

## Unit 11

# Marriage and Its Changing Patterns

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### Learning Objectives

Unit 11 aims to analyse the changing patterns of marriage in India. After going through the unit, it is expected that you would be able to:

- ≈ question the universality of the institution of marriage in India;
- ≈ discuss the aspect of age at marriage;
- ≈ discuss variations in the pattern of selection of spouse;
- ≈ describe the basic rites of marriage in different communities;
- ≈ explain how marriage reflects the status aspirations of the groups involved in the material and symbolic transfer of wealth and prestige accompanying marriage; and
- ≈ examine the issues of divorce and remarriage.

## 11.1 Introduction

We take for granted that the institutions like family, marriage and kinship are universal in India and sociologists need to discuss the variations in these institutions based on region, religion, language, caste, class and occupation. Owing to the whole range of variations they find it difficult to make generalisations about such institutions of the Indian social structure.

The basic question that will be raised in Unit 11 is the validity of discussing only the common and different elements in the institution of marriage in India. Does this give us an understanding of the institution of marriage as it obtains today in our country? Dealing with the feature of near universality of the institution of marriage and discussing the issue of age at marriage in India may bring out the unity that exists, across the regions, relating to these two features of marriage. You may on the other hand discuss such features in the context of diversity as the forms of marriage, patterns of selection of spouse, rites of marriage, material and non-material transactions involved in marriage, and the possibilities and mechanisms of divorce and widow remarriage in India. Most of these features relate to the primary marriage of a man or woman (i.e. marriage for the first time). Secondary

marriage of a widow/ widower or a separated or divorced woman/ man is accompanied by a nominal ceremony, where there are generally no or only a few rites. Similarly, the pattern of selection of spouse may differ in a primary and a secondary marriage.

Yet, having completed this process of looking at common and diverse features of the institution of marriage in India, you would still not have looked at the churning of ideas, values, practices and conflicts that the very notion of marriage brings to mind in the context of its changing patterns. We find that today the very concept of marriage and its epistemology is a subject of much questioning. Feminists, *dalit* scholars and leftists have in both theoretical and practical terms critiqued the prevalent notions about marriage. Some have accepted the ever-encompassing hold of the institution of marriage in everybody's personal life and attempted to negotiate it from its prevailing vantage point. In the feminist discourse, you would find that marriage is a major site or an organising platform through which the feminists have not only tried to understand oppression but also negotiated and established a more equal playing field. Along with the usual coverage that accrues to the topic of marriage generally you should also pay attention to emerging perceptions regarding the institution of marriage and its changing patterns. The examples of changing patterns and their theoretical significance that are cited here, have been derived from the coverage of a symposium, Marriage, Family and Community, with contributions from Shah (2005: 709), Hansman (2005: 709-712), John (2005: 712-715), Rao (2005: 715-718) and Rinchin (2005: 718-721). It has to be acknowledged here that their articles have helped in building the case for re-thinking our notions of marriage in India.

In the course of discussion of each of the above mentioned aspects we shall talk of the patterns of marriage with particular reference to the changes that have taken place in India since Independence. For descriptions of various aspects of the theme I have also referred you to detailed accounts already provided in the course material of Sociology courses of IGNOU's B A programme. Reading the referred portions will help you to obtain background information and explanations of basic concepts.

We will discuss each aspect of marriage with suitable illustrations from some of the major communities like the Hindus, the Muslims and the Christians. Except for passing references, patterns of marriage that are found among the tribal population have not been described mainly because there is a separate Block in this Course on tribal population.

## 11.2 Is the Institution of Marriage Universal in India?

Marriage is an important social institution and therefore we need to assign a definition to it so that it has a universal reference and application. All the same it is a relationship that has, in the context of India, given rise to many controversies relating to the definition of marriage. Though the debate took place with particular reference to the Nayars of Kerala, the concerns it took up had a general relevance. You may like to know a little about this debate over problems of defining 'marriage'.

Leach (1955: 107-108) considered marriage to be "bundles of rights". The rights included

- = Legitimising offspring
- = Socially approved access to the spouse's sexuality, labour and property

- ≈ Establishment of affinal relationships between persons and between groups.

It is possible to add as per a particular ethnographic context some other features to the above list of rights. But if you were to make a comparative study of marriage in different societies, you would like to define the term in a more precise manner so that your cross-cultural comparison refers to the same kinds of phenomenon. It has been quite common to refer to the 'Notes and Queries' to find such definitions. The 'Notes and Queries' (1951: 110) defines marriage in the following manner.

Marriage is a union between a man and a woman such that children born to the woman are the recognised legitimate offspring of both partners.

I suppose that you would gladly accept this definition of marriage in the context of society in India. But Gough, who studied the Nayar community of Kerala, found that the unions between Nayar girls and Nambudiri Brahman men could not be understood in terms of the above definition (for details of this particular case see Jain 1996: 151-190 and Unit 9 in Block 3 of ESO 12 of IGNOU's B. A. programme). Gough (1959: 32) preferred to modify the definition of 'marriage' in the following words.

Marriage is a relationship established between a woman and one or more other persons, which provides that a child born to the woman under circumstances not prohibited by the rules of the relationship is accorded full birth-status rights common to normal members of his society or social stratum.

This definition enlarges the scope of viewing marriage in a broader context than the definition of the Notes and Queries. It would include the case of Nuer woman-woman marriage, mentioned by Evans-Pritchard (1951: 108-109). It would also include the case of levirate unions, which consider the child as the legitimate offspring of a man other than its genitor. As you may already know that levirate is a quite common practice found in some parts of India. For example, Gazetteer of India (1965: 541) has mentioned the prevalence of levirate alliances among the Ahir of Haryana, some Jat communities and Girijan and several castes in Uttar Pradesh and among the Kodagu of Mysore. Levirate refers to a marriage in which a man has the obligation to marry the widow of his brother.

You can now make out that Gough's definition is an improvement on the one given in the Notes and Queries. You may also be aware of several cases published in newspapers about caste-based violence on young men and women opting to marry against caste or sub-caste norms. If a *jatav* boy wants to marry a *thakur* girl, the two would have to face violence at the hands of their respective caste panchayats. This sort of periodic reporting in the media shows that marriage has become a contested site in our fast changing social world. Fernandez (1999) and (Gopal) 2002 have documented cases of forced marriages, excommunication, unlawful locking, outright murders or last option suicides of those who have defied the existing norms of their castes/ classes.

The events mentioned above give rise to questions about the very nature of marriage and the variety of relationships it is to include in its scope. In India, as per Section 377, the law recognises for social and other purposes only blood and marriage relationships. In 1988, the first media reports of the Madhya Pradesh policewomen deciding to marry each other, brought out

into the open some other examples of ‘alternate relationships’, which had come up alongside marriage in different castes/ classes in both urban and rural India. Here is a ‘Reflection and Action’ exercise for you to ponder about yet other forms of marriage and decide if Gough’s definition or any other definition that you know about includes such cases.

#### Reflection and Action 11.1

Cline (1936) has described the homosexual unions of Western Egypt. Does Gough’s definition of marriage include this case?

‘Hindustan Times’ of August 2004 published a news item “Girlfriends shun families”. It referred to two young girls living in a slum in Bhopal. The parents of one of them had forcibly married her to a man but her ‘girlfriend’ disrupted the marriage and the two girls decided to live together. The police and the counsellors tried to help the girls to return to their families but the girls did not oblige them. Does Gough’s definition include this case?

Write your answers to the above questions on a separate sheet of paper. Then provide your own definition of ‘marriage’ that may have a better applicability in cross-cultural comparisons.

There is apparently one more problem with the above definitions, which make legitimating of children an essential component of marriage. Does it mean that all such marriages where no child is born are invalid? Is marriage not more than procreation? Can it not be considered as an existing fact if there are no children born? Bohanan (1949), has discussed Dahomean marriage and distinguished the rights of a woman as a wife (rights in *uxorem*) from rights over the children she may bear (rights in *genetricem*). ‘Times of India’ of 5<sup>th</sup> May 2005 published a news item on its first page with the title “Man tells HC: Wife can’t abort my child”. He appealed to the High Court to protect his right to fatherhood. This is an example of the kinds of rights we need to ponder about. These media reports have been quoted here to indicate the symptoms of wide-ranging changes occurring in the very notions of rights involved in marriage.

The above discussion shows that perhaps Leach (1961: 105) is right in saying that “all universal definitions of marriage are vain” and so also is Needham (1971), who holds that marriage in cross-cultural contexts refers to serial likenesses and does not reflect common structural features. As a matter of fact, Gough (1959: 23) too considers marriage as polythetic with an open-ended checklist. You may ask that if this is so, then why use the word ‘marriage’ and why not refer to such relationships by some other term?

The answer to this question is that nominally the word marriage has its reference to the context in which it exists and therefore we need to retain it till we can by consensus replace it by some other term. In India, the relationship is defined and sanctioned by custom and law prevalent in a hetero-normative and patriarchal social milieu. The definition of the relationship includes not only fairly understood guidelines for behaviour relating to sex but also regarding things like the particular way labour is to be divided and so are also other duties and privileges. Children born of marriage are considered the legitimate offspring of the married couple. Increase in the rate of marital discord has brought before the courts of law some

vexing questions about the right to fatherhood versus a woman's right over her own body.

The issue of legitimacy is important in the matters of inheritance and succession. Marriage is not only a means of sexual gratification but also a set of cultural mechanisms to ensure the continuation of the family, establishment of relationships of alliance between persons and between groups. Marriage is in this sense an almost universal social institution in India. With globalisation of culture and liberalisation of economy, the phenomenon of the wedding ceremony is the most visible reference to marriage in India. So you would agree with me that it is very hard indeed not to retain the term 'marriage' and discuss it with reference to the conceptual and socio-cultural context in which it appears.

### 11.3 What and Why of Marriage

You may be able to cite the religious texts of many communities in India outlining the purpose, rights and duties involved in marriage. Among the Hindus, for instance, marriage is regarded as a socio-religious duty. Ancient Hindu texts, such as the 'Dharmashastra' (see Trautman 1981), point out three main aims of marriage. These are *dharma* (duty), *praja* (progeny) and *rati* (sensual pleasure). The aims of marriage show that it is significant from both the societal as well as the individual's point of view. Marriage is significant in that it provides a legally and socially recognised process of acquiring children, especially sons who would not only carry on the family name but also perform periodic rituals including the annual "*shraddha*" to propitiate the dead ancestors. Majority of the Hindus look upon son(s) as a source of support in old age to parents and as the most important source of economic prosperity of the family. Marriage, in the Hindu system of four stages of life, enables a man to enter into the stage of a householder. Both a man and a woman are regarded incomplete without marriage.

The brief description above shows quite clearly that marriage for the Hindus finds its location in a hetero-normative, patriarchal family structure, in which organisations like the Rashtriya Swayamsevak Sangh, are vehemently against inter-religious marriages.

The notion of equality within marriage based on an ethic of justice does not find a place in the Hindu construction of the notion of marriage. This is the reason why there have been, historically speaking, a spate of experiments to change the form and practice of marriage itself by social reformers like Jotirao Phule, who along with his wife, Savitribai, established a school for untouchable girls in 1848 and a home for upper caste widows in 1854. Sensitive to oppression of women through burdens of chastity and caste purity that determined the code of conduct for women, Tarabai Shinde, an activist of Satyashodhak Samaj, followed in the footsteps of Phule and wrote a critique of gender relations in her piece, *Stri-Purush Tulana*. Shinde (1882) commented on sexual economics of marriage and prostitution and considered them as two sides of the same coin. Not only in western India, E. V. Ramaswamy Naicker, in southern India, challenged Hindu orthodoxy and recommended 'self-respect marriages', which undermined the connexion between marriage and religious rites. Similarly, Ambedkar's act of burning the 'Manusmriti' and writing *Riddles of Hinduism* in 1927 as well as Periyar's putting on a garland of shoes around the necks of Hindu religious idols symbolised the assaults on

the religious tenor of everyday life and provided a critical look at the institution of marriage in India.

Notwithstanding the activities of social reformers, you may rightly argue that even other communities in India regard marriage as an essential obligation. Islam views marriage as “*sunnah*” (an obligation), which every Muslim must fulfil. To bring yet more evidence of churning of ideas about marriage, you can refer media reports that in the case of Muslims in India, the All-India Muslim Personal Law Board on 1<sup>st</sup> May 2005 issued a model ‘Nikah-Nama’ (see the ‘Times of India’ and the ‘Hindu’ of Monday 2<sup>nd</sup> May 2005). This shows the Board’s commitment to initiate social reforms and rooting out of social evils. The model ‘Nikah-Nama’ gives cognisance to the rights of the wife to food, shelter, clothing, medical treatment and maintenance and declares dowry as a crime. The document focuses on the present school and college-going generation. Though still continuing with the institution of ‘triple talaq’, the document makes divorce the last resort (see more comments on this matter in a later section of the unit). Christianity too, like other religions, holds marriage as critical to life and emphasises the establishment of a mutual relationship between husband and wife and adhering to their duties to each other.

You can further argue that marriage is significant as we find that only a very small percentage of men and women remain unmarried. According to the Report of the Committee on the Status of Women in India (CSWI 1974: 81), only 0.5 per cent of women never marry in India. By and large, girls in India believe that marriage is a woman’s destiny. Married state is desirable and motherhood is a cherished achievement for most of us in India. You would find that only a very small percentage of men and women remain unmarried by choice.

Despite the near-universality of marriage among Indians, we find that goals of marriage are changing in general and for the urban and educated sections of the population in particular. A clear preference for small-size family has replaced the older notions of family with a large number of children especially sons being the source of status for parents. On the individual level, younger couples view marriage as a relationship for self-fulfillment rather than primarily for procreation.

There is also a strong protest movement among the *dalit* women against caste and gender violence and against the legal recognition of only *anuloma* marriages where upper caste men marry or live with lower caste women and not *pratiloma* ones where women of higher castes marry or live with lower caste men. Reforms among the lower caste and *dalit* communities include rehabilitation of women and men married to divinities like Khandoba and Yellamma. See ‘*Somavanshiya Mitra*’ of 1<sup>st</sup> December 1908 and 1<sup>st</sup> July 1909 about the marriage of Shivubai Lakshman Jadhav, a woman married to a divinity. An activist, Ganpatrao Hanmantrao Gaekwad had set an example by marrying her. While discussing marriage and its changing patterns in India we cannot ignore what is occurring at the level of marginalised communities and therefore all such details as mentioned above need to be incorporated in our discussions of marriage in India. You may already know about the role of social reformers in opposing child-marriage and creating an environment for the law to fix a minimum age for marriage of a girl/ boy.

## 11.4 Age at Marriage in India

Apart from marriage being almost universal, early marriage is also common in India. As early as the eighteenth and nineteenth centuries, efforts were made to curb infant or child marriage. Reformers like Raja Rammohun Roy, Ishwar Chandra Vidyasagar, Jotirao Phule and others in the nineteenth and early twentieth century opposed child marriage. According to Das and Dey (1998: 92), the current level of age at marriage in India is low in comparison to most of the low fertility countries (for a historical background to this discussion see Unit 7 in Block 3 of ESO-12 of IGNOU's B A programme). You should also pay attention to differences between various religious groups, classes and castes in the matter of age at marriage.

The median age at marriage is low in India. This is in spite of legislations, multi-pronged strategies to spread awareness regarding the dangers of early marriage. Starting with Rajasthan, where the female age at marriage was 17.5, the lowest in India in 1991, and going upto Assam, where it was 21.1, the highest in India in 1991, the mean age at marriage for females for 1991 was 18.3 (see the 1991 census of India). In newspapers and journals we read about marriage fairs (*mela*), especially in rural areas, in which the average age of the bride is reported to be below fifteen years. In some states like Orissa, Madhya Pradesh, Uttar Pradesh and Rajasthan, child marriages continue (National Perspective Plan 1988). Both the 'Times of India' and the 'Hindu' reported on the occasion of Akhteej festival of 2005 that the girls in some areas refused to participate in such marriage fairs and expressed a strong desire to continue their studies. These girls were aware that the minimum legal age at marriage is 18 years for girls. More than the awareness about the minimum legal age at marriage, the change in attitudes of young girls and a positive articulation of the choice of continuing their education are the signs of changing patterns of marriage in India. For the connexion between low age at marriage and the notions of preserving the chastity or purity of women see CSWI: 1974.

Female age at marriage rose from 16.1 years in 1961 to 19.3 in 1991. The rural-urban gap in female age at marriage for 1991 was two years. According to Das and Dey (1998: 109), this indicates that in spite of rise in age at marriage a wide gap in this matter persisted between the rural and urban areas of the country.

It is important to note the variation in the age at marriage among different communities in India. For instance, the average age at marriage is as low as 15 years for girls among many of the hill tribes in India, while among the Christians, Parsis and some educated sections living in urban areas, the age at marriage has been above the minimum age prescribed by law (see CSWI 1974: 82 for the factors that help to raise the age at marriage). It is a good idea to complete Reflection and Action 11.2 exercise for gathering your own mini database on age at marriage in India.

### Reflection and Action 11.2

Interview at least fifty married persons of your family and in your neighbourhood on the following aspects of marriage. Please make sure to include at least fifty percent women in your sample of fifty persons. Note down each person's age, sex, educational qualifications and religion before you ask her/ him the questions.

- i) Has any one in your family remained unmarried after the age of 35? If, yes, what are the reasons for this?
- ii) At what age did you get married? Relate the answers to what has been discussed in the unit, and find out if the person remained unmarried by choice or by necessity. That is to say has he/she taken a voluntary decision to remain single? Or, has the person remained unmarried because of reasons like physical defects, poor economic status of the family or dowry etc.? Secondly, find out reasons for the person's marriage at an age much below or above the minimum legal age at marriage. Compare your answers with those given by other students at your study center and basing on your findings, write a short essay of one thousand words on 'age at marriage in my family and neighbourhood'.

## 11.5 Rules Regulating Marriage

In all societies we find ways of regulating who may not marry whom and who may marry whom.

### Incest rules

The rules of incest decide who is outside the category of those one can marry. Can you quickly count up to ten such persons whom you are not allowed to marry under any circumstances? If yes, you already know about incest rules. Incest refers to sexual union of near kin.

### Positive (endogamy) and negative (exogamy) rules

There are positive and negative rules of marriage to determine the unit within which one should marry and the unit within which one must not marry. The positive rules pertain to the unit of endogamy within which one can marry. In India, among the Hindus this refers by and large to one's caste or sub-caste.

The negative rules pertain to the unit of exogamy within which one must not marry. Among the higher caste Hindus, this unit is one's gotra, within which one is not allowed to marry (for the four clan rule of *gotra* exogamy see Unit 7 in Block 3 of ESO 12 of IGNOU's B A programme). Do you remember reading in the newspapers reports about marriages between persons of the same gotra? Local caste panchayats have reportedly taken action against such couples though the courts have upheld their marriages. Such cases are indicators of changes in the perceptions of people about rules of marriage. Even the unit of endogamy is no longer a universally accepted unit of positive rules of marriage. For a detailed discussion of the rules of endogamy including the rule of hypergamy and hypogamy see Unit 7 in Block 3 of ESO 12 of IGNOU's B A programme.

### Inter-caste/inter-religion/same sex marriages

You must have noticed many inter-caste and inter-religion marriages taking place in modern times. In legal terms all such marriages are valid and in social terms too they are fast gaining full recognition. As long as marriages follow the norms of heterosexual unions, society in India is culturally accepting such marriages. Indeed as mentioned before, there are yet more alternate forms of marital unions reportedly taking place in India and we have to wait and watch their fate in our socio-cultural milieu. Such unions relate to two persons of same sex deciding to live as husband and wife. It is not clear



what terms we should be using to describe such relationships. It is apparent that the current predominance of heteronormativity in marriage relationships leaves little scope for exploring different forms of relationships. One is not sure if queer or marginalised sexualities can occupy a recognisable space in the mainstream culture.

### **The case of migrant tribals**

I would also mention at this point the little mentioned situation with regard to tribal populations in India. With the erosion of the socio-cultural fabric and traditional economic structures of most tribal groups in India, we find them occupying spaces available to migrant labour. Staying back in native territories means to them the spectre of starvation and moving out in search of livelihood gives them subsistence at survival level. In the midst of this scenario, most migrant tribal women labourers continue to live with the constant fear of sexual abuse. Will it then make any sense if we were to discuss different forms of marriage traditionally found among the tribal communities of India? In this context, you can usefully look at the case-studies carried out under the auspices of the Centre for Women's Development Studies, by Banerjee 1987, Mitra 1987, and the study by Schenk-Sandbergen 1995 and by Sen 1995 on migrant tribal women.

### **Rules applicable to married adults**

Besides the above issues, we need to also consider those rules, which regulate the conduct of already married persons. The negative rules are those of adultery that restrict sexual access to those already married. You may observe the positive side of rules in polygamous and the levirate or sororate or Islamic short-term marriage (*mut'a*), whereby already married persons have sexual access to specified married persons.

### **Breaking rules of marriage**

Discussions of rules of marriage throw better light on basic structures and processes when we study them in the context of the rules being broken. For example effectiveness of caste or sub-caste endogamy can be judged only by looking at the number of inter-caste marriages and their 'sooner or later' acceptance by the kin group. In this connexion, the interface between caste and class gains relevance and the relative class status of the spouse is often a sufficient condition to render an inter-caste marriage more acceptable in due course. Further, increase in the number of so-called urban villages has made inroads into the levels of socio-cultural acceptance of the deviant behaviour of the younger generation.

In India we find the commonly listed forms of marriage such as monogamy (marriage of a man to a woman at a time), and polygamy (marriage of a man or woman to more than one spouse). The latter, that is polygamy with its two forms, namely, polygyny (marriage of a man to several women at a time) and polyandry (marriage of a woman to several men at a time) is also prevalent in different parts of the country. For a detailed account of the various forms of marriage in India see Unit 7 in Block 3 of ESO 12 of IGNOU's B A programme. In ancient texts of the Hindus we find references to eight forms of marriage (For details see unit 15 on Hindu Social Organisation in Block 4 of ESO 12 of IGNOU's B A programme). These forms refer basically to the methods by which a spouse is acquired.

Let us now take a brief look at the patterns of selecting one's spouse. Before moving on to the discussion of spouse selection, let us complete Reflection and Action 11.3 for grasping the nature of changes occurring in the patterns of marriage in India.

### Reflection and Action 11.3

Carry out a mini survey of fifty to seventy households in the area where you live. Select the households on the basis of a random sample. Visit the selected households and ask the following questions to whoever in the family is willing to answer them. Before asking the questions, note down details about the respondent, like the caste/ sub-caste, class, region, religion, mother tongue, nationality and any other factor that you may like to include.

#### Questions

How many ever-married persons live in the household?

What was the form (referring to inter-caste/ inter-religion etc) of marriage of each married person?

Based on your findings, write an essay of one thousand words on "Rules of Marriage Observed in My Area".

## 11.6 Patterns of Spouse Selection

### The phenomenon of arranged marriage

It is a general perception among all of us that most marriages in India are fixed or arranged by parents or elders on behalf of and/or with the consent of the boy or the girl involved in marriage. We give this pattern of selecting a spouse, the label of 'arranged marriage'. In contrast to marriage by self-choice, this pattern of spouse selection is deemed to be an arranged process. In popular usage a marriage by self-choice is known as 'love marriage'. You may also find in some cases both patterns of spouse selection. There seems to be some arbitrariness about the usage of the two terms. Shah (2005: 22) has made a perceptive observation about arranged marriages.

We presume that there was no choice in arranged marriages in traditional India. Of course, in a regime of child marriage a child did not have a choice. This does not, however, mean that the child's parents and other elders did not have alternatives to choose from. Conversely, in the so-called love marriages among adults in a certain section of society today choice is restricted by a number of social factors.

With the above comment in mind you can discuss the prevalence of arranged marriages in India in relation to

- i) the rules of endogamy (pertaining to caste/ sub-caste among the Hindus), which limit marriage alliance within certain groups.
- ii) the rules of exogamy which disallow marriage within *gotra* among the higher caste Hindus.
- iii) regulations about positive/ prescriptive (allowing) and negative/ proscriptive (prohibiting) rules about marriage with parallel and cross-cousins among the Hindu/ Muslim and Christian sections among speakers of Dravidian languages.
- iv) customs, which indicate a specific preference for marriage between certain types of relatives or groups, especially among the tribal groups.

All the above factors make arranged marriages the somewhat more desirable pattern of selection of spouse. For a good number of high caste Hindus, matching of horoscope (charts relating to one's birth under certain astrological calculations) constitutes an important element in the final choice of the marriage partner. With the advent of information technology tools and their easy availability, apart from astrologers matching the horoscopes of a boy and a girl, computers are used to match horoscopes. Application of information technology can be seen in the proliferation of websites dealing with matchmaking.

### **Marriage by self-choice**

In the light of raised age at marriage, prescribed by law, and easy access to information technology for finding a spouse, it is relatively easy for the concerned boy/ girl to find a spouse by self-choice. The traditionally placed restrictions on free interaction between a boy and a girl in India are now almost impossible to enforce and this is yet another factor which has given impetus to marriage by self-choice.

The measure of participation in choosing one's life partner shows variations between different groups. For example, among the Muslims, by and large, the parents, elders or *wali* (guardian) arrange a marriage (Gazetteer of India 1965: 547 and CSWI 1974: 62). But owing to forces of modernisation along with the spread of education in minority communities, self-choice in selecting one's spouse is equally prevalent in their cases too.

Blumberg and Dwarki (1980: 139) found the following patterns of spouse selection in India.

- i) Marriage by parents'/elders' choice without consulting either the boy or girl
- ii) Marriage by self-choice without consulting parents/ elders
- iii) Marriage by self-choice but with parents' consent
- iv) Marriage by parents' choice but with the consent of both the boy and the girl involved in the marriage
- v) Marriage by parents' choice but with the consent of only one of the two partners involved.

Very often, parents/ elders consult the boy and obtain his consent in the choice of spouse. Often, parents/elders do not consider it important to ask the girl whether she approves of the match. Among the urban educated classes arranged marriage with the consent of the boy and the girl appears to be the most preferred pattern. Very often the parents and sometimes the boy/ girl concerned arrange the marriage through newspaper advertisement.

## **11.7 Marriage Rituals and Status**

### **Wedding ceremonies and rites**

Marriage in India, like everywhere else in the world, entails some rites and ceremonies. Of course, variations exist in rites not only in terms of religion but also in terms of caste, sect and rural/ urban residence. For descriptions of some of the basic rites in a few communities in India see Unit 7 in Block 3 of ESO 12 of IGNOU's B A programme.

Wedding processions and feasts are generally common features of wedding celebrations of all communities in India. Their scale generally follows the socio-economic status of the families of the bride and bridegroom.

You may occasionally find certain sections or groups of people who do not have religious rites in marriage. Such marriages are referred to as customary marriages, which include quite simple practices. For example, among some groups living in the Himalayan tract, putting a ring in the bride's nose is a customary form of marriage. Customary forms of marriage are generally features of those groups, which permit and practice divorce and secondary marriages. The secondary marriage of a widow or a separated or divorced woman has a simple ceremony to indicate the renewal of her married status (CSWI 1974: 83).

The Special Marriage Act of 1954 provides for secular and civil marriage before a registrar. This Act applies to all Indian citizens who chose to make use of its provisions, irrespective of religious affiliations. Civil marriage enables persons to avoid the expense of traditional weddings. All the same, weddings are generally an expensive affair for a large majority of people. Let us examine in the next section why weddings continue to initiate a larger cycle of exchange of material and non-material aspects of status.

### **Marriage and status**

We find that in most societies, so also in India, wedding ritual and ceremonies involve both material as well as non-material transactions between the bride-giver and the bride-taker. Such transactions reflect the social structure of the concerned society. Barring some exceptions (relating mainly to matrilineal societies) you would notice that there is the transfer of the wife to her husband's family.

Besides the transfer of the wife, there are two major types of transfers of material wealth that accompany marriage. In one, wealth travels in the opposite direction of the bride and in another it travels along with the bride in the same direction. The former is identified as bride price and the latter as dowry (CSWI 1974:69). The following figure from Barnard and Good (1984: 115) shows the movement of goods in relation to women in both bridewealth and dowry.

Certain patrilineal tribes and some castes in the middle and lower rungs of the caste ladder practice the custom of brideprice. For details about variations in the form and amount of bride price, from region to region, from tribe to tribe and within a tribe from time to time see CSWI (1974: 68-72). Sharma (1980) has shown that in some parts of North India bargaining for brideprice is quite common. In some tribes, the bride's father gets the services of the groom as a form of brideprice. For instances of such 'bride-service' in other parts of the world see Barnard and Good (1984: 134-136). Mair (1971: 50) in the context of societies in Africa, and Goody (1976: 8) in a general context, hold that brideprice and bridewealth do not refer to an exchange of goods by the bride and groom. They refer to the exchange units that is the families of the bride and groom, respectively. For a somewhat long discussion of the usage of the two terms, 'brideprice' and 'bridewealth' see Barnard and Good (1984: 115-117). Goody (1973: 2 and 1976: 11) uses the term 'indirect dowry' for the transfers which involve the property passing from the groom (or other members of his family) to the bride herself. In the Indian context, we

call the same by the term *stidhanam*. Goody finds it wrong to label such prestations as brideprice. This brings us to the discussion of dowry or direct dowry.

### **Dowry**

In broad terms, dowry involves the transfer of valuable gifts from the bride's side to the groom's side. Such a transfer of wealth is perceived to confer prestige and honour to both the sides. The bride-giver gains prestige within his community by giving dowry while the bride-taker receives both wealth and prestige in his own and other communities.

In 1961, the Government of India passed the Dowry Prohibition Act. In 1984 and again in 1986, the Government amended the Act to make the law more stringent and effective. For instance, the husband and his family can be penalised for demanding dowry if his bride dies within seven years of the marriage in other than normal circumstance. There is a Dowry Prohibition Cell to look into complaints about dowry.

The legal provisions do not imply the end of marriages with dowry. Though there are progressive young people who voice their strong opinion against dowry and marry without it; there are at the same time, young, educated people who accept this practice and see no harm in it. Some get away by saying that it is their parents (whose wishes they never want to disobey) who perpetuate this practice. Demand for dowry exists among other communities, like the Muslim and Christian. Often, continuous demand for dowry even after marriage causes discord in the family, leading to divorce. Let us look at the issues of divorce and remarriage in India in the next section.

Before moving on to the next section, let us complete the Reflection and Action 11.4 for constructing our own perception of the custom of dowry in India.

#### **Reflection and Action 11.4**

As reported by the 'Hindu' of 4<sup>th</sup> May 2005 (page 15), with reference to a public interest litigation, a three-Judge Bench directed 'the Centre and the States to consider framing of rules to compel men seeking government employment to furnish information whether they had taken dowry, if so, whether the dowry had been made over to wife as contemplated under the Act. The rules could also ask such information from those already in government service'. Further, the report says, "The court asked the State Governments to give wide publicity to Sections 3 and 4 of the Rules providing for the maintenance of lists of presents or gifts to the bride and bridegroom and to appoint a sufficient number of dowry prohibition officers with independent charge in each district of the State concerned; to take steps to step up anti-dowry literacy among the people".

Find out if your own family or a family known to you, gave or took dowry at the time of a marriage in the family. In the light of your findings and the above excerpt about latest efforts to promote the anti-dowry movement, write a short note of five hundred words on "Persistence of Dowry in Our Society", highlighting the causes and consequences of taking and giving dowry.

## 11.8 Dissolution of Marriage

You read at the beginning of Unit 11 that it is not easy to define ‘marriage’ with precision, so also correspondingly it is not easy to define ‘divorce’ in clear terms, except saying that only those who marry can opt for divorce. Often, breakdown in a marriage is not a one time event. It happens in stages. We need to carefully study the circumstances under which it is possible to seek divorce and its particular mode acceptable in the context of a particular society. Mitchell (1961: 323) holds that there is general correlation between marriage stability, “genetical rights” over offspring, and the form of descent. Barnard and Good (1984: 119) conclude,

All things being equal, marriage should be stable and of long duration in patrilineal societies where such rights are vested in corporate descent groups; of medium duration and stability in unilineal societies wherein these rights are held by individuals rather than corporate groups; and of short duration and low stability in matrilineal societies where genetical rights are never transferred out with corporate groups, and in “bilateral societies” where such rights are irrelevant.

The above quotation provides us with a reasonable basis for constructing hypotheses in the context of particular societies for studying the issue of dissolution of marriage.

### a) Divorce

The possibilities and mechanisms of dissolving a marital union have varied through time, between and within communities. For details of the how, when and what of divorce in different communities in India, see Unit 7 in Block 3 of ESO-12 of IGNOU’s B A programme.

We need to make a special note of the efforts on the part of Muslim organisations in India to bring about changes in the practice of ‘triple *talaq*’ (refer to section in Unit 11 our earlier mention of a model ‘Nikah-Nama’). Sharma (2005: 15) reported in the ‘Hindu’ of 4<sup>th</sup> may 2005,

Hasina Khan of Awaz-e-Niswan, who represents one of several groups that have lobbied for a model ‘nikahnama’, told the ‘Hindu’ that the document presented by the AIMPLB was “ridiculous” and also “dangerous”. ....She said that although the model ‘nikahnama’ does advise men to avoid divorce and the practice of saying ‘talaq’ in one sitting does not rule out that it is incorrect. “There has been no basic reform,” she said.

Disturbed by the tenor of reforms in the name of a model ‘nikahnama’, Muskaan, a woman activist, according to the ‘Hindu’ of 7<sup>th</sup> May 2005, “tore the model ‘nikahnama’ drafted by the All-India Muslim Personal Law Board (AIMPLB) in Bhopal”. The debate over Muslim women’s rights has brought to the forefront the fact of women being treated as second-class citizens. The fact that AIMPLB has come out with a somewhat more flexible approach to the question of divorce shows that there is some space for negotiation and arbitration. These developments symbolise the transformation that we need to focus on while studying changing patterns of marriage in India.

Recognition of divorce leads us to the next logical step of the remarriage of a divorcee, and also of a widowed person.

## b) Remarriage

Remarriage in the case of a divorcee or a widowed person is a matter of concern in almost all sections of the Indian population. The increase in the rate of divorce has given rise in the rate of second marriage for both men and women in India.

The state of being a widow/widower is a direct outcome of the death of a married person and this necessitates an examination of the rights, restrictions and duties entailing this state for both a man and a woman. For instance, Fuller (1979: 463) has reported that Brahman widowers cannot work as temple priests. Sharma (1980: 53-54) has observed that in parts of North India, as per custom (not legally), a widow without children may not inherit property. It reverts to her husband's natal family. Existence of many negative sanctions imposed on widows may encourage them to remarry. Many groups that did not earlier allow widows to re-marry, have now given more flexibility in this matter. For detailed accounts of widow and widower remarriage see Unit 7 in Block 3 of ESO 12 of IGNOU's B.A. programme.

While summing up this section, you should consider the customary ban on remarriage of widows of higher castes among the Hindus. Those with education and relative affluence, thereby higher social status, do not observe such customs and the law of the land permits such marriages.

Remarriage brings into existence a variety of step-relationships. It is important to pay attention to the sociological aspects of such relationships. The data to collect is to be with reference to terms of referring to and terms of addressing such relatives as well as the rights to inheritance of stepsiblings. Children born and brought up in a nuclear family setting have been reported to find it a welcome extension of close relatives to socialise with. These impressions need to be explored in in-depth sociological studies.

## 11.9 Conclusion

Unit 11 focused on changing aspects of marriage in India. At the same time it discussed common and diverse features of marriage in different communities of the country. We raised the question about universality of marriage in India and pointed out the trends indicating deeper changes in the institution of marriage. In almost all aspects of marriage, namely, age at marriage, rules regulating marriage, patterns of spouse selection, wedding ceremonies and rites, issues of status and dissolution of marriage and occurrence of remarriage, we concentrated on the nature of changes taking place in the context of marriage in India.

## 11.10 Further Reading

Uberoi, Patricia 1993. *Family, Kinship and Marriage in India*. Oxford University Press: New Delhi.

Jain, Shobhita 1996. *Bharat mein Parivar, Vivah aur Natedari*. Rawat Publications: Jaipur (chapters two to seven dealing with marriage and its changing patterns in North, North-east and South India).