5

ISSUES OF REMARRIAGE

Widows were found in all age groups, castes, religions and in all regions of the Indian sub-continent during the colonial period. The status of widows and the social conditions imposed in widowhood however, varied from region to region. There were only two options open to widows, enforced celibacy and the rigid misery of widowhood and enforced remarriage, prevalent in some areas. The decision in both cases was not in the hands of the widows. Compared to the plight of widows in India, the position of widows could be considered more favourable in Punjab, as remarriage was a common practice among the dominant agricultural groups and the rigid miseries of widowhood comparatively less. The present chapter examines the issues of remarriage in the region in six sections. First section deals with the stand on remarriage. The second section is related with the custom of Karewa. The third section discusses the ceremonies on remarriage. The fourth section examines the attitude of reformers regarding remarriage. The fifth section looks at the social debate on widow remarriage. The sixth section concludes with the impact on society.

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In India, the twice-born classes, i.e, the Brahmins, Rajputs, Vaisyas, and such mixed castes as Kayasths, this claimed a similar descent, absolutely prohibited remarriage. According to them, a Hindu woman could be ritually married only once in her lifetime1. Early texts provided contradictory evidence about the remarriage of widows. Restricted widow remarriage appeared to have existed in Vedic times2. In the Jataka stories (circa 400 AD), it was presumed that wealthy widows of propertied men could remarry. The Arthasastra indicated that widows could remarry, but if they did, they must forfeit the bride price and any other wealth received by them. Further, the widow, who did not remarry was to be esteemed for her upholding of the dharma. At the same time, Brahmanical texts attempted to narrow the options for widows. Manu delineated the

1 Dayaram Gidumal, *The Status Of Woman In India, A Hand Book for Hindu Social Refomer*, Bombay 1889, 166. DayaRam Gidumal was a Hindu from Sindh, a retired judge. In 1908, he was in conjunction with B M. Malabari, a Parsee government servant, founded the Seva sadan or Home of Service in Bombay (Source-Faruqhar, Modern, 37, 38.)

2 Census Of India, 1911, Volume XIV, Punjab, 281.
contours of the ‘good’ widow, one who fasted and remained faithful to her dead lord’s
memory. Indeed, the very energy that Manu put into condemning widow remarriage
indicated that it was fairly prevalent. From the time of Manu onwards, celibate and
perpetual widowhood itself was emphasised for the upper castes marriage being regarded
as a sacred and indissoluble bond came to be valorised as the model for upper caste
women. It was recognized in Hindu law, whether we look to the Vedas or the Smriti, the
widow remarrying had the legal status of a wife except in very early time illustrated by
the references from the Vedas. The practice of remarriage however might never have
been very popular among the Brahmin castes. The warrior-castes, being freer to enjoy the
sweets of life, seem not to have been averse from such indulgence, as evident in three
popular illustrations of remarriage in the Purana myths and Ithihas. The first on the list is
the remarriage of Ulupi, the widowed daughter of a patriarch of the Naga tribe, who, on
the death of her first husband, was given in marriage by her father to the famous Arjun,
the hero of the Mahabharata story. The son, she bore to him was emphatically described
to be his legitimate-born son, and not one of the inferior sorts of sons. The second
illustration is from the story of Nala and Damayanti. The latter princess, after having
been abandoned by her husband in the forest, found her way after many sufferings to her
father’s house. To find out her long lost Nala, she secured the services of a learned
Brahmin to advertise to all the neighbouring princes that she was going to have a second
sвayamvar. Later on, Nala was recognized, who worked with the king of Ayodhya in the
disguise of an obscure charioteer. This story has its importance. That a woman like
Damayanti, tried to discover the whereabouts of her lost husband by this stratagem at
once shows that remarriages did not strike people in those times as an abomination,
but as an ordinary common place thing. The third illustration is from PadmaPurana, the story
of the unfortunate daughter of the King of Benaras, who was married no less than twenty

3 Manu permitted the procreation of progeny by the brother In-Law or Some blood relations of
the husband’s family under certain restrictions (Manu IX, 56-59). It was possible that this provision may have
been applicable to widows as well as the wives of husband, who were incapable of procreation. But, in any
case, Niyoga seemed to have been strictly prohibited for the Dwijas (twice born) and not expressly allowed
for the Shudras either (Source-Censuses Of India, 1911, Volume XIV, Punjab, 281.)
4 Uma Chakrawarti, Preeti Gill (ed.), Shadow Lives: Writings On Widowhood, Kali For Women, Delhi,
2001, 8.
5 For more detail, see chapter one.
6 DayaRam GiduMal, The Status Of Women In India or A Handbook For Hindu Social Reformers,
Bombay, 1889, 332-333.
times, as often as she became a widow. Not all Shastra texts, however, favoured widow-marriage, among those against remarriage of widows was Manu. As a result, both views for and against remarriage of widows continued unchecked into the Modern times.

There seemed no doubt that the twice born castes alone absolutely prohibited widow remarriage, as Brahmans punished it by ex-communication. There seemed no doubt that the Brahmans, Banias, Jains and some other high castes do not observe this custom, widow remarriage, generally under an impression that it was not allowed by the Shastras. Beside the ‘twice-born’ castes, there were some families and individuals, who strived to imitate those, whom birth or tradition had placed above them in the social scale. They too tended to prohibit remarriage of widows. In India, where for ages, the thoughts and habits of men had been controlled and dominated by religious ideas, the restrictions and privations increased as a woman advanced towards the dangerous state of widowhood.

The obstacles to the remarriage of widows were not as strong in the Punjab region, although Brahmans and other castes followed the general practice of the twice born. Comparing the Punjab, with other parts of the India, C.R.Hawkins, Deputy Commissioner, Amritsar did not feel any obstacles for the remarriages of widows in the Punjab. The problems were minimized in the Punjab because the widows of the Muslims, Sikhs, most of the hill tribes, and nearly all the lower Hindu castes allowed widow remarriage. The widows of Jats were bound to marry their deceased husband’s brother.

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8 The claims of the womankind for kinder consideration under this misfortune moved the souls of the great Jayasingh, the Rajah of Jaipur, and of the famous Pandit Appaya Dixit to rebel against custom. In more modern times, the question was raised by the famous Parshurama Pant Bhau Patvardhan, the co-adjutor of Lord Corwallis in the wars of Tippoo Sultan, and the last of the terrible leaders of the Maratha. He had a child widow daughter, named Durgabai. Later on, Benaras pandits gave consent for the remarriage of girls like Durgabai, widowed in infancy. Shankracharya also thought it wise to yield, however, the Poona Pandits waited on Parshurama Pant Bhau’s wife made her yield the idea of remarriage of her daughter. Thus the matter ended (Source-DayaRam GiduMal, *The Status Of Woman In India or A Handbook For Hindu Social Reformers* 1889, 330,336.)
13 The general masses in this part of the country followed the practice of Karewa or Karao or Chadarandazi.
for the protection of the inheritance.\textsuperscript{14} The particular form of widow remarriage was known as the levirate practice, of marrying a widow with devar. This obtained special acceptance among certain castes under certain conditions. It appeared to be duty devolving on younger brother to marry his elder brother’s widow. It might be assumed that any caste, which allowed a widow to remarry her brother-in-law, will also allow her to remarry a stranger, if the family did not insist on its right over her.\textsuperscript{15} It is noted that this custom was more common amongst the Jats and other agricultural castes, artisans and the menial classes.\textsuperscript{16} While in the Himalayas, women were sold from hand to hand, a system of temporary marriage prevailed. On the other hand, the prejudice against widow marriage was almost as strong among Muslim of the superior classes as it was among orthodox Hindus.\textsuperscript{17} On the whole, the Punjab was less strict to widow marriage than most other parts of the country, though there was great difference in this respect between frontier and western plains and the more settled tracts of the centre and east.\textsuperscript{18}

Compulsory widowhood was a custom peculiar to the Hindus.\textsuperscript{19} This social rule was always strictly enforced and the possibility of remarriage to the brother of the deceased, remained without the imposition of any limitations. When however, the deceased husband left no brother or when owing to other circumstances, it was not possible to give the girl to his brother, no exception was taken.\textsuperscript{20} The widow marriage amongst the Hindus had always commenced with the levirate, which was allowed only for the artisan and menial castes, but it was at times followed by other individuals and groups.\textsuperscript{21}

The Hindu law, which forbade the remarriage of widow, was observed only among certain castes, which prided themselves upon their social standing.\textsuperscript{22} As, soon as, in any high caste, who had taken to the practice of widow remarriage, they would retain their caste only by name and occupation, not being admitted to the intermarriage by the

\textsuperscript{14} G.W.Leitner, \textit{History Of Indigenous Education In The Punjab Since Annexation And In 1882}, Reprinted, Language Department, 1971, 100.
\textsuperscript{15} Daya Ram GiduMal, \textit{The Status}, 166.
\textsuperscript{16} Census Of India, 1911, Volume XIV, Report, 282.
\textsuperscript{17} Imperial Gazetteer Of India, Provincial Series, Punjab, Volume I, Calcutta, 1908, 45.
\textsuperscript{18} Census Of India, 1891, General Report, 266.
\textsuperscript{19} Census of India, 1911, Volume XIV, Punjab, 233.
\textsuperscript{20} Ibid., 282.
\textsuperscript{21} Report on The Census Of the Punjab, 1911, 410.
\textsuperscript{22} Report On The Census Of British India, 1881, Volume III, Appendix L, London, 1883, CXLVI.
more orthodox classes, who bore the same title, as in the case of Dasa Bayna, of the plains, the shop-keeping class. The remarriage of widows was regarded as improper by Hindu and in well to do families was seldom practised. The once strong feeling against widow re-marriage was showing signs of weakening shown by the fact that some Khatri, Bedi, and Sodhis did not now consider such marriages to be un-lawful in Gurdaspur district in early 20th Century. This practice was not permitted to widows among the higher classes of Hindu Rajputs and most Muslim Rajputs. Although among certain sections of Manj Rajput, (Muslim) of the Jagraon tehsil, district Ludhiana, the remarriage of widows was regarded as opposed to custom. These Manj Rajputs were originally Hindus, who, after their conversion to Islam retained their aversion for remarriage of widows. As a corollary of this, widow remarriage was forbidden except to some lower castes. The low status Rajputs and Brahman clans sanctioned the inheritance of a deceased elder brother’s wife, as well as other forms of widow remarriage. Similarly, we found this practice among the Jhabras Rajputs, almost lowest among the five classes of Rajputs and it was said that even the 4th class, the Rathis in Kangra District were hardly to be regarded as true Rajputs as they practiced Karewa. They did not marry into the higher classes. The Ghiraths were said to be Rajput region. They were essentially agricultural. Folk etymology derives Ghiraths from ghi, because Shiv made them out of ghi. In Hoshiarpur, Ghiraths were called Bahti. Their social position was low and they practiced widow marriage. It was observed for them that, ‘You can not make a Ghirthni a widow’, any more than your can turn a hill buffalo into a barren cow.’ Ghiraths had less proportion of widows at the ages 5-20, owing the permissibility of widow marriage, but the comparative abundance of females in the tract and particularly in the caste (932 per mille of males) made it impossible for the older widow to get remarried. The Mahtons of

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23 His social standing was curiously higher than others from one point of view that he did not practice widow-marriage. These views found in other trading classes such as the Sudas, who was 20,000 in the province in 1885, and that more than a quarter of these were in the Kangra district, and more than half in the Jalandhar Division. They were divided socially into pure (Khara) and inferior (Gola). The Suds of the hills were said to belong to the latter class, who had degenerated at some period by widow marriage. But it should be noted that now the Gola Suds did not now marry widows. (Source- Punjab Districts Gazetters, Volume XXI A, Gurdaspur, Lahore, 1945, 48; Denzil Ibbetson, Punjab Castes, 1883, Reprinted, Language Deparment, 1970, 7.)

24 Rus omj, Customary Law Of The Punjab, 1929, 693.


26 P. P rty Jonathan, Caste And Kinship In Kangra, 88.

27 Possible, Bahti means simply ‘ploughman’, (Rose, A Glossary, 288.)
Hoshiarpur and Jullundur were, for instance said to have fallen from the status of Rajputs because they adopted widow marriage. The Gara and Rathi castes appeared to have fared similarly.28

Denzil Ibbetson had pointed out that the process of degradation from Rajput to lower rank was too common. Here, many Rajput families had ceased to be Rajputs. Setting aside the general tradition of the Punjab, the Jats considered that their ancestors were Rajputs, who married Jats or began to practice widow marriage.29 The Gaurwa Rajputs of Gurgaon and Delhi, who had indeed retained the title of Rajput because the caste feelings were so strong in these parts, while the Delhi Chauhan, where their ancestors once ruled, had yielded to the temptations of Karewa.30

There was also an apparent avoidance of remarriage by widowers in Chamba, Ambala, Hoshiarpur, in which tracts, widow remarriage also infrequent, though sometimes repugnance to the latter practice was shown. Moreover, the aversion to a widower's remarrying was in the whole highest in the south-east of the Punjab, where Jain's influence was presumable strongest and it was precisely in this part that we found that the proportion of widows was generally high.31

Among the Muslims, the Shara did not prohibit widow remarriage. However, the Sayads and Sheikhs (of foreign extraction in the eastern Punjab), the Rajputs and converted Sheikhs in general were averse to the custom obviously owing to the traditions relating to the Hindu castes of high status. So, under the influence of Hindu association, some of the higher castes amongst the Muslims, whether converted from Hindu or claiming a foreign descent, looked upon widow marriage with disfavour. The absence of the custom was considered, in some tracts as a sign of high breeding. A Muslims Jat or Rajputs, a Sheikhs of Arabian descent or a Moghal in eastern Punjab would, for instance, not think of marrying a widow. As the Gare Rajputs of Karnal, was a notable instance, of

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29 Census Of India, 1901, Volume I, India, Ethnographic Appendices, Calcutta, 1903, 75.
31 Census Of India, 1901, The Punjab And Its Feudatories, 218.
the degradation following widow marriage among the Muslim Rajputs.\textsuperscript{32} It would be seen that except in question of marriage, the Muslim law had no effect on custom.\textsuperscript{33}

In Muzaffargarh, among the followers of Islam, there was religious tenet prohibiting widow-remarriage as social custom had come into play and among Muslims, the castes and tribes enjoying a high social status considered it derogatory for their widows to seek remarriage. For example, Muslim Jats, Rajputs, Sayads and Pathans, in many cases would not permit remarriage to their widows due to their long association with Hindus.\textsuperscript{34} Nor do the Muslims of western Punjab, who although of Hindu origin, forbade the remarriage of widows, while the foreign Muslims such as Sayads and Pathans had no prohibition against it. District officers from several parts of the province remarked that among the higher classes of Muslims also, the remarriage of widows was becoming less and less common being akin to that which existed among the higher castes of Hindoos.\textsuperscript{35} Mr. Frizelles wrote of Shahpur that the remarriage of widows was almost unknown in the district, even among the commonest classes, and that the practice simply did not exist as a custom at any rate among the Muslim.\textsuperscript{36} In most of these cases, the custom of the tribes was same, as their neighbour. It was the custom both of Hindus and Muslims of these areas disallow remarriage among widows. This is borne out by statistics on the proportions of widows in both communities in 1931. The difference per mille in these communities was only 1 in the 5-10 age group, 2 in the 10-15 years group, 35 in the 15-40 group and 100 in 40 plus age group.\textsuperscript{37}

In the Punjab, caste played a less important part in the social life of the people, and, the in any case, the agricultural classes and of these the Jats (4, 942, 000) were the

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|c|}
\hline
Age Periods & Hindu & Muslim & Difference Per Mille \\
\hline
0-5 & - & - & - \\
5-10 & 2 & 1 & 1 \\
10-15 & 5 & 3 & 2 \\
15-40 & 92 & 57 & 35 \\
40 and over & 557 & 457 & 100 \\
\hline
\end{tabular}
\caption{Proportion of Widows Per Mille Of All Females Of Different Age-Periods In 1931 In Punjab.}
\end{table}

\textsuperscript{32} Census Of India, 1911, Volume XIV, Punjab, 282.
\textsuperscript{33} Ibid , 61.
\textsuperscript{34} Census of India, 1931, Volume XVII, Punjab, Part I, Report, Lahore, 1933, 188.
\textsuperscript{35} Report On The Census Of British India, 1881, Appendix L, CXLVI.
\textsuperscript{36} Report On The Census Of British India, 1881 Volume III, Appendix L, CXLVI.
\textsuperscript{37} Proportion of Widows Per Mille Of All Females Of Different Age-Periods In 1931 In Punjab.
most dominant. By religion, they were essentially, Hindus, Sikhs and Muslims. The Sikh Jats were mainly confined to the central districts of the Punjab. The Jat or Jat as he was termed in the south-east of the province was essentially a landholder (Zamindar). In the context of remarriage, they were lax in their notions. They were of course considered far below the Rajput, from the simple fact that they practised widow-marriage. The Jat father in the rhyming proverbs of the country side- said “Come my daughter and be married; if this husband dies, there are plenty more”. Among the widow marrying castes, the Jats stood first. However, M.L. Darling wrote that a Jat would sometimes marry almost any woman he could. So, they were endogamous, as marriages with woman of inferior castes might be deprecated, but were not invalid. In the Sikh districts, it was a brother’s duty as well as his privilege to take his deceased brother’s wife. In the south-east, the practice of widow remarriage differentiated the Hindu Jat from the Rajput, but it was not universal even among the Jats. As in Gurgaon, some Jat families disallowed it and others who allowed it, did not permit it with the husband’s relations. In other castes, one moves eastwards, orthodox Brahmanic ideas come into play, prohibiting remarriage of widows. In western Punjab, the landowning and cultivating classes were organized on a tribal basis, not on his status or caste. As we went further east, the people began to use the caste terms, Rajput and Jat, more freely. On the whole, the cultivating castes were more favourably inclined to widow remarriage.

Among Muslims, generally widow marriages were allowed. It was said that the social standing of the Jat was that, which the Gujar, Ahir, and Ror enjoyed, in fact these four castes ate and smoked together. They stood at the head of the castes, who practised Karewa or widow marriage, but families of high social standing and, locally, certain tribes disallowed it, as did some Ahir families. It was notable that, in the western areas, Muslim law was followed by the Jat tribes with a few exceptions, which were generally

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38 1, 595,000 Hindu Jats (Imperial Gazetteer, 481.)
39 Imperial Gazetteer Of India, Provincial Series, Punjab, Volume I, Calcutta, 1908, 48.
40 Rustom, Customary Law Of The Punjab, 691.
41 Census Of India, 1901, Volume I, India. Ethnographic Appendices, Calcutta, 1903, 76.
42 M.L.Darling, The Punjab, 54.
45 Census Of India, 1901, Volume I, India. Ethnographic Appendices, 79; Census Of India, 1901, Volume XVII, The Punjab,Its Feudatories And The North- West Frontier Province, 216.
those located in the country of a Biloch tribe and by all the Sayad families. These were also signs of a more liberal spirit in the matter, and instances in which greater liberty was given to the widow in choosing a second husband for herself. Broadly speaking, the Jat was a Muslim in the western districts, a Sikh in the centre and a Hindu in the south-east and there could be many exceptions to this rule. Widow Remarriage was practiced in all areas and all religions. The custom of the prohibition of the widow-marriage was strictly observed amongst the comparatively small communities of the upper classes and not throughout the masses. It was interesting to note that in the east and centre of the Punjab, or east of the Chenab, the custom was universal among all. In certain localities, Brahmans practiced it, so did the lower grades of Khatri. The lower and lower middle classes were on the whole influenced chiefly by local opinion on this matter. Generally, the lower castes, allowed widow marriage, but a widow did not always remarry among the lower castes. By the 1940’s even the Brahman of Amritsar had come to accept widow remarriage.

In the Punjab, several words were used to denote widow remarriage such as ‘Karcwa’, ‘Jhanjarara’, ‘Karao’, ‘Chadarandazi’, ‘Chadder Pana’, ‘Heri-Hui’, ‘Rakhewa’, and ‘Rikhorar’.

The remarriage of widows, which were common among certain classes were called ‘Jhanjarara’ ‘Rakhewa’ and ‘Rikhorar’ in the Kangra district and courts was recognized the same as a legitimate union. In fact, these terms appeared to denote all the forms of marriage, not celebrated with full religious rite.

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46 A. H. Diack, Dera Ghazi Khan District, Preface, Volume XVI, Lahore, 1898, ii.
47 J. Wilson, General Code Of Tribal Custom In The Sirsa District, Calcutta, 1883, 108.
49 Census Of India, 1891, A General Report, 1893, 60.
50 Report On The Census Of British India, 1881, I, CXLVI.
52 Census Of India, 1891, Report, 60.
53 Census Of India, 1911, Volume XIV, Punjab, 233.
54 Customary Law, Amritsar District, 1947.
The customary remarriage in the Punjab was confined to the ‘Karewa’ known locally by different names, which was the taking into wedlock of the widow of a deceased brother or some other near relatives, such as a first cousin. The ceremony, most prevalent amongst the Hindus and Sikhs was then called Kurao or Chadarandazi in the eastern Punjab and Karewa or Chaddar Pana in the rest of the province.57

Karewa, which resembled with the Gandarva form, but was only allowed in the remarriage of widows.58 So, it was said that ‘Karewa’ or ‘Karawa’ or ‘Nata’ was the remarriage of a widow or deserted or expelled wife, who had been previously married by the full ceremonial of a caste marriage (Byah or Shadi). It was not preceded by any betrothal ceremony (Sagai), as that did not apply to a woman already married, nor accompanied by the elaborate ceremonies of Byah, which applied to a virgin (Kwari) only.59 The ceremony of remarriage, employed in a less formal one, was done, under the name of Karewa.59

The custom of Karewa, the levirate, was found in most parts of the Punjab province, except amongst a few castes such as Brahmans and certain divisions of Rajputs.60 It was rare among high caste Hindus, who did not recognize remarriage.61 Moreover, the remarriage of widows in Karewa form was regarded as improper by Hindus and in well-to-do families was seldom practiced.62 If there were some instances of remarriage under the Karewa among the high castes, then the highest castes never performed Phera twice.63 Among the poor classes, necessity often compelled a widow to seek another husband, especially a widower for her support. This was largely true for and was applied only amongst the rural population of the Punjab, who were not governed by the Hindu law.64

Despite the universality of the custom in the central area, we find some different practices, observed in the different parts of the central region. In Gujarat district,
Chadarandazi, meant the marriage with the deceased brother’s widow, was not recognized among Brahman, Khatris, Arora and Bhatia. However, this practice was recognized among Hindu Jats, Labanas and Bahrupias. Among Hindu Jats, the marriage was solemnized by the ceremony of Chadar-dalna, where as Muslims Jats followed the custom of other Muslims and there was no custom of Chadar-dalna. If the father went through such ceremony and took a woman to his home, sons born after such ceremony were entitled to succeed equally with sons by other wives, in some tribes. In Gujarat, where Karewa had commenced, though it was considered degrading, and when on occasion of marriage, and Janeo etc. a feast for the got was eaten, then the Karewa’s children were not allowed to sit with the biradari.

In Sialkot district also, all tribes, with the exception of Rajput, Arora and Bhatra, said that once the contract of marriage was affected, whether by Chadar-dalna or by the ordinary mode of wedlock, the offspring was considered legitimate without any regard being paid to the caste or tribe of the woman.

In Gurdaspur district, the practice of Chadar-andazi, or the marriage of a man with his brother’s widow, was not permitted among Brahmans, Khatris, Bedis, Sodhis, the higher classes of Hindus and Muslim Rajput. In this district, Chadar-andazi was the commonest form of polygamy among Hindus, and the marriage was considered as binding as one of the ordinary kind, the sons having an equal claim to the ancestral property. This custom pertained only to the Hindu tribes, which recognizing widow remarriage.

Among some tribes, as of Hindu Rajputs, Karewa limited to remarriage inside the clan to which the deceased husband belonged, but Jaikarias clan did not admit Karewa.

In Ludhiana district, the Rajput said that the issue of a marriage with a widow was illegitimate, but where the custom of Karewa was established, there was not distinction made between the off spring of this and of an ordinary first marriage. Moreover, it was

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69 Ibid. A.
73 *Punjab District Gazetteer, Gurdaspur District*, 1914, 51.
interesting to note that all the clans of Jats practiced *Karewa* or widow-marriage. Among Jats, *Karewa* marriage of a Jat with a *Kori* or *Koli* woman (a sweeper or Chamar) was valid by custom. The reason was that the Jats were not members of the twice born caste themselves, and were by no means particular as to the caste of woman with whom they contracted *Karewa* union. Some tribes recognized *Karewa* marriages with limitations inside the clan. As among *Awans*, who went more by the Muslim law than any other tribe and the Muslim Gujars also recorded that one of them could marry any woman of his own religion in a *Karewa* marriage in this district.

In the central hill areas, the high caste people with claims to respectability, believed there was little to choose between the sinfulness of a union with either variety of sisters-in-law, just as the younger brother’s wife was a kind of daughter-in-law, so the elder brother’s wife was ‘Just like a Mother.’ Some tribes, tolerated widow remarriage with the deceased ‘husband’s younger brother in Kangra.

The Muslim Jats were in practice the same as of Hindu Jats in the western parts although they were bound to admit at least in theory, the validity of any marriage followed by the Muslim law. Some tribes of *Dera Ghazi Khan* district practised *Karewa* form of remarriage. Some Muslim tribes, admitted widow marriage in ‘*Chadar dalna*’ form, and they made no distinction between it and an ordinary marriage. Among Hindus and Muslims of the Shahpur district, this form of marriage was not approved of. There were only a few instances of remarriage in a *Chadar Dalna* form among a Khatri or Arora widow. generally, in all tribes, the *Karewa* or *Chadar Dalana* form of marriage was not practiced. In the western areas, the ‘*Karewa*’ word was used in another sense,

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75 H. Davidson clearly went too far, it was not generally know that the Jat race was entirely of Rajputs origin. A Rajputs marrying the widow of deceased brother lost castes as a Rajput. The ancestors of all the Jat families were thus Rajputs, had taken to wife the widows of their deceased brethren, who had died without male heirs. It was considered that all the gots of Jats were originally Rajputs, and that they separated off from the original stock by taking to agricultural and *Karewa*, or remarriage of widows. The Garewal Jats, who considered among Jats, first in rank, traced their descent to a Rajput Raja Rikh, who according to the tradition came from the south to settle in Kalur in the Hills. Another fanciful origin was ‘*Karewal*’ from *Karewa*. (Source-H.A.Rose, *A Glossary Of Tribes, Volume II*, 363. P. Partly Jonathan, *Caste And Kinship In Kangra*, 328. T. Gordon Walker, *Ludhiana District*, 26.)

76 Rustom, *Customary Law Of The Punjab*, 691.
77 Walker, *Ludhiana District*, 47.
78 P Partly Jonathan, *Caste And Kinship In Kangra*, 328.
81 J.Wilson, *Shahpur District*, 34. 62.
among the Muslims and lower castes of Hindus and Sikhs, when a wife was some times given up an account of infidelity without any ceremony, but usually payment of sum of money. This only happened, when she carried on liaison with some other man. The husband then accepted a price for the wife and the man, who paid the money, married the woman by ‘Karewa.’ A custom, which might be considered equivalent to divorce, existed in the western Punjab and other tracts in the Punjab.  

In the eastern aereas, all castes, admitted to the custom of Karewa except the Sayads, and at Rajputs, who also later commonly practiced Karewa and the remarried widow was considered as exactly the same footing as the wife married for the first time, as recorded in the Rivaz-i-am of tahsil Thanesar of the Karnal district, 1904-09. It was to be noted that the Jats, Gujar, Ahir and Ror stood at head of the castes, which practiced Karewa. In Hisar, the large Jat population, universally practiced Karewa. Mr. Tupper said that the Jats of Gurgaon, of course, practised Karao. It was also recognized among Brahmins of Rupar. As among Bagri and Sikh Jats, widow belonged to her husband agnates, and often married one of them by Karewa in Sirsa district. The wives too were equal in every respect, except that, with some Hindus, the regularly married wife took a greater share in the funeral ceremonies of the husband (Kirya Kami) than did the wife married by Karewa among all tribes.

Many of the Jats were anxious to have it recorded that if a man married by Karewa any woman except the widow of his brother or agnate cousin, the marriage should be considered void and the offspring illegitimate and not entitled to inherit. The contention was not supported by custom. There were many instances of Hindus Jats marrying widows of other Hindus tribes. It was to be noted that woman of the lowest castes or Muslims were frequently sold and become one of the wives of Hindu Jats or Arora.

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82 Census Of India, 1911, Volume XIV, Punjab, 292.
83 J. Wilson, Amballa District, 9.
84 Census Of India, 1901, Volume I, India, Ethnographic, 76-77.
85 C.L.Tupper, Punjab, Volume II, 95.
86 Rustom, A Digest Of Civil Law For The Punjab, 186.
87 No. 137, P.R. 1883 (Rustom, Digest, 186; J. Wilson, Sirsa District, 54.)
88 J.Wilson, Sirsa District, 108.
89 J.Wilson, Sirsa District, 107.
90 Ibid, 47.
91 Census Of India, 1901, Volume XVII, The Punjab, 216.
If we observe the prevalence of custom among the different tracts of the Punjab, we can conclude that the custom had been extended so as to permit of a man marrying by Karewa, a widow of another caste, whom he would not have married as a virgin by phera. This practice however, was generally reprobated, even though the widow should be of a higher caste than the man.92

In 1900, it was held that a marriage by Chadar-andazi between a Jat and a Brahman woman was valid, though under Hindus law, this marriage was undoubtedly invalid.93 This case showed that the strict principles of Hindu law were inapplicable, when the courts were dealing with the validity of marriage among Hindu Jat Sikhs of this province.94 A marriage by Chadar-andazi between a Brahmin and a widow called a dharel wife was not valid by custom, a marriage of a Khatri Kuka Sikh and a Tarkhani or Jat woman in Karewa form was not invalid, nor was a marriage between a Khatri and a Khatrani widow.95

The lower castes were quite lax in their notion of remarriage, where Karewa marriages were prevalent even in the same got, for example, Narain Singh, a Saini, married a widow, Indo, a Mali of the same got in Karewa form.96 In this case, the marriage was not a regular marriage as recognized by Hindu law, but a Karewa marriage. According to the Hindu law, the marriage between all persons of the same gotra, had been prohibited, these instructions applied only to the twice born classes. The parties, which belonged to the lower Hindu caste, were governed by custom.97

Moreover, the practice of Karewa was more prevalent in villages than towns. This, we could estimate it from the number of wives to each husband in different tracts of the Punjab. The numbers were uniformly large in the villages than in the towns. Of course, the main factor was that many of the husbands were away form home on service or in trade in the cities and cantonments, leaving their wives in the villages. The portion of the inequality however, was undoubtedly due to Karewa in those parts, where it was

92 Report On The Census Of British India, 1881, Volume III, Appendix, L, CXLVI.
93 50 P.R 1900 (Source-Rustom, Customary, 691.)
94 Rustom, Punjab Customary Law, 691.
95 No 5 P.R.1893; No 4 and 61 P.R.1905( Rustom, A Digest, 186-187.)
96 No. 15, P.C.R, 1907 (Source-Rustom, Digest. 692.)
97 Rustom, Digest, 692.
practised. It appeared that widow-marriage was allowed chiefly among the peasantry and not among all among the mercantile classes of the cities.\textsuperscript{98}

The other term for the remarriage of the widow was *Heri-hui* in Karnal. The prevailing view was that it was a lower form of widow re-marriage. The Karnal Settlement Report recorded that in Karnal, a Gujar might marry a Jat or Ror widow, or even a woman of menial caste, but the woman was then called *Heri-hui*, though it was still a real marriage. At the same time, any marriage out of one’s own caste, even if with a higher one, was thought disgraceful.\textsuperscript{99} Widow Remarriage was permitted, except among the Brahmans. The rite was called Jhanjarara in Kangra. The other names for this rite were *Gudani* or also *Choli-dori*.\textsuperscript{100} The remarriage of widows among certain classes was called Jhanjarara in this Kangra district and the court recognized the same as a legitimate union.\textsuperscript{101} Moreover, some tribes of Rajputs, as the Rathi might contract a Jhanjarara or second marriage with a woman of another caste, such as Jat or Jhiwar.\textsuperscript{102} A *Rikhorar* was a widow or a divorconee, who had contracted a secondary union, in Kangra.\textsuperscript{103} Whether the couple performed Jhanjarara or not, a woman who contracted a second union with a man of her own caste or of a caste with which she might legitimately marry, rated as a *Rikhorar*.\textsuperscript{104} There were 3 kinds of wives, found in Kangra Hills, the *Bihata*, the *Rikhorar*, and the *Sarit*. The two latter will be stamped as concubines, in the plains, but here the *Rikhorar* at least ranked higher than a concubine. The married woman still retained her large nose ring, which had almost appeared from other district of the Punjab.\textsuperscript{105}

In Kangra, amongst those, who tolerated widow remarriage, the ideal was that it should take the form of *Rakhewa* that was remarriage with the deceased’s husband.

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\textsuperscript{98} Report On The Census Of British India, 1881, Volume III, Appendix L, CLIV.
\textsuperscript{99} Census Of India, 1901, Volume XVII, The Punjab, 220.
\textsuperscript{100} H.A.Rose, A Glossary Of The Tribes, Volume II, 268.
\textsuperscript{101} There were two forms of marriage, Lagan-Ved and Jhanjarara marriage. The lagan-Ved ritual involved an elaborate series of Sanskrit rites, which were officiated over by the family purohits of the bride and groom. Even amongst that clan, which tolerated remarriage, the lagan ved could never be repeated. Subsequent unions will be solemnized by a Jhanjarar ceremony, if they were solemnized at all. (Source- P.Partly Jonathan, Caste And Kinship, 234, 235; Punjab District Gazetteer, Volume VII, Part A, Kangra District, 1924-1925, 7.)
\textsuperscript{102} H.A.Rose, A Glossary, Volume III, 282.
\textsuperscript{103} P.Partly Jonathan, Caste And Kinship, 234.
\textsuperscript{104} I bid., 235.
younger brother (Devar). Rathis was said to follow the practice of Rakhewa by which a younger brother was entitled to inherit his deceased elder brother’s wife or to compensation, if she went off with somebody else. Rakhewa was associated both these biradaris, as was an easy tolerance of divorce and exortinate bride-price demanded. High bride price payments then encouraged Rakhewa unions with the deceased brother’s wife for such marriages represented a considerable economy.

In remarriages, there appeared to be no absolute rule in any caste in province for prohibiting remarriage to the elder brother, though, as a general rule, the younger brother was regarded as the more suitable. It was like the Jewish levirate by which the younger brother took the widow of the elder. As in eastern Punjab, Kumhars, Bagris, Chamars, Bawariyas and Heris, a widow might marry her husband’s younger brother, but not with husband’s elder brother. Among Bagri Jats, Sikh Jats and most Musalman Jats and Rajputs, a woman ordinarily married her husband’s younger brother (Dewar), and was thought better that she should do so; but if there be no younger brother or if there some was reason against this arrangement, then she might marry her husband’s elder brother (Jeth). She was not considered entitled to marry a stranger without the consent of the marital family. In the Rohtak and Gurgoan, amongst the Ahirs, the widow might not marry her late husband’s elder brother, but she could marry his younger brother, and the Ganrwas of Gurgoan followed the same rule. Among the Jats and Gujars and Mallahs of Gurgoan, a widow could marry her husband’s elder brother, but was considered more proper for her to marry the younger brother with the exception of the Ahirs, The Karao in Rohtak took place between the widow and her deceased husband’s elder or younger brother or cousin. Among the lower castes such as Tarkhans, Lohars, Punjabi Chamars, Chuhiras, Wattus, and Rains, there seemed no distinction made, a widow might marry her

106 P. Partly Jonathan, Caste 328.
107 P. Partly Jonathan, Caste And Kinship, 209.
108 Jonathan, Caste, 228.
110 Report On The Census Of British India, 1881 Volume III, Appendix L, CXLVI.
111 Among the Sikh Jats, if there be no brother, the widow could do remarriage with her husband’s agnate cousin. But it was not usual among Sikh Jat for the husband’s agnate to sell the widow for a price to a stranger or be allowed to marry any. (Source-Wilson, Sirsa, 106-107.)
112 J. Wilson, Sirsa District, 106.
113 Ibid., 107.
114 C.L. Tupper, Punjab, Volume II, 95.
husband’s brother, whether elder or younger. Some lower castes, however, such as Hindu Nai (Banbheru) in Hissar, did not allow an elder bother to marry.

The customs of widow marriage were varied in central Punjab, also. In Hoshiarpur, the widows of Mahtons Rajputs, Sikhs, always married her husband’s brother, elder or younger, yet in Kapurthala, it was asserted that she could never marry the elder brother. In Lahore, widow marriage was discouraged among lower castes as in Mahtam, if it was permitted, then only permitted with the husband’s younger brother.

In the western parts, it was not unusual for a widow to marry her deceased husband’s brother, as in Shahpur district. In some areas, the succession to deceased brother’s wife was regarded as a right. So, in the leviratic alliances, mentioned above, it was customary for the widow to marry the husband’s younger brother, and not the husband’s elder brother, though the latter was not unknown.

It was to be supposed that under the polyandrous system, no case having been known at least of an eldest brother coming for the first time into the possession of the wife on the death of one of the brethren, afterwards, on the disuse of Polyandry, a prejudice might have survived refusing the widow of an younger to an elder brother.

III

Regarding ceremonies for remarriages, it was expressly said that, on the marriage of widow among such Hindus such as Aroras, Sonars, Chhimbas and Jats, and among Sikh Jats, there was no particular ceremony, except that a white sheet, coloured at the corners, was thrown by the man over the woman’s head. Strictly speaking, there were two distinct forms of marriage in vogue among Hindus. The first was a religious rite, while the second was celebrated without any religious observances. In the case of a

115 H.A. Rose, Glossary, Volume II, 144.
116 The Nai were divided into two main sub-castes, Bhanbheru and Gola. (Source- Wilson, Sirsa, 106.)
117 Originally Hindu, later on, adopted Sikhism and Islam. (Source- Rose, A Glossary, Volume II, 52.)
118 In Multan, the Mahtam were Muslim of Jat Status. The other Mahtams were low caste Hindus. In Gujrat, Sialkot, it was called Bahurupra. (Source- Rose, A Glossary, Volume II, 45-50.)
119 J.Wilson, General code of Tribal Customs In The Shahpur District Of The Punjab, Lahore, 1896, 34.
120 C.L. Tupper, Punjab, Volume II, 95.
121 The Gazetteer Of India, Indian Union, Volume I, Country And People, Publication Division, Ministry Of Information And Broadcasting, 1965, 541.
123 C.I. Tupper, Punjab, Volume II, 93.
woman, the former rite could only be solemnized once in a life-time. So, widow-remarriage, if permitted at all, could not be celebrated by the religious rite.124 

In the observed ceremonies of the eastern areas, for example in Sirsa district, among Hindus, the Karao form was used in the remarriage of widows, and required none of the elaborate ceremonies of the Byah (Marriage). It seemed sufficient that the parties should consent to cohabit with each other, and thus the Karao seemed to correspond with the Gandharva form of marriage described by Manu. The other forms were not known.125 

Among Hindus for a Karewa, hardly any formalities were required especially, if it took place between a widow and her deceased husband’s brother. Among them, the ceremony must be public, but without the Phera.126 Usually, the man went through some ceremony before the assembled relatives of tying a rupee in the corner (Palla) of a sheet (Chaddar or Orhna) and throwing it over the woman’s head, and sometimes he had bangles put on her arms (Churi Pahirai).127 The main point under the formality of Chadarandazi, was that the man and woman was seated together and a white sheet was thrown over the pair by some Brahman, Sadhu or elder of the brotherhood and the presents were offered by the husband with bracelets, nose ring (nath) ear ring (bali) or some other emblems of wedded life or a rupee was placed in her hand.128 

The widow was usually dressed in red (Churi Pahirai). The occasion was celebrated by the feast. Often it was quite sufficient, if the brotherhood without any formal ceremony were given to understand that they had taken each other as man and wife.129 So, few formalities were observed. The main point was that the parties should agree to the relationship of husband and wife or that the parents or guardian of the 

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124 Though among high caste Hindu, it was essential that for marriage certain rites and ceremonies should be performed, without which the relationship between the parties did not constitute a valid marriage, it was not necessary for the validity of the marriage of a Khatri widow that all the usual ceremonies, which had to be performed in the case of a Khatri girl on her first marriage should be performed, In such cases, if the parties went through such ceremonies as they could reasonably arrange for, and clearly and unequivocally expressed their intention to enter into the marriage relation with each other, and as a fact, thereafter lived together as husband and wife, such a union was a valid marriage. But there must be marriage between a Khatri and Khatri widow. And for the Khatri to live with the man as a dharel was not suffi cient.
(Source- T.P.Ellis, Notes, 267 ; Rustom, A Digest Of Civil Law, 187; Census Of India, 1901, Volume XVII, The Punjab, 217.)
125 J.Wilson, Sirsa District, 103.
127 J.Wilson, Sirsa District, 106.
128 J.Wilson, Sirsa District, 106.
129 Census Of India, 1911, Volume XIV, Punjab, 282.
woman should consent to her being taken in wedlock by the intending husband.\textsuperscript{130} In Gurgaon, Rohtak and in several other districts, the observance of some ceremony in widow marriages was observed.\textsuperscript{131} A Karewa marriage among the Jats usually took place in the ‘Chadar Andazi’ form, which means throwing the sheet over the couple to be married.\textsuperscript{132} The informal ceremony of Chadar-andazi was regarded as a well-established form of marriage.\textsuperscript{133} It required no religion ceremonies and conferred all the rights of a valid marriage.\textsuperscript{134}

Among Muslims, there was practically no difference between a first and second marriage service (Nikah) except that the ceremony was confined to the service, without any marriage procession in the Amballa district.\textsuperscript{135}

In the western areas, among all Muslims, a widow was remarried by the same form of Nikah, as a virgin, and in western areas, no other form was legal. The other wedding ceremonies were not performed in the marriage of a widow.\textsuperscript{136} The Muslim tribes of The Dera Ghazi Khan district, made no distinction of widow marriage than ordinary marriage, except that there was less festivity and less expenditure than at a woman’s first marriage. The ceremony of Chadar Dalna was generally followed. Another form of ceremony in this district was ‘Tan Bakshi’, which consisted of the woman stating in presence of witnesses that she had given her person to her new husband.\textsuperscript{137} It was also well known that, the Muslims of the western Punjab, who although of Hindu origin did not marry by the Phera or circumambulation of the sacred fire forbidded as a rule in the remarriage of widow; while the foreign Musalmans such as Saiyads and Pathans had no prohibition against it.\textsuperscript{138}

Among all Hindus, remarriage of a widow was very uncommon and was not approved of, when it did take place; the only ceremony was that of throwing a shawl (Chadar Dalna) over the woman by the man as in the Shahpur district.\textsuperscript{139} It was

\begin{itemize}
\item \textsuperscript{130} Census Of India, 1911, 282.
\item \textsuperscript{131} C.L.Tupper, Punjab, Volume II, 93.
\item \textsuperscript{132} J. Wilson, Amballa District, 34.
\item \textsuperscript{133} Digest, 186.
\item \textsuperscript{134} Punjab Customary Law, 690.
\item \textsuperscript{135} A. Kensington, Amballa District, 10.
\item \textsuperscript{136} J. Wilson, Shahpur District, 33.
\item \textsuperscript{137} A.H.Diack, Dera Ghazi Khan District, 9.
\item \textsuperscript{138} Report On The Census Of British India, 1881, Volume III, Appendix L, CXLVI.
\item \textsuperscript{139} J. Wilson, Shahpur District, 34.
\end{itemize}
considered in all tribes that a marriage changed the status of a woman much more than a man. When a widow got re-marriage, there were none of the elaborate ceremonies of a betrothal or marriage; only the simple formalities signifying mutual consent were gone through; but when a man already married, married a second wife, all the elaborate ceremonies of a first marriage were performed.\textsuperscript{140}

In the central districts also, an occasion of Karewa among Jats was very simple as in the Ludhiana district. The neighbours were called, including the Lambardars, or other respectable members of the village community, as witnesses of the ceremony. The Brahman said a few mantras, making a Chauk as in a first marriage, and tied the clothes of the parties together.\textsuperscript{141} The man then put a sheet over the woman’s head and she became his wife. There was no Phera, or walking round the fire.\textsuperscript{142} The marriage rites of the Labana in Ludhiana were somewhat confusing. As they celebrated a girl’s wedding by Phera, like Hindus, but that of a widow by Nikah, according to the Muslim ritual.\textsuperscript{143} Among Jats, the marriage was valid even without ceremony. As we had example of Kahnana Jats of Gurdaspur, where a man took his deceased brother’s wife into his house without any ceremony, and the issues were legitimate.\textsuperscript{144} Among a Manjhee Singh, the eldest surviving brother of the deceased placed a white robe over, and the ring, in the nose of the widow, which ceremony constituted her, his wife.\textsuperscript{145} In Sialkot District, chadarandazi was only an expression of intention and not a binding ceremony.\textsuperscript{146}

In the hill region, jhanjarara rites, solemnized remarriage. The pair was made to sit down, with some dhup burning. The bridegroom placed a dori (Tape) on the widow’s head and another woman got comb her head and bended her hair with the tape. After this, the bridegroom placed a nose-ring in the woman’s hand, which she puts on. This was the binding portion of the ceremony.\textsuperscript{147} This crucial part of the ceremony was the symbol of her married status and which she had removed off at the time of the death of her first husband, or after her separation from him. She also discarded the white shawl, which she

\textsuperscript{140} J Wilson, Shalimar District, 35.
\textsuperscript{141} Chauk, the ceremony called phera, four times. (Source- Walker, Ludhiana District, 26.)
\textsuperscript{142} T.Gordon Walker, Ludhiana District, 26.
\textsuperscript{143} H.A.Rose, Glossary, Volume III, 6.
\textsuperscript{144} 54 of 1900 (Source- T.P. Ellis, Notes, 266.)
\textsuperscript{145} Steinbach, The Punjab, 80.
\textsuperscript{146} Ellis, Notes, 266.
\textsuperscript{147} H.A.Rose, A Glossary Of Tribes, Volume II, 268.
had worn as a mark of her widowhood and resumed a coloured one.\textsuperscript{148} A feast was given to guests and relations and songs were sung.\textsuperscript{149} So, the Jhanjarara rites were much shorter, less costly and less prestigious.\textsuperscript{150}

Very often, no formality at all was observed and if a bride price had to be paid as was generally the case, the mere fact of the woman being brought home by the husband after the payment was considered sufficient to mark the commencement of their matrimonial relation.\textsuperscript{151} It was a well known fact that those people, who on account of paucity of females in their brotherhood had to buy females brought in from other parts of the province or country and married them with only a nominal ceremony and sometimes without it in certain tracts in the Punjab.\textsuperscript{152} Moreover, there was no instance of betrothal, of widows. May be, originally widow-marriages would be with the brother or a relation of the deceased by Chadar-Dalna, or Karawa, or Karrao, so there was no question of betrothal would arise.\textsuperscript{153}

The good reason for the absence in ceremonies, said that now, apart from the desirability of avoiding expense, Tupper concluded that the widow already belonged to the clan, the pretence of an expedition to capture her would never have had any significance, if there was no procession, when a man married his deceased brother’s wife. So Karewa or Karrao marriages could never have been, in point of fact marriage by capture.\textsuperscript{154}

Ceremonies were not generally necessary to validate a marriage. By mere co-habitation, the widow assumed the positions of the wife. An intention clearly expressed was sufficient to create a valid union.\textsuperscript{155} The matter here intended was, of course, quite distinct from Karewa. So any tribe, who did not look upon any ceremony as essential to the tie, and presume marriage, in any case from usus or mere co-habitation.\textsuperscript{156}

\begin{thebibliography}{99}
\bibitem{148} P.Farly Jonathan, \textit{Caste And Kinship}, 235.
\bibitem{149} H.A.Rose, \textit{A Glossary, Volume II}, 268.
\bibitem{150} P.Farly Jonathan, \textit{Caste And Kinship}, 235.
\bibitem{151} \textit{Census Of India, 1911, Volume XIV, Punjab}, 282.
\bibitem{152} \textit{Census Of India, 1911, Volume XIV, Punjab}, 292.
\bibitem{154} C.I.Tupper, \textit{Punjab, Volume II}, 93.
\bibitem{155} T.F.Ellis, \textit{Notes}, 267.
\bibitem{156} Continued co-habitation raised a presumption of marriage, (135 of 1907), so where a man lived for 10 or 12 years with a man in the same house as his first wife, and it it was acknowledged that it was a marriage. In some cases, only three or four years, Co-habitation between Jat and woman of lower castes (73 of 1897).\textsuperscript{202}
\end{thebibliography}
It was necessary among them that some ceremony should take place before the brotherhood as among Sikh Jat, Baniya, Rora, and Brahman and Hindu tribes generally. Among all Muslims, a marriage was not valid without the ceremony of Nikah. It was well known that the rules as to the remarriages were notoriously lax, especially among the agricultural castes because custom, not Hindu law, regulated marriages among agriculturists in the Punjab.

IV

The major challenge to the question of widow remarriage was the varying perspectives on this issue, when the reformers appeared on the scene. Most of them, even without formal Chadar-andazi was legal. A connection without marriage between a Khatri and a Khatri, widow, living as a dharel wife was irregular, as in case of Khatris of Majithia. However, amongst the Hindus, co-habitation was supposed to be a sacred duty only for the purpose of producing a male issue. Among all Musalmans; a marriage was not valid unless the ceremony of Nikah has been performed. Among Hindus also, marriage was not approved, which presumed from cohabitation only as in Shaipur district. In the eastern areas of the Punjab, most tribes regarded cohabitation, synonymous with adultery. The Jats were less strict in their reply, and said that if a man and woman, both Jats, lived together, and if the woman did not belong to the same village and could be lawfully married, this would be recognized as marriage. In central Punjab also, ceremonies were not necessary for Jats to validate a marriage as in the case of Hinjra Jats of Amritsar, it was held that a Chadar ceremony was unnecessary. Even if a Jat had a permanent cohabitation with a Brahman, the connection was a valid union, whether or not there had been a Chadar ceremony. (Source-Ellis, Notes, 268; Census Of India, 1911, 236; Diack, Dera Ghazi, 9; Wilson, Shaipur District, 34; Kensington, Ambala District, 10; C.L. Tupper, Punjab, Volume III, 21.)

There was certain ceremonies or rituals for mock marriage of widowers, when a widower did remarriages, then different rituals were observed in form of mock marriage. Mock marriages, i.e., going through a form of marriage with an animal or tree, which prevailed among certain castes of the Hindus more or less throughout the province, was based upon fear of ill luck. Mock marriages took place. It was due partly to the belief that the jealousy of the spirit of the first wife was instrumental in causing the death of the subsequent wives. It was for this reason, that when a widower had to marry a second time, a miniature picture of the first wife, either cased in silver or gold or engraved on a silver plate was hung round the neck of the bride at the wedding ceremonies. When a picture could not be obtained or engraved, the name of the deceased wife was substituted for the picture, as this custom was peculiar to the Aroras of the Western Punjab. The idea seemed to be to humour the spirit of the first wife, by proving the fidelity of the husband. Who in marrying the second wife pretended to really marry the picture or name of the deceased wife, thus identify the second wife with the first. In the central Punjab, at a second marriage, the bride was dressed like a milk-maid (Gujari) or a flower-seller (Mai an) and given a servile nickname such as Gujri, Mai an, Jatto, Mehri etc. The object of this apparently was to convince the spirit of the deceased wife that the female being married was not a real patni (wife), but a dasi (slave-girl). When a widower wished to marry a third wife, as in the hills, the fourth wife was considered unlucky instead of the third. Then the mock marriage was celebrated in the western Punjab with a sheep, in central Punjab with the Ber tree or sometimes with the Pipal and in the eastern Punjab with the bush. All these formalities were peculiar to the third marriage. But no mock marriage was usually considered necessary in the fourth marriage. In the western Punjab, however, a black dog or some other black animal was taken around the bedi at the fourth marriage, by way of warding off evil influence. These practices were noticed most among the Banias, Aroras, Khatri and some minor castes. This form of marriage was recognized by the Hindus Shastras. (Source- Census Of India, 1911, Volume XIV, Punjab, 283-284.)

157 J. Wilson, Sirosa District, 108.
158 Rustom, Punjab Customary Law, 690-691.
pleaded that widows ought to be allowed to remarry, if they chose to do so. While ‘Vidhwa Bitha Rakhna’ (No widow remarriages), was the approach dominated in some castes of Punjabi society.

The Dev Dharm, a small sect, which arose out of the Brahmo Samaj, was strictly speaking opposed to the Aryas. The reformers of Dev Dharam viewed that remarriage of child widows or other adhikari (deserving) widows were considered compatible with Dharma (Laws of Morality). They held therefore, a limited possibility of remarriage in specific situations only.

The Sanathan Dharam too had doubts for widow’s remarriage, and they wanted to delay marriage. This approach is discernable in the book ‘Dharam Samvad’. Answering, one question, Pandit Shraddha Ram disclosed his ideas about widow remarriage. He viewed that, “Today, I am favouring the remarriage of widows, because of their adultery. The different sections of the society also know this fact through the newspapers. There are many news items in these newspapers, as a widow was punished after abortion and a widowed girl of Lala fled with a Kahar. These above illustrations of adultery lead us to the conclusion that it was better to do remarriage than these vices. The Pandit also quoted Prashar and Vashishta Shalokas, to favour remarriage. He also showed concern for the implication of the system of remarriage in his book ‘Dharam Samvad’ As, he answered to one query that might be the wife had a poor, sick and

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160 Census of Punjab, 1891, Volume 19, 180.
162 It was written by Shraddha Ram in Urdu, Later on translated into Hindi by his follower Tulsi Dev. It was published in Lahore, 1896. It was originally a collection of question answers of Pandit Shraddha Ram and other people, published in different newspapers. Later on, it was compiled in the form of a book. (Source- Harmahinder Singh Bedi, Pandit Shradha, 97.)
164 It means that the woman, whose husband is dead or go to far off place or is indolent or fall down from his ways, should do remarriage in these above circumstances.

The vashishta shaloka was this:-

कुंपण्वित निकालनश्य क्षतिग्राही पालनश्य या आर्यमान तिष्ठति गृही बसेनाधिवि धर्मार्थम हृद्रय कन्या प्रदेश्रित्य तथ्यपि।

The man, who is without kul and sheel, indolent or fall down form his ways, suffering from leporsy, without wisdom and incurable disease, adopt other religion, should take back the girl from him give at to others. (Source- Harmahinder Singh Bedi, Pandit Shradha, 99.)

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uneducated husband even then she obeyed her husband, because after getting widowhood, she could not do remarriage. Further, he showed his apprehensions about this concept by pointing out that if she was allowed for remarriage, then she would be ‘fearless.’ To stop all these problems, he advocated late marriages and discouraged early marriage at the age of seven or nine years. The Sanatanists thus had an ambivalent approach and did not provide any concrete support to widow’s remarriage for the sake of the widows herself.

Swami Dayanand interpreted the ancient Rishis as disapproving of second or third marriages on the death of husbands and wives. Manu lays this injunction on widows only. In any case, Dayanand did not lay down any rule for women, which he did not apply to men also and in doing so, he was merely following the spirit of the ancient lawgivers. Swami Dayanand considered wrong the practice of second marriage among both, if one person was dead. However, Manu had practiced this restriction only for widows. Dayanand implemented his laws for both man and women. He gave permission for second marriage; only under in some specific cases. Quoting the Manusmriti, (ix.176) Swami gave concession of second marriages at different time only to virgin people. He viewed that a woman or a man, whose marriage had been perfomed merely up to ritualistic extent and no consummation had yet taken place, could remarry another man or woman. Among Brahman, Kshatriyas and Vaisyas, remarriage between persons, who have had a sexual intercourse with their consorts, was not permissible. Further he quoted Manusmriti (ix.69) that if there be a virgin widow, she could be married to the younger brother of the dead husband. Swami Dayanand took Shastric approach for remarriage.

The Arya Samaj advocated remarriages with the name of Niyoga. As the Satyarth Parkash showed that virgin widows and widowers were allowed to remarry under certain circumstances.

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167 In case of wife, she has right of second marriage, if husband is on impotent, left home for a long period without information. In case of husband, if wife practices adultery, issueless, uses intoxicants (Source- Lajpat Rai, *Arya Samaj*, 190.)
170 Bhimsen Vidyalankar(ed.), *Sachitra Itnihas*, 35.
conditions as all would agree. Widows and widowers who had lived with their spouses were not permitted to remarry. Refuting the alarm, raised by society for adultery, abortion among widows and extinction of family, he put forward an idea of Brahmacharya, after that there would be nothing amiss. If widows found themselves incapable of keeping control over their sexual appetites, they could procreate children by means of Niyoga. Niyoga was simply sexual relationship without marriage in order to have legitimate progeny.

Several doubts were raised over the Aryan perspective on Niyoga. They considered Niyoga synonymous with sin, adultery or prostitution. Dayanand tried to refute these allegations by saying that the lawful Niyoga was not adultery, he further viewed that in prostitution, there were no definite rules, but Niyoga had rules like those of marriage. Moreover, when you look upon Niyoga as sin, why did you not regard abortions or sufferings of the widows and widowers as sin? The Arya Samaj also claimed to adopt the method of Niyoga for the protection of the suffering widows. They favoured the Shastric method of Niyoga to procreate children.

By this approach, Swami Dayanand wanted to minimize the chances of adultery and the production of good children, which would add to population. As many widows were accepting other religions, Christian and Islam. In September, 1894, Munshi Ram got a note of Pandit Lekhram, which showed his approach to bring Arya Dharam in India; He noted seven points, in which one point was that widow remarriage or any other means, so that women could not be converted to Musalman or Christian in future. There would, besides, be total extinction of abortions. Moreover, Arya Samajists wanted to check conversion. Therefore, Niyoga ought to be permissible. Among Arya Samajists, there was suspicion regarding Niyoga. Munshi Ram was not certain of Lekh Ram’s speech. According to him, Lekh Ram advocated remarriage in place of Niyoga. Munshi Ram

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171 J.N. Faruqhar, Modern Religious Reform, 122.
172 For more detail on Niyoga, see the Appendix B.
173 Ganga Prasad Upadhyay, Satyarth Prakash or The Light of Truth, 195.
174 J.N. Faruqhar, Modern, 122.
175 Ibid., 197.
176 Faruqhar, Modern, 198.
177 Arya Directory, Mantri Sarvadeshik Arya Pratindhi Sabha, Delhi, 1941, 8.
178 Munshi Ram, Jiwan Charita Of Dharamveer, 1911, 89.
admitted that till 1893, Pandit Lekhram kept some uncertain decision about Niyoga. In fact, Dayanand thought Niyoga proper to bear children as heirs to the late husband’s property. Later on, due to the unpractical system of Niyoga, and growing criticism of it Samaj started to favour remarriage. In the 20th century, Arya’s perspective on Niyoga was more or less abandoned.

The Singh Sabha reformers were influenced by the general opposition of the society for widow remarriage. The reformers put forward argument that if animals could understand the sufferings of their children, why humans could not understand it? The Singh Sabha reformers quoted the Guru’s saying to create awareness. It meant that widows should not live without her husband. Needless to say it implied, “If your husband dies, then you have the right to get second marriage.” The Singh Sabha reformers were influenced by the Hindu and Muslim sacred literature, as they quoted Veda, Dharm-Shastra Purana, Quran Sharif, Anjali and Gurbani. The Singh reformers were not reluctant to refer to the British on this issue and commented, “Look at the British and other intelligent community. They did not consider the widow remarriage as disgraceful.” The Singh Sabha reformers’s critique of society was not confined to writing about it, but they made a conscious attempt to provide an answer to this problem. They unfolded the seriousness of the issue by referring statistics. They realigned the

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179 It was noted that in ‘Sandharab Pracharak’, published on 24 Aug, 1889, wrote that Pandit Lekhram went to the tour of Meerut and stayed there for a couple of days. Here, he got published his book ‘Nived Vevgaan’. The commentary of the book was written by Swami Munshi Ram. This had been published in the ‘Sandharb Prachak’ dated 1st Feb, 1890. In this book Pandit Lekh Ram had supported remarriage of widows with Shastric evidences. So, to eradicate, some suspicion of Padri T.Willaim and Pandit Shiv Narayana Agnihotri, Devsamaj Guru, Lekhram wrote a tract ‘Masala Niyoga’ which starts with the page No 279 of ‘Kuliyat Arya Musafir’. Disclosing Lekh Ram’s perception about Niyoga, Munshi Ram viewed that Pandit Lekh Ram justified niyoga for Dwija, one year after his death, But for Sudra, he thought that Remarriage was only option as opined by Shastras. (Source- Munshi Ram, Jiwans, 47-48.)

180 Arya Directory, 1941, 203.

181 Akali Nihang, Istri Chup Cheri Ki Nibhai sob nahi Bin Bhartara” These words were used by Guru. It means that if the first husband of women is dead, then she has right to get remarriage (Source- Jiwans Sewak, Randia De, 26.)


184 Punjabi Bihain, October 1918, 14.

185 When one person asked from reformers that, “there should be no widow in Sikhs, Musalmans and Christians because except Hindus, there was no restriction on widow remarriage.” The reformer replied that Veerji, nobody could give answer, which was following the tradition of his own community or not? But I could explain you that In Punjab, there were 698677 Muslim widows, 13007 Christians and 628848 Sikh
sufferings of widows by the concept of remarriage. They concluded that, if the parents of
widowed girl knew that their daughter would get a new house, then the widow and her
relatives would feel less pain.187

V

In the Punjab, various factors influenced the perspective on widow remarriages,
and the programmes devised by the reformers.

The Punjab was seen as an area with a ‘deficiency of women’.188 The reformers
allied the question of ‘deficiency’ with the sufferings of widows. Due to their sufferings,
God had created fewer women than men.189 They used as evidence the different reports
of the censuses to say that in the Punjab, there were 23 Lakhs, 56 thousand 498 women
less, so almost 24 lakh widowers would not get married.190 These men would not get a
son, who could continue the name of his ‘Kul’.191 The high proportion of widowers was
found in North West Frontier Province and Punjab.192 The reformers further suggested
that what a good, if Punjab leaders and reformers made propaganda for widow

widows. The Singh Sabha reformer questioned back to him, that, “What was the reason behind these good
number of widows? In this way, they examined the depth of the problem by setting out the figures of the
widows in detail, because without their improvement, the nation could not progress (Source- Sewak,
Randia, 11, 28.)

187 Sewak, Randia, 21.

188 Females Per 1000in 1911- Pathans 757, Sikhs 807, Brahmins 809, Sayeds 875, Qureshis
896, Rajputs 819, Biloches 838, Moghuls 841, Aggarwals 851, (Source- Census Of India, 1911 Volume
XIV 223-31.)

189 On: would believe that the proportion of females should vary inversely with the position of the caste in
society. For the higher caste, who generally did not allow their females to go out of their house for either
work or recreation, should show a lack of fertility. Moreover, the pride of birth probably resulted in the
hatred of female infants amongst the Rajputs as among any other caste. Moreover, the central districts
together with Delhi in the east and the Native states in general showed the lowest figure, thinning down to
752 in Malerkotla and 741 in Lahore. In other words, there were 817 females to every 1,000 males in the
Punjab in 1911. The proportion of females in this province was lower than in any other province of India
except the two minor administrations of Baluchistan and Coorg. So the Punjab might be treated as the most
unfavourable circumstanced province in the country. The situation was not uniform throughout. The number
of females was somewhat larger for every 1,000 males than in the Native states. The high death-rate among
females could not be ascribed to any single cause, but it appeared to be the joint result of various processes
working simultaneously towards the same result. It would not probably be far from correct to say that the
female infanticide was also supposed to be the most important cause of the paucity of females. Proportion
Of Females to 1000 Males In India In 1911—(1) Bihar and Orissa - 1043 (2) Madras -1028, (3) Central
Provinces- 1008 (4) Burma - 959 (5) Bengal -945 (6) Bombay - 933 (7) United Provinces of Agra and
Soudh- 945 (8) Rajputana Agency-909 (9) Kashmir State- 886 (10) North West Frontier Province -865 (11)
Punjab-817(12) Coorg -799 (13) Baluchistan- 788 (Source- Censuses Of India, 1911, 223-31; Akali
Nihang, Istri, 11.

189 Akali Nihang Kaur, Istri, 4.

190 Census Of India, 1891, Report, 266.

208
remarriage, then 30 Lakhs Ruha (widows), would remain in peace. They further remarked with reason that “Look, on one side, there were near about 15 Lakh widows, who were made to sit haplessly without rights, by the men. On other side, there were 15 lakhs such unmarried males, who had bowed down their head in the sea of depression. If any body had wisdom, then one should think over it.”

The reformers raised apprehension about the possible revolt of widow due to their unhappiness. One person asked from the reformer, that “If the widows got good meals and clothes from her in-law or parents, then there should be no sorrow.” The reformer insisted “As children could not live without parents, irrespective of rich or poor. Similarly, the wife could not be happy with parents, sisters, brothers, sons and daughters and with all types of worldly material, if one is without husband.” Their approach also disclosed that the failure of all these attempts showed the opposition from the side of women. They emphasised that “women were demanding their rights in almost every fields. They also do agitation for this. If luckily, women rose up, then men had to lower down their eyes, before this happens, we should pay attention to this.”

An important aspect in this approach was the importance given to female chastity. The control of women’s sexuality was closely related in Punjabi society to notion of male honour and shame. The Singh Sabha reformers raised the question of adultery among widows. As in one case given in the Punjabi magazine ‘Surma’ under the head of ‘Adultery’ that, “There were found foeticide of 5-6 months, near Nabha and the Patiala Police was investigating the case. The doubt was on the high caste widow.” This instance would suffice to show that the criticisers of widow remarriage should note this incident. Sewa Singh, in response to the article in ‘Surma’ said that ‘Surma’ had blamed to the non-supporters of widow remarriage for this crime. He wanted to know that, how the above accident occurred with the advocates of widow-marriages. He had full

193 Akali Nihang, Istri, 14-15.
195 Ibid, 22-23.
196 Paul Hershman, Punjabi Kinship And Marriage, 1979, 173.
198 Sewa Singh had written Musira Da Surma. He belonged to Attock. It was actually the answers to the questions raised by Magazine ‘Surma’, which was published in Punjabi. In his preface, he criticized Magazine ‘Punjabi Surma.’(Source-Sewa Singh, Musira De Surma, Preface.)

209
sympathy with the article in ‘Surma’, but he expressed emphatically that Sir, “Who was stopping the widow’s remarriage, if you had no knowledge, then listen to us. In Brahman Khatri and Vaish varna, there could not be the remarriage of men and widows.”

The reformers agreed on this contention that without remarriage, widows could ‘indulge in immoral enjoyments’ which was counter to the perservance of peace and religion. Therefore they advocated remarriages. They clarified that to propagate widow remarriage; it did not mean that every widow would necessarily be getting married irrespective of her age. They only stressed on the remarriage of child widows. It means that it was the duty of parents and in-laws that they should get remarrige widows without asking them, till the age of 20 years. After this age, we should ask the widows, if they were interested in remarriage or not. There should not be a second relation without her wishes. Their contention was that if a widow did not accept a second marriage, she should not be treated badly. If was necessary that they should be provided a clean room to live, fresh and simple food, clean clothes, medicine and monthly fixation. Moreover, they should be allowed to meet relatives and to visit the festive occasions. In family matters, they should be allowed to express their view. The most powerful motive for this behaviour towards widows was the desire to control her sexuality and to encourage asceticism or forced celibacry. The same considerations provided the impetus for the education of widows.

There were significant economic reasons behind the support of widow’s remarriage as well. The inquiry showed that a cultivator was considered half-paralyzed, when he became a widower, as he lost family labour. So, the Jat could marry with any woman. The main reason behind this was that then Jatni was an economic treasure. According to one Multani proverb, ‘Ran Jatti Te Iior Sab Chatti’ which means that a Jat wife for me-all; the rest were a mere waste of money. It is interesting to note that among the Sikh Jats, great stress seemed to be laid on the widows not leaving her deceased husband’s
house. The brother “went in unto her”. This was because marriage was not only a religious, duty, but also an economic necessity. They said in Multan, ‘Chhare Karman de Sare. Ap Pakende Rotian, Ap Bharende Gharian.’ It means that the bachelor’s life was not a happy one. He must himself cook the food and lift the water-pots. Assisted by his wife, the Jat generally did better on a small holding than the Rajput on a large. Moreover, it was fair to add that in the central Punjab, under the influence of the Jat, there were definite signs of change in the Rajputs.

The Britishers had always given importance to the custom of the agriculturists in this province as a large proportion of the Indian army was recruited and stationed in this province. The Colonial government therefore, keen to uphold customs in their own economic interest.

Moreover, in the Punjab, the custom of inter-marriage prevailed largely in contrast to the other parts of the country. Where, ordinarily under Hindu law, a woman might not marry into a lower caste, but frequently a Khshatriya man did so. So, there was no prejudice against the remarriage of widows contrary to other provinces of India, where the higher castes of Hindus forbade it, altogether as a mark of social respectability.

In all these categories in societies, where remarriage was prohibited, there existed restrictions on widow remarriage, which were prescribed by religion, custom or law. In Punjab, among Hindus, it was usual to believe that marriage was a religious rite, which could not be solemnized more than once in woman’s life-time. This view led to

204 J. Wilson, Sirsa District, 126.
205 Darling, The Punjab, 54.
206 M.L. Darling, Rusticus, 53.
207 In a note, dated 15 January, 1889, was quoted by J.B fuller, Commissioner of Settlements and Agriculture, Central provinces, when an enquiry was made why a member of a village bank was in default; the answer had been Akela admi (he is alone). There was no one to look after his house, no one to bring the mid day meal to the fields, no one to pick the cotton or to help the wedding. It was not surprising that when a man became a widower he marries, as soon as a suitable bride could be found due to the economics necessity, (Source-Darling, The Punjab, 55; Census Of India, 1921, Volume I, Part I, Report, Calcutta, 1924, 90.
208 T.P. Ellis, Notes, 265.
209 Census Of India, 1921, Volume I, Report, 155.
210 Census Of India, 1921, Volume I, Part I, Report, 152.
remarriage of a widow being seen as a form of concubine. So, the prevailing view that widow-remarriage was a lower form of marriage hardly better than legalized concubine, led to a curious violation of the law of endogamy. This might explains the rule against widow remarriage, which was found among all the higher classes of Hindus. The idea appeared to be that if a widow married at all, it did not much matter, whether she is married inside the caste or without it, as the social disgrace would much the same in either case. So, it had become question of social status.

It might be safely said that the rule of exogamy was almost universal among Hindus and among some of the Hindus tribes converted to Muslims. The rule of exogamy strictly speaking, had forbidden intermarriage between descendent of a common ancestor, however mythical or remote, and intermarriage between some Jats tribes was prohibited on that ground, but not so among others. The same idea appeared to have developed into prohibiton to marry within the same village owing to that most villages were originally peopled by the same tribe, sub-tribe or sub-caste. Beside the collaterals, the Sikh Jats and the Gaur Brahmans to some extent substituted the branch for the got in calculating prohibited degrees. Such belief supported the ban on widow remarriage.

The other chief factor in the prohibition of widow remarriage appeared to be Hyper-gamy. Hyper-gamy, which means that a woman must be married into a family, which was at least socially equal with and of possible socially superior group to her own, was a custom, which had and still has an enormous influence on the social and family life and on the position of woman in the community, It might have been the original cause of the prohibition of the remarriage on widows and by limiting the field of choice for woman. Breach of restriction of the rule of hyper-gamy meant the lowering of the

211 The offspring of concubine was considered illegitimate. Karnal Report, Section 339, 136 (Source-Census Of India, 1901, The Punjab, Its Feudatories, And The North-West Frontier Province, Volume, XVII, Part I, 218-220).
212 Census Of India, 1901, 220.
213 Ibid., 218.
214 Census Of India, 1921, The Punjab, Its Feudatories, And The North-West Frontier Province, Volume, XVII, Part I, 220.
217 J.Wilson, Sirsa District, 48.
218 Census Of India, 1921, Volume I, Part I, Report, 152.
status. A pure Rajput, neither gave give his daughter in marriage to an inferior, nor marry himself much below his rank. However, the law of hypergamy was mostly confined to the Khatri Brahmans, and some castes of the hilly areas, all of whom were also endogamous as regards the caste. So, the custom of hypergamy led to some difficulty in procuring a wife.

Another explanation put forward was that the object of the prohibition of widow remarriage was to suppress the practice of Niyoga, which at one time permitted the husband to call in a man of any caste to beget a son on his behalf, though the Hindu jurists justified the custom thus, modified by the argument that the bride was given not to the husband alone, but to his family. Niyoga, thus closely resembled the levirate, which permitted a similar course, if the husband had died without issue. This did not seem to be major reason, as H.A. Rose, also viewed that ‘On the contrary, the Niyoga left the wife married to her husband as before, and no prohibition of widow remarriage was needed to suppress the custom.

The other probability appeared to be that remarriage of a widow was forbidden in order to prevent any possibility of polyandry being instituted or maintained. It was felt that if it were lawful to marry a brother’s widow, there was a risk of intrigue in anticipation of the husband’s death, and on this theory, it was possible to explain, why widow must not marry her husband’s brother of this rule. The instances were afforded by the Aroras (in Bannu) and by Hindu Tarkhans.

Among Rajputs, the idea of izzat and the pardah system did not allow women to participate in the economic activities of the family. So, she did nothing outside the house, and very little within. It made the wife of the Rajput an economic burden; it was not surprising that woman had less importance. Izzat demanded too much obligation of caste, which denied remarriages. The expensiveness of marriages was one of the commonest causes of the ruin of families in the district, as wrote Mr. Coldstream from Hoshiarpur. In the canal colonies and the central Punjab, the cost was rarely less than Rs. 500 and

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220 Rajput menas literally ‘son of a Raja.’ (Source-Darling, Malcolm Lyall, The Punjab Peasant, 34.)
221 Census Of British India, 1881, Appendix L, CXLV.
223 Darling, The Punjab, 74.
224 Census of British India, 1881, Appendix L, CXLV.
might run into thousands.225 It seriously affected all classes and impossible for many to support the idea of more than one marriage.226

The practice of remarriage among Muslims existed among certain Muslim castes, such as the Sayads and Pathans. There was no absolute prohibition. Regarding the prohibition, it was considered that this practice had been borrowed from the Hindus, for the same dislike to widow remarriage existed in the country-towns and village of Arabia.227 A few tribes did not allow their widows to remarry, but in most tribes, remarriage of widows was common.228

It was very clear that among most tribes, restriction on the remarriage of widow were more a matter of family pride than of religion or custom, and there was a general idea that the more particular a tribe or family was in forbidding the remarriage of widows, the higher the place, it was entitled to take in the social scale.229 Widow Remarriage was not a question of caste, but of status within the caste. The families of high social standing and, locally certain tribes disallowed it.230 Some tribes among whom remarriage of widow was actually practiced, denied the custom in order to enhance their dignity, among other tribes and families, the prohibition of the remarriage of widows seemed to be of recent tradition in some areas like Sirsa.231

VI

In the Punjab, widow remarriage was largely acceptable. The paucity of females seemed to be setting a high value on girls and the practice of receiving a bride-price was also spreading. Contrary to the other parts of India, in Punjab, the difficulty of finding suitable matches for girls was rapidly vanishing owing to the disregard of caste restrictions and the custom of obtaining a bride-price, which was looked upon with disfavour both by Hindus and Muslims, was coming more and more in vogue.232 M.L. Darling, *The Punjab Peasant*, 227.

225 In Rohtak, a girl’s marriage in the seventies took cost from 100 to 50 rupees, and a boy’s from 70 to 100. In Amritsar, it was used to be ‘common enough’ to spend only Rs. 100 on a marriage and even now in the north and south-west of the province not much more than this will be spent by an ordinary cultivator. (Source-Darling, *The Punjab*, 227)


228 Ibid, 108.

229 Ibid, 108.


232 Census Of India, 1911, *Volume XIV, Punjab*, 231.
Darling suggested after inquiring on Punjab’s tour that in the Punjab, due to the shortage of women, the price of brides had tended to rise, and this was now so high that few could purchase without the help of the money lender.233

Among the cultivating castes, which allowed widow marriage, polygamy was permitted in certain cases.234 As the well-to-do Muslim castes like Sayads, Qureshi, Bilochi, Moghals, Rajput could marry a woman of any caste. In the western Punjab, among the rich Muslims, polygamy was the rule, rather than exception.235 Among the Jats, in order to keep the family property, a deceased brother’s wife had to be remarried by Karewa to her husband’s surviving brother.236 The Jats in some of the eastern Punjab districts were stated to have followed the custom, though without full recognition. The enquiries showed that it had completely died out. However, among the rural population, consisting mostly of Jats, this type of polygamy appeared to have been the result of abuse of the privileges above alluded to show by this Punjabi proverb, ‘Garib Di Ramni Jane Khane Di Bhabi’, which meant that the poor man’s wife is every Dick, Tom and Harry’s sister—in-law (brother’s wife). It shows that among the rural population, consisting mostly of Jats, a certain amount of liberty (resented in the case of outsiders) were allowed to the brothers of the husband.237

Darling mentioned that for the Sikhs, the dearth of girls, made marriage such a costly affair that many were led to practice of polyandry in central Punjab.238 However,
the practice of polyandry was believed to be prevalent in certain parts of the Himalayas and the territory known as the Malwa, situated between the Satluj and the Ghaggar rivers (In Ambala district). The practice was also not unknown among some socially inferior castes in the plains.

Social revolutions with regard of these old rules, and mild protest for the purpose of changing and modifying them were not unknown. For 12 years past, certain classes of Khatris of the Bari and Rechna Doabs had been agitating to extend the principle of isogamy and to free themselves from the rule of contracting hypogamous alliances for their daughters. In the Punjab also, when the community was united and strong, the decision was enforced by the threat of excommunication. The control of caste as a whole was much less in such cases.

It must also not be forgotten that there were many types of restrictions on the widows. Among Muslim generally, the consent of the parties was formally asked in the *Nikah* ceremony and was necessary to the completion of the marriage. In all tribes, which allowed the remarriage of widows, it was usual for the widow to marry her deceased husband’s brother or near relative. The consent of widow for remarriage was not sought in the eastern Punjab except among Rains, who said that the widow might remarry without obtaining the consent of the husband’s agnate. Generally, widows were compelled to remarriage. Even if a widow had the option of remarriage, she could not consent to her own marriage without the consent of her guardian except when she married the deceased husband’s brother as in Sirsa district. It was hardly necessary to add that though a widow had full power to marry anyone, she pleased, custom required her to take him as second husband from her first husband’s relatives, who had prior claim on her. At any rate, she would not marry elsewhere unless with the consent of the first husband’s heirs, which was rare. Most tribes, extracted money as price from the new husband before allowing the widow to go to him, as was prevalent among Bagri and

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240 *Imperial Gazetteer Of India, Provincial Series, Punjab, Volume I*, 46.
241 *Isogamy, or the Law of equal marriage (Source- Census Of British India 1881, Appendix, L, CXLV.)*
243 J. Wilson, *Sirsa District*, 102, 49.
244 Ibid., 101.
Muslim Jats, as well as Rajputs and most of the inferior Hindu tribes.\textsuperscript{246} They could prevent her from marrying a non-agnate without their consent, as was usual among Sikh Jats.\textsuperscript{247} Ordinarily, if she did not marry her husband’s brother or agnate cousin, she remained a widow in her husband’s house. The number of the Sikh Jats holds that a widow should not be allowed any case to marry anyone.\textsuperscript{248} In Kangra, a widow used to be compelled to marry the younger or elder brother. The latter had a legitimate claim. In Kangra district, the ideal was that it should take the form of Rakhewa that was remarriage with younger devar.\textsuperscript{239} So, amongst all the Jat families, and some others of the lower classes in the Punjab, this custom prevailed on the demise of one’s brother, leaving a widow, for a surviving brother to take his sister-in-law as wife.\textsuperscript{250}

In event of the remarriage of a Hindu widow, any male relative of the deceased husband might petition the court to appoint a guardian for the children by section 3 of Act xv of 1856. This would not however apply to Punjabi Muslim.\textsuperscript{251} Moreover, if she started to cohabit with a stranger without their consent, the stranger had to pay a price for her.\textsuperscript{252} As in the central hilly areas of the Punjab, the low castes, as well as low status Rajputs and Brahman clans, who sanctioned the widow remarriage, took a bride-price.

In western areas, the Niazi Pathans of Mianwali, for instance demanded two Sharams (girls) in lieu of one virgin or widow abducted and four Sharams (girl) with or without damages in lieu of one married woman.\textsuperscript{253} So, abduction, was more seriously dealt with, the penalty for abducting a married woman was heavier than that for eloping with a virgin or a widow.\textsuperscript{254} Some Muslim Pathans sold the unfaithful woman, instead of being murdered, they were sold as a punishment. It would appear that amongst the

\textsuperscript{246} J. Wilson, Sirsa District, 49.
\textsuperscript{247} Ibid., 107.
\textsuperscript{248} Ibid., 106.
\textsuperscript{239} P. Partly Jonathan, Caste, 328.
\textsuperscript{250} Steinbach, Punjab, 89.
\textsuperscript{251} C.L. Tupper, Punjab, Volume III, 34.
\textsuperscript{252} According to Anshu Malhotra, there were 3 types of marriage; Pun (without price), Takka (Bride-price) and Vatta (Reciprocal Betrothal) (Source- Anshu Malhotra, Gender, 62; J. Wilson, Sirsa District, 107).
\textsuperscript{253} On payment of the penalty which was called Sharam, the man was re-admitted to the society without the least stigma (Source- Census Of India, 1911, Volume XIV, Punjab, 293.)
\textsuperscript{254} Census Of India, 1911, Volume XIV, Punjab, 293.
highest tribe, adultery was usually punished with death. In the eastern tracts, that among Bagri Jat, and most of the inferior Hindu tribes, especially sold her to stranger for a price, especially in the Sirsa district. It was unusual among Sikh Jats in this area. The husband’s agnates did not sell the widow for a price to stranger. The Sikh Jat in the central areas involved in the purchasing and selling of the bride.

The widow had only two options, Karwaa or to live a completely chaste life. In agricultural and other castes, they had generally no alternative except Karwaa. Nobody asked for the wishes of the widow in Karwaa marriages. Sometimes, it was optional that the widow should take either the eldest (Jeth) or the youngest, who was generally preferred and deemed most suitable. However, if she was determined to relinquish worldly ideas, and to reside chaste in her father-in-law’s house, she might adopt this course, but such instances were very rare, particularly in the case of young females and were ‘not to be looked for in a society and amongst tribes notorious for the laxity of morals and for the degeneracy of their conceptions’.

If a widow remarried a stranger, she lost all rights of guardianship of her minor children. As in the case of Jats, Sayads and Biloches, except those of the Dera Ghazi Khan tahsil, who did not recognize the right of a woman to be a guardian in the western Punjab. In this area, a Hindu widow, who left her deceased husband’s house to live with another man, it was equivalent to the abandonment of her child and terminated her guardianship. In Shahpur district also, if she remarried, she lost the guardianship of her children. If she did take them with her to her new home, they could not succeed to any share in the estate of their step-father; they still belonged to the family of their own father, and were entitled to succeed to their father’s estate.

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255 Census Of India, 1901, Volume XVII, The Punjab, 217.
256 J. Wilson, Sirsa District, 107.
257 Moreover, we had cases in which a Sikh widow, generally without the consent of her husband’s agnates, had married stranger by Karwaa, and her sons had succeeded to their father’s estate. However, there were signs of resistance of widow against the prevailing custom (Source-Wilson, Sirsa District, 107.)
258 J. Wilson, Sirsa District, 106.
259 Darling, The Punjab Peasant, 52.
260 Steinbach, The Punjab, 90.
261 A.H Diack, Dera Ghazi Khan District, 11.
262 J. Wilson, Shahpur District, 7.
In the eastern areas, the rights vested in the guardian that was usually the widow, subject to the consent of collaterals.263 In Sirsa districts, as soon as she married to a stranger, she lost the guardianship of her children.264 In the central parts of the Punjab, also there was the rule that if a widow, being the guardian of a minor child, got remarried in her first husband’s family (a brother, cousin etc.), her right to guardianship remained, but she lost it altogether, if she married a stranger, and it could not be revived, if the child was an infant in arms, she retained the child it till he was old enough to leave her. In all tribes of the Ludhiana district, the custody of their sons until they attained the age of seven years and of their daughters until they attained the age of puberty was vested with the mother.265

If a widow got remarried with a stranger, usually a tribal Panchayat would make her give her up, and also helped the family to get a price for her. 266 In matters, religious or social, the Panchayat might take action on the report of any person what so ever, on a reference made by any of its members or of its own accord. Generally speaking, the Brahman had no say, except the eastern Punjab, where his voluntary intercession on behalf of one of the parties carried much weight. 267

In order to maintain complete control over the widow and be free from issues related to her chastity and sexuality, as well as the idea of honour, the widows was deprived of her children, disallowed to marry outside the family and even murdered by her deceased husband’s family. Atrocious murders were infrequently perpetrated in the Punjab, in consequence of the social law, which allowed the nearest male relative of the deceased husband to marry or dispose of the widow in wedlock. 268 In the eastern Punjab, the punishment awarded for breach of caste rules varied with the locality and the status of the caste. The seducer, at the instance of the Panchayat, not only returned the widow to

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263 A. Kensington, Amhalla District, 12.
264 J. Wilson, Sirsa District, 54.
265 J. Wilson, Sirsa District, 102.
266 J. Wilson, Sirsa District, 12.
267 Report On The Census Of The Punjab, 1911, 422.
268 A very terrible case of this kind occurred in the Rawalpindi district in 1852. On this occasion, a number of houses were surrounded at midnight, set on fire, and the inmates, as they rushed out, cut down. Nine persons were thus murdered, some were burnt alive their houses, and others were killed outside. Their sole cause of resentment arose from a widow desiring to marry contrary to the social law, and her relations not compelling her to accept the next male relation of her deceased husband. (Source-Selections from The Records Of The Government OF India, Foreign Department, No VI General Report On The Administration Of The Punjab Territories, 1851-1852, 1852-1853, Calcutta, 1854, 60.)
her lawful guardians, but also had to pay a fine of Rs. 15 to 20 and a Nazarana of Rs. 1 to the Chaudhari among lower castes as Nai and Chamar in Gurgaon district.269

In default of surviving brothers, and in accordance with acknowledged usage, a widow was at the disposal of her father-in-law’s family. For the moment, she had quit the paternal roof, she was considered to have been assigned as the property of another, and ceased to have a free will.270 Sometimes, widows were sold like animals, a practise common in all areas of the Punjab. The trade of widows was carried only in the Punjab. At Amritsar, a Jat bought a widow and daughter (also Jats) for Rs. 600. He sold the daughter, who was in her teens, for Rs. 1,200, and six months later got Rs. 300 for the widow, clearing Rs. 900 in all. Obviously, there would be other such practices of the sale of widows.271 M.L. Darling quoted the statement of a Rajput, to disclose the fact, how widows, too, grasping at their only chance of re-marriage, sold themselves through agents (Dalcil) to ‘God knows who’ in the plains, reflecting the desperation of the widow.272

In fact, in order to evade the claims of a father or mother-in-law or the established rights of a Jeth or a Dewar, the widow, sometime absconded.273 Where the marital bond was so loosely and irrationally knit, it was not a matter of surprise that the feeble tie and servile obligation, which united the wife to the husband should make but an insecure and heartless impression. Females were daily accused of breaches of conjugal relations.274 Where they had fled into the territory of another chief, it was often difficult to obtain their restitution, but the solicitations of a Panchayat and the more forcible argument of reprisals, were in the end efficacious.275

In some tribes and areas, a widow pressurized by social norms imposed on her often formed illegal relations. If a woman committed adultery, her nearest male relatives endeavoured to murder both her and her paramour. Among the widows of the higher classes of Hindoos, it was true, were not allowed to remarry, and they too often supposed by entered into intrigues, sometimes with their own servants. The ‘degraded’ condition of females generally, and the cruel treatment to which they were so often exposed in their

269 Report On The Census Of The Punjab, 1911, 423.
270 Steinbach, The Punjab, 90.
274 Steinbach, The Punjab, 90.
275 Steinbach, The Punjab, 91.
homes, greatly facilitate seduction and adultery. Among Muslim, however, the right of the nearest male relative over the widow, led to constant murder. A woman of strong feeling or determined spirit would often refuse enter into such engagements and murders frequently ensued from such refusal.

Steinbach opined about Jats that, there was no sense of shame or feeling of honour in the breast of a Jat, and the same may be said of men of other low tribes. They would make strenuous exertions for recovery, after they had absconded, and would take them back as often as they could get them. Her paramour, made some compensation for her temporary absence and for the expense and trouble they had incurred in the search for her. The toleration by menial classes towards adultery was based upon the force of circumstances. They did not take serious note of the ‘looseness of their women’s character’.

Instances did not want to show that the widow had only two options. First option was that the widow should take either the eldest or the youngest brother. Ironically, the popular acceptances, in this respect were for the youngest brother. The second option was that she had to live as a chaste life that was also not possible among the Jats and lower castes Hindu families. It must be high-lighted that although, the widow could not be compelled to remarry, she was not free to opt for any third option either to marry an outsider or stranger. If a widow remarried a stranger without the consent of her in-laws, they both, had to not only face the pressure of society, but also the stranger had to pay a price for her. Moreover, the widow had to discard many rights such as property, to lose guardianship of her children, restoration with the agnates. Since, there was no question of chaste or unchaste widows, in the event of remarriages. Remarriage outside the family was relatively improbable.

The evidence shows that the custom was common amongst the Jats and other agricultural castes, artisans and the menial classes. In this practice, it was most common for a widow to marry the deceased husband’s brother. In such cases, no distincticinon was

276 Selections From The Record Of The Government Of India, Foreign Department, No VI, General Report On The Administrations Of The Punjab Territories, Punjab Proper And The Cis And Trans-Sutlej States, 1851-1852-1853. Calcutta, 1854, 60.

277 Ibid., 61.

278 Steinbach, The Punjab, 91.

279 Census Of India, 1911, Volume XIV, Punjab, 293.

made as to whether the husband’s brother was older or younger than the deceased; although preferable the widow was married to a younger member of the family. The rule was strictly enforced and the result was the mismatched marriages.281

In conclusion, the unfortunate woman, if she did not in a fit of desperation, take opium, or cast her into a well, was necessitated to submit customary law.282 Any assertion to the contrary would be difficult to believe in a region which advocated ‘Zamin Joi Zor Ki,
Zor Ghati Hor Ki.283

(It means land and wife could only be held by force, when force failed they passed into other hands.)

The general opinion was that a very considerable proportion of population, accepted approval of widow remarriage. Ibbetson stated that in Punjab, two third of the whole, practiced widow-marriage. This latter fact, however greatly increased the tenacity with which the higher castes of Hindu continued to cling to the objection against the custom, which was indeed commonly used as the test and spoken of as the mark of their superiority. By the 1940’s, however, Brahmans had also accepted widow remarriage in Amritsar.284 In the Punjab, there was less difficulty to the remarriage of widows than the rest of the country due to its social acceptance.

282 Steirbach, The Punjab, 91.
283 Maconachie, Agricultural Proverbs, 280. This proverb was from Kangra, but according to R. Maconachie, it revealed a ‘Universal Sentiment of Punjab’ (including Haryana) (Source -Prem Chowdhry, The Veiled Women, Delhi, 1994, 87.)