Chapter-3
Marriage, Birth and Death Rituals

Marriage is a widely accepted social practice, a number of sociologists as well as anthropologists have rightly said; that its foundation lies in it being a union between male and female such that children born to the female are recognized as lawful progeny of both parents.

Edmund Leach named groups of rights, which repeatedly appear regarding what we termed marriage. These groups of rights are: (a) to establish lawful of a female’s children; (b) to confirm the lawful mother of a male’s children; (c) to provide companion a cartel in the wife’s sexuality; (d) to provide the wife a monopoly in the husband’s sexuality; (e) to provide husband a half or complete rights to the wife’s household and other services; (f) to provide wife a half or complete rights to the husband’s household and other services.¹

The Muslims and Buddhists of Kargil have been practising several marriage customs. Certain customs had their origin and sanction in religious scriptures while others came from superstitions inherited from ancestors and carried over from one generation to another generation.²

Marital Status in Kargil

The classification of the people by age groups are tabled by marital status, as indicated in the above (Table 3.1) displays that there was not a single married male or female in the age-group of 0-9 in Kargil. It indicates there was not a custom of child marriage in their society in Kargil. It was due to not only Infant Marriages Prevention Act, of 1928 AD. But the consciousness and realization of common public that such marriages usually resulted in divorce and proved injurious to the health of married couples. The common people of Kargil were orthodox minded due to its social customs and geographical remoteness. They used to follow Islamic law strictly and child marriage before her or his prescribed puberty was and still considered a sinful act.

Table 3.1: Age, Sex and Marital Status Among the People of Kargil District in (1981 Census)

<table>
<thead>
<tr>
<th>Total/ Rural/ Urban</th>
<th>Age Group</th>
<th>Total Population</th>
<th>Never Married</th>
<th>Married</th>
<th>Widowed</th>
<th>Divorced or Separated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>Total All Ages</td>
<td></td>
<td>35,609</td>
<td>30,383</td>
<td>17,482</td>
<td>14,631</td>
<td>16,242</td>
</tr>
<tr>
<td>0-9</td>
<td></td>
<td>7,860</td>
<td>7,903</td>
<td>7,860</td>
<td>7,903</td>
<td>…</td>
</tr>
<tr>
<td>10-14</td>
<td></td>
<td>3,722</td>
<td>3,574</td>
<td>3,691</td>
<td>3,526</td>
<td>30</td>
</tr>
<tr>
<td>15-19</td>
<td></td>
<td>3,493</td>
<td>2,956</td>
<td>3,021</td>
<td>2,116</td>
<td>457</td>
</tr>
<tr>
<td>20-24</td>
<td></td>
<td>3,429</td>
<td>3,023</td>
<td>1,545</td>
<td>597</td>
<td>1,825</td>
</tr>
<tr>
<td>25-29</td>
<td></td>
<td>2,736</td>
<td>2,327</td>
<td>550</td>
<td>197</td>
<td>2,114</td>
</tr>
<tr>
<td>30-34</td>
<td></td>
<td>2,822</td>
<td>1,919</td>
<td>240</td>
<td>63</td>
<td>2,474</td>
</tr>
<tr>
<td>35-39</td>
<td></td>
<td>3,095</td>
<td>2,217</td>
<td>158</td>
<td>66</td>
<td>2,774</td>
</tr>
<tr>
<td>40-44</td>
<td></td>
<td>2,213</td>
<td>1,422</td>
<td>113</td>
<td>43</td>
<td>1,923</td>
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<td>45-49</td>
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<td>1,954</td>
<td>1,539</td>
<td>100</td>
<td>34</td>
<td>1,615</td>
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<td>50-54</td>
<td></td>
<td>1,322</td>
<td>998</td>
<td>71</td>
<td>22</td>
<td>1,052</td>
</tr>
<tr>
<td>55-59</td>
<td></td>
<td>638</td>
<td>581</td>
<td>47</td>
<td>18</td>
<td>510</td>
</tr>
<tr>
<td>60-64</td>
<td></td>
<td>1,215</td>
<td>979</td>
<td>39</td>
<td>27</td>
<td>859</td>
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<td>65-69</td>
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<td>439</td>
<td>354</td>
<td>17</td>
<td>12</td>
<td>264</td>
</tr>
<tr>
<td>70+</td>
<td></td>
<td>671</td>
<td>591</td>
<td>29</td>
<td>7</td>
<td>345</td>
</tr>
</tbody>
</table>

In the age-group 10-14, total 74 persons in which 30 males and 44 females out of the total population of 7,296 (0-14 age group of both the religion) found were married. This shows that despite the restrictions, the evil practice of marrying boys and girls whose age varies from 10-14 years had not totally eradicated. The reason for such the trend was an outcome of polyandrous marriage system among the Buddhists of Kargil. Sometimes the husband was younger then the wife, this phenomenon too had connected with polyandrous marriages. In Buddhist when the elder brother married, the younger brothers used to share the same wife. It could be the reason of such marriages among the age group of 10-14 years aged children.

In Islam at the age of nine for girls and fifteen years for boys has been considered mature enough to perform religious obligations. In early 1970s Agha Hyder a radical Shia’ leader of yokma-pa fiction in Suru valley of Kargil district. He had strongly recommended his followers that girls should be married at about nine years old, as soon as they reached their baliaq (puberty according to Islamic law), although, some women said they had been married at about twelve. Agha Hyder was not in favour of modern education for female. Then the marriage was only option left for the young girls. These might be some of the causes of early marriages at the age-group of 10-14 among Muslims in the area. It is also revealed from the above (Table 3.1): that most of the males had married at the age group of 35-39 and large number of girls married at the age group of 20-24 as per the above-mentioned 1981 census of Kargil district. The statistics also shows that 17,482 males and 14,631 females were never married. It indicated nearly 48.66 percent had been never married. The reason was; that the economic status of people was very bad in those days and majority of people have been dependent on agriculture. Moreover, the bride price was high and common people could not afford the big amount of as bride price that was usually consisting of five to ten thousand rupees those days. This might be one of the causes that some people remained unmarried. This category also includes those who were dedicated themselves to religion. Buddhist Lamas (monks) and chomos (nuns) did not marry. The custom of fraternal polyandry among Buddhist too increased the number of unmarried people.

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According to census of 1981 in Kargil district, the 16,242 males and 13821 females were married. The above table indicates that 45.55 percent were married which is quite obvious and important obligation among Muslims and Buddhists. It is vital to maintain family lineage and to continue progeny, marriage is considered as one of the pivotal obligation in the life of people after birth. In Buddhist community those who did not joined with monastic institutions would solemnize marriage. More men were married than women and were the trend is an outcome of polyandrous marriage system among Buddhists.

The number of male widowers were 1,706 and 1,686 were females’ widows. The total was 5.14 percent of the total married population. It indicates that deaths among females were more than men. The extreme fatalities of the health of females were usually in the period of pregnancy and delivery. Usually women would not get the basic facilities of health and generally remain dependent on traditional way of treatment in villages, which sometimes could cost their lives. The health condition of the women in Kargil were worst effected due to lack of facilities and awareness. As the government report indicates, the death due to delivery and pregnancy complications. It was 111 deaths from 1995 to 2006 (it has excluding the year 2000 and 2001), which was 3.70% of the total deaths in the district.4

There was no restriction of remarriage among Muslim and Buddhist females in Kargil. The 176 males and 242 females were divorced or separated from their respective husbands and wives. However, the proportion of divorce or separated was very minimal. It consists of 0.63 percent of the total population. This confirms the assumption that the inhabitants live in peace and were used to reconciling their mutual difference amicably. It has been recommended in Islamic religion that all disputes between husband and wife should be solved by mutual agreement or third party’s interference; and divorce would be the last option among incumbent couple. The costly marriage system would have the important reason for the lack of divorce.

Muslim concept of Marriage

Before discussing about the marriage customs among the Muslims in Kargil. It is essential to know the Muslim concept of marriage. Islam sanctioned several laws linked with marriage which are deemed to be performed. Marriage is a bond that involves male and female in the attendance of two *vakils* (witnesses). It is a religious and social affair, which is an obligation on all Muslims after they cross an approved limit of age according to Islamic law. In Islam marriage means a contract between two individual must be based upon consent and understanding between two individual i.e. male and female. It must be a matter of information and knowledge among their relatives and even public. It is an important occasion in the life of concerned individuals.\(^5\)

Abdal-Ali in his book *The Family Structure in Islam* writes: “Islam considers marriage as a way of sexual and emotional satisfaction, as an apparatus of tension reduction and legitimate procreation. It limits human sexual desire against promiscuity. The Islamic marriage requires agreement of girl, witness, *mahr*\(^6\), and predilection marriage among kin.”\(^7\) *Nikah*, is deemed to be a social contract between a male and a female. The important features of Muslim marriage are reproduction, continuation of family lineage, control over sex, nurturing of kids and sustenance of domestic life. According to S.C Sarkar, “Marriage in Muslim community is a civil contract”, he argues, “It will be incorrect to say Muslim marriage has no religious obligation. In Islam marriage is performance of religious devotion and act of *ibadat*.\(^8\)

Marriage is strongly recommended in Islam; Prophet Muhammad actually prohibited virginity, especially for males, saying, “those among you who can support a wife should marry for it restricted eyes from throwing malicious glimpse and protected one from immorality”.\(^9\)

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\(^6\) In Muslims *mahr* is an obligatory sum in both cash and kind paid or guaranteed to pay by the bridegroom to his bride during marriage contract. That lawfully becomes the property of bride.


Marriage Customs Among the Muslims of Kargil

In Kargil the normal marriage amongst the Muslims was and still an arranged system. The parents of the boy and girl after much consultation with local clerics were asked for the istikhara (Islamic horoscope). A good physical appearance and character of boy and girl were also kept in mind. The clerics then used to consult different Islamic books and discover the good or bad premonition of the prospective marriage. If he find good omen then could inform the family to start the marriage procedures. However, if he finds something unpleasant, then this information was communicated to the parents of boy and girl and advice them to wait for some time.

In Kargil, the marriage was performed within the same religion and sect. The ideal age of marriage was twenty for boys and eighteen years for girls. A girl was thought to be emotionally sensitive; an unmarried girl attaining teen age could proceed to find a person of her age. However, her parents strictly guarded her; once she lost her character, she could become almost un-marriageable in their society. Muslim in Kargil considers it the religious duty of the parents to guard the modesty of their daughters, so that she would not become the economic liability on her family.  

In Shia Muslims marriage is solemnized by various ceremonies. In Kargil, the marriage proposal was always initiated by the boy’s side of the family and it was the halpa (middle man) who usually delivered the proposal to the proposed girl’s family. The middle-man was expected to take a special markhoor (solid local bread) prepared by the members of boy’s household for the same occasion and some cash varying from Rs.50 to Rs.100 placed on a copper plate. The halpa used to proclaim this ceremony as ‘Kamithal’ (cash in advance as warrantee). The middle-man would relate highly exaggerated stories of the magnificence and generosity of boy and his family. At the same time, he would keep in view the social status of the girl’s parents. In between, the negotiations would continue for a few months. Both the parties conduct secret enquiries about the disposition and general behaviour of the boy and the girl and their family status. In Drass area of Kargil sometimes the father of the boy used to accompany with middle-man. However, this was not a common custom in other parts of Kargil.

10 Kacho Sikandar Khan, Qadim Ladakh, (Urdu), Kacho Publisher, Leh Ladakh, 1987, pp. 448–49.
11 Ibid., p. 449.
On the fixed date, the relatives of the girl would receive the halpa (middle man) other guests on the sataago (main entrance of the house) who used to offer the halpa some barley flour and butter on a copper plate they would taste a bit of bread and drop some cash usually ranging from Rs.20 to Rs.50 on the same plate. After this small ceremony, the guests used to take into a room and offered a formal dinner. With the end of dinner, the relatives of the boy deposit some cash on the plate. The halpa would proclaim this ceremony as ‘Khamithal’. In Drass valley, it is called nishan-dahi for the tie.\(^{13}\) Then the marriage date would be announced by halpa in consultation with girl’s family members.

Muslims in Kargil usually endeavour to avoid marriage ceremonies in the Islamic months of Moharrum, Safar and Ramzan. They also avoid 3\(^{rd}\), 8\(^{th}\), 13\(^{th}\), 16\(^{th}\), and 21\(^{st}\), 24\(^{th}\) and 25\(^{th}\) of hijri months which are regarded inauspicious.\(^{14}\) The halpa also negotiates rintho (bride price) and mahr on behalf of the father of prospective bridegroom for which a formal consent would be taken from the bridegroom at the time of nikah. The mahr is an important pillar of Muslim marriage system. In Quran many verses has given prominence that mahr is solely belongs to wife. Moreover, husband has to support her financially and socially. At the same time, all that the woman receives and earns will belong to her exclusively and not anybody else, not even to her husband and father.\(^{15}\)

In the late nineteen seventies, the bride price in Kargil was modest and usually used to be paid in kind. It had consisted of items such as rolls of snambu (woollen cloth), khakla-marr (local cow ghee) and barley and had been very modest to the actual value.\(^{16}\) However, after late eighties people have started to give cash as the main part of the bride price which apparently started bride prices that varied from ten thousand rupees to fifteen thousand rupees and the amount of mahr was five thousand to ten thousand rupees respectively. It had been further inflated after the last decade of 20th century; and the amount was about fifty thousand to eighty thousand and the amount of mahr, was about thirty thousand to fifty thousand rupees, respectively.\(^{17}\)

\(^{16}\) Nicola Grist, op.cit., p. 197.
\(^{17}\) Roqiya Banoo, Personal interview with the researcher, 15-07-2015.
Strab-Chang Senmorsi Ceremony

The first big function after the fixation of the marriage among the Muslims of Kargil was known as senmorsi (literally ‘the colour of happiness’) or strab-Chang (party night). The Senmorsni night was observed in a big celebration in both the house of the bride and bridegroom. This was consisted of a dinner, and usually followed by singing and dancing, and then late at night women used to bring senmorsni and applied it on the hands of the bride and bridegroom, and possibly on the bride’s feet as well. All the relatives, friends, neighbours and villagers were invited for senmorsni ceremony. In senmorsni ceremony, the invited relatives and friends used to bring some cash or gifts for the bride or bridegroom such as copper bowls, copper plates, woollen dresses, woollen garments, shawls, copper utensils and woollen blankets etc. In Chiktan valley of Kargil district there was a traditional custom of giving various items by the villagers and relatives which included wheat, barley, rice, copper plates, woollen blankets, parched flour, traditional leather footwear and woollen shawls etc. The purpose of this customary practice was to lessen the economic burden on the incumbent families of bride or bridegroom. Various types of non-vegetarian dishes were served in dinner to the guests, as according the economic condition of the family. On the same night the ningo’ (a close relative of the bride) the important person from the girl’s family used to visit the prospective groom’s house. The ‘ningo’ used to make some demands and bargain with the groom’s family. His demands were made through eloquent proverbs, for instance:

“Yul la khait pei phairba khaung”
– the quilt of bride would be the size of entire village

“miyaa miyann me iraskhais khaung”
– theniyopi raskas (groom’s goat) should be so powerful even the wrestler would not be able to pick it up easily.

These rhetoric demands were the traditional customary practices prevalent in the marriages of Muslim in Kargil. Later, after the pleading of the relatives of bridegroom the ningo would compromise to some extent.

On the actual day of the marriage, some religious rituals were performed at the bridegroom’s place by the local Shia cleric. On the same morning before marriage party leaves for bride’s house. The bridegroom would visit his ancestor’s qabrastan

18 Nicola Grist, op.cit., p. 203.
A Shia Muslim Bridegroom in Kargil
(grave yard) to invoke their blessings especially of his grandfather and grandmother for the happy union of the couple.\textsuperscript{20} The bakhfo (bridegroom) would offer phyayk (Muslim daily prayers) before his departure to the bride’s house. The cleric used to welcome the bridegroom for prayers by chanting some Islamic prayers. Afterwards the bridegroom was properly dressed-up with the traditional goncha (local gown) and toath (white turban). Then he would meet elders, relatives and friends, who offered khatak (traditional white ceremonial scarf) presents gifts and give their blessings.

The bridegroom decked in great finery along with about fifteen number of nyopa (baratii, groom’s relatives and friends) all dressed in ceremonial costumes consisting of colourful traditional dress with high class white turban ready themselves to set off for the bride’s home.\textsuperscript{21} The customary qasida (eulogy in praise of Prophet and his family members) invoking and was chanted such prayers before leaving their own house to the bride’s house. In the early eighties, the bridegroom’s party used to go on horses if the bride’s village was far off.

While proceeding towards the bride’s house, the marriage party on the way at stops was served with tea, bread, dry apricots, butter and barley flour by the relatives and well-wishers in their honour. In return, of their service the bridegroom and his maternal uncle use to offer some cash to the hosts.\textsuperscript{22} In Kargil at the bride’s place the bridegroom and niyopas were received by the mother and other family members of the bride, with a small ceremony called’ gozagoochas\textsuperscript{23} usually this ritual was solemnized in the court yard of the house of bride. After this small ceremony, the bridegroom with all his companion, relatives and friends entered the room and they were served delicious non-vegetarian foods. It was according to the economic condition of the family of bride. During the duration of their stay in bride’s house the groom’s party had to chant qasida (eulogy in praise of Prophet and his family members) loudly in the proper classical way.

It is important to mention here that in early eighties in some villages of Drass valley in Kargil, there was a unique custom in which the bride accompanied with her close woman relative and some of the relatives, usually numbering seven to seventeen.

\textsuperscript{20} Haji Yousuf, Interview with the researcher, 06-07-2016.
\textsuperscript{22} Kacho Sikandar Khan, op.cit., 1987, pp. 450-51.
\textsuperscript{23} Bridegroom bowed down before bride’s mother to her honour.
With the marriage party to the house of bridegroom. The bride’s relatives, who would accompany the procession, were entertained at bridegroom’s place and use to return the same day, if the distance to be covered was not much. The only person who used to stay with the bride was her maid who used to stay with her for six days. She was given some presents and some cash ranging Rs.7/- to Rs.11/ from the bridegroom’s side.²⁴

In Chiktan valley in Kargil there had been a custom that friends and relatives of bridegroom who would go to receive the bride without bridegroom. However, majority of the marriage ceremonies, bridegroom used to accompany with his relatives and friends to bride’s place to receive his bride. These rituals were traditional and common in their society.

**Farewell to the Bride**

Before proceeding to the bridegrooms’ house; the bride bids farewell to her parents, elders, relatives, friends and youngsters of the village. Usually she asked for forgiveness from all. She performed frath-pa (embrace) custom and embrace one by one to all sitting in the room. It would be a bride’s mourn her last embrace before the departure from the natal home, her village and loved ones. The couplets of frath-pa embody a history of emulating with separation, passed down from female to female much like the suhag songs of the Kangra valley in the Himalayas.²⁵ Words of departure, if performed, rarely fails to strike an emotional cord, reminding women that their natal home was usually transitory. She holds stago (main entrance of the house) for some time crying memorizing her parent’s love, generosity and affection for her. Lastly, she steps out to lead a new life with her husband. She had accompanied ajhang (maternal uncle), nanay (father’s sister) and two close friends to her bridegroom’s home. On their way the marriage party was stopped several times by villagers, who use to ask for shagun (cash) to let them pass. Later they serve them tea, biscuits and dry apricots etc. When marriage party reached the groom’s house along with the bride where she was greeted at the door by women carrying phe (barley flour) and mar (local butter) apparently as symbols of the prosperity of the household, where she is entering. On her arrival at the door of bridegroom’s house,

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her feet were washed by one of her husband’s sisters called ‘kangma-khroochas’ ceremony. That night a small dinner was arranged for the bride and groom’s parties and the marriage would be consummated.

Next day after the marital night, bride would be introduced to all the family members and would be taken to the kitchen and was requested to make taaki (bread). The last ritual of the marriage was the removal of baltoath (a woollen thread) from inside the groom’s turban and tipi (women cap) of the bride. 

Immediately after the removal of ‘baltoath’ some sweets and tea was served to all the guests. The ‘baltoath’ has also an important place in the Buddhist marriages rituals in Kargil, they called it goras. Even today most of the marriage customs prevalent and solemnized with great enthusiasm by Muslims of Kargil.

**Nikah in Muslim Marriages in Kargil**

The Muslim law has approved the nikah (rituals of marriage contract) and is considered the foundation of Muslim marriage. Whether permanent or temporary marriage, the formal nikah must be uttered; mere silent approval and consent, or written agreement, is not sufficient. In Kargil nikah or the marriage contract has been pronounced by the local cleric who was specially invited at the request of the bride’s ajhang (maternal uncle) to preside over the ceremony. Islam allows two types of nikha; firstly is nikah-e-daimi (permanent marriage contract) and secondly nikah-i-inqatai (temporary marriage contract). In Kargil both the types of nikah were prevalent and practised by local Muslims. It is also permissible that a man may himself become the representative of a woman and contract permanent or temporary marriage with her. However, the recommended precaution is that two persons should represent each side, for the nikha of marriage contract. A local Shia cleric would recite the verse infront of the bride and bridegroom. Both of them must repeat the same verses with cleric.

However, if a woman and a man themselves want to recite the prayers of permanent marriage, the woman should first say: ‘zawwaj-tuka nafsi ‘alas-sidaqil-ma-’lum’ (I have made myself your wife on the agreed mahr and then the man should immediately respond thus: ‘qabiltuait-tazweej’ (I accept the marriage). In this way, the marriage contract used to be in order. However, if a woman and a man

appointed someone to act as their representatives for pronouncing the prayers of marriage, and if, for example, the name of the man is Ahmad and that of the woman is Fatimah, the representative of the woman should first say: ‘zawwaj- tu-mowak-kilati Fatima’ mowak-kilaka’ Ahmad ‘ala-sidaqal-ma’loom’ (I have given to your patron Ahmad in marriage my client Fatima on the agreed mahr) and thereafter the representative of the man should immediately respond thus: ‘qabiltu -li-mowak-kili’ Ahmad ‘alas-sidaqal-ma’loom (that is, I accepted this matrimonial alliance for my patron Ahmad on the agreed mahr). That the words uttered by the man should be conformed to those uttered by the woman.28

It was permissible for a man and a woman to recite the nikah of the muta (temporary marriage) after having agreed on the period of marriage and the amount of mahr. Hence, if the woman says: ‘zaw-waj-tuka Nafsi fil-muddah-al-maloomah ‘alal-Mahr al-ma’loom’ (I have made myself your wife for an agreed period and agreed mahr), and then the man immediately responds thus: qabiltua (I have accepted), the marriage was used to be in order. 29 And the marriage would also be in order if they appoint other persons to act as their representatives. First, the representative of the woman should say to the representative of the man thus: ‘mutta’tu-muwakilati-muwakila-ka-fil-mudatilma’lumati ‘alalmahril-malam’ (I have given my client to your client in marriage for the agreed period and the agreed mahr), and then the representative of the man should immediately respond thus: qabiltua li-mowak-kili hak-adha (I accepted this matrimonial alliance for my patron this way).30 The lapse of nikah union is possible when the marital relations involving the two couples get ripped apart beyond repairs.31

Dowry system among Muslims

In Kargili Muslim marriage there was no hard and fast rule of dowry system. The bride’s family was offered her some ornaments and goods, according to their economic status. The bride brings with her certain items, which include beddings

including mattress, quilt, blanket, and one trunk of personal clothes. Some traditional ornaments which she inherits as a daughter from her mother were; one or two *tumar* (necklace), *allong* (ear ring), *bemalap-tse* (butterfly pendant), *brangsheel* (silver necklace), *Kanvajs, Shisha* (mirror). She used to bring with her *papoo* (traditional leather footwear), *pattu* (pure woollen), *kansir* (ornament), turquoise, copper utensils, copper plate, bowls, cups, cylinder gas, stoves, blankets, pressure cooker, cow, two or three goats or sheep and various other small items which she was given by her parents and gifted by her relatives and friends.\(^{32}\)

**Rules of Marriage among the Muslims of Kargil**

Muslims cross cousin marriage were generally allowed but matrimonial relation between maternal parallel cousins were not allowed: such as; (a) between brothers and sister from the common parents, (b) between progeny of a mother who has performed as a wet nurse for a child other than her own (c) marriage with non-Muslims excepting Christian and Jews in the principle.\(^{33}\)

In reference to Al-Quran, *Surah* (verse) *Al-nisa, parah* (paragraph) *lan-tana*, where the following are given as prohibited degree:

2. Wife’s mother.        7. Wife’s natal sister during her life-time.
3. Sister of all the above kinds. 8. Mother’s parents.
4. Daughters of all the above kinds. 9. Wives of sons.
5. Nieces, both by brothers and sisters. 10. Free married woman.\(^{34}\)

**Monogamy and Polygamy**

In Kargil almost all social and marriage rituals, norms, habits and institutions were somehow influenced by Shia’ Islamic laws and traditions. The ordinary people of Kargil, as in other parts of the world were generally monogamous. Shia Muslim law

\(^{32}\) Fatima Banoo, Personal interview with the researcher, 10-08-2015.
permits both monogamous and polygamous marriages. In polygamy, men are eligible to have four wives in Islam, but wives may take only one husband at a time. If a man marries with four wives, he should give each wife an equal share of his wealth, property time and interest.

Dr. Muhammad Hussain Haikal, writer of the manuscript, ‘Life of Muhammad’ quoted some verses of the Quran related with polygamy: These verses has approved and devoted to monogamy. It has revealed that if you have an apprehension that you are unable to treat your wives equally, then have only one wife. However, in some circumstances, the custom of polygamy is inescapable; Islam allows it with some conditions. Prophet Muhammad himself performed several marriages; it was because thousands of Muslim females had lost their spouses during the early battle of Islam. In extraordinary situations and with the condition of doing justice to their wife or wives; then the custom may be practicable. Prophet Muhammad have said: “He who has two wives but does not give equal love and respect and shows leaning towards one of them, will be raised on the qayamat (Day of Resurrection) in such a state that one side of his body will be dragging along the ground. He will eventually go to Hell”. Once a person asked a question from Imam Mohammad Baqir, whether by common consent it might be allowed that the husband would meet one of his wives only once in seven days or once a thirty days, or that the maintenance grant of one wife would not be same to that of other wife. Imam Mohammad Baqir replied: that such conditions were not authorized even with the endorsement of any wife. After marriage, every wife was allowed to full connubial privileges. However, she could forgive or exempt all her rights after marriage, either to her spouse or on some other basis. Due to such strict law and conditions, the custom of polygamy would be considered as obligation instead of being a means of the profession of contentment for some degraded licentious persons. Because of a question of compliance, equality, impartiality, morality, fidelity, responsibility, justice and duty, there can be no room for filthiness. Those people who indulge in dissipation under the manoeuvre of polygamous marriage and often distorted the law and the society had every right to call them to account and castigate them.

37 Ibid., p.204.
The ordinary people of Kargil were generally monogamous. Ghulam Mohi-ud-din, in his book, ‘Kargil: Its Social, Cultural and Economic History’ had found in Kargil many villages that monogamous form of marriages was prevalent universally in the area. The custom of Polygamy was not observed except among a few people in these places. The selected Muslim villages where the writer made a survey found the prevalence of monogamy formed 98.98 percent and polygamy only 1.2 percent in the total marriages. He also enquired from people and all those who were polygamous either because of the first wife’s infertility or the first wife was suffering from some illness and there was a need of assistance in agriculture or pastoral work and those were the main causes.\(^{38}\) In polygamous marriages among the Muslims of Kargil; the incumbent husband had to respect and treat all his wives alike, but this was a rule almost impossible to practise in reality. It was the fact in almost all part of the Kargil that the first wife often irritated the pleasure of her adversary female. It has been a potential phenomenon in every polygamous marriage where, if both wives living in one household leads jealousy, mutual rivalry, dispute and even some time physical assault. However, polygamous households were not necessarily discontented, the first wife could relieve herself if she had male children, with the realization that she is the paramount wife, the ‘mistress’ of the household, entitled to the first place next to her husband at various religious and social occasions within their society. Those who were practicing polygamy were usually the wealthiest persons of the society. A common person in Kargil had and still restrains to marry a second wife if his first wife is of good character and has borne him sons.\(^{39}\)

In Kargili Muslim society, in the absence of a male heir, the property of the family was inherited by the daughter, who could marry the person of her own choice. Such a daughter would choose a husband from another family and the husband used to stay at his wife’s natal house; such husbands were known as \textit{maqpa} (matrilocal) and his position was not held very pleasant one, he owned nothing, always did what he was told and remained under the subordination of his wife.\(^{40}\) This \textit{maqpa} system of marriage was prevalent among both Muslims and Buddhists in Kargil. However, in


\(^{39}\) Haji Hadi, Personal interview with the researcher, 18-07-2014.

\(^{40}\) Haji Baqir, Personal interview with the researcher, 14-07-2014.
Buddhist he could be divorced by his wife summarily, which was not be applicable in Muslim in Kargil.

**Endogamy among Muslims of Kargil**

Muslims in Kargil had been practising endogamy within their society. People used to prefer their close endogamous circle of community for marriages. However, it was strictly according to Islamic law. The traditional notions of parents were that their daughters or sons would marry within their relatives or village community. It has been the conventional approach among them to arrange a matrimonial arrangement within close clan communities. The traditional proverb in Kargil is “Rangi-ataa-mespo sakhiyat po rangaa lus-na gayala inn, maitt naa fifaa lagaa chanaa gaylla chha-matt” means “it is better to remain the ancestors landed property within the circle of close kin; if it does not so, then some unrelated outsider will get the land ownership”. All such perceptions had been prevalent among the Kargili society to marry within the limited bond.

In the community of Kachos whose ancestors once were the rulers of Kargil for instance mostly did not used to give their daughters to any other clan. In Gilgit and Drass area of Kargil Shina community was not ordinarily marry their daughter in a Yakshin clan.

**Muta (Temporary Marriage)**

The Arabic dictionary described muta as ‘enjoyment, pleasure, delight’. A ‘marriage of muta is a marriage which the marriage contract specifies would last for a period of given specific time. This ‘marriage of muta is discussed in hadith texts and also clearly discussed in the books on fiqh (Islamic jurisprudence). The common usage of the word muta’ was termed for muta (temporary marriage) in the lifetime of Prophet Muhammad and even after during the time of Shia’ Imams from the period 700 AD to 900 AD.42

In Kargil Shia’ Islam has a provision for muta (temporary marriage). The muta’ marriage had been practised during the lifetime of Prophet Muhammad. Muslims

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41 Haji Hussain, Personal interview with the researcher, 18-07-2014.
42 Sachiko Murata, *Temporary Marriage (Muta) in Islamic Law*, MA dissertation under the direction of Professor Abul-Qasim Gurji of the Faculty of Theology at Tehran University, 1974, p. 23.
were continued to practise this custom until it was banned by the second khalifa (caliph). However, some of the followers of khalifa opposed the ban, but since that time the Sunni Muslims had considered the muta marriage alliance as unlawful. However, on the other side the Shia community have been following the instruction of Imams of the Household of Prophet Muhammad, they continued to believe it lawful as it was practised during the lifetime of the Prophet. It is a fact that permanent marriage has not satisfied the sexual desire of some men. Adultery and fornication are according to Islam considered the most sinful act and most deadly as poison, annihilating the purity of human life, Islam has legalized muta, (temporary marriage) under special circumstances by benefit of which it becomes dissimilar from adultery and fornication and liberates them from troubles and dishonesty.\textsuperscript{43}

According to Ayatullah Seestani: the contract of muta (temporary marriage) with a woman is valid, even if it may not be for the intention of any sexual desire. The mandatory provision is that, her spouse should not evade the sexual contact for more than four months with a wife of his temporary marriage. If a woman with whom temporary marriage is contracted, keeps a prerequisite that her husband shall not have intercourse with her, the marriage as well as the obligation imposed by her shall be approved, and then her husband can receive only other joys from his wife. Nevertheless, if his wife accepts to sexual contact after few months, then her husband can have sexual contact with her, and the same law operates to permanent marriages as well.\textsuperscript{44}

The custom of muta or temporary marriage is lawful even if it is not aimed to be for delectation. If the woman had agreed in the muta pact that there would be no sexual contact, the term and pact are legal, and all delectation are allowable for the husband save intercourse. However, if the woman accepts the sexual intercourse later, than it would be admissible for the spouse. The wife in muta has no right of nafaqah i.e. maintenance, clothing and housing even if she becomes pregnant from the same husband. Moreover, the wife in muta marriage does not inherit him, and nor does the


\textsuperscript{44} Ayatul-lah Al-aughtumah, As-Sayyid Ali Al-Husseini As-Seestani, \textit{op.cit.}, p. 516.
husband inherit her.\textsuperscript{45} In Kargil, \textit{muta} marriage may be settled with proper arrange marriage called \textit{bakhustan} or it may be performed secretly called \textit{khuaftan}. They too also were followed the sermons or decrees of \textit{Mujtahids}\textsuperscript{46} from West Asia, especially from Shia dominated country of Iran and Iraq. This type of marriage relation can be terminated by the choice of male spouse.\textsuperscript{47} The \textit{muta} marriage dictates and empowers male spouse to marry with a lady of his choice for a fixed period of time which could be varied between few minute to hundreds of years. The husband however, has to fulfil all the obligations of \textit{muta} marriage. In Kargil \textit{muta} marriage is not common among Shias, however, some wealthy people and religious clerics especially Aghas and Sheikhs observed secretly the short-term \textit{muta} marriage besides conjugal marriage with their respective wives.\textsuperscript{48} They argue that generally they practice \textit{muta} marriage with widows and economically weak women.

\textbf{Divorce among the Muslims of Kargil}

Divorce is allowed in Islam, however, a famous Islamic \textit{hadith}\textsuperscript{49} notes divorce is extremely detestable than of all permitted things. If a person is entangled in matrimonial trouble, the Quran suggests instant mediation to resolve the deadlock.\textsuperscript{50} Islam is strongly opposed to divorce as a matter of principle. It is admissible only as a last option in the instance or marriage problems where parting away is inevitable. Those who regularly marry another one and divorce the old one are deplored by Islam as the enemies of Allah.

The well-known book of Shia’ traditions, \textit{al-Kafi}, narrates the following story: The Prophet Muhammad asked a man: “What you have done with your spouse?” the man replied: “I have divorced her”, Prophet said.

\textsuperscript{45} Sachiko Murata, \textit{op.cit.}, pp. 37-40.
\textsuperscript{46} Choosing a \textit{Mujtahid} for emulation is obligatory upon all Shias. It is his personal choice based either on a reading of his manual \textit{Risalah} which has prescribed for religious practices based on his Islamic interpretations. Sometimes, people choose to follow their parent’s same \textit{Mujtahid}.
\textsuperscript{47} B.R.Rizvi, \textit{op.cit.}, p. 54.
\textsuperscript{49} A collection of tradition containing the words of wisdom t Muhammad which, with accounts of his everyday practices. It is a major source of guidance for Muslims with the Quran in Islam.
\textsuperscript{50} Diane Morgan, \textit{op.cit.} Pp. 209-10.
“Have you found her doing immoral things?” the man replied: “No”

The Prophet Muhammad again questioned the man, “Have you married with another wife?” the man replied: “Yes I married with another one”.

After some time, Prophet questioned him again: “What have you done with the new wife”

The man replied: “I divorced her”.

“Did she done some immoral thing?” the man replied: “No”.

The man married a third time. The Prophet Muhammad asked him again: if you had married a new wife. The man replied: “yes I had”.

Later the Prophet Muhammad questioned him again: “What you done with this wife”

“I divorced her also”.

“Have you found some immoral practices in her?”

“No, I did not”

Prophet said that Allah dislikes the man who regularly changes his wives and the women who regularly changes their husbands. Prophet Muhammad said: that Allah hates the male who regularly changes and break away with his spouses, and the woman who frequently changes her husband. Such persons are the foes of Allah’. Abu-Ayub-Ansari had determined to divorce his wife. The Prophet Muhammad knew the woman personally and knew that Abu Ayub’s verdict was not defensible. He said:
“Divorcing Ume Ayub (Abu Ayub’s wife) is a sin”. Prophet Muhammad said: that Jibraeel\textsuperscript{51} had recommended him so much in respect of women that he felt that it was not admissible to divorce a woman; only when she was found liable of infidelity or adultery.

In Kargil if someone divorces his wife, then generally the elderly relative or neighbours of the families would be appointed to find the solution.\textsuperscript{52} If this entire attempt was found futile, then generally a decree of divorce was permitted by the religious cleric only after obtaining the approval of the couple and then he (cleric) issued his final decision. They had been practising their customs strictly according to Shia theology and law. According to Islamic rule, divorce is however unlawful during menstruation and only men have the right to divorce but women can also urge parting away on specific grounds. It is important to mention here in the year 2006, The All-India Shia Personal Law Board (AISPLB) unanimously made a statement relating to women’s rights that could have a positive implication for the rights of Shia women in the India. According to a new mode: All-India Shia Personal Law Board (AISPLB) announced, that the wife would have the right to seek a divorce if she is deceived, if she is stopped from exercising her right to education, if the husband has given wrong information at the time of marriage, if the husband disappears for two years, if he does not enquire about the wife for months together, if he does not provide for her necessary needs, or if he forces her to have sexual relations with other men. In return the wife, cannot indulge in “wasteful expenditure” that lands her husband in debt; she must approach arbitrators mentioned in the document for seeking divorce and not directly approach a court.\textsuperscript{53}

Quran has granted permission to divorce if a wife is indulge in adultery. If a concerned person alleged her wife of being pregnant with another man’s child, he has to vow four times that she has committed adultery, after that another pledge that comprise curse of Allah upon a person himself if he is lying. On the other side the woman, deny all charges by following the same procedure. If the divorce has

\textsuperscript{51} Jibraeel is one of Allah, Farishta (angel), and a special angel from all the farishta of Allah. Angels occupied a different sphere of creation; they are created by Allah from illumination. Jibraeel is the faithful guide for the prophet.

\textsuperscript{52} Ayatullah Murtazha Mutahari, \textit{op.cit.}, pp. 136-37.

happened, finally then it is left up to Allah’ to decide who is telling lie’, and no castigation of adultery was invoked. Divorce is not possible among the Shia Muslims of Kargil by verbal declaration of “talaq” three times.

**Marriage Customs among the Buddhists of Kargil**

In early medieval Buddhist society of Kargil bachelors were not given the right to select their spouses. It was believed due to their immature judgment they would not be able make an appropriate selection. The traditional custom is still prevalent among Buddhists in many parts of Kargil especially related to arrange marriage. They were also not permitted to participate in the discussions relating to matrimonial matters due to apprehension that this might encourage indiscipline. Before initiating the proper procedure of marriage a local religious astrologer, called ‘onpo’ was consulted to find out the prospects of the marriage union. *Onpo* used to ascertain the *rpecha* (horoscope) of the girl and boy whether it tallied or not. The birth years of the boy and girl were compared and if the *rpecha* of both of them were well tallied then the match was approved.55

In Buddhist society of Kargil the negotiations for marriages of the boys were generally initiated by the *ajhang* (maternal uncle), father and father’s brother of the boy to girl’s family with the help of ‘halpa’ (middle man). However, the girl’s family members were not easily convinced.56 The middle man had to be skilful enough to convince each and every family member of girl’s household. The middle-man used to present an outline of the good qualities of the prospective bridegroom. For instance, good character, good qualities of the bridegroom, his family members, relatives and discussed about the numbers of agricultural fields and livestock etc, the prospective groom’s family own. All these formalities were completed in four to five months. After the formality of first initiative from boy’s family with the help of the middle man, the boy’s maternal uncle, parents and some relatives used to visit the girl’s house and *chang* (local barley made liquor) and *khataka*57 were carried along with them to girl’s house. This custom was called as ‘*trei-chang*’ ‘*trei*’ means ‘asking’.

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55 Kacho Sikandar Khan, *op.cit.*, p. 443.
56 Tsering Jolden and Sudesh Kumar, *op.cit.*, p. 47.
57 White scarf which is an auspicious Ladakhi tradition for welcoming and also for the start of a good relationship.
The acknowledgment of *chang* and *khatak* endorsed the request from prospective bride’s side. Bride’s choice and desire were taken into consideration. She could turn down the proposal against her parents.\(^5^8\) However, usually most daughters used to accept the decision of their parents and relatives without any retaliation. After the first ceremony, the family members of both the incumbent parties used to meet again at the girl’s house. The family of prospective bridegroom used to carry the second *chang*, *marr* (local butter), and dry tea leaves to be used on the occasion.\(^5^9\) In Zangskar a Buddhist dominated tehsil of Kargil district, the middle-man with some relatives of boy side used to perform a *jouu-ba-chaaa* (bow in the gratitude of accepting boy’s marriage proposals) custom. In this practice middle-man and relatives of prospective bridegroom used to thanks and meet all members of the girl’s family with folded hands one by one at the girl’s house. The boy’s family used to carry *dollo* (silver coin), *khataks*, *taii* (bread), *sanamboo* (woollen cloth), *chang* and *marr* (local butter). In the same day the middle-man with the boy’s relatives were discussed the *rin-tho* (bride price) and some bargaining would determine it respectively. In Buddhist society in Kargil, it was the customary obligation of the boy’s father; that he would pay the amount of bride price before the final marriage ceremony.\(^6^0\)

In the third and final round, a small ceremony used to be held at the girl’s home. The household invited all their relatives and *phaspun*\(^6^1\) to announce the news of the marriage of their daughter. This time the boy’s parents with the middle-man used to visit the girl’s house. The close relatives, friends and *phaspun* of the girl also used to come to participate in the ceremony. The ‘*halpa*’ middle man had to present on behalf of boy’s family with three full rucksacks of barley, butter, ‘*pattoo*’ (woollen cloth ) *khatak*, and eight to ten breads and four to five canes of *chang* to the father of prospective bride. In this ceremony, the father of the boy used to present a piece of white thread to the prospective bride and tied it on her traditional headdress called *goras*. After the end of this ceremony, it was usually considered the culmination of pre-marriage ceremonies. This meeting was known as ‘*rNyen-chang*’ (*rNyen* means, relatives). The village *Mon* musicians too had to be showed their skills by their musical performance. The ‘*halpa*’ used to serve all of them with cup of *chang*. This

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\(^5^8\) Ishay Angdus, Personal interview with the researcher, 20-08- 2015.
\(^5^9\) Tashi Dorjay, Personal interview with the researcher, 20-08-2015.
\(^6^0\) Ishay Angdus, Personal interview with the researcher, 20-08- 2015.
\(^6^1\) Phaspun is a relative from father’s side who assisted each other at the time of marriage, birth and death.
custom was mostly prevalent in Mulbekh, Shargol, Wakha, Bodhkharbu and Sapi villages in Kargil district.62

Buddhist Marriage Ceremony in Kargil

On the fixed day of marriage, the relatives, guests and well-wishers of the respective families used to gather at the house of prospective bride and bridegroom. The management of the marriage was assigned usually consisted of phaspuns63 and relatives used to take care the responsibility of hearth, cooking and maintain the discipline within the precincts of the incumbent house. The guests were served with the meat of yak, sheep, goat, papa (local grim) and ouma (card) at bridegroom’s house. After the Niyopa (bridegroom’s party consisted of relatives and friends) was ready for departure to the bride’s house. All along the way they use to sing a marriage song led by natith-pa’ (groom’s best mate) who used to carried a lucky arrow. In Kargil the Buddhist bridegroom used to remain at his home with properly dressed unlike their Muslims counterparts where the groom would visit the bride’s house on the actual marriage day. Natith-pa’ keeps his arrow until the marriage was over. This arrow could be hiding by the girl’s brother and on the return of this arrow; he gets money from the groom’s maternal uncle.64 The bride’s friends used to help the bride to get dressed-up with ornaments gifted by the groom’s family. On return, her friends also demand money from the bridegroom’s ajhang (maternal uncle) for their help. There was a condition that the person who was appointed Natith-pa’ must have both his parents alive, otherwise; he cannot perform the role of the best mate. He should know the ritual marriage songs as well as other customs. He uses to wear a long black cap, which distinguishes him from others. The unique custom was that the groom had to stay at home while his representatives with the members of his relatives use to go to his bride’s house bring her to his own house.65

‘Niyopas’ (groom’s party) wear ceremonial costumes consisting of colourful silken dresses and high class crowned gilt hats. In Zangskar valley the parties of the groom used to take with them cow, sheep and horse to the bride’s family as a gift. The

62 Kacho Sikander Khan, op.cit., p. 443.
63 A small clan group that shares land and life cycle ceremonies.
64 Tsewang Namgayal, interview with the researcher, 23-06-2015. also see Kacho Sikandar, op.cit., p. 445.
65 Stazin Salton, interview with the researcher, 03-03- 2016.
customary songs were very significant in Buddhist marriages. Marriage music and songs were divided into number of different categories, which culminated it into different stages of ceremony. On the way the women folk of the bridegroom’s village used to give the _niyopas_ a warm see-off by burning ‘shukpa’ (juniper) in local language termed as ‘fokarchhar’. In different places, _niyopas_ were served tea, bread, _chang_, dry apricot, butter and barley flour by relatives on their honour.

The maternal uncle and relatives in return would offer some money to the respective hosts. This custom is almost similar to the custom practised by the Muslims of Kargil also. The ‘_niyopas_’ and his party would reach the house and greeted by the parents and relatives of the bride with tea, _chang_, bread and burning ‘shukpa’ juniper incense. They used to serve traditional delicious cuisine and were honoured with proper conventional Buddhist custom till their departure from the house of the bride.

Same day in the evening bride leaves her natal home. However, before leaving her natal house the ‘yangkuk’ rituals used to perform by the senior _Lamas_ (monks). Apart from the veneration ceremony carried out by the _Lamas_, the bride had to observe some traditional rituals in the _choskang_ (family’s house temple), to seek good fortune for her future from Buddhist local gods and deities of her household. Before leavening her house, she would meet her relatives, elders, friends and youngsters and ask for forgiveness and blessings. As soon as the bride would reach the house of her in-laws, she was received with same fervour as the party of bridegroom were received. Bride’s mother-in-law used to receive her with different food items infront of the _stago_ (main entrance of home). The bride offers her respect to her in-laws and relatives with folded hands. The bride and bridegroom then escorted to a beautifully decorated room. After that, the process of drinking, dancing, singing, joking, eating would continue till mid-night. The most important of these were the _Natith-pa’s_ dress wearing song, the leaving song, the dowry song, the milk song, the friends’ songs and lastly songs of different questions and answers. Later that night the newly wedded couple were given a room for consummation called ‘bakasful’.

66 Tsering Jolden and Sudesh Kumar, _op.cit._, pp. 48-50.
67 Nirmala Bora, _Ladakh Society and Economy_, Anamika Distributors and Publisher, New Delhi, 2004, p. 66.
A Bridegroom's Party in a Buddhist Marriage in Mulbekh, Kargil
**Divorce in Buddhists**

In Buddhist religion divorce is permissible and they also allowed widow remarriage. The method of divorcing among the Buddhists was quite interesting. The husband and wife hold a sort of tug of war with a piece of yarn and matrimonial relation break as under with the snapping of thread. The ground for Buddhist husbands and wife to seek divorce in Kargil were (1) adultery, (2) hatred of the man by the woman, (3) any infirmity or incurable disease in wife and (4) a confirmed habit of stealing. The woman can claim separation for (a) neglect and want of attention on the part of the husband, (b) insufficient provision of food and dress and (c) abusive language, corporal chastisement and general ill treatment. If the fault leading to a divorce was the woman’s, then a horse or its value in cash had to be given by her to the man a as compensation, and in the opposite case man had to give a cow to the woman. In case of the polyandrous marriage among the Buddhists, if one only of several husband wishes to divorce the common wife and the others did not, the simple solution for the dissatisfied husband was to leave the family with all his belongings.\(^69\)

**Polyandry among the Buddhists of Kargil**

Polyandry was prevalent in India even in ancient days and for instance the marriage of Draupadi with her five husbands. Fraternal or Tibetan polyandry pertains to a somewhat higher state of civilization, the common wife being accessible only to a set of close relatives of the formal husband. The following particulars forms the Punjab Census report are interesting: Polyandry was common among the tribes of higher hill, but the lower also. Polyandry practised generally was of fraternal type as known amongst the Tibetans. All the brothers in a family had usually one joined wife. She was accessible to all brothers, be it step or full blooded. In rare cases person belonging to different families also married a joint wife by agreement and merged their separate properties into a joint holding.

The wife was married by ceremony resembling marriage by capture. The rule concerning access to the wife was different in different places. The elder brother usually had the preference, and it was only in his absence the younger brothers go out

for trade or any other business and one of them come home periodically, the eldest brother allows him the exclusive use of the wife during his short visit. However, when all the brothers stay at home, the wife bestowed her favour on all of them by reserving an evening with her for each.

Buddhist in Kargil generally all children of the common wife were said to belong to the eldest brother though they call all the husbands of their mother as fathers. In some cases, however, the first son was said to belong to the eldest brother, the second to the next and so on. In other cases, the wife was permitted to nominate the father of each child. The children produced jointly by all the brothers from the common wife were regarded at law to be the eldest and the rule of primogeniture governs inheritance to the family property. The general principles, though common, have numerous exceptions. Thus, even where a common wife was shared by all brothers, any one of these brothers was permitted to have a wife whom on her part, might or might not consent to admit the claims of the other brothers. Generally, these exceptions were in the line of progress, leading in almost all cases to monogamy.

The ancient custom of fraternal polyandry was prevalent among the Buddhists of Ladakh (Leh & Kargil) which was strictly confined to brothers. In polyandry, the eldest brother marries a wife and she ‘de facto, becomes one wife of all his brothers. It is important to mention here this custom did not lead to domestic trouble. Of course, the system prevails, mostly among the poorer classes. The rich, as in all Eastern countries, generally have two or three wives each. This system of polyandry was chiefly due to extreme poverty, brothers gained by being enabled to live together jointly and tilled the small landed property which they had inherited. The children always used to obey all the husbands of their mother in the family. The eldest one was called ‘big father’ by the children.

In Buddhist society in Kargil, polyandry was the principal check on the increase of the population, and was well adapted in desert region of Ladakh, which could not produce sufficient food for a large population. A maximum of four men were expected to share a common wife. In early modern period to till first half of 20th century.

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71 Ibid., pp. 74-75.
century AD an outsider other than the brothers, could also join the wedlock, such a man was known as *farsukh* who was officially accepted in family by the common wife. In this case, the consent of the eldest husband was also taken. This type of custom happened only when the man had no brothers of his own to help him in the cultivation of his lands and as such, its occurrence was very rare. The man who was inducted in family was more preferred as he was brought by the choice of a woman herself. However, after the second half of the 20th century AD the custom gradually remained limited within the low caste Buddhists such as *gara* (smith), *mon* (drummers), and *beda* (beggars). There were various grounds for the acceptance of the *farsukh'* (husband from outside) which were like seek sexual pleasure, to need more man for agricultural work, to keep continuation of emotional promise through friendship and some time to conceive if the previous husband was incapable of doing so. There has been a misinformation that the custom was prevalent among all Ladakhis, which is very incorrect. The Muslims according to Islamic law strictly prohibited polyandrous marriage. It was the ancient custom of the Buddhists of Kargil in Ladakh region. In many cases, usually the numbers of husband were two, but three and even four husbands were not uncommon.

Polyandry of the fraternal type however existed in most undisguised form where Buddhism had still hold. All the brothers excluding one who became *Lamas* (monks) or pass over into other families as *maqpa*, (matrilocal) live jointly and have one wife common to them all. The position of younger brother was though one of inferiority. It was the eldest brother who performed the wedding formalities; the younger had only to promise that they would remain united. The agreement, which was generally in writing, was strictly enforced and faithfully carried out. All the brothers shared the favour of the common wife equally. The entire responsibility of the family was borne by the eldest brother. No hard and fast rules were existed as an allotment of women’s time and attention among her husband.

The main reason for the prevalence of the custom of polyandry in its crudest shape, in Buddhist areas of Kargil, while it was declining in other places. A strong check was exercised on the expansion of population by the reduction that polyandry causes in the

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number of procreating agencies. That method was not successful to secure its aim was evident from the contrast that the large numbers of Baltis (local Muslims) and the local Muhammadan present a sparse population of the Buddhist tracts. If, however, the custom was based on any design at all and was not merely one of the stages of the natural development of social conditions, the real object of it would seem to be a conservation of ancestral property which was by the means saved from being divided up into small parts as it was the case in the neighbouring region of Muslims populated region where agriculture holdings were split into such fragmentary portions that no one of them could individually support a family. The result was that the Muslims were distinctly a much poorer than their Buddhist counterpart. The Muslims were supplemented their income by working as coolies and migrates to Kulu, Shimla and other parts of Punjab in search of employment, while the Buddhists were seldom, if ever, seen anywhere outside his native land. The surplus Buddhist female population finds its way into monasteries or passes over to the Muslim families. With gradual advance in civilization concomitant with the opening up of the area, a distinct change was visible in public opinion in regard to this custom which has begun to be regarded with disfavour atleast by the higher classes of Buddhist community, who following the example of the Kashmiris and Punjabis tend to become monogamous.  

Polygamy among Buddhists

Ghulam Mohi-ud-din, in his book, ‘Kargil: Its Social, Cultural and Economic History’ had found only 1.42 percent of polygamous marriages which too all related with ‘maqpa’ (matrilocal) form were found among Buddhist in Kargil. The Buddhist usually bring a second wife called changchung’ when the first was either barren or over-prolific, the necessity in the latter case being that she can spare no time from the nurture of her children for household duties. The subsequent wives, it need hardly be mentioned, were also jointly enjoyed by all brothers. However, after early eighties the custom of sharing wives lessened to some extent among them but did not end. Even in some places especially in many far-flung places in Zangskar. In Buddhist polygamous households at-least two wives could stay together with their husband.

However, it was possible only when both the wives had been in good understanding and formally agreed and accepted each other before or after the marriage. However, if they were not accommodative to each other, then the incumbent husband had to arrange separate accommodations for the second or third wife and to occasionally visit all his wives.\(^78\)

**Endogamy and Exogamy among the Buddhists**

Buddhists had been practising both endogamy and exogamy i.e. caste and religious endogamy kinfolk and lineage exogamy. In a village can be both endogamy as well as exogamy both types of marriage were practised by local Buddhist of Kargil. In Kargil the selection of the girls among the Buddhists was done from a family which was not related to the blood relation through kinship connection. Among the Buddhists of Kargil there was no caste system in the true sense. Nevertheless, there were certain distinctions, based on purely social position, to be confined within which for matrimonial purposes was considered desirable. The *Gyalpo* (King) clan that once ruled Kargil was for instance, did not give a daughter to any other clan other than that of their own i.e. *Rigzang* (high caste) caste but may accept one from latter. The *Gara* (smith) caste could be married with their own caste. In Kargil cross or parallel cousin marriage was not been preferred as spouse among the Buddhist as they were considered as brother and sister.\(^79\)

In usual custom, the wife’s sister and husband’s brother were preferred mates. An individual of the same lineage could not marry and any kind of sexual relations between them was strictly forbidden. Families found connected through three to four generations were avoided for marriage (clan exogamy). Usually the families so connected correspond to ‘*gyut*’ (corresponds to lineage) which was always exogamous like *gotra* in Hindu. The family may be from inside or outside the village were not been a certain borderline (village endogamy as well as exogamy). Marriage outside the religion, group, clan, state and country would not be supported in Buddhists of Kargil.\(^80\)

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\(^{78}\) Dolma, Personal interview with the researcher, 14-08-2014.


Birth Rituals among the Muslims of Kargil

Birth rituals are found all over the human race in one form or the other. The beginning of a new life is a revered occasion and, if it conforms to societal customs. It is usually said that birth rites subsists on three practical levels. Firstly, childbirth in itself can be quite risky for those lacking medical help. Secondly, the position of the woman within her family changes when she has a baby. Third, birth rituals are performed in order to assimilate the father as a legal progenitor of the child and, in patrilineal societies, to bestow family a child. Whether it be for the first, second or third time; in societies where child bearing and rearing is one of the women’s obligations, the position of mother is always to be proud and one of the social reality in the life of a woman.

In Kargil, females who had remained without any issue for more than two to three years after marriage used to invoke the blessing of spiritual persons to bear a child. According to their local tradition, women used to visit shrines of spiritual and religious persons and prayed for a child. They prayed to make an appropriate offerings if their prayers were accepted. Eventually when the child was born the woman would visit the shrine again and paid her gratitude. If the previous method did not prove effective then the assistance of astrologers, akhuns, pirs, and spiritualists were sought.81

The common belief among the people was that the pregnant woman should not be allowed to carry heavy load or run about, this would cause abortion. She was not allowed to participate in the mourning ceremonies or pass through near the graveyards at night as usually such places were supposed to be haunted by jins (spirits) who may have evil influence on the baby. Deliveries, however, generally used to take place at the husband’s house in the hands of elderly experienced women of the household or phasphun.82 Immediately after the birth, the baby was given a bath with lukewarm water after which the child was indoctrinated by the recitation of Azan83 in his or her ears. The recitation was the privilege of the senior male member of the family if the village cleric was not available. The reason of this was so that the new born baby hears the names of God and the Muslim confession of faith at the very outset of his or

81 Roqiya Banoo, Personal interview with the researcher, 15-07-2015.
82 Zenab-Bi, Personal interview with the researcher, 10-07-2015.
83 The Azan or bang is a call for prayers. The basic recitation of the Muslims into the ears of the child. Thus the echo of this call is heard five times in a day in every part of the Kargil.
her entry into this world. It was also customary among the Muslims of Kargil to place on this auspicious occasion a drop of liquid or something sweet chewed or tasted by some pious person in the mouth of the child. In case the delivery was performed, her maternal home then paternal grandmother of the child visit her and give her two or three pairs of clothes for the baby. In addition she was also presented a large number of breads and sweets, the ceremony was known as thookpa-cha (presents in connection with delivery) in local language. In this custom, some garments or other articles of dresses for the newborn baby were presented by nearer and dearer of the family. This custom varied from place to place. These ceremonies and customs with regard to the child-birth depended mostly on local customs and the social and economic condition of the family.

On the second day of the birth a small a ceremony called ‘chaa-tonghma’ and in Drass area of Kargil it was known as ‘sutuk’ was celebrated. A number of thick bread called ‘markhor’ and parched grim mixed with ghee, and salt tea was served to the guests. On the same day, children of the family or the neighbourhood were sent to pronounce ‘chaa-tonghma’ or ‘sutuk’. Accordingly, one female from each household of the neighbourhood use to attend the ceremony to rejoice of the birth of a new child.

Another important ceremony of the child birth rituals of the Muslims of Kargil performed on the 40th day of the delivery. On this day, the newborn child was given a bath with lukewarm water. The local cleric would recite the Holy Quran amidst incantation of prayers. The ceremony is called ‘botoni’ in which a sheep or goat was slaughtered. Friends, relatives and villagers all were invited for a formal dinner. Later on, the father of the child was asked to propose a name for the child. In Kargil Muslims, the children were named after the names of the Prophet, and the ahlay-bait” members of his household and ansaars’ close companions. In the same way the girls were named after names of the mother and wives of various prophets and their kin.

**Muslim Death Rites in Kargil**

Death is considered as a natural occurrence in Kargil, as in the other human societies. When someone dies the Muslims mourners narrate a verse from the Holy Quran: *Inna-lillah-ei-Wa-Inna-allaih-e-rajooan* meaning “one coming from Allah will

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84 Kashmir Today, Volume V, No. 5 & 6, Kashmir, 1980, pp. 36-38.
85 Fatima Banoo, Personal interview with the researcher, 17-07-2015.
return to him”. After death, then eyes and lips of the deceased were close, hands and legs straightened, and he or she was covered with a cloth. If he or she dies at night, then the place of death was illuminated where the body of was kept. Then a message of death was sent to the phaspun and relatives.\(^{86}\)

Shia Muslims death rituals in Kargil were strictly performed according to their religious doctrines. When someone died the phasun and relatives arrange all the rituals related with death.\(^{87}\) Immediately after hearing the news all the relatives and phasphuns use to gather at the house of the deceased and consoled the family members. For the last rites performance some relatives and phasps of the deceased were sent to qabristan (burial ground) and to dig the grave. While at home, some of the relatives would arrange the process of giving a gusul (bath to the death body). Local sheikh (local Shia cleric) was informed to perform and supervise the death rituals.\(^{88}\) The deceased must be laid on his or her back, with the heel of his/her feet facing the Qiblah.\(^{89}\) This was regardless of whether the deceased was a man or a woman, young or old. To sow deceased direction towards the Qiblah was unavoidable. It did not require the consent of the relatives of the departed person.\(^{90}\) If someone did it, it was waived for all others. In Kargil it was an obligatory on the part of the Muslim brethren to give him proper gusul and to camphorate kafan (shroud), and to perform obligatory prayers and bury a dead body. After performing the gusul, it was mandatory to preserve the deceased by smearing camphor on the seven places of prostration on the body, which were the deceased’s forehead, two palms, two knees, and the tips of the two large toes. It was mandatory for the camphor to be milled and if it is musty and has lost its aroma, it will not be enough.\(^{91}\) As an obligatory protection, the deceased’s brow should be dabbed with camphor first before proceeding to the rest of the parts mentioned.\(^{92}\) It would be mixed with a small quantity of the torbat (soil of Imam Hussain shrine), but it was obligatory that none of

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\(^{88}\) Haji Mohammad Hadi, Personal interview with researcher, 10-10-2015.

\(^{89}\) *Qiblah* is the direction that is to be faced during the daily prayers by Muslims. It is the direction of the Kaaba in Mecca in Saudi-Arabia.


the camphor would mix with the torbat is applied to parts of the body that constitutes disregard to the torbat.

**Kafan (Shroud)**

It has been a mandatory tradition and custom among the Muslims of Kargil; that the deceased was shrouded with a kafan (shroud) of three slices of cloth. Local cleric was prepared the kafan (shroud) that consists of the sandoo or the large cloth, which must be long enough to cover the body from the navel to the laps of the deceased. The kurta or the shirt shroud, which must be sufficient to cover the body from the shoulders to the middle of the calf. The full body cloth, which must be long enough so that the body of the deceased may be draped in it and could be tied at both ends.93

Among the Kargil Muslims, immediately after the completion of all religious rituals. Then deceased’s body was placed on a roz-grom (large wooden box) and carried on the shoulder by four or six persons inside the lawn of the deceased’s house. All relatives, fellow villagers and near and dears would gather to pay their last homage to the deceased. The sad sentiment was unleashed when a person started narrating a marsia (dirge) in local language highlighting the martyrdom of Imam Hussain and his family members. If the deceased he or she died in a young age; then Hazrat Ali Akbar, the eighteen-year-old son of Imam Hussain was remembered and his affliction during the battle of Karbala was narrated among the local mourners. Those who present in the crowd irrespective of age and gender would weep and lament. After the recitation of the marsia was over, the face of the deceased was uncovered for a last glimpse for relatives and common public.94

In accordance to Islamic law, it is mandatory that the deceased would be buried such that the odour does not spread, and that animals are not able to dig it out. In Kargili Muslim it was an obligatory that the deceased laid on his right side in the lahat (burial chamber) such that the front side of his body faces the qiblah.95 It was against their law to bury the deceased on a usurped land, or in a location that was provided for

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94 B.R Rizvi, *op.cit.*, p.67.

95 Qiblah Islam also spelled qibla, the direction of the sacred shrine of the Kabah in Mecca, Saudi Arabia, toward which Muslims turn five times each day when performing the salat (daily prayers).
purposes other than burial. In Kargil it was emphasized that the deceased was buried as soon as possible even this was at night, and that the burial was not delayed until dawn or dusk. During the time of the burial of the death body, the jinaza (carcass) used to place on the ground several feet away from the qabar (grave). Then it was brought nearer to the qabar (grave). Gradually in three stages; each stage the body was rested on the earth, and then brought nearer, and on the 4th stage it was downed into the grave. If the dead were male, then the corpse had placed on the earth on the 3rd stage such that the head was on the edge of the qabar, and on the 4th stage, body was lowered into the qabar headfirst. However, if the deceased was a female, then on the 3rd stage, the body was rested on the Qiblah-side edge of the qabar, and then on the 4th stage body was downed inside the qabar.\textsuperscript{96}

The depth of the qabar (grave) was approximately equal to the height of an average person. The ties of the kafan should be undone, and the face of the deceased was placed on the earth; under the head of the deceased, and that some bricks or mud placed behind its back so that the dead body may not turn flat on its back. After the body was laid to rest, all those who entered inside the qabar (grave) come out and two small wooden logs were put on the right and left side of the body. It was called, Shahadadnama (list of witness) in which the names of the family members were written; testifying the good moral conduct of the deceased and was placed with the chest of the deceased. The locals led by the Sheikh then returns to the home of the deceased where condolences were offered to the bereaved family. On 3rd, 19th and 40th day of death, local relatives, friends and neighbours again called at the house of the deceased. On each such rite, the people visit the graveyard and use to offers prayers at the qabar of the deceased.\textsuperscript{97}

On the 3rd day called ‘mala-lam-chukchas, all the villagers were assembled at the house of deceased. The malas (customary designated villagers) were invited to the house of deceased to recite Holy Quran in favour of departed soul. Muqaddam (village headman) of the village was requested all households to bring parched barley and one kilogram of local ghee which is collected near the courtyard of deceased.


Among the Kargili Muslims, it was obligatory for all households to bring the items as per the announcement of the village muqaddam (headman). After all the villagers have gathered then all the items were divided among fellow villagers, widows, orphans, beggars and those who have no source of subsistence. If a concerned household failed to participate in this ceremony, they had to pay a fine prescribed by the villagers. In the same evening local clerics, friends and relatives were all offered meals, which were formally prepared for the occasion. On 19th day a small religious ceremony was used to held at the house of late person and phaspuns invited for meal. The 40th day was arranged in which two or more family members from each household were invited. There the recitation of Holy Quran was held. Later all folks of the village were remembered the departed person and were performed fatehakhawani (prayers).

Birth Rituals of Buddhists

Among Buddhist society in Kargil, the birth of child was considered a sacred occasion as in the any other society of the world. Mother of the child had to take care of her health. In Kargili Buddhist, the father of the newborn child was not allowed to cross a stream, or any other flowing water for some specified length of time. In the early 19th century AD Buddhists were known to leave the child unnamed for two or three years calling them in the mean time with generic terms like digpa (male) and digmo for (female). In some families ear-piercing was a common custom for both male and female child among the Buddhists. The mother was secluded and the period of seclusion was about thirty days this was due to certain superstitions. During the same period, strangers were not allowed to see the mother and child. It was due to the fear of communication of evil spirits, or by the evil eye called mikha. During the period of confinement, the mother was usually served local marr (butter), meat and chaa, (salt tea). In Buddhist, society in Kargil the birth of three children was considered auspicious for the parents. It was customary for the father to fix an arrow into a heap of wheat or snamphe (barley flour) and keep it for a week. The diyu (arrow-head) was smeared with some butter and a piece of cloth was tied to it. This process was believed to give a long life to the child.

98 Sheikh Ibrahim, Personal interview with the researcher, 04-06-2015.
On the 16th day after the birth of the child, the rituals were observed by the family. The *Lama* (monk) was invited to perform some very important religious rituals related to the birth of the child. After the completion of Mahayana tantric rituals, all the relatives and neighbours used to visit the house and present *khatak* and give their good wishes to the child and the mother. The maternal grandmother of the child would visit her daughter and bring many traditional goods and food items with her. These food items were *sanambo* (local woollen cloth), *kratpa* (local leather footwear), *fingto* (woollen carpet), forty kilogram barley grim, local ghee, *foofoo* (local bread), and a goat. The grandmother would stay with her daughter for a week. In Zangskar, tehsil of Kargil local Buddhists used to celebrate the same ceremony after thirty days. *Lamas* would perform all rituals after thirty days. After the commencement of all rituals relatives, friends, and villagers would continuously visit the house to see the newly born child and present some gifts. The name giving ceremony *mingtags-tagchaa* was celebrated after one year. On that particular occasion, *Lama* would check *irpeche* (horoscope) and would suggest the particular name for the boy or girl.  

**Buddhist Death Rituals**  

Buddhists believe that attachment towards the dead is detrimental to the progress of the soul in seeking a new life after death. Buddhists believe in *Samsara* (cycle of birth and death) until they reach salvation through Nirvana. In Kargil the death rituals of Buddhist were extremely complicated and connected with various Mahayana Buddhist rituals. Immediately after the death of a person, one of the members of the *phasphun* (clan) would call a local *Lama* (monk) from nearby monastery. The *Lama* would recite some Buddhist mantras and burn the butter lamps and prayed for the eternal peace of the soul. After the completion of rituals, the members of *phasphun* used to take the dead body for the final bath. The corpse was tied in a sitting posture with knees brought up to the chin, and arms cored together in folded hands and the corpse covered in a white cloth and rested in one corner of *choskhang* (house temple). While the embalmed body was kept in the house, the hearth was not burnt and food was not cooked in the house. During these days the food and the drink was arranged by close relatives and friends. The *Lamas* use to read prayers daily until the body was burned, which was done in five to seven days. The number of *Lamas* 

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100 Tsering Dorje, Personal interview with researcher, 10-08 -2015.  
101 Nawang, Personal Interview with the researcher, 08-08-2014.
required for the funeral ritual depended upon the economic status of the incumbent household. For an economically strong household a large number of Lamas had known to be performing these rites and for ordinary household few Lamas use to meet together and complete rites. On the fixed day, all the phasphun and relatives would gather and take the corpse for cremation. The corpse was carried to the pur-khang (place of cremation) by the sibling of the deceased on his back. The women were also allowed to carry the corpse on her back till the half a distance to the cremation ground. In the cremation ground, there were a number of ovens built above the ground. The phasphun would place the corpse inside the oven and wood was burnt from below. All the phasphun and relatives used to pay their last homage to the deceased with folded hands. The Lamas would leave the cremation centre after the performance of all the rituals. The member of phasphun and few relatives would stay till the end of the final embers. After the body was burnt, the relatives collected the pur-thal (ashes) and the image of the deceased was made from the collected ashes. A chorten (stupa) was erected on the spot.\textsuperscript{102} The ashes were also mixed with mud and images of gods and goddesses of tantric Buddhism were made. In every village there are still a lot of community stupas for the purpose of death rituals. However, those who had been economically welloff could erect their personal chorten (stupa) for their private rituals. There were religious rituals were performed on the 30th day after the death of a person. All the phasphun (clan) and close relatives used to meet at the house of the deceased and prayed for the salvation of the soul, different types of local foods were served to all the relative and friends. Every year the family members would perform death anniversary of their beloved ones. The deceased’s garments and ornaments were retained by family members. Some other articles such as utensils, bed sheets, pillow and horse were given to Lamas.