respondents (7 per cent) did not favour it. As assumed, out of the sample population of castes with customarily permissive norms regarding levirate or remarriage of widows, only 2 (1 per cent) respondents did not favour the legal enactment to this effect as against 20 (12 per cent) of the respondents from castes with customarily prohibitive norms. It means that even after more than one hundred years since the enactment of Hindu Widows' 'remarriage Act, it is being opposed by a small minority of customarily prohibitive castes.

Only two cases, out of the sample population of 150 respondents belonging to castes whose customary norms permitted levirate or remarriage of widows, did not favour the Widow Remarriage Act. The number is too small to suggest any trend whatsoever. Hence the acceptance of the Widow Remarriage Act has to be assessed only for the sample population of customarily prohibitive castes.

Customarily prohibitive castes and opinion about Hindu Widows' Remarriage Act

The sample population of customarily prohibitive castes (Brahmin, Shatri, Aggarwal and Oswal) consisted of 173 heads of households. The assumption is that within this customarily prohibitive caste category, certain variables of social structure
are related significantly to the differential acceptance of the legal provision for remarriage of widows. In other words, those of this customarily prohibitive section of society, whose socio-cultural correlates may have become in tune with the spirit of the permissive measure would be more amenable to accept it than others.

Caste and opinion about the Act

From among the category of castes which have customarily prohibitive norms regarding remarriage of widows, certain caste groups are assumed to have more amenable socio-cultural characteristics to accept the legal provision than others. The assumption may be verified from the following data:

<table>
<thead>
<tr>
<th>Caste</th>
<th>Approves Remarriage</th>
<th>Dis-approves Remarriage</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brahmni</td>
<td>41</td>
<td>3</td>
<td>44</td>
</tr>
<tr>
<td>Kshatri</td>
<td>43</td>
<td>4</td>
<td>47</td>
</tr>
<tr>
<td>Agarwal</td>
<td>47</td>
<td>3</td>
<td>50</td>
</tr>
<tr>
<td>Oudh</td>
<td>21</td>
<td>4</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td>166</td>
<td>59</td>
<td>225</td>
</tr>
</tbody>
</table>

The association between variable of caste and approval for remarriage of widows is not significant as ($X^2 = 3.51; df = 3, p < 0.5$). The data in percentages makes evident the trend that out of customarily prohibitive castes, more
Brahmins and Oswals disapproved of the Act than Khatri and Aggarwal caste respondents.

Religion and opinion about the Hindu Widows' Remarriage Act

The prohibition of second marriage to a woman, whether widowed or deserted, is traced back to the development of ascetic ideals in Hindu society. The move for permissive legal measure for remarriage of widows was opposed mainly on religious grounds. The ascetic ideals emanated from Hindu religion and were applicable mainly to Hindu community. Hence it is assumed that religious groups, other than Hindus, may be more amenable to accept the provision for remarriage of widows. The field data show the following trend:

<table>
<thead>
<tr>
<th>Religious groups</th>
<th>Those approving remarriage</th>
<th>Those disapproving remarriage</th>
<th>Total cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindu</td>
<td>101</td>
<td>88</td>
<td>115</td>
</tr>
<tr>
<td>Sikh</td>
<td>28</td>
<td>100</td>
<td>28</td>
</tr>
<tr>
<td>Jain</td>
<td>250</td>
<td>31</td>
<td>32</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>155</strong></td>
<td><strong>99</strong></td>
<td><strong>178</strong></td>
</tr>
</tbody>
</table>

The association between religion and opinion about remarriage of widows is not significant as \(X^2 = 4.47; \ df = 2; \ p > 0.2\). But the above data in percentages bring out a trend that religion is related to differential approval for remarriage of widows within customarily prohibitive castes.
The Sikh religion seems to be most liberal; all the respondents in the sample of prohibitive castes, following its Sikh religion, approved of the remarriage of widows. Jains are progressive in certain matters like age of marriage but they are quite conservative in matters like remarriage of widowed or divorced women.

It is assumed that there is a positive association between respondents' opinion about the nature of marriage union and their opinion about the remarriage of widows. The disapproval of remarriage of widows is assumed to have been voiced by a larger percentage of those who consider marriage a sacrament. The assumption may be verified from the data given below:

**Table No. XIXII**

<table>
<thead>
<tr>
<th>Nature of marriage union</th>
<th>Those approving remarriages</th>
<th>Those disapproving remarriages</th>
<th>Total cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sacrament</td>
<td>176</td>
<td>10</td>
<td>186</td>
</tr>
<tr>
<td>Non-sacrament</td>
<td>127</td>
<td>2</td>
<td>129</td>
</tr>
<tr>
<td>(Contract/mutual agreement)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>303</td>
<td>22</td>
<td>325</td>
</tr>
</tbody>
</table>

The association between respondents' opinion about the nature of marriage union and their opinion about remarriage of widows is found to be significant as \( X^2 = 8.51; df = 1; p < .01 \). The data in table No. XIXII show that out of the total of 22 respondents in the sample who disapproved of the
permissive measure for widow remarriage, 20 were those who considered marriage a sacrament. All these 20 respondents belonged to customarily prohibitive castes, a fact which shows that there is a very significant association between prohibitive caste respondents' opinion about the nature of marriage union and opinion about remarriage of widows.

Religious sect and opinion about Hindu Widows' Remarriage Act

Whenever the variable of religion is associated positively with any practice, custom or normative behaviour, the orthodox section of a religious group may be safely presumed to be more oriented towards upholding it, while the progressive sect may be inclined more favourably towards accepting new ideologies setting the contemporary times. In other words, the orthodox section is expected to offer more resistance to the move for bringing about changes in old values, when the progressive or liberal sections support the contemporary trends. The assumption may be verified from the empirical data:

Table No. XXIII
Religious sect and opinion about Hindu Widows' Remarriage Act — (prohibitive castes)

<table>
<thead>
<tr>
<th>Religious sect</th>
<th>Approves remarriages</th>
<th>Disapproves remarriages</th>
<th>Total cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindu Samajist</td>
<td>83</td>
<td>85</td>
<td>15</td>
</tr>
<tr>
<td>Arya Samajist</td>
<td>15</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td>Ngl</td>
<td>2</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td>Sikh Ngl</td>
<td>29</td>
<td>100</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Jain</th>
<th>Approves remarriages</th>
<th>Disapproves remarriages</th>
<th>Total cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castelber</td>
<td>21</td>
<td>24</td>
<td>4</td>
</tr>
<tr>
<td>Member</td>
<td>5</td>
<td>71</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>155</td>
<td>87</td>
<td>20</td>
</tr>
</tbody>
</table>


The association between religious sect and opinion about remarriage of widows is not significant as ($\chi^2 = 7.17$; df = 5; $p < 0.3$). But the data in percentages show that the orthodox sections i.e., Brahmans from among Hindus and Digambar from among Jains disapproved the remarriages of widows more than the liberal sections.

Type of family and opinion about
*Hindu Widows' Remarriage Act*

Type of family is presumed to be correlate of the differential opinion regarding social legislative measures intended to bring about social reform. The nuclear family set up is presumed to be more amenable to accepting changes while the joint family set up tends to perpetuate the traditional norms and values. The differential influence of the type of family set up on respondents' opinion vis-a-vis the legal measure for permitting remarriage of widows may be observed from the following data:

<table>
<thead>
<tr>
<th>Type of Family</th>
<th>Approves Remarriage</th>
<th>Disapproves Remarriage</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nuclear</td>
<td>123</td>
<td>90</td>
<td>137</td>
</tr>
<tr>
<td>Joint</td>
<td>22</td>
<td>97</td>
<td>39</td>
</tr>
<tr>
<td>Total</td>
<td>155</td>
<td>20</td>
<td>175</td>
</tr>
</tbody>
</table>

The association between the variable of family type and opinion about remarriage of widows is not significant as ($\chi^2 = 9.52$; df = 1; $p < 0.5$). The above data in terms of
percentages show that a slightly larger percentage of opinion in favour of remarriage of widows is held by respondents belonging to nuclear family type but the trend is not very significant.

**Education and opinion about Widow’s Remarriage Act**

Education is presumed to be a positive correlate of progressive element in the society, hence social legislation for bringing about social reform is supposed to be accepted most by the educated section of society. It is presumed that even from amongst castes whose customary norms prohibited remarriage of widows, the highly educated respondents would approve of the minimum legal provision permitting widows to remarry. The assumption may be verified from the data in the table given below:

<table>
<thead>
<tr>
<th>Education</th>
<th>Those approving remarriage</th>
<th>Those disapproving remarriage</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illiterate</td>
<td>12</td>
<td>73</td>
<td>4</td>
</tr>
<tr>
<td>Primary</td>
<td>46</td>
<td>82</td>
<td>10</td>
</tr>
<tr>
<td>Matric</td>
<td>33</td>
<td>32</td>
<td>3</td>
</tr>
<tr>
<td>Post-Gradue</td>
<td>42</td>
<td>37</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>155</strong></td>
<td><strong>89</strong></td>
<td><strong>20</strong></td>
</tr>
</tbody>
</table>
The association between variable of education and opinion about remarriage of widows is found to be of no significance ($\chi^2 = 7.7; \text{df} = 3; p \leq 0.1$). But the data in percentages make evident the trend that with the increase of education, larger percentage of respondents approve widow remarriage. It may be observed from the data in Table 20.XCV that while 26 per cent of the respondents having no education disapproved of the remarriage of widows, only 3 per cent of the respondents having postgraduate education expressed such opinion. It showed that prohibitive caste norms were perpetuated the least in the respondents having high, especially postgraduate, education.

Occupation and opinion about Widow Remarriage Act

Occupation is also assumed to be a significant correlate of respondents' opinion differential about the legal provision permitting remarriage of widows. Amongst castes having customary norms prohibitive on remarriage of widows, the respondents holding white collar jobs are assumed to be most amenable to favour the remarriage of widows. The assumption may be borne out from the data given hereunder:
Table No. XXVI
Occupation and opinion about remarriage of widows (Prohibitive castes)

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Approves remarriage</th>
<th>Disapproves remarriage</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Agriculture</td>
<td>2</td>
<td>67</td>
<td>1</td>
</tr>
<tr>
<td>Labour</td>
<td>4</td>
<td>27</td>
<td>3</td>
</tr>
<tr>
<td>Business</td>
<td>54</td>
<td>89</td>
<td>6</td>
</tr>
<tr>
<td>White collar jobs</td>
<td>74</td>
<td>90</td>
<td>3</td>
</tr>
<tr>
<td>Not applicable</td>
<td>91</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Unspecified</td>
<td></td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>153</td>
<td>89</td>
<td>20</td>
</tr>
</tbody>
</table>

The association between the variable of occupation and opinion about remarriage of widows ($\chi^2 = 5.01; df = 4; p < 0.3$), is found to be of no significance. The trend as evident from data in percentages showing opinion differential about remarriage of widows by respondents pursuing different occupations may not be reliable because of a very small number of respondents in the occupational categories of agriculture and labour.

The above analysis indicates that during more than one century since the enactment of Widow Remarriage Act, the change in the opinion of these castes which customarily prohibited remarriages of their widows seems to have invited more among highly educated respondents those following liberal religion and progressive sect of respective religions; those having nuclear family set up. As regards the impact of the nature
of occupational pursuit on peoples' opinion regarding widow remarriage no specific trend seems reliable because of small number of respondents in two of the occupational categories.

To have an idea about the respondents' consistency in prohibiting second or subsequent marriage of women, it is assumed that there would be positive association between their opinion regarding remarriage of divorced or deserted women on the one hand and that about remarriage of widows, on the other. The assumption may be borne out from the following data:

<table>
<thead>
<tr>
<th>Opinion about remarriage of divorced/deserted women</th>
<th>Opinion about remarriage of widows</th>
<th>Total No. of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Favourable</td>
<td>Favourable</td>
<td>253</td>
</tr>
<tr>
<td></td>
<td>Unfavourable</td>
<td>5</td>
</tr>
<tr>
<td>Favourable</td>
<td>Total No.</td>
<td>258</td>
</tr>
<tr>
<td>Unfavourable</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Favourable</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Unfavourable</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Total No.</td>
<td>67</td>
</tr>
</tbody>
</table>

Total: 303 93 22 7 228

The application of chi-square test to the above data show ( $\chi^2 = 41.75; df = 1; p < .001$). The association between respondents' opinion about the remarriage of divorced/deserted women and their opinion about the remarriage of widows is highly significant. It shows that the respondents' opinion against remarriage of women has been consistent and reliable. The difference between the proportions of sample population disapproving remarriage of divorced/deserted women on the one hand and remarriage of widows on the other is quite understandable.
The widowhood, being a natural calamity is considered compassionately whereas divorce or desertion is not approved of by much of the sample population.

The above analysis of the acceptance of the Widow Remarriage Act at opinion level has shown that a large majority consisting of 93 per cent of the respondents in the sample population approved of it. Because of the small percentage of those who disapproved of it, none of the variables of social structure taken up for study, is found to be significant. When such an overwhelming majority of respondents is found to have a favourable opinion about the Act, it may be presumed that the young widows are generally remarried. The Widow Remarriage Act does not make it compulsory for widows to remarry but it only permits those who want to do so. By virtue of this legal enactment, the remarriage of a widow is valid and her children from second or subsequent marriage are legitimate. In the background of permissive nature of the Act and the favourable opinion of majority of respondents, the best that may be expected about actual working is that each widow of marriageable age may be asked whether she wishes to remarry and all that is necessary done accordingly. With such assumptions the analysis of actual incidence of over widowed and remarried cases is carried out.

Actual incidence of widow marriages

Information on the incidence of widow remarriages by age and other socio-economic characteristics is not available in India. The Indian census contains information on current widows and widowers by age, but not on
remarried widows. Few empirical surveys in different regions of India have been carried out showing the incidence of widow remarriage by age and other socio-economic characteristics. Some of the surveys carried out are in, "six villages around Delhi;" five districts of former Bombay State and one district of former Hyderabąd State;** three districts in Northern India;*** three villages of Madhya Pradesh.**** These studies report differential incidence of remarriage of widows, that is, in first study, quoted above, Agarwala found that 37.7 per cent of the ever widowed were remarried; in second study Bandekar found that 25.56 per cent were remarried; in the third study again Agarwala reported that nearly 30 per cent of the widows got remarried; lastly, in the fourth study by Dubey, 45 per cent of the widows were reported to have been remarried.

In the present study the total sample population of 325 heads of households were asked to report about ever widowed and remarried women among their primary relatives. The respondents reported about 2 daughters, 30 sisters, 23 mothers, and 42 sisters-in-law**** being ever widowed. Out of these 100

* Agarwala, S.N.; A Demographic Study of the Six Urbanising Villages, Delhi - Institute of Economic Growth, 1964.


*** Agarwala, S.N.; Widow Remarriage in Some Rural Areas of Northern India.

**** Dubey, S.N.; Widow Remarriages in Madhya Pradesh - Reprinted from Man in India - Vol.45, No.1, Jan to March 1968

**** Though sister-in-law i.e., respondent's brother's wife is secondary relative of his yet in patriarchal society having normatively patrilocal rule of residence Sister-in-law becomes so close a relation that she cannot be counted off from the household.
ever widowed women, only 5 i.e., 5 per cent were reported to have been remarried. The data were collected from 10 caste groups in Ambala city, within municipal limits. Out of these 10 caste groups, some castes customarily prohibited widow remarriages while some permitted it. If the incidence of ever widowed and remarried is taken up separately from the caste groups the data show that among castes which customarily prohibited widow remarriage (Brahmins, Khatri, Agarwals, Oswals) only 1 (1.45 per cent) out of 67 ever widowed women, was remarried. Out of 33 ever widowed women among castes which customarily permitted levirate or remarriage of widows, 4 (12.12 per cent) were remarried.

Incidence of widow remarriages in the present study may not be compared favourably and the comparison may not be reliable because of small number of widows in the sample population. But the study seems to corroborate Agarwal's statement that the position of widow remarriages exists, in substantially the same form, even today. The high castes Hindu (Brahmin, Khatri and Brais) put varying degrees of restrictions on the remarriage of their widows.*

The actual incidence of ever widowed and remarried among prohibitive castes.

The data show that among high castes which customarily prohibited widows remarriages, even now young widows are not remarried.

---

* Agarwal, R.N.; Widow Remarriages in some Rural Areas of Northern India - P.1.
### Table No. XXVIII

Age at widowhood among castes which customarily prohibited remarriage of widows.

<table>
<thead>
<tr>
<th>Age in years</th>
<th>Brahmin</th>
<th>Khatri</th>
<th>Aravali</th>
<th>Rajpal</th>
<th>All castes</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-15</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>16-20</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>21-25</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>26-30</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>31-35</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>36-40</td>
<td>5</td>
<td>-</td>
<td>3</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>41-</td>
<td>3</td>
<td>9</td>
<td>7</td>
<td>5</td>
<td>24</td>
</tr>
</tbody>
</table>

| All ages     | 21      | 14     | 17      | 13     | 67         |

From among these 67 widows of prohibitive castes only 1 Khatri Sikh widow was reported to have been remarried. She was widowed at the age of 19 and had no child. After one year of widowhood her parents remarried her. Her second husband was no relation of the deceased one. Remaining 66 widows were not remarried. It may be mentioned here that in the study of incidence of widow remarriages in six villages in union territory of Delhi by Agarwala, only castes in the sample is Brahmin. Out of 19 cases of widowhood among Brahmins, none was reported to be remarried though 3 of them were widowed at the age of 15 years and below; 2 between the 20-24 age group and 6 were between 25-30 years of age.*

In his study of 3 districts in northern India, Agarwala

has reported that between 6 and 7 per cent of widows among
Brahmins, Danes, Brahies and Anoras were remarried. Among
these castes, he reported, widow remarriage is still an exception
than the rule.*

The data show that among Brahmins 6 out of 22 widows,
aged between 10 and 30 years had no child while 2 aged 32-34
years had one child each at the time of husband's death. Even
they were not remarried. When asked 'why young widows were not
remarried' the replies generally were: there was no such
custom prevalent at that time; being Brahmin (Orthodox sect
of Hindu religion) question of remarriage of widow did not arise;
it is a sin to remarry widows; it is a matter of prestige both
for the parents of the widow and widow herself not to go in for
remarriage; widows in honourable families do not remarry; it
is very difficult to go against traditional customs and ideal
has been that of one husband for a woman and no second marriage.
It may be mentioned here that the cases of widowhood mentioned
above occurred during 1916-1944 period. One Saraswat Brahmin
who belonged to Nawalpindi District, narrated that even during pre-
partition time, one social reform worker in his village tried to
arrange remarriages of young widows who wished so. That social
worker had his own device of knowing from the widow whether she
wished to remarry or not. He used to present one red and one
white garland to the widow and ask her to choose and keep which
ever of the two she liked. The understanding was that if she kept

* Agarwala, S.N.; Widow remarriages in some rural areas
of Northern India.
red garment with her, it meant she wanted to remarry and if she wanted to remain for ever in the state of widowhood she would choose white garment. In case of a widow choosing red garment, there would be a meeting of responsible members of the caste and they would choose or rather appoint, as none could refuse, a suitable bachelor or widower and the widow was married to him in about a year's time. In case the widow chose white garment then it was made known to young people in the village that such and such widow had chosen a white, spotless garment and that everyone must see to it that no blot comes on it i.e., her chastity, honour and prestige would be kept as safe and spotless as white garment. But the respondent told that 3 out of 10 widows used to choose only the white garment i.e., they never wished to remarry. This happened because high prestige was attached to leading a pious and chaste widowed life whereas remarriage of a widow was being looked upon as a degraded thing. It may be mentioned here that none of the Brahmins in the sample population reported that the young widow was asked to remarry and that she refused. It seems rather taken for granted that a widow would not remarry.

Khatris reported 14 widows among their primary relatives. 9 widows were Khatri Hindu and 5 were Khatri Sikh. None of the Khatri Hindu was remarried. It was reported about 1 widow that she was living with her elder brother-in-law (husband's older brother), who was bachelor, as wife. But no levirate union was reported to have taken place. One Khatri Sikh widow was reported to have been remarried at the age of 30, as mentioned earlier in the chapter. Specific mention may be made of one Khatri Hindu woman widowed at the age of 13 in the year 1945 who was not remarried. In all other cases either age or number of children
were said to be a bar to remarriage. When asked 'why the young
imeless widow of 13 years was not remarried?' the respondent
replied that 'it is a sin to remarry a widow and that it is
against the prestige and honour of the whole family.'

Aggarwalas reported 17 widows among their private
relatives but none of them was remarried.

So regards the sentiment of Aggarwalas regarding remarriage
of widows, one respondent narrated an incident which occurred
during the year 1985. The respondent's brother-in-law (wife's
brother) got widowed for the third time at the age of 36 years.
He had one daughter from the second wife. The respondent and the
widower were of the opinion that now he (widower) should marry
only some widow (though their first preference was for a virgin).
But the father and brother of the widower wanted either not to
remarry him (widower) or to get him a virgin only. The respondent
came to know about a young widow aged 20 years having only one son.
Her son was kept by paternal grand parents and she was staying
with her parents who were quite rich. The respondent arranged the
marriage of his widowed brother in law with the above-mentioned
widow. The widow was remarried in a ceremonial a manner as
though she was a virgin, that is, all the ceremonies were performed
by her rich parents. The respondent's father in law (widower's
father) is annoyed with him and has since the marriage, cut off
relations from daughter and son-in-law as they had made his son
marry a widow. The respondent said that a strong prejudice was
prevalent against the remarriage of widows.
Out of 17 Agarwal widows, one was widowed at the age of 15 years, one at 37 and one at 37. None of these three young widows had any child. One being widowed at the age of 19 years had one son. Remaining 13 were widowed at the age of 30 years and above and had two or more children. When asked why young widows were not remarried? two respondents replied that 'the widows themselves did not agree to remarry as they did not want to bring bad name to their respective families. But in two other cases the widows were not consulted as no such custom of remarriage of widows prevailed. In one of these two cases the respondent said that had the widow remarried, her parents would have cut off from her as it would have been against their honour and prestige. The cases of widowhood were reported to have occurred between the years 1928-46.

Caste reported 15 widows among their primary relatives. None was remarried. Out of these 15 widows 2 were young and issueless, i.e., one was widowed at the age of 17 years and the other at the age of 30 years. Others were widowed at the age of 30 and above and had two and more children. When asked 'why young widows having no children were not remarried?' one respondent replied that 'a girl is married only once,' and the other said that 'there was no such custom prevalent in their community.' Specific years of widowhood were not given by the respondents.

The 67 cases of widowhood among customarily prohibitive castes analysed above were reported by 54 respondents. It may be mentioned that out of these 54 respondents, 42 (about 72 per cent)
approved of the Widow Remarriage Act and 12 (about 22 per cent) unapproved of the Act. Out of these 42 respondents who approved the Act, only 1 is reported to have remarried one widowed daughter. It shows that there is wide gap between respondents opinion regarding the remarriage of widows and the actual incidence of widow remarriage. Customary prohibition among high castes seems still to override the legal permissive measure of widow remarriages.

A large majority of those favouring remarriage of widows remarked that young and issueless widows ought to be remarried. But the factual data regarding widowed women shows that 12 out of 67, i.e., (about 18 per cent) were young and issueless but only one out of them was remarried. All the 12 young issueless widows in the sample population were either illiterate or literate while one out of them had matriculated after she was widowed at the age of 18 years. Seven out of these twelve young, issueless widows came back to their parents to spend their widowed life. Only one was reported to have been given some maintenance from her parents-in-law while 6 out of 7 did not get any monetary support from deceased husband's family. Five out of twelve young, issueless widows were reported to have got their deceased husband's share and they were living with their respective parents-in-law. Some of the respondents had stated that if young widow has no economic support she must be remarried but the factual data show that 7 out of 12 young widows i.e., (about 58 per cent) who had nil or very little monetary help from deceased husband's family were not remarried.
The sentiment against the remarriage of a widow seems
to be so strong among prohibitive castes that even when a great
majority opined in favour of remarriages, the factual incidence
of widow remarriages is practically nil in the sample population.

Actual incidence of ever widowed and
remarried among prohibitive castes.

Castes which customarily permitted levirate or widow
remarriage reported 33 widowed women among their primary relatives.
Out of these, 4 (about 12 per cent) were reported to have been
remarried. Incidence of widow remarriages even for these castes
in this sample study is very low as compared with 38.6 per cent
widow remarriages in the study of six villages in Delhi by Agarwala;*
35 per cent widow remarriages, among castes customarily permitting
levirate or remarriage, in three districts namely Amritsar, Bathinda
and Saharanpur, ** and 49 per cent widow remarriages among Kulais
and Malais in the Harbath Talley in M.P. *** The comparison may
not be significantly reliable as the sample is small in the present
study. Moreover the three studies conducted by Agarwala and Rubey
(mentioned above) were in rural areas only while the present study
is conducted in Ambala city (urban area). In the absence of any
studies regarding incidence of widow remarriages in urban areas
it is not possible to say whether rural-urban differences are

* Agarwala, S.N.; A demographic study of six urbanizing
villages in the union territory of Delhi.

** Agarwala, S.N.; Widow remarriages in some rural areas
of northern India.

*** Rubey, S.K.; Widow remarriage in Madhya Pradesh - Reprinted
from Man in India - Vol.48, No.1, Jan-March, 1968.
there or not. The investigator is doubtful about the total
returns from these castes regarding widowed women among their
primary relatives. The question asked was 'is there any widow
among your primary relatives?' But the investigator usually
asked the respondents to report about those widows who were remarried. It seems that customarily prohibitive castes
reported all the widows as they had stayed as widows. But
castes which customarily permitted levirate or remarriage of widows
may not have reported the remarried widows.

Table III: XX
age at widowhood among castes which customarily
permitted levirate or remarriage of widows.

<table>
<thead>
<tr>
<th>Age in</th>
<th>Yat</th>
<th>Saint</th>
<th>Obiyan</th>
<th>Nebhar</th>
<th>Davida</th>
<th>Ralnik</th>
<th>All castes</th>
</tr>
</thead>
<tbody>
<tr>
<td>years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11-15</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>16-20</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>21-25</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>26-30</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>31-35</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>36-40</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>41-</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td>All ages</td>
<td>5</td>
<td>5</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td>9</td>
<td>33</td>
</tr>
</tbody>
</table>

From the above dispersion of widows in different age
groups again the returns regarding widowed women from these
castes seems doubtful. The data show that about 15 per cent of
widows among these castes were widowed till the age of 15 years
as against about 20 per cent widowed till this age among castes
which customarily prohibited remarriage of widows. Keeping in
view the fact of relatively lower age at marriage of female,
(as observed in the chapter on 'Child Marriage Restraint Act
and its implementation') among these castes which customarily
permitted remarriage of widows, the number of younger widows
ought to have been more.

Jats reported 5 widowed women among their primary relatives.
One out of these aged 30, having two sons and 3 daughters settled
down with her younger brother-in-law by performance of approved
form of widow remarriage i.e. 'kareva' (levirate). Agarwala has
explained, in his study of widow remarriages in 5 villages in
Delhi, in some detail the custom of 'kareva'. At the time of
alliances of widows with their brother-in-law or deceased husband's
parallel cousin, no formal marriage ceremony is performed......
the alliance is called 'kareva', and not marriage. The kareva
normally takes place after 12 months of the death of the
husband, as a matter of fact it takes place on the day of the
first death anniversary of the husband. At a small community
gathering, the person who is to marry the widow either puts
bangles on the hands of the widow or wraps a sheet of the cloth
of the size of the bed-sheet round her* (it is perhaps because
of this second custom that ceremony is called also 'Chadar pana'
i.e., to put or wrap bed sheet). It may be mentioned here that
some respondents, during the present survey, pin-pointed the
distinction between 'kareva' and 'chadar-pana'. They stated
that when the alliance is between widow and her deceased husband's
brother only then the ceremony performed is called 'chadar-pana'.
While the alliance is between widow and someone outside her

* Agarwala, S.R.: A demographic study of six urbanising
villages in the union territory of Delhi.
deceased husband's family, then it is called 'kareva'. Agarwala explains further that 'kareva' is a marriage of convenience whereby the society provides protection to a widow and her children. Since it is a marriage of convenience, no attention is paid to the age of widow or of her new husband, or to the number of children which either of them has. In his study he found cases where the husband was younger by 15 to 20 years, and also where he was older by 10 to 15 years. In one case a woman of 50 years said that she had actually nursed her present husband. In another case the husband was younger by 20 years when the woman was widowed, her mother-in-law was pregnant and it was decided that the widow would be married to the newborn child, should it turn out to be a male. This was later done. In another case, reported in Agarwala's study a woman having 5 sons and 3 daughters was remarried even when her eldest child was 20 years old. In view of these alliances the 'kareva' of 50 years old jet women having 5 children in the present sample study, does not sound surprising.

Kareva (levirate) or remarriage of widows, among castes customarily permitting it, seems to take place only when the widow gives her consent. Among jats, whereas one widow of 50 years having 6 children was remarried, out of the remaining 4 was a young woman widowed at the age of 18 years having only one son.

* Agarwala, S.N.; A demographic study of six urbanising villages in the union territory of Pithoragarh

** Ibid
In answer to the question why she was not remarried, the respondent said that she was of orthodox views and refused to remarry. She stayed with her deceased husband's parents and was getting a life pension of Rs.125/- per month from Government as her husband was killed in action in the army.

Nainis reported 5 widows among their primary relatives, out of these one who was widowed at the age of 26 years and had one son and one daughter, was married to her younger brother-in-law after one year of widowhood. Out of the remaining 4 widows, one was widowed at the age of 29 years and had one son. Respondent did not know that why she never remarried as the widow was his mother. One was widowed at the age of 36 years and had a son. She got husband's share of land, hence felt no need of remarriage. One was widowed at the age of 32 years and had no child. She had inherited property and adopted one niece. She did not want to remarry, hence remained widow for the remaining life. One was widowed at the age of 38 years and had 5 children. She was reported to have no need for remarriage.

Dhiman Brahmins reported 6 widows among their primary relatives. None was reported to have remarried. All were widowed at the age of 35 years and above and had one or more children. All the respondents said that because of advanced age and children, the widow did not remarry.

Kahars reported 6 widows among their relatives. Two out of six were remarried. One was widowed at the age of 26 years and had two daughters. She resettled with her younger brother-in-law
after one year of widowhood. The ceremony performed was 'kareva'.
Another widow at the age of 22 years had one son. Her parents
arranged her remarriage 'kareva' with her deceased husband's
paternal uncle's son after one year of her widowhood. Remaining
four widows were not remarried. In answer to the question why
a young widow of 22 years was not remarried, the respondent
remarked 'we Rajputs do not remarry our widows.' In other three
cases age and children were said to be the bar to remarriage.

Daujani reported only two widows among their primary
relatives. Both were widowed at the age of 40 years and had 3
children each. As both had grown up children at the time of
widowhood, no need was felt for remarriage or 'kareva'.

Balsaks reported 9 widows among their primary relatives
and none was remarried. There were 2 young widows aged 30 and
37 having one child each. When asked why these young widows
did not remarry, one respondent said that the widow declined
the offer of 'kareva' because she liked the notion that if second
husband also dies then what would she do. In the second case
also widow had refused to remarry. In the remaining 7 cases widows
had 3 or more children and they were above the age of 40 years
at the time of widowhood. No need was felt for remarriage of
these widows.

From the above analysis of incidence of widowhood and
remarriages or levirate 'kareva' among castes customarily
permitting it, it may be observed that these young widows who
were reported not to have remarried did so because of their own personal wish and not because of any social sanction. Out of the sample of 31 respondents of customarily permissible castes who reported the factual incidence of widowhood and remarriages, 30 approved of the Widow Remarriage Act. Only one labor respondent disapproved of remarriage of widows on fatalistic ground that one should bear calmly whatever is in one's destiny. Though 30 respondents approved of widow remarriage act, a majority of them pointed out that 'Karava' was the approved form of remarriage of widows and not the 'Phara ceremony' i.e., normal Hindu religious mode of marriage of virgins. It may be mentioned that out of these thirty who approved Widow Remarriage Act, 4 restricted somewhat the scope by mentioning certain conditions under which a widow should remarry namely when widow is issueless and young, when there is no economic support for her.

SUMMARY

An attempt has been made in this chapter to find out the acceptability of the hypothesis that the social effectiveness of Hindu Widows' Remarriage Act depends upon its provisions being in tune with the social structure. The effectiveness has been assessed at two levels: opinion and actual. At the opinion level an overwhelming majority of 93 per cent of the respondents in the sample population approved of the above Act. The small minority of 7 per cent, which disapproved of the Act, belonged mainly to castes which customarily prohibited remarriages of widows. The percentage of respondents who disapproved of the
Act, being very small, none of the variables of social structure taken up for study, is found to have any significant association with the opinion differential about it. The trend observed has been that from amongst customarily prohibitive caste categories the variables like progressive caste group; liberal religion, liberal and progressive sects of respective religion; nuclear type of family and high education are the correlates of maximum approval and minimum or no disapproval of the Hindu Widows' Remarriage Act. Actual incidence of remarriage of widows out of the total sample of 100 ever widowed women as reported by the 325 respondents, is extremely nominal only 5 per cent. From amongst customarily prohibitive castes, only 1 widow out of 67 cases of ever widowed, was reported to have been remarried as against 4 out of the 32 ever widowed among customarily permissive castes. The incidence of actual remarriages of widows even among customarily permissive castes is very low in the sample. Here, it has to be pointed out that the Hindu Widows' Remarriage Act is only a permissive measure and not a coercive one. Hence its actual effectiveness may be assessed from the fact whether the ever widowed women in the sample study, did not remarry out of their own wish or they were prohibited to remarry because of some extraneous sanctions. The analysis of the reasons given by the respondents, who had reported actual cases of widowed women, for not remarrying the young widows, showed that among the customarily prohibitive castes, even young, issueless widows did not remarry because of socio-religious sanctions while in the case of permissive castes, remarriage or 'kareva' (levirate) did not take place only in case of those widows who themselves
wished so. In a nutshell, the analysis of empirical data has borne out that the hypothesis of the study is acceptable for the sample population as the permissive legal measure for remarriage of widows is found to be little availed of by castes attaching socio-religious sanctions to the remarriage of widows.