Chapter V

(Customs of Muslims relating to birth, marriage and death)
The customs of a people are the most interesting subject as they cover birth, marriage and death of a person. While there is no right of choice in the first and the last case, there are some who believe that even in the case of marriage man is left with little choice. These three categories of customs are common to all countries, civilized and uncivilized and have been regarded as events of great importance to all the people.

The inhabitants of the Kashmir Valley, observed several customs and beliefs the like of which were followed by other people of the state. Some of these customs had their origin in religious scriptures while others came from superstitious handed down from the early generations.

In Kashmir Valley, just as in other parts of the country, social and religious customs formed a cycle like the seasons and were observed with due solemnity. Here society still continued...


3. Kashmir Today(Monthly) Journal, year Nov., 1956, Vol. I, pp. 17-19. The Valley is vast with varying climatic, social, economic conditions and differences. The culture of the Kashmiri Muslims too is marked by distinctive features, customs and manners like that of their counterparts in different parts of the Valley. The details of these ceremonies vary a great deal from place to place.
on conservative lines until the beginning of the present century. However, development in the means of communication and transport have had their impact in effecting changes which occurred in due course of time. The conservative elements, that formed the majority of the population, resisted the wind of change, all the same there was to be found a spirit of readiness on the part of a small minority of people to challenge the old traditions and customs. As already referred to above these customs pertain, by and large, to birth, marriage and death.

There are certain differences in the customs of birth, marriage and death in the case of the Muslims and the Pandits of the Valley, although there are certain points of similarity. Here we may refer in some detail to these customs and practices.

**Birth of the child or birth ceremonies**

Among the Muslims birth takes place at the house of the pregnant lady's parents, where the expectant mother goes a few months before her confinement if the lady has to bear the first child. Immediately after its birth, the baby was given a


bath in lukewarm water after which it was indoctrinated.

To that end on elderly member of the family or preferably a mullah (priest) was sent for without delay. The priest repeated the words of the Azan⁷ (the call to prayer) in the child's right ear and those of the takbir or igamah into his left ear. These are the basic and essential pre-requisites of the Muslim prayer.⁸

All this is done so that the new born baby hears the names of God and the Muslim confession of faith at the very outset of his or her entry into this world. It was also customary among them to place on this auspicious occasion a bit of date or something sweet chewed or tasted by some pious person in the mouth of the child.⁹

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7. The Azan or Bāng is the basic recitation of the Muslims into the ears of the child. It is expected to be recited five times a day to be a constant reminder to the believers of the Muslim faith. Thus the echo of this call is heard five times in a day in every part of the Valley. Nadwi, Abdul Hasan Ali, *The Musalmān (tr.)* by Ahmed Mohi-ud-Din, p. 9.


The mullah (priest) received a gift and money on this occasion from the new born baby's family. The mother fasts for one or two days during that period, she takes only an infusion of certain herbs like kahazaban. The straw-bed which was used during the period under review was called as hur or hor and was changed daily. The delivery usually took place on the floor.

In case the delivery takes place in the parent's home of the baby's mother, her mother in-law pays her a visit personally to offer felicitations and to give her two or three pairs of clothes for the baby. In addition she also presents a large number of loaves of bread, sweets, and money. This ceremony was known as "piaw (presents in connection with delivery) in local language."


In fact like other parts of the country, there was and still continues to be the practice common among the Muslims of the Valley, according to which garments or other articles of dress for the new born baby are presented for its use by the near relatives, especially from the mother's side. This custom varies from place to place. These ceremonies and customs with regard to the child-birth depend mostly on local customs and the social and economic standing of the family.\(^{13}\)

The message was to be conveyed to the parents of the parturient if the delivery took place at her in-laws. This was called \(za\)fal, (to convey the news)\(^{14}\).

The period of confinement varied among the Pandits and the Muslims. For the Pandits it lasted eleven or twelve days and with the Muslims it continued for forty days irrespective of whether it be hot or cold season. The mother of the baby remained in confinement during that period. Muslims regard the woman as unfit for the performance of religious duties like the daily worship atleast for these forty days.\(^{15}\)

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13. Ibid., See Nadvi Abul Hasan Ali (tr.) by Ahmad Mohi-ud-Din Ahmad, op. cit., p. 9.


During pregnancy, heavy and heating food was and still continues to be avoided. Also cool and sour things were not allowed for sometime after child-birth or during the period of confinement. The mother was made to fast for three to five days after delivery and was then given nutritious yet easily digestable food in liquid form. Boiled or tepid water was used for drinking purpose as long as restricted diet lasted.\(^{16}\)

Two or three baths were given during the course of the period of confinement. But the baths on the seventh day and the last one were occasions of feasting and rejoicing. Even the presents were exchanged among close relatives and friends of the family. Thus the mother and the baby were purified after having remained unclean for forty days. In this regard no distinction was made on account of the sex of the child.\(^{17}\)

**Agia (tonsure) of the Child:**

The **Agia**\(^ {18}\) is a Muslim religious rite. It was celebrated by shaving the head of the child. Also there was the practice among the well-to-do families to offer two goats or sheep as sacrifice to be slaughtered on this occasion if it be a male child.

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17. Ibid., Ahmad, Al-Haj Khawaja Nazir, op. cit., p. 312.
18. The meaning of the word **Agia** is not so clear. It seems to signify the hair-cut of new born child like Zara-Kasai. It can also mean sacrifice if we take its derivation from the root *ag* to cut or sacrifice. Rose A., op. cit., pp. 49-50.
while the number of sheep or goat was one or halved in the case of a female child. Thus two goats or sheep were sacrificed for a boy and one for a girl. Generally this ceremony was known as Aqīqa.

It was performed within seven days of the birth of the child. The hair of the child were buried carefully in the earth. If under certain circumstances this ceremony could not be performed on the seventh day, it was celebrated on the fourteenth or some other convenient day fixed for this purpose. The mutton was distributed among the relatives, neighbours and the poor in cooked form or else they were feasted on it. The bones of meat remained intact while these were buried in the ground. Infact, it was common among the Muslims to invite the relatives and friends on the day appointed for the Aqīqa ceremony.

On this occasion an infant was given a name by an elder member of the family or by a priest revered for his piety. Usually Muslims would prefer to give Arabic names to their children like


20. Ibid., "The Aqīqa is, however, neither obligatory (fardh) nor essential (wajab), nor is the sacrifice a duty incumbent on the parents. One can forgo the ceremony if one's means do not permit it." Nadwā, Abul Hasan Ali (tr.) Ahmad Mohi-ud-Din, op. cit., p. 10.
the Muslims elsewhere. Those names which signify Islamic denomination were adopted in this connection. Apparently there was no bar to its consumption by the members of the family.21

On the seventh day of the delivery another important function would take place which was known as the Sundar-day.22 The mother and the baby were given a bath on this day. The water for this bath was boiled for hours along with some herbs and grass. The grass which was put in this water was called Losa gassa. The practice was based on the belief that these herbs protected the skin of women from becoming coarse and rough.23 The mother took the second bath on the completion of forty days, signifying that the period of convalescence was over.24

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21. Ibid., See also Lawrence, Valley, p. 270; Gervis Pearce op. cit., p. 269; Gupta N. S. and Brabhakar N. C., op. cit., p. 34. Keys to Kashmir, p. 76. A great feast was given to the relatives, neighbours and even to the friends on this function.


Zara-Kasai:

We have seen that the first hair cutting ceremony is performed on an elaborate scale. It was generally called Zara-Kasai in local language and was important among both the Pandits and the Muslims of the Valley. Some people made a will that their child would receive the first hair-cut at a certain shrine. As already said above the relatives, neighbours and friends were invited to a dinner on this occasion. But, those who could not afford to serve the meals to the invited guests served only tea and specially prepared breads to the invited. This rite was followed in the case of both the male and the female children.

Khatanhal or Khutna (circumcision):

The most important ceremony observed in the case of a Muslim male child was known and is still known as Khatanhal or Khutna (circumcision). It was usually performed within the four or five or seven or twelve years of a child's age. Infact, it was an obligatory practice according to Islamic law and had to be performed by the rich as well as the poor. It was an

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26. The ritual of Khutna or circumcision comes down from Ibrahimic tradition according to which a child must undergo (after aqiqa) circumcision which has also the sanction of the practice followed by the Holy Prophet. The Arabs have always observed the ceremony of Khutna. Thus, it is a primitive rite and is held to be sunnat, (religious sanction) i.e. founded on the Islamic traditions. The Muslim, pp. 14-15; Rose, A., op. cit., p. 1.
occasion of rejoicing and festivities.\textsuperscript{27}

Lawrence writes that the feet and hands of the child were dyed with mehndi dye (henna) before the day of this ceremony. Formerly the circumcision operation\textsuperscript{28} was conducted by the barbar with the help of his instrument. It was generally performed at the child's home before dawn. On this occasion relatives and friends were invited to participate in the auspicious event. Those invited offered presents to the parents of the child in cash and kind. This was called Dastbos or gullmyut (meaning kissing the hand of the child) in local language.

The Ceremony of Bismillah or the rite of initiation:

Soon after a child was able to speak and gain understanding of things around him or her, a pious elder was invited to initiate the child in the basic tenets of religion. Thus the

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\item \textsuperscript{27} Kashmir Today, 1980, Vol. V, Nos. 5–6, p. 37.
\item Ahmad Al-Haj Khawaja Nazir, op. cit., p. 313, Socio-Economic Development of Jammu & Kashmir, p. 35.
\item During our period of study it was normally performed by a barber. But nowadays people get the circumcision operation performed by the doctors at private clinics or at hospitals where adequate medical facilities are available.
\end{itemize}
elder who acted as the spiritual mentor asked the child to repeat Bismillah-ir-Rahman-ir-Rahim (In the name of Allah or God, the Beneficient, the merciful) from the holy Quran. This ceremony was known as Bismillah, and it was the child's introduction to his religious education. After this the child was blessed by the elder and formally taught a few words from a primer of the holy Quran. All those present on the occasion invoked the blessings of God for the child. After the conclusion of the ceremony, sweets were distributed and the guests were entertained to light refreshment.

Beginning of the Teaching and Completion of the Holy Quran or The initiation into the reading and completion of the holy Quran:

In addition to the above mentioned ceremony of religious initiation, there were also two other ceremonies performed in connection with the religious education of the child, at the outset and conclusion of a child's religious education of the holy Quran. However, these ceremonies seem to have fallen into disuse mainly due to the changes that have taken place in the system of education and curriculum in modern times. The final stage of the


31. Ibid.

32. Nadwi Abul Hasan Ali, (tr.) Ahmad Mohi-ud-Din, op. cit., p. 16.
completion of the Quranic education was celebrated in a simple manner. Sweets were distributed or sharbat was served to those present on the occasion. Also garments were offered to the teacher mullah (priest).33

In case of the female children next to Zara Kasai there was the ceremony of piercing ear-lobs to enable them to wear ear-rings. This was usually done between the age of four and five years. On this occasion relatives and friends were invited and entertained to dinner or tea depending mostly on the status and resources of the family.34

33. Ibid.

II — Marriage Ceremonies:

Marriage is not only a social binding but a commendable step in the eyes of the religious canon or Shariat. It is also one of the most engrossing events in the life of a Muslim attaining manhood. It is a subject that deserves detailed description. It is one of the most significant occasions for which the groom, the bride, and their parents keep waiting in right earnest. It is on this ceremony that the old grievances are forgotten and new relations develop. Ceremonies or rites were and still continue to be very important part of marriage and they show great variation from one region to another, and also in a single region. These variations are very much influenced by such factors as local beliefs in religion, sect, caste, rural or urban dwelling in addition to the economic status of the person entering into matrimonial alliance.

Just as in other parts of the country, in the Valley also it was the fond desire of all parents of both the communities to get their children married as early as possible, (especially


daughters) who were disposed of as soon as possible and when a suitable match could be found. This was accentuated by the belief in the general uncertainty of life. Marriage among Kashmiri Muslims like the Muslims elsewhere is a contract through which a man and woman enter into a mutual consent. However, formal rituals are performed on the auspicious occasion of marriage. The most vital of all ceremonies concerned with the life of a human being is the marriage ceremony and forms a very important occasion for all concerned.

As regards marriages bachelors and virgins did not enjoy the freedom of selecting their partners according to their own choice. This right was the exclusive privilege of parents or the guardians among Muslims and Pandits alike. As it was believed that the children, however, grown up they might be, would not, because of their immature judgement, be able to make appropriate selection or correct choice.

As mentioned earlier, there was and still there is no restriction to marriage among kinsmen in the case of Kashmiri Muslims. In this matter, the consent of the boy or girl was


4. Ibid.

generally taken for granted. Thus the marriage in Kashmir Valley was not a concern merely of two individuals but was meant to weld the two families into closer bonds of relationship.  

The Islamic Concept of Matrimonial Ceremonies

Islam considers the nikah (the contract of marriage) and the other connected ceremonies particularly the marriage as a matter of religious duty to be performed in a very simple and frugal manner. According to it marriage is a social obligation which should be observed solemnly and with full devotional reverence.

In Islam marriage means contract based on mutual consent between two persons possessing the capacity to enter into it. They are expected to enter into this contract in the presence of two witnesses so that the marriage may not be a secretive or clan-desive affair. It should be a matter of public knowledge. Also a husband is expected to treat a woman with due consideration also pay her the mehr or the dower-money. He must support and


maintain his spouse in keeping with his resources and social standing. The only requisite points recognized in Islamic marriage are these injunctions. All other rites and ceremonies are adventitious and have nothing to do with the essential ceremonies enjoined on in the Muslim religion or society.

In the strict sense of the term, there are no marriage ceremonies among the Muslims, except the few which are allowed or prescribed by their sacred law. The main ceremony of Muslim marriage consists of nikah which is based on the mutual consent.

Marriages within the relation circle:

Among the Pandits marriages were and still continue to be solemnised outside the circle of their relations. But it is contrary to the Muslim custom of inter-marriage within the family circle, only barring a few prohibited degrees of relationship. Among certain families preference is given to the marriages between the cousins i.e. the sons and daughters of uncles or aunts. But nowadays this practice is being discarded to a great extent due to various reasons. Thus the preference that the Muslims gave to marriage between the cousins stood on quite a different

7. Ibid.,
footing. It was based on the desire to keep the family pure and free without the mixture of foreign blood as far as possible and that is why cousin marriage is still in vogue among most of the families.10

The Muslims generally married their daughters to some near relation; and if this was not possible the korimol (father of the girl) asked some man of his own class11 or tribe (who had more sons than money) for a boy whom he took into as Khanadamad (a resident son-in-law who stayed at his wife's house for the rest of his life). This custom was generally prevalent among cultivators and Hanjis (boatmen). But this practice has been given up and now marriages are arranged even outside the circle of relations and this is gaining more and more ground12.

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10. Ibid.,

11. It may be mentioned here that among the Muslims each class would limit its preference to its own class in matter of marriage e.g. a Sayyid would marry a Sayyid while a Hanji would marry a Hanji. However, in case they did not find a suitable match within the fold of their class, they would not hesitate to marry in other classes. In the case of the Hanjis (boatmen) and the watais (scavengers), they were looked upon as the lowest in the social set up. They would marry only within their own respective class. Beyond the Pir Panjal, p. 83. Knight, E. F. Where Three Empires Meet, p. 22. See also Drew, op.cit., p. 179.

Again if a marriage with a near relative and khanadadamad would not be arranged, then the services of the Menzim-yore or the middle man would be engaged to find a suitable match for the marriageable girl. This man would relate highly exaggerated stories of the magnificence and generosity of his client. At the same time, he would keep in view the social status of the girl's parents. The negotiations would continue for some time during that period. The two parties to the alliance conducted secret enquiries about the disposition and general behaviour of the boy and the girl and their family status.

When a suitable match had been finally decided upon, the marriage proposals would be finalised. Then followed drea-kašam, an oath-taking ceremony. Soon after that, the middle man was called in and through him was conveyed the message of acceptance and the date of Nishani (Nishan) or betrothal ceremony. When both sides were satisfied as to the suitability of the match, a day was fixed for the announcement of Gundan or the engagement. It was also called mangni or Kurmai. On that day the boy's father along with some close relatives visited the girl's house. They

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carried with them a few *majmas* (trays) containing sugar candy, dry-fruits especially dates, sweets, ornaments, clothes and cash. The members of the party were served with tea and dinner. After this the *nishan* or engagement was announced, thereby giving the final touch to the formal acceptance of the relationship. This function was known as *Gundan* (signifying the acceptance of relationship).  

It was by far the most important function. It was more than the betrothal ceremony among Kashmiri Muslims. It was important because most of the essential formalities involved in marriage were accomplished on this day. Among certain families there was also the practice of signing the *nikah-nama* (marriage contract) on that very day. This document was generally written or signed in presence of the Qazi (religious layer) by the two parties. But it was not always binding to do so. This document might be written on actual marriage day also.

But as far as these auspicious occasions were concerned, the Muslims tried to avoid the celebration of these ceremonies of *Nishan, Nikah* or marriage during the months of *Moharram* and *Safar*.  

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(the months of mourning) which were looked upon as inauspicious. They would also avoid celebrations during the month of Ramzan for it being the month of fasting and as such inconvenient for gala-feasting, and also interval between two Ids was and still is considered as inappropriate. Besides, certain dates such as 3, 13, 23 are considered unlucky for performance of marriage formalities. After some time the father of the girl accompanied by his two or three near relatives would call at the house of the bridegroom. In the same manner as on the Nishani day, many articles which included presents, and money were offered to the bridegroom. This function was called Haziri in local language. Apart from this function, on all important religious festivals till the day of marriage namely Id-i-Milad-un-Nabi, Miraj-i-Sharif, Id-ul-Zuha and the Id-ul-Fitar, the boy's parents sent presents (especially ornaments, clothes and money) for the girl. And in the same manner the girl's parents also sent gifts or presents for the would-be-son-in-law. These ceremonies were called Baed-doh, in Kashmiri language.

After Nishani, the formal practices of give and take were kept up till the marriage, and there was no time limit occurring between engagement and the wedding. Besides betrothal or nishani various social ceremonies were celebrated. However, very few of them had any religious or ritualistic sanction. The interval between the nishani (engagement) and the actual marriage would extend to a year or so in general.

The specific date for the performance of marriage was fixed directly between the two parties concerned after mutual agreement and consultation. After a couple of days of this verbal agreement, regarding the fixation of the date of marriage, a formal communication on a prescribed printed document called Saat-Namah, was sent to the bride's father who retained the same and that way implicitly confirmed that the date was acceptable to him.

Immediately after the exchange of the Saat-namah, preparations for marriage started. In fact the actual marriage


ceremony was preceded by a series of other functions. Here also we find a peculiar practice prevailing among the Kashmiri Muslims. The members of the family also called at the house of relatives to announce the date of marriage and ask for their participation in it. On such occasions, they were entertained by the relatives to lunch or dinner. This was and still continues to be the practice and is known as Dapan Bata.

When the date of marriage drew near, several ceremonies were performed in succession. These started with what is called Mass-Mucharavun or loosening of hair plaits which was followed by Male-menz. On that eve, females of the neighbourhood were invited and served with tea, close relatives and women from neighbourhood assembled and some of them combed the hair of the bride, while others sitting around would sing songs in chorus. It was essentially a woman's function. The second item following

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22. Ibid., On the auspicious day fixed for initiation of procurement of several articles like food stuffs, fuel and similar other items a formal celebration was held to which relatives, neighbours and intimate acquaintances would be invited. On that occasion consultations were held in regard to various ceremonies associated with marriage.


MAs-Mucharavun — A few days prior to marriage the bride's hair would be properly adorned after loosening them and massaging them with oil so that the bride may be in proper trim and presentable on the day of marriage.
the next day was known as **Menzirat** (henna-night). Henna, symbol of marital bliss, in the shape of henna, was spread over the palms and feet of the bride. Generally in the case of the boy his palm or finger was daubed and the function was performed with equal zest and merry, making just as in the bride's house. Festivity started largely with the **menzirat**. On that eve neighbours, relatives and close friends were invited to sing special songs. While henna was applied on the bride's hands and feet, the henna that was left was applied by the participating ladies to their own hands and feet but precedence here was given to the unmarried girls, as it was believed that they too would get married soon. The boy's father sent a quantity of henna or **mahendi** to the bride's house. It would be taken in a small procession of singing women. From the henna night relatives kept on pouring into the house of the bride and stayed there till the conclusion of the marriage. The merry-making would consist of playing on **Tumbaknari** (a proverbial Kashmiri musical organ) and **nont** (an empty pitcher).

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25. "The ceremony of **Mehndi** (or hennabandi) is partly a form of initiation, partly protective against the evil eye and evil spirits and partly stimulating or fertilising." *Kashmir Today*, 1980, Vol. V, Nos. 5-6, pp. 36--38. See also Gupta, p. 11.


27. Ibid., For few days before the actual marriage ceremony both houses would be places of merry-making during day and night.
The following day **yanivole** (the day on which the bride was given away), was considered the most important and busiest occasion. Almost a day before the **arrival** of the marriage procession, the sumptuous feast was prepared which was served in the evening to the bridegroom, his party of invitees and other guests.²⁸

A peculiar aspect of marriage custom among Kashmiri Muslims was that the guests paid cash gifts to the bride and the bridegroom in their respective homes. This was known as Gulimraith (cash gift to kins) in local parlance.²⁹ The close relations of the bride or groom’s parents brought in gifts of sheep, blankets and food grains to relieve them of a little burden on the auspicious occasion of the marriage of their daughter or son. This practice was given the name of **pooh**. On the other hand, the Pandits would also lighten the burden of their kith and kin by providing them with small amount of money on the occasion called it as Gulmuth and **Durbata**.

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"Based on personal talk with Shri Moti Lal Saqi, (Cultural Academy, Srinagar)."
It was on this eve that the bridegroom prepared himself for going to the bride's house along with his relatives and close friends. During the day the boy would get himself ready for the occasion. He would have a hair cut and after bath wear new bright gaudy dresses, shoes to make himself up in finery like a Maharaja (or the conquering hero of the occasion). Usually an elderly person of the family would wind a silken turban on his head. After proper trimmings the bridegroom first of all would be taken to some neighbouring shrine to offer prayers. It was also usual to go to ancestral grave-yard to invoke the blessings of ancestors especially father or grandfather for the happy union of the couple and thus it was an occasion to offer reverence to the graves of dead relatives.30

An hour or so before the departure of the marriage party a palanquin and some presents were despatched to the house of the bride. Four or six persons carried on their shoulders a palanquin in which the bride was carried to the home of her in-law's.31 When the whole party assembled and the groom was ready, the marriage procession started for the destination, generally late in the evening.

30. Lawrence, Valley, p. 269, Keys to Kashmir, p. 77.,
Kashmir Today, May, 1958, Vol. 2, No. 10, pp. 33--34,
Biscoe, Kashmir in Sunlight and Shade, p. 162., Bamzai,
P.N.K., Socio--Economic History of Kashmir, p. 30. Gervis,
Pearce, op. cit., p. 271., Kashmir (Journal), pp. 147--148,

31. Ibid.,
In case of shorter distance the party proceeded on foot. While in case of longer distances journey to the bride's home would be negotiated by boats, or some other vehicles like tongas with bridegroom riding on a fine horse.

During our period of study the marriage procession was illuminated enroute by torch bearers (Mashel); women singing songs of joy also followed it, returning after going for a little distance. If the procession passed through a bridge the horse-keeper demanded Koltar (the ferry charges). He was gifted with some money on the spot. Even at present this practice prevails even though journey is undertaken in a car or in a bus. The bridegroom has to pay something to the driver or to a person driving at that moment the symbolic charges of crossing the place.

As the party arrived at the bride's house, women of the house would come out to welcome them while singing songs of joy and merriment. A peculiar kind of folk dance, the rof (women standing in a half circle singing songs of welcome and wan-woon or praising the bride and the groom's qualities would be performed

32. Ibid.,

on this occasion. Thus the whole occasion was very colourful, 
sherin (soft crystal candy pieces) and ground nuts were showered 
upon the bridegroom while entering the welcome arena.  

A senior member at the house of the bride's family or a 
close relative received the bridegroom and his party and helped 
him to dismount the horse. A mesnand (cushion) specially decorated 
and supported by pillows on either side was reserved for the 
bridegroom who sat on it. Then the religious rite nikah (if not 
already performed) was first performed to solemnize the marriage. 
Some people would celebrate nikah as a separate function some time 
before the wedding. While others held the ceremony a day before 
and many others in the afternoon of the wedding day.  

The Islamic law provides that the nikah be performed in 
the presence of both—the bride and the bridegroom, if they are 
grown up. But according to social custom, neither bride nor groom 
appears before the mullah (priest) and each is represented by a 
close relative such as maternal or paternal uncle or brother who 
obtains the consent individually from the bride and the bridegroom.

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34. Lawrence, Valley, p. 269; Keys to Kashmir, pp. 77-78, 
147-148; Bamzai, P.N.K., Socio-Economic History of Kashmir, 
p. 30.

35. Ibid., Biscoe, Kashmir in Sunlight and Shade, p. 162. 
May, 1958, Vol. 2, NO: 10, pp. 33-34, Gupta, N.S. and 
Farbhakar, N.C., op. cit., p. 35.
in presence of two witnesses and the attorney. The names of all six persons are entered in the document of Nikah. The representatives from each party consisted of three persons one designated as Vakil (attorney) and the other two known as witnesses. The members of the bride's family representing that side at the Nikah ceremony would go to the bride to inform her of the marriage which was contracted in lieu of a stipulated dower or mahr and she would be asked to give her consent. In the Valley, like that in other parts of the country, the bride would usually keep silent which was taken for her tacit approval of the proposal made to her. After obtaining the bride's consent the party would return to the Qazi or the person performing the

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36a. It is an elaborate document covering all the important details concerning the bride and the bridegroom, amount of mahr, than and ornaments specified in it. This document was signed by the Vakils and witnesses, one copy of it was handed over to the representatives of the bride and the other to those of the bridegroom. Census of India, 1961, Vol. VI, Part VI, (M. Tebin, Sopore), No: 8, pp. 21-22.

He would then recite the khutba (a sermon) in Arabic consisting of a few verses from the holy Quran and traditions of the Prophet, and close the discourse with an invocation of divine blessings for the couple.

Thereafter followed what was called ijab-o-aabul or the offer and acceptance. Subsequently, the Qazi and all those who were present there raised their hands to offer prayers for mutual love and successful married life of the couple. A prayer followed and then the Vakil would go with two witnesses to the women's chamber where the marriage was confirmed. After khutba (sermon) dates and large sized sugar balls were distributed among the people comprising relatives and others. This kind of nikah

It is interesting to mention here that the address delivered on the occasion of nikah was generally given in Arabic. At present, however, it is made up of Quranic verses recited in Arabic followed through a speech in Urdu delineating the duties and obligations of the married couple. The khutba (sermon) was employed to instil a sense of responsibility in the couple. Also the moral spiritual character of the Nikah was brought home to those present.


is popularly called as wakulatan or through attorney. Besides this there are two other forms of nikah one is known as Assalatan and the other Vileitan or Willayatan.

Dower or Mahr:

The mahr or the dower—money paid by the bridegroom or husband to his wife is an essential requisite in the Muslim marriage. No marriage is valid according to Islamic law without the payment of mahr and than by the groom. It represents the amount in cash offered by the bridegroom to the bride in lieu of her accepting him as her husband. In nikah-nama there is mention of a defined amount known as mahr and kind called as than consisting inter-alie of jewellery, clothing and other...

42. A nikah in which the bride or bridegroom or both are present personally before the priest and affirm their willingness for the marriage and acceptance of the conditions such as mahr called Assalatan or by personal attendance. Census of India, 1961, (J&K), Vol. VI, M.T., Part VI, NO: 8, p. 23. Nabi Abdul Hamid Ali (tr) Atam M. Mir, p. 32

43. There is another procedure of performing the nikah ceremony called vilaitan or willayatan or through guardian. In case the bride or the bridegroom be a minor, approval to the marriage and to the conditions regulating it is given by their guardians. Census of India 1961, Vol. VI, Part VI, NO: I, (Aishmuqam), pp. 24—25.
articles of a specified value. Normally one third (33%) mahr is to be paid immediately with the balance being deferred to a future date depending on the choice and discretion of the bride or wife. The fulfilment of these conditions form the basis on which the proposal is accepted by the bride’s side. The minimum specified dower fixed by the Hanafi Law is no fewer than 10 dirhams. There are two kinds of dower in Islam or Dower may be divided into:

(a) Specified Dower (al-mahr-al-musamma); and

(b) Unspecified Dower, or proper Dower (mahr-al-mithl).


45. Ibid.,

46. "As regards the quantum of dower, the Hanafi Law fixed ten dirhams (equivalent to a few rupees in the present Indian currency) as its minimum limit." Ahmed, K. A., op. cit., pp. 72–74.

A dirham (Persian, word derived from the Greek) is a silver coin which stands for a coin 2.97 grammes in weight... In India it has been held that the value of ten dirhams is something between rupees three and rupees four. Fyzee, A. A., op. cit., pp. 134–135— Vide Encyclopedia of Islam, 1, 978 according to Wilson's Glossary, "a silver coin 45–50 grammes in weight rather than heavier than six pence."
Specified dower or mahr (is fixed at the time of marriage or later). Unspecified dower (that is not dependent on any contract between the parties, but is a legal responsibility on the part of the husband). The proper dower of a woman is to be fixed with reference to the social position of her father's family and her own personal qualifications. Specified dower may be further sub-divided into:

(1) Prompt dower—Mahrm'uajjal;
(2) Deferred dower—Mahrmuwajjal.

Prompt dower is payable immediately after the marriage if the wife so demands. On the other hand, deferred dower is payable on the dissolution of the marriage, on the death of husband or the occurrence of some crucial event.

Nowadays the large amount of Mahr stipulated in the nikah is looked upon as a determining factor of exalted standing or high status of the parties concerned. It is also regarded as a guarantee of the stability and continuity of the marital tie or relationship. Sometimes the mahr fixed, according to the modern practice, is a fabulous figure which is seldom paid. However, people now tend to be more realistic in the fixing of mahr. Islam has not fixed any

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48. Ibid., Dogra Sant Ram, op. cit., pp. 28—29.
particular amount of the mahr. It is silent on this issue which it leaves to be determined according to the social and economic status or position of the husband. Nevertheless, Islam is in favour of payment of a moderately reasonable mahr. Lack of payment of mahr would render nikah virtually adulterous and illegal and make it invalid at the very outset.

Thus the reasonableness of mahr depended on the amount being fixed on a moderate scale.

Ireland J. B., who visited Kashmir in 1859 writes in the travel diary that during Gulab Singh's reign for a marriage the tax was one rupee. Zur-i-nikah (fee for registration or celebration of marriages) were taken by Qazees. Every marriage contract needed to be registered before the Qazee on a stamp paper of three rupees value. A marriage contract could not be made the subject of litigation after this registration. This amount

50. Ibid.
51. Ibid.
51a. Ireland J. B., Wall-Street to Kashmir, p. 397.
"turned to account by the Maharaja who farmed the tax for rupees 5,000.\textsuperscript{52} We have the reference that during Maharaja Ranbir Singh's time the marriage tax was remitted. He got remitted the marriage tax levied on the Muslims residing in the Valley.\textsuperscript{53} Marriage tax would be increased sometimes and at other times reduced during the rule of the Dogras. A tax of four or ten annas was imposed on a marriage. During Maharaja Pratap Singh's reign, marriage tax was fixed at the rate of two annas. Maulvi Nasser-ud-Din was appointed for this purpose. Both the Hindus and the Muslims had to pay five annas as tax on their marriages. However, during the days of famine these taxes were remitted in the case of both the communities. It was proposed that the document of marriage should be written on unstamped paper.\textsuperscript{54} In this way marriage tax would be increased and decreased from time to time during the Dogra rule.\textsuperscript{55}

\begin{itemize}
\item \textsuperscript{52} Gazetteer of Kashmir and Ladakh, pp. 114--115; See also Bamzai, P. N. K., Socio-Economic History of Kashmir, p. 161.
\item \textsuperscript{53} File NO: 215, p. 29, (Persian Records), State Archives Repository, Jammu, Charak Sukdev Singh, op. cit., p. 240.
\item \textsuperscript{54} Mirjanpuri, Mulla Mohammed Shah Khalil, \textit{Tarikh-i-Kashmir}, Vol. II, Acc. 800, p. 307; Wajeez-ut-Tawarikh, f. 64a, Saif-Ullah Mir, \textit{Tarikh-nama Kashmir}, Ibn-i-Mahjoor's transcript. (It is neither folioed nor page marked).
\item \textsuperscript{55} Ibid.,
\end{itemize}
However, certain Persian sources have stated that instead of remitting the tax it was sometimes enhanced and sometimes reduced during the Dogra rule. Therefore, they do not give much credit to Dogra rajas in the direction of such social reform.

After the performance of nikah ceremony the bridegroom and his party were entertained with Qahwa and Bakir-khani, (specially prepared breads). But nowadays they are served with milk and cakes, buscuits, pastries and sweets.

After this dinner was served in large size copper plates (called trami), each of which was shared by four persons. The dinner consisted of a variety of mutton preparations, vegetables and curds. From bride's side none joined the Wazwan (the dinner given in honour of the bridegroom). Instead they considered it a privilege to be of any service at that time. The dinner finished, the guests departed. Only bridegroom and a few of his close relatives and friends stayed back until the bride was prepared by her people. It was late in the night that groom started


57. Among the Muslims the major item of expenditure on marriage was the one on the Wazwan (feast). Special cooks were engaged to prepare the feast. Khan, Ishaq, op. cit., p. 110, Sofi Mohi-ud-Din, op. cit., p. 294. Gupta, N. S. and Prabahkar N.C., op. cit., p. 35.
advancing homewards along with his bride, who was carried in a *zapán* or *dooly* (palanquin) while the bridegroom would go on the horse-back.  

One of the bride's close relatives (particularly brother or uncle) accompanied her. This person was entertained to tea before he returned. A female called *doda-moj* (foster-mother) also accompanied her who was usually an aunt or sister. She was expected to be an expert in the formalities which had to be observed in the bride's new home. *Doda-moj* (foster mother) stayed at the bridegroom's house for about seven days. The moment the bride put her foot on the threshold of her new house (in-law's) home a sheep was slaughtered in her honour. There she was escorted by her uncle or brother to the seat reserved for her in advance by her-in-laws. Here the bride sat under a veil for sometime until her mother-in-law would come and put it away from her face. For this act the mother-in-law received from bride's side some money or ornament which was her prerogative. The present so offered was popularly known as *Hash-kanth* in the local language. While the removal of the veil was called *Mohar-tulan* or *Buth-wuchhven* (face showing) ceremony.

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60. Ibid.
The next ceremony was called Walima or Wathal. This ceremony was celebrated with a feast served at the house of the bridegroom to relatives, neighbours and friends. Some of the bride's people were also invited to dinner on that occasion.

The bride stayed at her husband's house for seven days. During this period some of her close relatives visited her turn by turn and offered presents in cash and kind to her-inlaws. This was the practice still prevails among the people and is called Khabar.

On the seventh day the groom's father invited some near relatives of bride to dinner. On that occasion the bride was brought back to her parental house. The bride's relatives as they came got along with them, cooked meat and specially prepared breads. Before they departed, Doda-mQi received present (clothes shoes etc), as remuneration for her attending on the bride.

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63. Biscoe, Kashmir in Sunlight and Shade, pp. 162--63, Census of India, 1961, A Village Survey Monograph, Meshwapur, p. 17. (Muttan), p. 24. Among the Muslims there prevailed the custom of keeping the bride in the bridegroom's home for seven days in the initial stage. During that period she had the constant company of the foster mother to share her secrets and keep her cheerful.
The next function celebrated after the marriage was known as Phir-saal (the second invitation). This function was held after a time ranging between months to a year after the marriage depending upon the circumstances of the two parties. On this occasion the bridegroom, his close relatives and friends were again invited by the bride's parents. Except bridegroom, all others returned home after dinner. However, the bridegroom stayed there for two or three days. The bridegroom was looked after with great care and was served with sumptuous meals. After three days stay he was given a formal send-off and presented with gifts which consisted of eatables such as sweets, breads and Bakshish (the present meant exclusively for his personal use). This was offered in the form of a Dushala (a superior woollen blanket) or a suit piece for his personal use. Thereafter, bar to his coming was virtually lifted and he could visit his in-laws whenever he pleased.

The Kashmiri Muslim marriages like those of the Muslims in other parts of the country, have become the occasions of festive rejoicing and costly ceremonial functions. Infact, these have become a means of showing off one's status and pomp. In course of time the simplicity of the Islamic way of marriage became

conspicuous by its absence. These have also often brought in their wake untold misery to the families which show off their riches far beyond their actual means. Thus the Kashmiri Muslims have far surprised their co-religionists in other parts of the country in the practice of lavish spending on these occasions.

In the words of Ishaq Khan "Dowry was practically non-existent among the Muslims. But at present the Muslims of the Valley consider daughters a costly phenomenon as they are expected to give dowries to their daughters. And this social evil is eating into the vitals of the Muslim families year after year."

Remarriage and Divorce:

Divorce was recognized and the remarriage of widows approved in Islamic law. The remarriage of the widows and divorced women was and still continues to be neither looked down upon by

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The Muslims of the Valley have developed the evil practice of lavish spending on the occasion of marriage. This prodigal expenditure has added to the bitter tale of woes in the form of indebtedness among them. The guest control orders passed by the government against excessive spending on number of guests are obeyed only in their non-compliance. It may be stated that treating of these guest control orders with indifference has the blessing of even the authorities who issue them. Ishaq Khan, op. cit., p. 110.
Islam nor has it been held with contempt by custom or usage of the Muslim people. Infact in certain noble and respectable families even widows were given in marriage for the second time by the members of their family. However, inspite of the sanction of religion, the Muslim women in Kashmir Valley did not look with much favour the practice of re-marriage, though conditions seem to have undergone a perceptible change in the modern times. No doubt, some of them were re-married. Divorce, by and large, was rare among the Kashmiris. It was mostly to be found among some people in the lower stratum of community. Islam provides the right of divorce to both men and women. There are so many writers (both in the west as well as the east), who have viewed it in a different light. These writers, inspite of difference of opinion, have ultimately agreed to the remedy of divorce in extreme case of strained, matrimonial relationship. Infact, talag.


68. Ibid., See also Sanyal Shanta, op. cit., p. 98.
is only discouraged and its option is expected to be exercised only in extreme cases. If there be no legal cause for talāq, divorce cannot be exercised. It has been said that the genuine necessity of divorce must be examined by an expert. Prophet Muhammad (Peace be upon Him), himself expressed the view that talāq is the most detestable of all permitted things before the Almighty God. It can not be ignored that women are weaker than men. As such they should be treated with consideration. They should not be divorced without any reason. However, when husband and wife lead a constant cat and dog life or when one partner continues maltreating the other, divorce becomes necessary to save the couple from constant cause of irritation. "A Muslim husband cannot divorce his wife and take her back as he pleases. Similarly, the Muslim law prescribes definite procedure and proper time for divorce."

In case the dissolution of the marriage tie is initiated by the husband it is called talāq, on the other hand when it originates from the wife or it takes place at the instance of the

72. "Talāq" (Repudiation) or divorce is an Arabic word which means "undoing of or release from a knot" quoted in Ali Firasat & Ahmad Furqan, op. cit., p. 19; It may also be defined as breaking of any tie or restraint. In fact it means the release from the marriage tie that binds the two matrimonial parties. Gupta & Sarker, op. cit., p. 49; See also Verma B.R., op. cit., pp. 202-203, Overview of Muslim Law, p. 49.
wife, it is known as khula. When it takes place by mutual consent so that both the sides (or spouses) desire separation, it is called Mubarat.

Thus the contract of marriage under Muslim Law may be dissolved. There is no specific form of words prescribed for effecting a talq. The words should be expressed in such a manner by the husband as to mean the dissolution of marriage in clear-cut terms. The dissolution may take place through oral expression or written instrument. A talq-name (deed effecting the divorce) may be presented to effect divorce between the parties concerned. Under the Islamic Law, talq can be of two kinds, khula and mubarat.

73. "A divorce by khula is a divorce with the consent and at the instance of the wife, in which she gives or agrees to give a consideration to the husband for her release from the marriage tie. It signifies an arrangement entered into for the purpose of dissolving a connubial connection in lieu of compensation paid by the wife to her husband out of her property." Quoted in Over-view of Muslim Law, p. 55.

For literally meaning of Khula, see Fyzee A. A., op. cit., pp. 162--163, Ahmad, K. N., op. cit., pp. 76, 229.

74. The main difference between Khula and Mubarat-- that in the case of the Khula proposal of dissolution emanates from the side of the wife, while in the case of Mubarat there is mutual consent for separation. One makes an offer of dissolution; the other accepts it.

Ali Firasat and Ahmad, Furqan, op. cit., p. 10; Over View of Muslim Law, p. 56; Fyzee A. A., op. cit., p. 163.

types, Rejai i.e., which permits the husband resuming conjugal relations while Beyan or Bain i.e., which separates. The former is usually said to be revocable and the latter as irrevocable or absolute. Different types of divorce or talaq may be effected in any of the following ways:

There are two types of talaq:

1. Talaq-ul-Sunnat (approved forms); and
2. Talaq-ul-Biddat or Bida (Disapproved forms).

Talaq-ul-Sunnat is recognized as one of the most approved form of talaq. It can again be classified into two forms i.e., Talaq-ul-Ashan and Talaq-ul-Hasan.

Talaq-ul-Ahsan:

This method of divorce or talaq is considered most approved as the companion of the Prophet approved it. This form of talaq or divorce consists of one single pronouncement in one sentence in a period of tuhr (state of purity).

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Talaq-ul-Hasan:
This is also an approved form. It consists of three successive pronouncements during three consecutive periods of purity or tuhr. The husband successively pronounces the formula of divorce three times during three successive tuhurs. When the last pronouncement of the formula is pronounced, the talaq becomes irrevocable. 79

Talaq-ul-Biddat or Badai--Bida (Disapproved Forms):
Talaq-ul-Biddat is also called Talaq-ul-Mughalla Zahbaina (triple declaration or talaq). It is the most common form of pronouncement of talaq. In this form three pronouncements are made in a single tuhr (state of purity) either in one sentence, i.e. "I divorce thee thrice," or in three sentences, "I divorce thee I divorce thee, I divorce thee." Such a talaq is lawful although sinful, in Hanafi Law. This is called irrevocable divorce. This form (Mugballazah) becomes effective as soon as the third pronouncement is made. It breaks the marriage tie and no revocation is possible. 80

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Infact divorce, dissolution or termination of marital tie is looked upon as an important remedy in the case of marriage problems in almost all the legal systems prevailing in the modern world.

At the same time it must be affirmed without any fear of contradiction that divorce leaves behind it a trail of suffering for the children who are the result of such matrimonial relationship.

\[\text{(31)}\] Diwan Paras and Kumar Virendra (ed.) op. cit. p. 167.

III - DEATH RITUALS

Everybody born in this world has to die one day or the other. Obviously the inevitable draught of mortality has to be tasted by every one. The occasion of passing away of a person was followed everywhere by religious practices. At the same time local customs played a great role in the performance of these ceremonies.¹

As far as the Muslims of the Valley were concerned their death ceremonies were and still continue to be simpler than those of the Kashmiri Pandits.² When a person approached his end he was advised to pronounce or repeat the name of Allah (God) and was sometimes given his or her last drink— a Sharbat made of honey.³ The strict followers of Muslim law recited the

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3. Ibid., Lawrence, Valley, p. 271; Gervis Pearce, op. cit., p. 274; Biscoe, Kashmir in Sunlight and Shade, p. 163; Census of India, 1961 (J&K), (Zachaldara) A Village Survey Report, Vol. VI, Part VI, NO: 10, pp. 23--24; Abi-zam-zam or water from the well at Mecca was applied to the lips of the dying person. In case of its non-availability, fruit juice or drink of honey was given to the dying person in order to provide relief from agony. Because the water from the well of zam-zam (the well within the precincts of the mosque of Kaaba) is considered most sacred, Rose, A., op. cit., pp. 180--181; See also The Mosalman, pp. 34--39.
Sura-i-Yasin or other verses from the holy Quran for the benefit of the dying person. They (relatives) or kinsfolk also asked him to recite religious verses himself if it be within the mental and physical capacity of the person to do so. This was based on the belief that by doing so the last moments of his or her life would get spiritual relief and thereby suffer no difficulty at the time of death. It is interesting to mention here that every Muslim aspired to die with his or her faith in Kalima-i-Sahadat.⁴

Immediately after death, the dead body was prostrated and the face of the dead body was turned towards the direction of Kaoba or Qible. Besides this, the other duty of his or her near ones was to straighten the limbs, close the eyes, and the mouth and to keep hands one over the other on the breast⁵ of the deceased.

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⁵ Ibid., See also Census of India, 1961, (J&K), A Village Survey Report (Mohalla Telian, Sopore), Vol. VI, Part VI, NO: 8, pp. 25—26; Biscoe, Kashmir in Sunlight and Shade, p. 163.
Ceremonies Regarding the Burial of the Dead:

Soon after the death, preparations started for the washing (ghusl) of his or her body and the provision of a shroud (kafan) which was always of spotlessly white cotton cloth undefiled by any pollution. The shroud of the male consisted of a seamless shirt (kamiz), a tahband or wrapping and a covering sheet. While in the case of a female, a headcloth and a breast cover were the additional items of the shroud. Before the dead body was wrapped in white shroud, the Muslim was given a hot water bath. And before bath it was surrounded by all the relatives and neighbours who wept in high tone and recalled the good and virtuous qualities of the deceased. The near relatives preferred to perform this last service to the departed soul themselves, and it was considered preferable to entrust the job to those who were fully familiar with the rules of the ghusl (washing the body). But generally professional

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washers or ghusals were engaged for this business. Here
the professional male washer is called Sranqor or Sranq Churu
while the female is Sranq Gaer. It is obligatory to have male
and female professional washers respectively for the deceased
dead male and female.

For the bath hot water with various herbs boiled in
it, soap and sweet scented things such as rose water, and
camphor, were used. When the hot water for the deceased was
ready—the wooden plank or board and a wooden box called
Tabut— or Taboot which were always in readiness at a nearby
mosque were procured from there. Besides these, the Taboot was
covered with a black cloth or pall from a shrine nearby. Then
the professional washer male or female depending on the require­
ment was called in. The dead body along with its bedding was
then carried by a number of male relatives and placed on the
wooden plank. The bedding was removed and the body was laid on
the wooden plank. Only the washer (either male or female as the

9. Ibid., See also Census of India, 1961, A Village Survey
Report, (Mohalla Tellian, Sopore, Vol. VI, Part VI, NO: 8,
p. 25. Biscoe, Kashmir in Sunlight and Shade, p. 163.

10. Lawrence, Valley, p. 271; Gervis Pearce, op. cit.,
pp. 274—75; Biscoe, Kashmir in Sunlight and Shade,
VIII, pp. 147—148, Census of India, 1961, (J&K),
Zachaldara), A Village Survey Monograph, Vol. VI, Part
VI, NO: 18, pp. 23—24. Rose, A, op. cit., p. 184.,
The Musalman, pp. 35—36. Bamzai, P. N. K., Socio—Economic
case might be) and the nearest of kin remained inside. After washing the dead body thoroughly with soap and hot water, towels or white napkins were used to dry it well and some wood (aloe) was used to produce sacred fragrance.\(^{11}\)

Meanwhile the shroud (kafan) was made ready Sranguru bathed the body three times in immediate succession. Camphor was painted or placed on every joint or under each armpit and on other parts of the body. The well-to-do people aos used scents. Earthen jugs of small size were supplied to the washer who bathed the dead body. The dead body was then dressed or wrapped in shroud, scents were sprinkled over the body. Before the shroud was handed over to the Sranguru some verses from the holy Quran were written on it by the priest\(^{12}\). "For this purpose the sacred clay imported from Medina was dissolved in water and used as ink\(^{13}\)."

The dead body was completely covered from head to toe with the white cloth and knotted in three places—on the head, on the waist and over the feet. It was also customary to show ---


the face of the deceased for the last time to the relatives and neighbours, friends and others before it was finally covered.  

The dead body was then placed in the Taboot (wooden box). Another piece of black cloth or pall was spread over the coffin. The bier was then carried on the shoulders by four persons mostly nearest male relatives and the bearers were constantly changed by relays of four men. The funeral procession proceeded to the nearest mosque where the coffin was laid on the ground and prayers were offered for the peace of the departed soul. This is still known in the Valley as the namaz-i-janazeh (prayers). The funeral prayer was very brief and lasted for about five minutes. The Imam (priest) was paid some money according to the position of the party concerned. The prayer consisted of four parts. The first part of it contained a reference to the holiness


16. It was (Namaz-i-Janazeh) offered in congregation but unlike other prayers, genuflection and prostration were not performed in this case. The prayer was presided over by the priest (Imam) who stood before the Taboot (coffin) followed by other worshippers who themselves lined up in rows of odd number--three, five or seven depending on the number of participants. The coffin was placed in front
of God; the glorification and the praise of His attributes, the second part contained the benediction on the Prophet. The third part was an appeal for the forgiveness of the sins of the deceased and the fourth was a Salam (salutation) to all present. This prayer was concluded by the Takbir-Allahu-Akbar. ¹⁷

The corpse or dead body was then lifted and taken to the mazar (grave-yard) where the professional grave digger known as Mala-Khesh (sexton) had prepared the grave as he was summoned immediately after the death was announced to dig the grave.¹⁸ By the time the corpse reached the cemetery the grave was almost ready and the mourners were not required to wait for long. There were two types of graves— one on the lahād system (tunnel) containing side sepulchre for the body, and the other a pit dug deep in the ground with an enclosing wall of stone or brick...


about 4 feet. A grave was and is still always dug from north to south. It had two chambers, the lower called **lahad** in which the body was placed. On the way to the grave-yard they recited sacred verses, the **Kalima** and prayers for the deceased.  

The corpse or deadbody was then taken on hands and placed or lowered into the grave. In the **lahad** the head of the corpse was put in the North direction and the face of the body was kept towards the **qibla**. The grave was closed with wooden planks and in such a way that clay would not find way therein. The grave was filled in with earth or mud by all the mourners who were present at that time. When filled in, water was sprinkled over it. After burial, prayers (**fatiha**) were offered once again. Then the party of the mourners would disperse. On their return most of them condoled with heirs going to the house of the deceased in order to console the members of the family. They then departed for their homes.

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20. Ibid, Lawrence, Valley, p. 271. Gervis Pearce, op.cit., p. 275. "Generally, the grave is dug just below the feet of the father or mother of the deceased, if they have already passed away, as it is believed that those who are buried under their parents feet find easy access to paradise". Census of India, 1961, J&K, Part VI, Vol. VI, pp. 27-28.

The professional washer and grave-digger received remuneration in cash and kind. Besides these things, the Malakhash (sexton) was also given the clothes worn by the deceased at the time of death.

A lamp was kept burning for some days, mostly up to the fortieth day at the place where a person had expired and also where the washing ceremony had taken place. On this occasion the family which suffered bereavement was normally provided food (meals and tea) by the near relatives, friends and the neighbours for three days. During this period kinsfolk and the deceased's heirs performed fatiha-khwani and gil-khawani, i.e., they recited the verses of the holy Quran for the benefit of the deceased's soul.

In urban areas Muslims mourned till the following Friday while in rural areas on the fourth day chaahrum a final send-off ceremony for the deceased was performed on that occasion. People were served with tea and in some cases with meals after fatiha.

22. Ibid.,

"This is a custom having the sanction of the practice followed during the life-time of the Prophet, since, it is considered that the members of the deceased's family would be too grief-stricken to make culinary arrangements themselves". The Musalman, p. 38.
or prayer. On the Friday following the demise all male relatives, friends, and neighbours assembled in the afternoon at the grave-yard to offer prayers or fatiha for the deceased. After this ceremony, all the participants would proceed to the house of the deceased. Here the priest again recited verses from the holy Quran and blessed the departed soul. They were then served with light refreshment, in the shape of tea and breads. The people in turn paid generally, in cash to the bereaved family. It was a fine social security measure.

After Friday the state of mourning was over and the members of the family resumed their routine work. Other post-mortality functions performed after death included recitation of prayers on the fortieth day, on the first death anniversary and on certain Muslim holy days viz., Shab-i-Barat. The

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26. Ibid.


"Shab-i-Barat is an auspicious night. It precedes Id. Prayers are held the whole night long and blessings invoked. It is believed that any wish piously wished and asked for is fulfilled on this night". Kashmir Today, Nov., 1956, pp. 17--19.
chaliswan, (fortieth day) rite was performed ten days before the actual day. On this day the neighbours and relatives were again invited to dinner. In some families this custom was observed differently. Early in the morning priests (Qazis) were invited to a session of the recitation of Quran for the benefit of the departed soul. 28

For forty days prayers were offered for the deceased and food was served to the priest and to the poor. And for a year or two the mullah (priest) received alms from the house of the departed on certain specified days. 29 Gazetteer of Kashmir and Ladakh we are told that in some parts of the Valley it was customary to deck the graves of the departed relatives and friends with flowers on some specific day in June. 30 However, the custom of visiting the graves of the dead relatives and throwing fresh clay over them on certain festivals is fast dying out among men of the modern age who are very indifferent to it.

28. Ibid.

Among the Muslims of Kashmir there prevailed the custom of going to the burial place of their ancestors and distributing loaves of bread to people in those places. They would also throw flowers on the graves of their near ones.
Kashmiri Muslims like the Muslims in other parts of the country have adopted various rites relating to the prayer for the dead and funeral banquet. These rites seem to have had their origin in the local customs and have no religious sanction behind them.\textsuperscript{31}

The Sunnis and the Shias were basically the same in the performance of ceremonies connected with birth, marriage and death. However, there were slight differences in the performance of these ceremonies in case of the Shias and the Sunnis of the Valley. These ceremonies in general, and marriage ceremonies in particular vary between the two sects here and there. These differences might be detailed as under:

**Birth Ceremonies**

The message of the birth of a child was conveyed by sending loaves of bread or some other eatables to the in-laws.\textsuperscript{32}

**Marriages**

Among the Shias the marriage was mainly an internal affair contracted preferably among relatives. There was not the practice of employing professional go-betweens for marriage negotiations. The practice of sending *khabar* message accompanied by—


32. Based on personal talk with Mohammad Qasim Khaja K.C.S. (Judicial).
with gifts was in vogue among the Shias. **Nabat** (sugar candy) and rock salt, being regarded as tokens of good omen and constituted an indispensable part of the gifts which exchanged hands between the parties prior to marriage. Between the two **Nabat** and rock salt, the latter was considered more essential. No article of sour taste was sent from either side. On the other hand the Sunnis did not send salt at all in **khabar**. The Shias fixed an auspicious date for marriage in consultation with the **Mulla** (priest) who advised them on this point.

**Death**

The Shias would not touch the body of the deceased till the performance of **Ghusal** (bath) known as **Ghusal-i-Mayat** (bath of the dead body). After wrapping the dead body in shroud, its face would be shown to his or her relatives by opening the shroud before the start of the last journey of the deceased to the graveyard. This practice was not to be found among the Sunnis. The Shias had also the custom of performing **Fatiha** (prayer) on the fourth day (early in the morning before sun-rise) with the proviso that **Fatiha** should be performed on Monday, Wednesday, and Friday only. On the fourth day morning **Fatiha** would be performed by usually going to the graveyard. There the relatives and friends would arrive before the sun-rise and would

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33. Ibid.
recite the holy Quran near the grave. They would read the Fatiha while sitting while contrariwise the Sunnis would read it standing. They would also keep the fingers of their right hand on the grave.

On the day of the Fatiha people after going to the graveyard in the deceased for the purpose of fulfilling the formalities of mourning. However, presence at the graveyard was more important and appropriate. Those who could not go to the graveyard before the sun-rise would go to the house of the deceased and observe the custom of reading Fatiha there. Also there was the custom of reciting Marsyakhani among the Shias the moment death occurred and this continued till the deadbody was taken to the graveyard.

Conclusively, we might observe that many rituals and ceremonies connected with birth, marriage and death have undergone reforms in consequences of modern socio-economic necessities among both the communities.

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34. Ibid.
35. Ibid.
36. Kashmir, May, 1958, Vol. VIII, No. 5, pp. 147--148; Bamzai, P. N. K., Socio-Economic History of Kashmir, pp. 26--27; See also Keys to Kashmir, p. 79.