Appendix B

Understanding Niyoga

Niyoga is understood as sexual relationship without marriage. First of all, niyoga was permissible between widows and widowers and not between bachelors and virgins. It was meant for the ‘relief of widows and widowers’ and also married couples in certain circumstances. There were some restrictive rules regarding Niyoga. Swami Dayanand had also quoted the Manusmriti (ix.76, 81) to advance his arguments to this effect. According to the Manusmriti, a married wife could bear children, with niyoga rites in the absence of her husband under the following conditions—she should wait for her husband for eight years, if he has gone abroad for the sake of preaching religion; for six years, if he has gone in the quest of fame and learning; for three years, if he has gone for trade. If the married husband turns up, the niyoga husband should be given up.

A similar concession was given to the husband as well, if the wife was sterile, meaning there was no conception for eight years; if children were born, but died, then he should wait for ten years; if she bore only female issues (and no male), then he should wait for eleven years; but if the wife is termagant, she may be deserted forthwith and children begotten by niyoga.

The niyoga required the sanction of society, when a man and a woman wanted to associate through niyoga, they had to declare before the men and women of their families that they wanted to enter into a niyoga relation for the purpose of having children. However, they promised to sever their connection, when the aim of such niyoga was fulfilled or else that they would be counted as sinners.

Niyoga was not permissible with any person, but with specific persons. A woman could be in a niyoga relationship with her devar, whether he be the younger brother or elder brother of the dead husband; or a man of the same Varna or higher Varna. Devar was referred to as a secondary husband and Swami Dayanand referred to the Manusmriti (ix.59, 59,159) to support this view. As Manu enjoined that a widow’s niyoga might be

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done with a man within six pedigrees of the dead husband. The period of meeting was also laid down and it was understood that the niyoga couple would meet for intercourse only once a month and would abstain from intercourse for a year after conception. In niyoga, the two persons came together only for procreation and if the woman was in niyoga for her sake, the connection was broken after the second conception. If the case of the man too, the connection was to be off after the second conception. The same woman was to bring up the children for two or three years and then handed them over to the man. In this way, a widow could bear two children for herself and two each for four other widowers. Similarly, a widower could beget two children for himself and two each for four other widows. In this way, Dayanand also quote Vedas (Rigveda, x, 85, 45), which had allowed up to ten children. The injunction of the Vedas did not permit more than ten children in case of the Brahmanas, Ksattriyas and Vaisyas. As excessive progeny became weak dull and short lived. So, one niyoga joined couple could not beget more than two or four children. Each person however, could be in four or five such relationships. In the case of niyoga, the children born to the woman neither were called the children of the begetter, nor belonged to his family, nor had he any claim over them. They were called the children of the dead husband, they belonged to his family and they inherited his property and lived in his house. Swami Dayanand laid down Shastric injunctions to prove his above view. He referred about Rigveda(x, 40.2), Rigveda (x, 18.80), Nirukta (111.15) and Manusmriti (ix.69), in which procreation with niyoga husband was allowed. Moreover, Ksetraja or a son born of marriage alliance had the right of inheriting the property of his deceased father.

The concept of Niyoga came under severe criticism from all communities, including Hindus. It was generally seen as prostitution with sanction and condemned or even adultery. The Aryas gave up the idea after some time as they faced law suits and negative public reaction. In fact, many Aryans too felt that it was ‘repulsive’.