Kinship Networks and Marriage Alliance among Muslims of Jammu City

The character and quality of social relations based on kinship have always been regarded as major foci of interest by social anthropologists in their study of small-scale rural communities. The principle reason for this is that kinship in such communities, whether tribal or peasant plays a dominant role in social organization. Kinship plays little or no part in his relationship with his friends, his employers, his teachers, his colleagues, or in the complex network of political, economic and religious associations in which he is involved.

But in many small-scale societies kinship’s social importance is paramount. Where a person lives, his group and community membership, whom he should obey and by whom be obeyed, who are his friends and who are his enemies, whom he may and may not marry, from whom he may hope to inherit and to whom he pass on his own status and property- all these matters and many more may be determined by his status in a kinship system. It is indeed, a well established fact that as society’s progress for a folk stage to an urban and complex ‘civilization’ stage, kinship loses its central position in the organization of inter-individual relations (Ali, 1976).

The study of kinship and marriage thus constitutes a significant area for social anthropological research in the developing countries both because such research can indicate the direction of change in their kinship and marriage system as well as allow us to understand the factors that shape the character and tenor of kinship and marriage relations in them (Ibid: 02).

Misra (1964) examined the institutions of family and marriage. As regards the family structure, the author finds that like Hindus the Muslims have also patriarchal, patrilocal and patrilineal family organization. But it is interesting to note that in certain Muslim communities like Memons and Khojas the customary laws of succession go against the Islamic laws and the woman are exempted from the benefit of succession. The Muslims also have joint family system and they use the same phrase *samjukta parivar* for large households consisting of several married and unmarried brothers and other relatives (Ahmad, 1973).
The Shari’at Law derived from the Koran, *Sunna* and *ijma* control most aspects of Muslim marriage, divorce and inheritance in India (Ahmad, 1976).

**Decline of the Kinship**

One of the most popular debate revolves around the alleged ‘decline of the Kinship’. The debate was originally initiated by Parsons. While discussing the structural correlates of the American occupational system he predicts that this system “places severe limitations on the kind of kinship structure which is compatible with such a kinship system as that of the Chinese, for example, which places a primary emphasis on the continuity of general social status through kinship from generation to generation” (1949:191-92). Thus, Parsons has argued that the “relatively isolated nuclear family which is most adapted to (i.e., fits best) the other institutions found in the industrial societies. By ‘relative isolation’ Parsons implies that obligations to the members of the nuclear family are more stringent than obligations to kin outside it, that is, ego’s duties to his spouse and immature children are more stringent than his duties to parents.

According to Parsons, then, in industrial societies the kinship system makes no provision for the formation of house that hold groups wider than the nuclear family, and obligations between members of the nuclear family take precedence over those kin outside it. He points out that any kin group wider than the nuclear family would inhibit geographical mobility of individuals and that the nuclear family is the unit of mobility (Chakraborty, 2002).

Parsons’ main arguments, however, do not depend upon inconsistencies between rules governing the activities of economic and kinship institutions. Rather, they centre round the ‘conflicts of value’ which arise because of the difference in type of the much more general ideas upon which each institution depends, and which govern the way in which roles in the society are allocated.

Parsons see the growth of successful industrial activity as associated with the adoption of values which he calls ‘universalism’ and ‘achievement’. The belief that it is wrong to differentiate between people in the same category on the grounds of their relation to the ego is in Parsonian terms ‘universalism’. The belief that we ought to differentiate
between people in this way is its opposite, ‘particularism’. It is obvious that kinship constitutes a set of particularistic relationships, while successful industrialisation requires universalistic value. By ‘achievement’ Parsons means the belief in the rightness of varying one’s behaviour towards other people on grounds other than their possession of inherent qualities, which he calls, in contrast, ‘ascription’. Kin relationships depend on categorisation on the basis of inherent qualities (being born of....), and not upon achieved qualities. They are governed not by achievement values but by ascriptive values. According to Parsons, modern industrial enterprises are governed by the values of universalism and achievement. As a result individuals who are both members of families and workers in industrial enterprises will be required to hold two contradictory sets of value at the same(Ibid: 25).

The industrial society, with its normative requirement of universalism and individual achievement, prevents a sharp antithesis to the ‘ascriptive solidarity’ of kinship groups. The solidarity of the kinship unit is of such a character that if certain facilities and rewards are available to one member, they will have to be ‘shared’ with other members. Extensive obligations to kin and membership in a kinship group as a basis for role allocation is dysfunctional for the demands of an industrial system with its stress on social and geographical mobility and individual achievement as a major culturally desired motivation (Ibid: 28).

**Endogamous and Exogamous nature of Muslim Marriage**

Theoretically each of the Muslim *Jat* is endogamous in nature. Cases of intermarriage between the *Jats* of equal or near equal status are also happening. In rare cases an inter marriage takes place outside the *Jats* of dissimilar status. But such marriage is mostly of hypergamous type, in which only male of superior status marries the female of inferior status. For example, the man of *Sayyad* category has married the woman of *Mir* or *Shah Fakir* category has married the woman of *Pathan* category. This is a common practice among the villagers, as they think that when a man of higher category marries a woman of lower category his social or *Jat* status remains unaltered. But when a woman of higher status marries a man of lower category she loses her social status due to existing norms of patrilineal society see in Genealogy No. 01 (Annexure I). A similar feature has been noticed in the Hindu society. The most
notable feature is that the Hindus follow the system of hypergamy (*anuloma*) more rigidly, whereas among the Muslims the hypergamous marriage is diminishing gradually due to effect of modernization and also for Islamization (Mondal, 1994).

Like the Hindus, the Gujjars too stick to certain principles of endogamy and exogamy in their marriages. The Gujjars of Jammu constitute an endogamous group. They have a system of *gotras* on the pattern of the Hindus. The Gujjars do not marry within the same *gotra*. As such the Gujjars *gotras* are exogamous see in Genealogy No. 02 (Annexure II). The Gujjars themselves are not always clear about the genesis of their *gotras*, except that these refer to their Hindu ancestry.

Gujjars of Kasana *gotra* were followers of Kansa and related themselves to a well known story of Raja Kansa with reference to the birth of Krishna. The names of these *gotras* clearly establish Jammu Gujars Hindu origin, but many of the *gotra* names, are identical with Hindu *gotras*. Some are clearly identified as Hindu castes or sub castes, for instances, Chauhan is a well known Kshatriya sub-caste, baniya a Vaishya caste, Chopra a sub-caste of khatri (a Vaishya caste) and Lodha or Lodh another well – known Hindu caste. Bhainsi, however, most probably originates from *bhains* (buffalo).

It has been found that there is a role for the *gotras* in some of the rituals connected with marriage. In the engagement ceremony, called *kurmai* held at the house of the bride, the boy’s side is treated with a special dish of hot milk mixed with butter. If in the boy’s party, there is member having the *gotra* of the bride, he cannot touch this dish. The ceremonial bath of the bridegroom can be performed only by men having the same *gotra* as the groom. There is no evidence to show that one *gotra* is superior to another. In fact all *gotra* are considered equal and barring one’s own *gotra*, one can marry a girl from any other *gotra*. Except for regulating endogamy and a few marriage rituals, the *gotras* do not appear to play any further significant role, in the special –religious life of the Gujjars. The Gujjars society, as a matter of fact is based more on *masawaat* (principle of equality) and is more socialistic than many other Muslim communities in India, which have inbuilt stratification in their social orders (Hasnain, 2006).
The Jammu Gujars, as a whole, form an endogamous unit see in Genealogy No. 02 (Annexure II) and do not allow their boys and girls to marry the Muslims outside their brotherhood. A study of gotras, however, shows that they are not analogous to Hindu gotra. These are most probably Hindu castes and sub-castes to which the Gujars belonged before embracing Islam. If this is so, the process has resulted into the transformation of an endogamous unit into an exogamous unit. It is not difficult as castes/sub-castes became Muslims, they found that the number of families of the same caste/sub-castes became Muslims, was so small among the converted Gujars that a marriage alliance within the caste/sub-caste was an extremely difficult proposition. They were, therefore, compelled to seek matrimonial ties outside their caste/sub-caste among other Jammu Gujars. This having become a popular and accepted practice, the gotras became redundant and the caste/sub-caste became, for all practical purposes, exogamous units and were renamed gotras in course of time (Ibid: 23-36).

**Role of Relation in Marriage Preference**

Muslims select girls from the vicinity of their village for marriage. In the same manner the girls are married mostly to men from nearby villages. Regarding marriage distance, preference is given first to the members of the same relational network, same village, same area and then to distant ones (Khan, 1994).

Marriage within the circle of related people, is the most favoured form of marriage. It is significant to note that the most important social groups for an individual in the village are his immediate circle of kinsmen who act together and who regard themselves as rishtedar. Kin groups are formed around the expectations of mutual assistance and support. Such circles of relatives play a significant role as effective social groups beyond family and biraderi (Harris, 2006).

Marriage alliance between sons and daughters of brothers and sisters is commonly known as cousin marriage and among Shias and Sunni such matrimonial tie has always been preferred for certain reasons that we would be discussing here:

Cousin marriages are of two types—1) Parallel cousin marriage and 2) Cross cousin marriage. In a parallel cousin marriage the sons and daughters of two brothers or
sisters get tied in nuptial bonds and in cross cousin marriage the children of one brother and one sister enter into wedlock.

Even much before the advent of Islam cousin marriage was prevalent among the Arabs who lived in tribes. They preferred this type of alliance because it promoted affinity, solidarity and compactness in families and added to their strength to meet the challenges of other tribes. Prophet Mohammad accorded his approval to this usage which retained its popularity among his followers as we find it even today. In case one does not come across any good match among cousins one tries to establish matrimonial alliance within his Khandan. Khandan is that corporate body of consanguineous relations who could trace common ancestry to any degree in ascendance.

Cousin marriages are preferred on the following grounds:

1) As the boys and girls belong to the same family they know each other well. To the parent also the chances of complexities and controversies that often arise between unknown parties get minimized.

2) The girl does not think that she is going to an alien family and hence is not the least psychologically disturbed. She has no fears of rough behaviour at the hands of in-laws.

3) Such marriages establish double relationship the marrying cousin becomes also the brother in-law to his cousin who are the brothers and sisters of his wife. It make the ties of relationship all the more strong. It promotes sibling solidarity.

4) The parties have not to worry about tracing the genealogy and making enquires about each other’s pedigrees.

5) The question of Dower and Dowry is set at rest. If differences arise these are settled amicably.

6) The share of the girl in the family property remains in that very family and does not pass out to other family.

7) There are least chances of divorce in such marriages (Husain, 1998).

Table - 5.1 Relation of Male Respondents before Marriage
Marriage among 275 respondents were examined and out of 199 male respondents, 150 respondents were related before marriage, out of which 27.1 percent, 29.2 percent, 15.1 percent, 4.0 percent male respondents were married to mother’s brother’s daughter (MBD), Father’s sister’s daughter (FZD), Father’s brother’s daughter (FBD), and mother’s sister’s daughter (MZD) respectively as shown in the Table above. Cross-cousin marriage is the preferred type of marriage among Muslims even today. Both patrilateral and Matrilateral cross-cousin marriages were found to be occurring among them see in Genealogy 04 and 05 (Annexure IV and V)

### Table - 5.2 Relation of Female Respondents before Marriage

<table>
<thead>
<tr>
<th>Description</th>
<th>No.</th>
<th>Relation</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Related</td>
<td>62</td>
<td>MBS</td>
<td>26</td>
<td>34.2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>FZS</td>
<td>23</td>
<td>30.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>FBS</td>
<td>09</td>
<td>11.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MZS</td>
<td>04</td>
<td>5.3</td>
</tr>
<tr>
<td>Unrelated</td>
<td>14</td>
<td></td>
<td>14</td>
<td>18.4</td>
</tr>
</tbody>
</table>

Source: Field Based Data
Similar in the case with the female respondents. Out of 76 Female respondents, 62 respondents were related before marriage, out of which 34.2 percent, 30.3 percent, 11.8 percent, 5.3 percent female respondents were married to mother’s brother’s Son (MBS), Father’s sister’s Son (FZS), Father’s brother’s Son (FBS), and mother’s sister’s Son (MZS) respectively as shown in the Table 5.2.

It can be said from the above Tables that both types of cross-cousin marriages are preferred where consanguinal relations are converted into affinal relation.

<table>
<thead>
<tr>
<th>Types of Consanguineous Marriages</th>
</tr>
</thead>
<tbody>
<tr>
<td>FBD</td>
</tr>
<tr>
<td>![FBD Diagram]</td>
</tr>
</tbody>
</table>
The latest scientific research tells us that endogamy or inbreeding in close circle is detrimental to the physical and mental well – being of the offspring and consequently the well educated families have begun developing an adverse opinion against such marriages and within the span of 2-3 decades such marriages have faced a decline. Moreover after the Indian independence the Muslims have come closer to their Hindu compatriots and have assimilated much more of their traditions than before and in the case of cousin marriage their aversion may be attributed to this scientific factor as well, besides exercising their choices in the process of mate selection (Husain, 1998).

A man can marry the sister of his wife whether elder or younger on this condition that the two sisters are not kept together as co-wives. In case a man feels inclined to marry the sister of his living wife, it is imperative that he must first divorce his existing wife then accept her sister as his wife. If the wife is dead, obviously such co-wives become redundant ipso-facto.

Sororate marriages take place either in cases of love between the brother-in –law and sister-in-law or due to pressing circumstances, for example if the wife dies leaving young ones to be looked after. A maternal aunt is thought to be far better than any other step mother and this consideration becomes the foremost in such cases (Ibid:59).
Levirate see Genealogy 9 (Annexure 9) means marital relations established between a man and his brother’s wife. This sort of marriage is common almost in all the communities of the world even in some cases of Hindus, mostly in ‘progressive’ families. In Hindus if a man dies leaving his young widow, his brother often proves worthwhile as it saves the family from a break up. If the deceased brother leaves behind his children to be looked after, the brother who marries his wife serves the purpose of a father as well, and the issue do not think themselves as orphans.

Among Muslims as a whole, levirate is considered to be not only lawful but also an act of piety if it is contracted with a view to provide shelter and subsistence to the widow. A Muslim can marry not only the wife of his dead brother, rather he can marry the wife of his living brother also if she is a divorcée, provided she is not the sister of his living wife.

In a Sororate marriage all the rules and regulations of Nikah are meticulously observed. The divorce is also governed by the same conditions. It is also to be kept in mind that a Shia cannot contract even a Mutaa (temporary) with the sister of his living wife and in this case also he is required to divorce his wife first and then contract Mutaa with her sister (Ibid: 60).

Shias remain anxious to get their daughter married as soon as possible after attaining puberty, because they are very particular about the chastity of womenfolk. Young girls are always burden upon the guardian. The Shias are not very particular about getting their sons married at an early age. They consider the early marriage of a son a stumbling block in the way of his progress. Generally they get their son married after they have finished their education and have settled in some business, service or occupation. Disparity in age between husband and wife is to be found, sometimes the husband being even 10 years older than his wife (Ibid:59).

Among the qualifications of the bridegroom, apart from the family status, are education, employment, income, health, behaviour, temperament, inclination, social and economic status, relations and sphere of influence.

As far as the merit of the bride is concerned, she must be beautiful, of good character and conduct, and also possess perfect mental and physical health. She must be well-
trained in household management and such accomplishments such as needle-work, knitting, etc. Amiability, sensibility, consideration, sympathy, attractiveness, good behaviour are also considered necessary elements.

Generally, Shias consider the negotiation complete after the ceremony of Istikhara. According to them, it is taking the consent of God for concluding a particular matter. Generally, the Mujtahid (Religious head) obtains the consent of God with the help of a Tasbih (Rosary) and when the Istikhara is wajib (super affirmative), it is considered that the marriage between the parties should be finally settled (Ibid : 100).

When to Marry

Are there any special days in the Islamic calendar when marriage is encouraged or discouraged? Basically marriage is allowed at all times.

However, there are some days on which marriage is not recommended; some of these are based on ahadith and some on cultural, historical reasons. Generally, we can categories these days into three:-

a) There are some ahadith which say that it is makruh (not recommended) to have marriage ceremony on the days when the moon is in the direction of the Scorpio (this is known as al-qamar fil aqrab or qamar dar aqrab) during the last two or three days of the lunar months, and on Wednesdays.

b) There are some ahadith which say that certain days of each month are ill–omen days (nahas); these days are 3rd, 5th, 13th, 16th, 21st, 24th, and 25th of lunar months.

c) There are certain days of the Islamic calendar which have become associated with the early events of the Islamic history; for example, the 10th of Muharram is the day of mourning for the massacre at Karbala or the day of the Prophet’s death in Safar, etc. since such days are commemorated by the Muslims as days of mourning, it is socially and, to some extent, religiously not recommended to have marriage ceremony on such days (Rizvi, 2006).

Table – 5.3: Preferred dates for Marriage
The dates which are considered good for the marriage are 1, 3, 5, 7, 9, 11, 15, 17, 19, 21, 23, 25, 27, and 29. And of these dates 1, 7, 11, 21 are considered most auspicious. Where as Bad dates are 2, 4, 6, 8, 12, 14, 16, 18, 20, 22, 24, 26, 28. Out of these 8, 18, 28 are mostly bad omen dates. Of the seven days of the week Sunday and Friday is considered as good days for the marriage. Whereas good colour for the Turban is mostly black, green and white. One of the respondents of Shia sect said that when the Ishtikar was matched if the remainder of the dividends is 1, 7, 11 then it is a good match, if the remainder is 2 then it is average match, and if the remainder is 3 then it is a bad match and it is said that this marriage will not last long. For the Ishtikar mother name, date of birth, and the name of spouse is taken into consideration. The total of alphabet of number is divided by twelve (as Zodiac signs are twelve in number). The Zodiac Names are given in the Table No: 5.4.

**Prediction of Fate**

In order to ascertain the fate of the couple, the following plan is adopted : In the first place, it must be ascertained by the reference to this Table to which of the following elements Fire, Air, Earth, Water, the initials of the parties correspond, and if these elements agree it is concluded they harmonize. Thus if the boys name be Ja 'far, his initial being j, and his temperament Earth, and the girl’s name be Banu Bibi, her initial being B and her temperament also Earth, both complementing each other, it is held that they will live happily together.

The temperament of both the spouse is earth, they will for the most part agree, but not always. If it be water, they will agree for a time, but their love will soon decrease. If it be Air, they will be inclined to quarrel, but will be ready to make up their differences. If fire, though quarrels will occur between them, their relation will not last long. If the temperament of a husband be Earth, and that of his wife water they will agree and live
amicably, the women being obedient to her lord. If the husband’s be water, and that of his wife Earth, they will agree, but the wife will rule the house. If the man’s be Earth, and that of the girl Air, they will often quarrel, but they will settle their differences, and the wife will rule her husband. If the man’s be Earth, and the girl’s Fire, there will be little love between them, and the wife will rule her husband. If the man’s be Fire, and the girl’s Air, they will not be very affectionate, but if they are they will be very happy, and the man will be subject to his wife. If the man’s be air, and the girl’s water, the result will be the same, but the husband will rule his wife. If the man’s be water, and the girl’s Fire, it will be difficult for them to agree, and the husband will rule his wife. If the man’s be Air, and the girl’s Fire, the result will be the same, but the wife will rule her husband. If the man’s be fire, and the girl’s Air, they will love each other, and the husband will rule, but he will treat her kindly.

Omens by consultation of a verse taken randomly from the Koran or the works of the poet Hafiz, known as fal and Istikhara, or attempts to ascertain the will of the deity by praying for a dream, are also used. The father of the youth, when a proposal is made by friends of a girl will write ‘To be’ and ‘Not to be’ on several slips of paper, which he puts under his prayer-carpet, and after prayers he takes out one of them randomly and then a second one. If both are favourable the offer will be accepted (Shrief, 1972).

Table - 5.4: The signs of the Zodiac and Planets influencing Marriage

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Arabic</th>
<th>Hindustani</th>
<th>Telugu</th>
<th>The Planets</th>
<th>Genders</th>
<th>The 28 letters of Arabic Alphabet</th>
<th>The four elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hamal</td>
<td>Mesh</td>
<td>Meshamu</td>
<td>Mars</td>
<td>Male</td>
<td>Alif, Lam, Ain, Ye</td>
<td>Fire</td>
</tr>
<tr>
<td>2</td>
<td>Saur</td>
<td>Sanr</td>
<td>Vrishabhamu</td>
<td>Venus</td>
<td>Female</td>
<td>Be, Waw</td>
<td>Earth</td>
</tr>
<tr>
<td>3</td>
<td>Jauza</td>
<td>Mithun, Hamzad</td>
<td>Mithunamu</td>
<td>Mercury</td>
<td>Male</td>
<td>Qaf, Kaf</td>
<td>Air</td>
</tr>
<tr>
<td>4</td>
<td>Saratan</td>
<td>Kekra</td>
<td>Karkata Kumu</td>
<td>Moon</td>
<td>Female</td>
<td>He, Ha</td>
<td>Water</td>
</tr>
</tbody>
</table>
Islam looks upon the *Nikah* (the contract of marriage) and the connected functions generally known as *Shadi* as an austere and simple affair. It is, in its view, a social necessity which should be solemnly observed like an act of worship. The Muslim law lays down no specific religious ceremony, nor any religious rituals necessary for the contraction of a valid marriage. Legally, a marriage contracted between two persons possessing the capacity to enter into the contract, is valid and binding, if entered into by mutual consent in the presence of two witnesses. Its only aim is to declare that the couples are not being united in the wedlock secretly or surreptitiously but with the knowledge of all concerned.

Islam also enjoins the husband to pay the *Mehr* or the dowry-money to his wife, treat her with kindness and undertake to support and maintain her in a way suitable to his own means and position in the society. These stipulations cover the injunctions laid down by Islam for contraction of marriage: no more rites or customs were considered necessary or were in vogue in the early Muslim society (Nadvi, 2000).
In Jammu city the marriages have become the occasions of festive rejoicing marked with rigid and costly ceremonial functions, and means of ostentatious display of one’s pride and pomp. The simplicity of the Islamic form of marriage has not been the only victim of these vain pretensions, it has also often brought in its train untold miseries to the families parading their grandiose nobility. The modern education and economic regeneration has too been unable to change the current attitude or bring about any reform in these customs. Even in well – educated and religious – minded families elaborate arrangements are made for marriages, guests are entertained lavishly and the houses decorated colorfully. It is not unoften that entirely novel methods are adopted to flaunt the nobility and stateliness of the family and to make a show of its intimate connections with the ruling elite. The marriage is followed by a grand feast to celebrate the alliance, which again provides an occasion for the lavish entertainment of quite a large number of guests. The affair has become too costly, often requiring people to incur heavy debts in order to keep up the appearances. These vain pretensions have given rise, not unexpectedly, to a contest in prodigal spending and pompous show of the false vanity and opulence.

Excepting in the families which strictly follow the rules of Shariat or are indoctrinated by the religiously – oriented reformatory movements, the marriage celebrations are invariably accompanied by musical sittings and dancing and amusements contrived to amuse and entertain the guests. In such families the marriage is followed and preceded by festive rejoicings; nautch girls and professional dancers belonging to servile classes are invited a few days before the function. In the performances held for diversion of women the girls of the family also participate along with the dancing troupe. The bride is secluded, a few days before the marriage, in a closet and tradition demands her to observe Purdah even from her nearest kins. The musical sitting are now giving place to be playing of recorded music. The dancing performances too, which were earlier considered an essential part of all festive rejoicings by the feudal lords and grandees are gradually being given up owing partly to economic pressures and partly because of modern education and corrective influence of the reformatory movements.
Muslims of Jammu City have adopted numerous rites and customs of the soil like Tel Lagana, Butna Ceremony, Mitri, Tamol, Sehra Bandi, Dal Charai, Milni by Male and Female Relatives, Rasta Rokna by Bride’s sister (Kind of joking relation), Seeking the Bride permission For Nikah, Nikahnama signed by Bride and Bridegroom, Bidai, Rasta Rokna By Bridegroom’s sister a (Kind of joking relation), Walima etc. which are not to be common among Muslims elsewhere (See Annexure XII).

The aims and forms of marriages in the past and present times have changed. The existing patterns of marriage arrangements are quite different from those of the earlier forms. Earlier it was a necessity, now it is a need. Earlier it was sexual and economic. Now it is for psychological order (Ratra, 2007).

Among Muslims marriage relation begins with the contract of marriage, which is sacred religious institution. The first principle on which this institution is based is the free consent of man and woman; and the woman who has arrived at the age of puberty is as much free as man. At the marriage age, the presence of a proxy and two male witnesses is considered essential; or in case two male witnesses are not available, one male witness and two female witnesses are required; no marriage can take place without the presence of the witnesses. If the woman is present on the occasion and offers herself in marriage, no proxy is needed. It is also essential for the validity of a marriage that the offer is actually made by the woman and accepted by the man. If, on the lawful guardian asking permission of the unmarried girl, she keeps silence or smiles it is interpreted into an affirmative reply (Sahiba, 1980).

Under certain contingencies people stand in need of marrying the minor couples. Though a rare occurrence, but to perfect the law Islam has also made provisions for the same. The marriage of the minors take place with the guardians as proxies on either side, or some others appointed by them to represent their respective parties; any marriage without such proxies is considered invalid. The minor boy or girl, on attaining his or her age is however free either to continue or dissolve the marriage. But the parties are only allowed to use this privilege when the lawful guardians are other than their fathers or grandfathers, but if the father or grandfather has given away his children in marriage, the parties are not free on attaining the age of marriage to dissolve the marriage. This distinction is based upon the natural affection and love of
the father and grandfather whose wisdom, experience, and solicitation for the good to their children to get suitably married is bound to be beneficial beyond doubt. And it is, therefore, imperative that in such cases a girl should not dissolve her marriage.

If the minor had knowledge of the marriage before attaining puberty, the marriage-knot can be dissolved as soon as she attains her age; and if she has no knowledge of it, before arriving at the age, she can dissolve the marriage the moment she comes to know of it; but any delay in dissolving the contract after the knowledge nullifies the effect of this privilege. The three areas of the Jammu City has shown that the early marriage of girls are preferred as compared to boys.

To avoid all clandestine connections it is considered meritorious for the marriage to be performed and celebrated in a Mosque and on a Friday-the day of congregation, and to read wedding sermon (Khutbah) on the occasion is considered a Sunnat (a practice consecrated by the Holy Prophet) (Ibid:15).

**Marriage preferences**

Islam sanctions the system of polygamy. A man can have up to four wives at a time. But this sanction is based on some pre-conditions. According to Islamic sanction, Shushtery (1937) says, “A man, who has more than one wife, has to provide for each. The convenience of each wife has to be provided for according to his wealth and position in life. In his sexual relation, he is expected to be strictly just and treat all wives alike. If he cannot do this, he must be content to choose only one wife”. Thus it is clear that a Muslim male is allowed to have more than one wife only if he is sure that he can do justice to all of them according to his position. The basic idea behind this is not the sexual gratification only but to protect the modesty of women. A man can marry the second woman or more only after the consent and mutual agreement of the first or other previous wives and a ‘mehr’ should be fixed for each (Ahmad, 1991).

But the law does not allow a woman to have at one time more than one husband. This is considered quite in consonance with reason. Ascertainment of paternity is necessary for the welfare of offspring as far as their maintenance and general bringing up goes, and it would be simply impossible in case of polyandry. Man may have more than one wife; there can be no difficulty in settling the question of their children’s parentage
and with it their share of inheritance in the father’s property. But if it were ordained that a woman could have more than one husband then many problems could have arisen, besides the corruption, disputes as to the paternity of the children, their inheritance, education, and training, and the whole superstructure of society and civilization would have gone to naught.

Those who indulge in polygamy without any obvious reason, and do not fulfill conditions imposed upon them by Islam, deserve public contempt and hatred. Islam does not permit plurality of wives to everyone. It placed the institution under restrictions which gradually proved to be a most efficacious check to polygamy, and made the largest portion of the Muslim world observe strict monogamy. The best check in fact has been provided in the very verse of the Quran which has been taken to authorize polygamy.

“Then marry what seems good to you of (other) women, by twos, and threes, and fours; but if ye fear that ye shall not act equitably, then one only” (chapter iv, 3).

In this verse the licence given to polygamy is curtailed by the proviso which enjoins strict equity and justice towards all wives obligatory on man. In case a man feared that he could not act equitably and justly between his wives he was directed to be content with one wife only.

In this verse the word “fear” deserves special attention; that is to say, if a man is afraid that he will not be able to comply with the proviso, he must not go beyond one wife. And it need hardly be pointed out how difficult it is to give everyone his (or her) own just due; nor is every one able to do it. Nay, the book of God itself admits in another verse the inability of man to observe the required equality of treatment in every respect to all of his wives, and thus emphasizes the desirability of having only one wife; but suggest at the same time a very wise course to those who under unavoidable circumstances have more than one wife.

Monogamy is practiced by majority of couples today. The changing economic situation, as well as changing legal forms and traditions, is promoting an increased incidence of monogamy (Das, 1991: 83).
The Muslims of Jammu city mostly favour monogamy. Under certain circumstances only the practice of polygamy takes place. There are many reasons for the second marriage like son preference, health of first wife is not good, development of liking for someone etc.

**Table - 5.5: Marriage Preference**

<table>
<thead>
<tr>
<th>S. No</th>
<th>Marriage</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Monogamy</td>
<td>268</td>
<td>97</td>
</tr>
<tr>
<td>2.</td>
<td>Polygamy</td>
<td>07</td>
<td>3</td>
</tr>
<tr>
<td>3.</td>
<td>Total</td>
<td>275</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field Based Data

The majority of the respondents followed monogamy i.e. 97 percent and 3 percent went for polygamy as cited in the Table- 5.5 above.

**Mehr**

*Mehr* or dower is a practice associated with every Muslim marriage. Dower is the sum of money or other property which a wife is entitled to get from her husband in consideration of the marriage. As per the Muslim law, *mehr* is an obligation imposed upon a husband as a mark of respect for wife. Its main purposes are to put a check on the husband to divorce. The Muslim law does not fix the amount of *mehr*. The amount to be paid as *mehr* is normally decided before or after or at the time of marriage ceremony. The amount of *mehr* depends upon the social position, descent, age, intelligence, beauty and other qualities of the bride and also depends upon the economic status of the groom. The amount of *mehr* cannot be reduced but it can be increased at husband’s will (Rao, 2002).

According to Tyabji, “*mehr* is a sum that becomes payable by the husband to the wife on marriage, either by agreement between the parties, or by operation of law.

On the basis of Hedaya, Abdul Rahim defines *mehr* as, “it is either a sum of money or other form of property to which the wife becomes entitled by marriage. It is an obligation imposed by law on the husband as a mark of respect for the wife”.

Mehr is not just a marriage gift from her husband but a consideration that clinches the marital contract. A woman can only set the amount, terms and conditions regarding the dower or relinquish it totally, but she can also demand the mehr in any form. For instance, the mehr may consist of property, ornaments, education for her or some other condition set by her and to be fulfilled when she desires. She thus reserves absolute right to demand any type of mehr and even refuse to surrender herself to her husband if he refuses to pay her the dower (Iqbal, 1988).

Mehr can be either monetary (a sum of money) or nonmonetary (any kind of property). The thing contemplated as mehr must have value and be reasonable; a mere promise to do or to abstain from doing something-which cannot be enforced by the court- cannot form mehr. Whatever be the mehr, monetary or non monetary, agreed upon mutually by parties or fixed by law and whenever it is to be or is actually given in law it is an exclusive property of the wife and not of her parents or guardians. Something given or agreed to be given by the husband to the wife’s father or another relative cannot form mehr, and if it is given in consideration of the marriage it will amount to a wholly illegal transaction (Mahmood, 2002).

Mehr is an integral part of the Muslim marriage, it may be fixed by an agreement between the parties; in case it is not done, it will be determined by operation of law. Mehr need not be a sum of money; any type of property can be conferred by way of mehr (Diwan, 2007).

The prompt dower means ‘to hasten, to proceed’. This is payable to the wife immediately on the marriage taking place, and at any time before or after consummation. It is payable on demand. If the husband divorces his wife before consummation she receives half of her specified dower (Jalali, 2003). The deferred dower means ‘to delay or postpone’ (Fyzee, 2005). It becomes payable only on the expiration of the period specified. If no period is fixed, it becomes payable at the end of the marriage on the death of either party or by divorce.

**Table - 5.6: Amount of mehr at the time of Marriage**

<table>
<thead>
<tr>
<th>Age group</th>
<th>No. of women</th>
<th>Amount of mehr</th>
<th>Jewellery</th>
</tr>
</thead>
</table>

Department of Sociology, University of Jammu-2013
<table>
<thead>
<tr>
<th>Cash</th>
<th>In lakhs</th>
<th>In thousands</th>
<th>Less than hundred</th>
<th>No cash</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>18-23</td>
<td>18</td>
<td>12</td>
<td>6</td>
<td>-</td>
<td>All</td>
</tr>
<tr>
<td>24-29</td>
<td>13</td>
<td>08</td>
<td>5</td>
<td>-</td>
<td>All</td>
</tr>
<tr>
<td>30-35</td>
<td>10</td>
<td>02</td>
<td>6</td>
<td>2</td>
<td>All</td>
</tr>
<tr>
<td>36-41</td>
<td>11</td>
<td>-</td>
<td>8</td>
<td>2</td>
<td>All</td>
</tr>
<tr>
<td>42-47</td>
<td>08</td>
<td>-</td>
<td>5</td>
<td>3</td>
<td>All</td>
</tr>
<tr>
<td>48-53</td>
<td>05</td>
<td>-</td>
<td>2</td>
<td>3</td>
<td>All</td>
</tr>
<tr>
<td>54-59</td>
<td>09</td>
<td>-</td>
<td>3</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>60-65</td>
<td>02</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>76</td>
<td>22</td>
<td>35</td>
<td>15</td>
<td>04</td>
</tr>
</tbody>
</table>

It is evident from the above Table-5.6 that of the total 76 female respondents, 18 female respondents between the age group of 18 -23 year and all the Eighteen female respondents received jewellery as prompt mehr and among these twelve female respondents have their deferred mehr in lakhs and six female respondents have in thousands. Thirteen female respondents between the age group of 24-29 year had received jewellery as prompt mehr and among these eight female respondents have their deferred mehr in lakhs and five female respondents have in thousands. Ten female respondents between the age group of 30-35 year had received jewellery as prompt mehr and among these two female respondents have their deferred mehr in lakhs and six female respondents have in thousands and two female respondents have less than hundred. Eleven female respondents between the age group of 36-41 year had received jewellery as prompt mehr and among these eight female respondents have their deferred mehr in thousands and two female respondents have less than hundred. According to another female respondent only jewellery is considered as both prompt and deferred mehr.

Eight female respondents between the age group of 42-47 year had received jewellery as prompt mehr and among these five female respondents have their deferred mehr in thousands and three female respondents have less than hundred. Five female respondents between the age group of 48-53 year had received jewellery as prompt mehr and among these two female respondents have their deferred mehr in thousands and three female respondents have less than hundred. Nine female respondents between the age group of 54-59year had received jewellery as prompt mehr and
among these three female respondents have their deferred mehr in thousands and four female respondents have less than hundred and according to two female respondent only jewellery is considered as both prompt and deferred mehr. Only two female respondents between the age group of 60-65 year had received jewellery as prompt mehr and among these one female respondent had her deferred mehr in less than hundred rupees. According to another one female respondent only jewellery is considered as both prompt and deferred mehr.

According to the female respondents, they have two types of jewellery, one is of silver and the other is gold. The female respondents between the age group of 18-23 and 24-35 year have gold jewellery. The female respondents who are between the age group of 36-47 year have both type of jewellery. And the female respondents who are between the age group of 48-53 year and above also have both type of jewellery but gold is in less quantity than silver. The female respondents having deferred mehr as less than hundred received their total mehr at the time of marriage while others are still waiting to get their whole amount of mehr. This suggest the change in the people economic condition and increase in their ability to pay more. The data also reveal that the significance and amount of cash given as Mehr have increased over the years.

Dowry

The custom of giving dowry – a practice which has never been sanctioned by Islam- is on the increase among the Muslims of India and Pakistan. As this custom is not prevalent among the Muslims of other countries, it seems quite clear that it has been borrowed by Indian and Pakistani Muslims from other Hindus of the sub-continent. The latter, in accordance with their ancient law, did not give their daughters any share in the family property, but on the occasion of their marriage- as a measure of compensation- they gave them dowries, part of which took the form of household goods.

In imitating this Hindu custom in India, Muslims are denying their daughters their rightful share in the family property to which they are entitled under Islamic law. The practice of “compensating” for this by giving them wedding presents and labelling
these jahej or “Dowry” (jahez is Urdu) is, in reality, a deliberate evasion of the Islamic law of inheritance.

There is a body of opinion among certain Muslims which has it that jahez is the sunnah (way) of the Prophet, because he himself gave his daughter, Fatimah, a “dowry” on the occasion of her marriage to ‘Ali ibn Abi Talib.

**Fatimah’s Dowry**

As a justification for giving dowry, in the modern sense of the word, this proposition seems unacceptable, for, according to early records, the “dowry” which the Prophet gave to Fatimah consisted of only the barest of household necessities.

According to ‘Ali ibn Abi Talib, the Prophet Muhammad prepared for Fatimah a sheet, a leather bag for carrying water, and a pillow filled by idkar (grass).

‘Addullah ibn ‘Amr’, enumerates them as a khamil (a single sheet of cloth), a leather bag for carrying water and an idkhar filled pillow made of leather.

Asma, the daughter of ‘Umyas’, relates that when Fatimah left for ‘Ali’s house it was quite unfurnished except for flooring of sand, a pillow of date palm bark, a pot of water and a drinking vessel. Even the sheet which Fatimah was given had to be divided in two so that one half could be spread for sleeping on and the other half could be worn.

If, now days, a girl’s dowry had to be defined purely in terms of household necessities and limited to be the same few items which the Prophet gave to Fatimah, it seems unlikely that anyone would consider it becoming to give a dowry at all (Khan, 2004).

Then the question arises as to why the Prophet felt obliged to give anything to Fatimah at all, when it had never been the custom to give presents to the bride. This feeling of obligation can be traced to the quality of relationship which had grown up between ‘Ali and himself. When ‘Ali was just a boy, the Prophet requested his father, Abu Talib, to confide him to his care. From his very childhood, then, Ali had been under the guardianship of the Prophet. Because of this long, close association, they
had become more like father and son, rather than just cousins. Considering that the Prophet had borne all ‘Ali’s expense right from the time he came to him, it was but natural that on the occasion of his marriage, the Prophet, as his guardian, should give him some necessary items with which to set up his home (Ibid: 212).

Historically, dowry has been integral and institutionalised part of the Hindu marriage system. It ideally and customarily denoted the gifts voluntarily represented to the bride, groom and his family in marriage. The concept of Kanyadan which include gifts ranging from ornaments, expensive cloths and other precious items find references from the ancient to modern texts on customs and rituals. The modern phenomenon of dowry however reflects a change in this customarily system whereby the presentation of gifts has no longer remained a voluntary process. More often than not, the bride’s family is coerced into providing dowry in the name of gift giving. Also, gifts are evaluated in terms of their total cash value.

Its amount is determined after negotiations between the bride and bridegroom’s families, often through a mediator. It is the bridegroom’s family which settles the amount on the basis of its own socio-economic status. A better status fetches larger amount of dowry (Sheel, 1999).

The dowry in India is a totally new phenomenon, and ought not to be mixed up with traditional ideas such as kanyadan and stridhan, though such confusion is widespread. A gift or dan has to be accompanied by a subsidiary cash gift (daksina), and in kanyadan the bride is given as a gift to the groom.

On this analogy the dowry becomes dakshina. Stridhan usually refers to the gifts given to a woman by her natal kin or by her husband at or after the wedding (Srimati, 2005).

A woman holds a very high status in the Islamic faith. She is honoured and respected at all times, but many startling transgressions have crept into Islamic practice. These transgressions have been caused by cultural influences that have no basis in Islam.

One such influence is the dowry. Muslims living on the Indian subcontinent have slowly incorporated the payment of dowry into their lives. In India, the dowry
originated in the upper-caste Hindu communities as a wedding gift (cash or valuables) from the bride’s family to the groom’s family. The practice of dowry, however, does in fact transgress Islamic law.

The impact of Hindu culture on Muslim’s became clear during the research in Jammu City. The data in the Table 5.8 shows the number of Muslim women who received dowry and also the type of dowry.

Table - 5.7: Recipients of Dowry

<table>
<thead>
<tr>
<th>No. of women received moveable Dowry</th>
<th>No. of women received immoveable Dowry</th>
<th>No. of women not received any type Dowry</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>67</td>
<td>04</td>
<td>05</td>
<td>76</td>
</tr>
<tr>
<td>88.2%</td>
<td>5.2%</td>
<td>6.5%</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field Based data

It is evident from the Table 5.7 that 67 (88.2%) women received moveable dowry and 04 (5.2 %) women received immoveable property as dowry and only 5 (6.5%) did not receive any type of dowry. It is clear from the data in the Table that out of 76 women 71 received dowry, which shows that there is great impact of Hindu culture on Muslim’s.

Love matches disturb the hierarchical order and threaten the traditions that permit parents to exact obedience from their children for life. Worse, they may create a situation in which the marital tie becomes stronger than that between a man and his natal family (Harris, 2006).

There is another dimension of inter- faith marriage in Jammu City, namely, between the Sunnites and Shiites, the followers of the two major sects in Islam. Systematic information on the incidence of intermarriage between them is not available.

However, observations and interviews with followers from both these sects indicate a strong preference for intra-sect marriage although actual inter-sect marriages are not at all uncommon see in Genealogy No. 01 (Annexure I)
Religious endogamy is quite strictly practiced. The very low incidence of inter-faith marriages reflects this belief and practice. In this area, requirements and expectations are slightly different for the sexes.

**Table - 5.8: Cases of Love Marriage**

<table>
<thead>
<tr>
<th>S. No</th>
<th>Type of marriage</th>
<th>No. of cases</th>
<th>Bride</th>
<th>Bridegroom</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Inter-religion</td>
<td>05</td>
<td>Hindu</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hindu</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hindu</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hindu</td>
<td>Muslim</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Muslim</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Muslim</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Muslim</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hindu</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Inter-sect</td>
<td>03</td>
<td>Sunni</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shia</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sunni</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Shia</td>
<td>Shia</td>
</tr>
<tr>
<td>3</td>
<td>Inter-caste(Biraderi)</td>
<td>05</td>
<td>Gujjar(Khatana)</td>
<td>Malik(Teli)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Gujjar(Khatana)</td>
<td>Malik(Teli)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Gujjar(Khatana)</td>
<td>Malik(Teli)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Khan</td>
<td>Gujjar(Hakla)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rajput(Mallik)</td>
<td>Wani</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>13</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Based data

The total married respondents were 275 out of which 13 cases of love marriage were recorded. Of these 05 cases of Inter-religion, 03 cases of Inter-sect, and five cases of inter-caste were noted.

The grooms parents in order to avoid humiliation at the hands of the girl’s father usually took the help of some middle – man, more commonly a friend through whom they initially started the negotiations and sent the official letter only after everything had been decided verbally by the middle –man. In many cases it has been seen that though the daughters crossed the age of marriage yet the male guardians did not make any efforts at selecting a boy, thus resulting in no marriage or late marriage in many cases. The girl’s father considered it to be preposterous to go and look for a boy and preferred waiting for the ‘rishta’. Thus on the one hand this custom of sending rishta raised the status of the girls apparently, but actually leaves them completely on the mercy of the male members (Jain, 1986).
Another factor contributing to the publicity of the marriage is the Valimah (marriage feast) thrown at the husband’s house when the bride is initially taken there. The Prophet’s emphasis on the Valimah feast is well-known for the same purpose.

The value system requires that marriages be confined within the biraderi though a few marriages with members of other biraderis, known as rishtedars, may take place (Madan, 2001).

Membership of the biraderi of participation is defined and reiterated through a ritual of prestation and counterprestation, called vartan bhanji. The term itself indicates the transactional essence of the ritual, for the word ‘vartan’ means ‘dealings or ‘buying and selling’; and ‘bhanji’ means sister’s daughter (an object of affection). Prestations given in vartan bhanji are called neondra or nyota. The ritual of vartan bhanji takes place, at specific times, or special ceremonial occasions such as marriages or circumcision ceremonies, when the prestations are given to the head of the household celebrating the occasion by representatives of all other households of the biraderi of participation (Ibid: 32).

Among the Muslims of Jammu City the vartan bhanji is observed in the Bathindi area as it is rural in nature, whereas in Talab Khatikan and Ustad Mohalla it is not noticed in its traditional forms.

Another way to ensure publicity of the marriage and to make it known was to beat ‘Duff’, a kind of tambourine. A tradition from Ayesha regarding this matter is thus: “make the marriage publicly known, and perform it in mosques, and beat at it with duff” (Ali, 1987).

Registration could be greatly facilitated if a standard Nikah-Nama (See Annexure-X) is prescribed and accepted by all the sections at large. Registrations of marriage are now taking place in Jammu City also.

**Conclusion**

Kinship represents the classification of all who are considered to be related and encompass all the social usages and patterns of behaviour among the relatives. In this regard the kinship system provides the most useful index of social organization. It
Chapter-V

gives rise to series of structural relations and levels of interactions in the Muslim community. Marriage as an institution binds their relationships and interactions take place accordingly. The Muslims of Jammu City prefer cousin marriage, both parallel and cross cousin marriages are prevalent, parallel cousin marriage considered most desirable among Muslims is not that common are preferred. This could again be the impact of the regional culture. All the customs and rituals which are present in the Muslim world at the time of marriage in Jammu city is mostly inspired from the Hindu world view. However, Islamic rules and practices in marriage are also followed strictly like fixing marriage between cousins, payment of mehr, performance of Walima, having a Nikah-Nama etc. Thus kinship and marriage patterns among Muslims of Jammu exhibit a combination of both Muslim and Hindu local culture.