

Marriage Customs Among Muslims in India

A Sociological Study of
Shia Marriage Customs

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SHEIKH ABRAR HUSAIN

India is the third biggest country in the world in respect of Muslim population and consequently of Shia Muslims who are one of the two major sects within the folds of Islam, the other being Sunnis.

Although the religious fundamentals of marriage are the same throughout the Shia world, there is a marked variation in the institution of marriage among Indian Shias so far as customs and ceremonies are concerned due to the impact of Hindu culture. The Hindu influence has brought into existence a unique Indian Shia culture, totally different from its counterparts in other Islamic countries.

This comprehensive study portrays the fusion of the two great cultures which paves the way for emotional integration.

This is the first scientific study on Islam in India in the light of the institution of marriage. It also deals with the *Mutta*-marriages—the unique institution among Shias—the social, religious, economic and cultural aspects of the Shia community and the origin and development of Shiaism in India.

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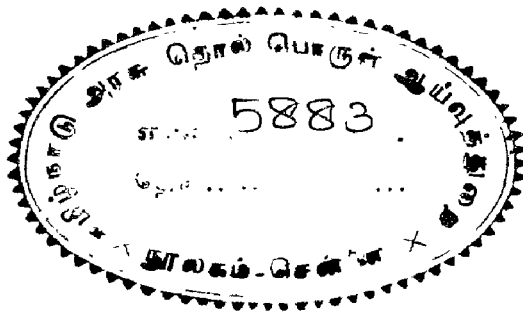
MARRIAGE CUSTOMS AMONG MUSLIMS IN INDIA

(A Sociological Study of the Shia Marriage Customs)

Sheikh Abrar Husain



STERLING PUBLISHERS PVT, LTD.



Marriage Customs among Muslims in India

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Published by S.K. Ghai, Managing Director, Sterling Publishers
(P) Ltd., AB/9, Safdarjang Enclave, New Delhi-110016

Printed at Delite Press, Delhi.

Dedicated to the memory of the late

Dr. B.S. Haikerwal

For his untiring efforts to develop new horizons in Social Sciences and who had ever been a constant source of inspiration to me in all my undertakings.

FOREWORD

The institution of marriage and family has always excited the intellectual curiosity of sociologists, social anthropologists and other social scientists. Sociology in the Indian universities has developed on the Western modes of thought. It was at the undergraduate level that attempts were made to study Indian social institutions. In order to train the young minds, getting ready for the different professions, it is essential that materials pertaining to the Indian social institutions are obtained from the diverse regions of this vast sub-continent to appraise them in their proper perspective. It is the bounden duty of senior researchers having a flare for the field to collect empirical data with a view to present Indian sociological situation to the diverse fields of the social sciences.

Among all topics for research, marriage and family in India deserves the topmost priority for a basic understanding of this primary unit of the Indian society which alone can be a proper nucleus for social exploration in other associations and social institutions.

I have viewed the valuable dissertation "Marriage Customs of the Shia Muslims in Uttar Pradesh", ably presented by Dr. Sheikh Abrar Husain, in the light of the observations made above. First-hand materials in the social field in India are difficult to obtain due to the limited resources of the researchers, vast area to be explored, great physical efforts in collecting empirical data and, at times, great disappointments and frustrations both in the academic and the social fields.

Dr. Sheikh Abrar Husain has steered through these troubled waters with keen perception, erudition and a burning desire to explore the institution of marriage among the Shias of Uttar Pradesh.

Although the religious fundamentals of Shia marriage are uniform all over the world yet Dr. Husain has been able to bring to the fore the impact of Hindu culture on the customs and ceremonies of Shia marriage in Uttar Pradesh.

His research methodology has been scientifically construed. The data collected are scientifically valid, his interpretations, analysis and conclusions are extremely clear and logical.

I am happy that the efforts of Dr. Husain have amply been rewarded by this publication. This pioneering study in respect of an important phase of Indian marriage which has so ably been explored and presented by him is now available for the perusal of the social scientific world both in the East and the West.

Sushil Chandra

PREFACE

The present book is the revised version of the dissertation on Shia marriage customs in Uttar Pradesh for which the University of Lucknow has awarded doctorate.

It is a painful fact that whatever has been written on Indian Muslims, no matter how meagre it is, is related to Sunni Muslims, to a great extent. As a result one of the most important sects of Islam *viz.*, Shias, remained hidden under the thick wall of apathy and indifference. Only Hollister (1953), a Christian missionary, cared to write a little book on the Shias. Another fact which deserves attention is that there is not even a single book on the institution of marriage among the Indian Muslims. It also implies that despite the over-emphasis on the study of Sunni Muslims many facts of this sect too, remain untouched and unexplored.

After the advent of Muslims in India, both Hindus and Muslims have been influenced reciprocally. The present book is an attempt to acquaint the readers with three important aspects of Shia Muslims, i.e., religious, legal and social with reference to the important findings about the influence of Hindu customs on Muslim marriage, especially on Shias.

According to Prof. Hitti (1951) Shias constitute about 15% of the entire Muslims of the globe. Unfortunately, we do not have any accurate figure of the population of Shias residing in India due to their non-inclusion in the decennial censuses taken in India after 1931 onwards. But according to the previous figures and the information obtained from Shia agencies, there are about 20% Shias among the entire Muslim population in India and the main concentration being in Uttar Pradesh. According to many Shia organisations the majority of the Indian Shias inhabit Uttar Pradesh, and Lucknow, alone contains about one lakh Shias.

The data for this study have primarily been collected through interviews with 500 respondents belonging to the Shia community of Lucknow, Allahabad, Jaunpur, Faizabad and Meerut. Secondary data have been collected from sacred authentic books of Shias, standard works on Mohammadan Law, the Holy Quran and authentic *Ahadith* have also been consulted.

I am deeply indebted to late Prof. B.S. Haikerwal, Professor of Criminology and Penalogy, Kashi Vidyapith, Varanasi, without whose inspiration and guidance the work would not have been completed.

My heart-felt thanks are due to my teacher Prof. Sushil Chandra, Retd. Professor of Sociology and formerly Director, J.K. Institute of Sociology and Human Relations, Lucknow University, Lucknow, who has very kindly written a foreword to this book.

I am grateful to my illustrious teacher Prof. S.P. Nagendra, Head of the Department of Sociology, University of Gorakhpur under whose supervision I had originally started the work.

I express my heart-felt gratitude to Prof. Syed Zafar Hasan, Professor in the Department of Sociology and Social Work, Lucknow University (now Professor of Social Work, at the University of Kentucky, Lexington, USA.) who acted as my supervisor and guided me at every step of my work.

Sincere thanks are also due to Mr. Syed Ali Zaheer, Bar-at-Law and Ex-Union and State Minister, Mr. Syed Muzaffar Husain Tahir Jarwali, a prominent religious leader of Shia community and Mr. S.M. Ammar Rizvi, Education Minister of U.P. for their sincere help and inspiration in the present work. It will be a formality to thank my colleagues Mr. O.B.S. Choubey, Mr. S.M. Baqar, Mr. Shaheed Safipuri and Mr. Nadeemul Hasnain who have always been present during the crucial moments of this work—from the preparation of the manuscript to its transformation into a book.

I am also much indebted to my respondents who yielded very useful and relevant data during the field work.

The publication has been financially supported by the ICSSR, but the responsibility for the facts stated, opinions expressed, or conclusions reached, is entirely mine and that the ICSSR accepts no responsibility for them.

Sheikh Abrar Husain

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Rise of Shiaism

Before taking up a sociological study of any community it is essential to describe briefly its origin and history to get insight into its traditions and cultural ethos. In the following pages an attempt is being made in this direction.

ORIGIN AND GROWTH OF SHIAISM

“The Shiite sect is one of the two major groups in the ranks of Islamic society. In the early days of the Islamic Caliphate the Omayyid and Abbaside periods, when the officially favoured sect—Sunnite—was engaged in power politics, the Shiites took up the cause of knowledge and despite heavy odds, laid deep foundations of Islamic thought.”¹

The term ‘Shia’ means all those who support the claim of Hazrat Ali, as the first and rightful successor to Prophet Mohammad. They consider ‘Ali’ the successor of Prophet Mohammad in temporal and spiritual matters. They hold unequivocal faith that Hazrat Ali was the rightful Imam

1. Hasan, Ameen, *Islamic Shiite Encyclopaedia*, Vol. I. p. 9 Beirut, 1968.

and Caliph of the Muslim community and thus the right of succession was vested in 'Ali' the first cousin of Prophet Mohammad and his lineal descendants through Hazrat Ali's wife, Janab-e-Fatima, the daughter of the Holy Prophet.

According to Al-Azhari, the word Shia denotes a group of people who claim devotion and love for the *Ahl-e-Bait* (family of the Prophet). Ibne Hazm, the noted scholar and historian, has defined a Shia as follows :

"He who agrees with the Shiites that Hazrat Ali is the most excellent of men after the Holy Prophet, and that he and his descendants after him are worthier of the Imamatus than the Shiites."²

The Shias believe that 'Allah' and His Prophet had clearly designated Hazrat Ali as the only legitimate successor and have continued, all the fourteen hundred years, to preserve, uninfluenced by political and dynastic considerations, the teachings and directions of the Holy Prophet in their original and purest form through his descendants, the twelve Imams.

According to a holy verse, the Holy Prophet was asked to declare, "I do not ask any compensation (or monetary presentation) for it (i.e., services as a Prophet) but only the love of my progeny."³

Shiaism is nothing but Islam in original; it is then the very same faith that the Holy Prophet preached and propagated. According to Shias, Imam is adhered to by them in its original purity and they abide by the dictates of the Holy Prophet without adding or subtracting any thing in the tenets of their religion. A study of the principles of Shiaism will tend to reveal the very principles that are in the life blood of Islam.

According to the precepts of Islamic faith, it is the religion of the universe and that only this religion will prevail in the end. It has come to help mankind achieve its fuller self, to lead a life of righteousness and humanity and to dedicate oneself to the service of God and mankind to attain *Jannat*

2. Quoted by Hollister, J.N., *Shias of India*, p. 13, London, 1953.

3. Holy Quran, Para 25, Surah 42, Verse 23.

(eternal salvation.) The conception of God in Islam is not restricted to a particular community, but to the entire universe. He is the absolute monarch of the whole universe.

Muslims believe that Prophets sent on this earth by God, numbering 1,24,000, came to guide the particular communities for whom they were sent, and the Holy Prophet Mohammad, the last of the Prophets, was sent to guide the whole human race.

Islam holds that the Holy Quran is the word of God. It is not a book written by any mortal but contains the code of Islam revealed by the Almighty to the Holy Prophet through Angel Gabriel. It also holds that before the Quran there were other revealed books viz. Tauret, Zuboor and the Bible, etc., which were sent by God on the earth, but that the Quran is the last and final.

The above three basic tenets i.e. all-pervading and all-powerful God, the Holy Prophet Mohammad, and the Holy Quran, are common to all Muslims and whoever denies any of the three is not a Muslim. A non-Muslim not conversant with the history of Islam would feel curious to know why Islam, preached by Prophet Mohammad as one religion, stands bifurcated in two major sects, 'Sunnis' and 'Shias'. He may also question the justification for giving the name 'Shiaism' to the sect which claims to be the original Islam. The former question will be dealt with later in detail, but the answer to the latter can be given in a single sentence—that the title 'Shia' was given by the Holy Prophet to his three faithful companions Salman, Miqdad and Abuzar, who were faithful to Hazrat Ali and to his family.

The same title was thereafter adopted by all those true Muslims who remained faithful and are still faithful to the *Ahl-e-Bait* and acting according to the principles of Islam, attach no importance to anything else, but adherence to the path of righteousness and humanity shown by the Holy Prophet and his descendants, the 12 Holy Imams.

It would not be out of place to mention the last exhortation of Prophet Mohammad to his faithful adherents, which is universally acknowledged :

“I leave behind me amidst you the Two great things, the BOOK OF GOD (the Holy Quran) and my ‘ITRAT, MY AHL-E-BAIT’. (The members of the Holy family, Fatima, her husband Ali, and her issues) should ye be attached to these TWO never, shall ye be misled, after me, for verily these Two will never be separated from one another until they meet me at the SPRING (the Spring of Kauther).”⁴

Thus the above apostolic instruction from the Holy Prophet enjoins on every true Muslims to abide by the Holy Quran and *Ahl-e-Bait* and to no one else. Now a brief history of Islam, after the death of the Holy Prophet Mohammad will set at rest the first curiosity of the non-Muslims about the bifurcation.

DIFFERENCE BETWEEN SHIA AND SUNNI VIEWS

Immediately after the departure of the Prophet Mohammad to his heavenly abode, the fight between the followers of Islam started on the question of succession. Sunnis recognize Hazrat Abu-bakar as the first Caliph, who is said to have been elected to this office by the people after the Holy Prophet. Shias, on the other hand, hold the view and still conform to it, that the successor to the Holy Prophet should be one like him, divinely appointed, free from sins and without any blemish or fallibility. He should be able to interpret the Quranic Law correctly and give sound opinions on questions connected with religion and that such a man after the Prophet's death was only Hazrat Ali. He was according to them, the only right person to explain the meaning of the Quran and the teachings of Islam. They further hold that a Prophet or his successor could be appointed only by God through the Prophet by revelation. A verse of the Holy Quran lays down that “on the very eve of Adam's creation, God declared the appointment of a divine successor or Caliph as His Prerogative”. “Verily I am going to establish my Caliphate on earth.”⁵ Therefore, Shias hold that the appointment of Caliphs vests in God and not in the people.

4. Mir Ahmad Ali, *Husain the King of Martyrs*, p. 216, Karachi 1964.

5. Holy Quran, Para 1; Surah 2, Verse 30.

There are also differences regarding the applicability of different sources of law between the two major sects of Islam. So far as the Holy Quran is concerned, it is treated as the original and supreme source of law by both, but, there is a difference in the principles of the exegesis *tafsir* of the Quran. Shias reject all such traditions *Ahadiths* which have not been received from the Holy Prophet, members of his family and his reliable companions, and which are not in conformity with the contents of the Holy Quran, while Sunnis accept all the traditions coming down from other sources as well.

The Sunnis accept *Ijma-ul-Ummat* (the law laid down by general concurrence of the leading disciples of the Prophet, particularly of the first four Caliphs) while Shias reject *Ijma* as such, unless it corresponds to the views of the real successor of the Prophet according to their belief. The Sunni schools give great scope for *Qiyas* (conjecture) while it has no place in Shia jurisprudence.

According to the Shias, the Imam is the sole legitimate head of the Muslim Community, divinely designated for this supreme office. He is a lineal descendant of Prophet Mohammad through his daughter Hazrat Fatima and son-in-law Hazrat Ali. With Shias the *Imamat* is a pillar of Religion and is as important as the Holy Quran. The Sunnis recognise the Imams but do not accord them the same status as given by the Shias.

The main tenets of the Shia faith are summed up as follows :—

1. With all his divine attributes, God is an absolute unity. God is just. Every word and act of the lord being based on nothing but perfect justice.
2. Adam was the First Prophet of God and Holy Prophet Mohammad, the Last.
3. Holy Quran is the book of God revealed to Prophet Mohammad through Gabriel.
4. To guide mankind and to enable them to adhere to the path of virtue, God, the all-merciful, instituted a series of Godly souls—His own commissioned twelve Imams after the death of His last Prophet.

5. *Qyamat* (Doomsday)—The Day of judgement.

The 18th *Zil Hijja* (Islamic calendar month) is observed as a day of rejoicing by the Shias and is called *Ide-Gadir*. It was on that day that after his return from his last pilgrimage to the Holy shrine of 'Kaba', Prophet Mohammad by Divine order at the place known as Ghadir Khum, designated Ali as his successor and ordered a general oath of fidelity on his (Ali's) hand. For the Shias this served as a proof that Ali was to be the Holy Prophet's successor, his *Wasi* or executive, the first Imam. "Notably on the occasion of the return journey from the performance of the Farewell Pilgrimage during a halt at a place called Khum, he had convoked an assembly of the people accompanying him, and used words which could leave little doubt as to his intention regarding a successor. 'Ali', said he, is to me what Aaron was to Moses. Almighty God! be a friend to his friends and a foe to his foes, help those who help him, and frustrate the hopes of those who betray him."⁶

Thus, according to Shias, those who denied Hazrat Ali of his rightful claim to be the divinely appointed immediate successor of Prophet Mohammad were politically motivated and acted against the directions given by the Prophet. As Islam enjoins adherence to the dictates of the Prophet and Shias do abide by it, they claim to be the followers of the original Islam.

Growth of Shiaism

The object of this study is not to criticize other sects of Islam in any way whatsoever, but as it is directly connected with the Shias it is necessary to give a brief history of the growth of Shiaism from a Shiite point of view.

After the death of Prophet Mohammad, Hazrat Abu-bakar was elected the Caliph by a handful of supporters and was later on accepted by the majority of the Muslims. Hazrat Abu-bakar, the first Caliph, died in A.H. 12. He nominated his successor, Hazrat Umar, who did not name a successor but appointed a council of six persons to elect the Caliph from amongst themselves. In this council Hazrat Ali was also a member. After the death of Hazrat Umar the Caliphate was offered to him with the

6. Ali Ameer Syed, *Spirit of Islam*, p, 293, Christophers, London, 1922.

condition that he would have to act according to the procedure of his two predecessors, the laws of the Holy Quran and the teachings of the Holy Prophet. Hazrat Ali refused to accept the first condition. Then, 'Hazrat Usman', who accepted the conditions, was appointed third Caliph of the Islamic world, but was assassinated in A.H. 35. After the end of the third Caliph, Hazrat Ali being considered to be the fittest, was unanimously requested to take temporal rule as well. Hazrat Ali, who was already continuing in the rightful capacity of the Holy Prophet's successor, at first refused this temporal honour, but on the insistence of the people and realizing that there was no one else to work at the helm of the affairs, agreed to the request and accepted the office of the Caliphate.

Rise of Shiaism

During the days of the Holy Prophet the term Shia did not connote a separate sect. It was at first used as a title of distinction for three distinguished persons, namely, Salman, Miqdad and Abuzar, for the implicit faith and devotion that they had for Hazrat Ali.

After the Holy Prophet's death, there were Muslims who yielded to their lust for political power and social supremacy and there were Muslims, on the other hand, who stuck to the declaration made by the Holy Prophet at Ghadir Khum to acknowledge Ali as the divinely appointed successor after him. Their firm adherence to the above three led a number of Muslims to follow their lead. Among these were twelve men who made impressive speeches in the Prophet's mosque on Friday after the Prophet's death in support of Hazrat Ali establishing the reasonableness of the cause and laying bare the strategy of those who, governed by their vested interests, had formed a government. Among these twelve were Ammar-bin-Yasir, Ubay-bin-Kab, Khuzaimah-bin-Sabit, Khalid-bin-Said, Abu-Ayub Ansari and others.

Three things helped in the propagation of Shiaism during this period. The first was the time factor, that is, with the passage of time more and more people adhered to the preachings of the early advocates of this sect. The second was the erudition, deliberation and exchange of views among the devout

Shias, and the third factor was the maladministration and abuse of power by the rulers. During the Caliphate of Hazrat Ali, Shias almost assumed the form of a sect and those who joined him against the Umayyids were known as Shias of Ali. More and more people came under the Shia fold inspired by the character, teachings and the noble action of Hazrat Ali.

Mohd-bin-Abubakar and Malik-i-Ashtar preached and propagated Shiaism in Egypt. The people of Yemen were already great admirers of Hazrat Ali, having embraced Islam through his peaceful teaching. During the third Caliphate of Islam, Abu Zar-i-Gaffari had toured the provinces of Syria and had sown there the seed of Shiaism.

After the martyrdom of Hazrat Ali and after the treaty enacted between Muaviah, the Syrian monarch, and Imam Hasan, the Syrian Government of Muaviah became all-powerful. The peace-loving Imam Hasan was poisoned by enemies and the Shias were subjected to untold brutality and torture. Thousands of Shias were massacred and such conditions continued till 60 A.H., but in 61 A.H. the tragedy of Karbala showed the world that Shias were supreme in moral courage and the true followers of Islam. During the reign of Muaviah and Yazid no one had permission to talk of the virtues of Holy Prophet's family, but the tragedy gave such an impetus that under the leadership of Suleman-bin-surd-i-Khuzai, Amir Mukhtar and Ibrahim-bin-Malik Ashtar, thousands of Shias came forward to avenge the murder of the Holy Prophet's grandson Imam Husain and his 72 companions. With the help of Abbasides they overthrew the Ummayid empire.

The Abbasides, after having secured the rule, broke their covenant and turned hostile to the descendants of Hazrat Ali. They surpassed the Ummayids in their tyranny over the Shias. Of course, the interval between the downfall of the Ummayid rule and the establishment of the Abbasides had provided the Shias a somewhat peaceful time. During the Imamate of Imam Mohammad-i-Baqar and Imam Jafar-i-Sadiq they got opportunities for promulgating the teachings of the Holy Prophet and preserving and collecting Shia religious literature (traditions). During this period religious discussions were fearlessly held. But after 150 A.H. the atrocities of the Abbasides knew no

bounds and Shia Scholars could not even utter the name of the Imam of the time, Imam Musa Kazim.

Abbasi Caliph Mamun-al-Rashid, however, goaded by political considerations, gave his sister in marriage to Imam Raza and nominated him as heir apparent. Imam Raza accepted this offer after imposing certain conditions. This again provided an opportunity for the Shias to rise once again.

The Shias had by now spread all over and had taken a firm foothold and there was no fear of their extinction. The imprisonment of Imam Musa-Kazim and Imam Mohammad Taqi in Baghdad and Imam Ali Naqi and Imam Hasan Askari in Sammarah greatly helped the rise of Shiaism in Iraq.

The fall of the Abbaside government was a great victory for Shias. The Tartars, who wrested the kingship out of their hands, were so much impressed by the teachings of the Shias that one of their kings, Sultan Khudabanda, a descendant of Halaku, embraced Shiaism.

The Imams

According to the Shia faith, Hazrat Ali succeeded the Holy Prophet without a break and was thus the first Imam. Hazrat Ali was born within the holy precincts of the Kaba. (600 A.D.) a privilege that no one else has enjoyed since the day of its foundation. The first object his eyes fell on was the face of the Holy Prophet. His first wash after his birth was given by Prophet Mohammad with a prediction that the babe would give him his last wash. The babe was nourished with the moisture of Prophet Mohammad's tongue which he kept sucking after his birth. When he grew up he used to share meals with the Prophet and was brought up under his personal care, imbibing his high ethics and morals. These two cousins were so fond of each other that they always lived together till death parted them. He was the first amongst the followers of the Holy Prophet to express belief in his Prophethood and was affable, pious and valiant; he was austere even with his own kinsmen and showed no undue favour to anyone. He wanted the governors and collectors to be impartial in their dealings with the public. Hazrat Ali had a very good character and was devoted to meditation, justice and public service,

leading a plain life himself. He wore the cheapest and the plainest of clothes, preferring better stuff for his slaves and was a prototype of the Holy Prophet in dealings as well as in actions. He was not only a great orator and writer but also the deepest thinker with knowledge of every subject. His sermons, lectures, mandates and letters dealt with politics, civics, human behaviour, philosophy and other deep and extensive topics. He wanted to establish the kingdom of God on earth based on justice and equality. Thus, Hazrat Ali amongst the Shias is an outstanding personality.

In chivalry and strength he was outstanding. He had a *Zulfiqar* (divinely blessed sword) with which he performed tremendous feats of valour, killing many more than other warriors in all the battles fought during the life of the Holy Prophet. After a brief span of only four years as Caliph, Hazrat Ali was seriously wounded by an assassin while offering morning prayers in the mosque at Kofa. He died on the third day i.e. on 21 Ramzan in A.H. 40.

Al-Hasan (The second Imam) : He was the eldest son of Hazrat Ali and was reputed for his tolerance and peaceful nature. Imam Hasan was poisoned in A.H. 49 and was buried at Madina.

Al-Hussain (The third Imam) : He was the second son of Hazrat Ali. He was martyred alongwith his family members and followers numbering 72 in the desert of Karbala in A.H. 61.

Ali Zainul Abidin (The fourth Imam) : He was the son of Imam Hussain and is remembered for his deep religious nature. He was poisoned by the Ommayid Caliph, Walid-bin-Abdul Malik.

Mohammad Al-Baqar (The fifth Imam) : He was the son of Imam Zainul Abidin and is rated as one of the two great authoritative sources of Shiite law. He was poisoned by Ommayid Caliph Hisham-bin-Abdul Malik.

Jafar Al-Sadiq (The Sixth Imam) : He was the son of Imam Mohammad Baqar. Shiite records speak of Jafar's unlimited knowledge in every field. He was poisoned by Abbasi Caliph Mansoor.

Musa-Al-Kazim (The seventh Imam) : He was the son of

Imam Jafar Sadiq. His sufferings and his pure exalted character endeared him to all classes of people. For almost the whole of his life he was kept in prison where he spent his time in worship and meditation. He was poisoned by Abbasi Caliph Harun-Al-Rashid.

Ali-Al-Raza (The eighth Imam) : He was the son of Imam Musa Kazim and was specially famous for his philosophical thoughts and logical reasoning. He was poisoned by Abbasi Caliph Mamumun-al-Rashid.

Mohammad-Al-Taqi (The ninth Imam) : He was the son of Imam Ali-Al-Raza. Imam Mohammad Taqi was best known by the titles of *Al-Taqi* and *Al-Jawad* which refer to his piety and generosity respectively. He was poisoned by Abbasi Caliph Motasim.

Ali-Al-Naqi (The tenth Imam) : He was the son of Imam Mohammad Taqi and was a pious and modest man. He was also poisoned by Abbasi Caliph Motaz.

Hasan-Al-Askari (The eleventh Imam) : He was the son of Imam Ali-Al-Naqi. He is also known by the titles of *Al-Khalis*, the pure and *Al-Zaki*, the righteous. He was also poisoned by Abbasi Caliph, Motamad.

Mahdi-Al-Muntazar (The 12th Imam) : He was the son of Imam Al-Askari. After the death of his father, Imam Mahdi entered into *Ghaibat* (concealment). Not only is Imam Mahdi alive, but his followers also have firm faith that he will appear at the opportune moment. The titles *Al-Muntazar*, the expected, and *Al-Qaim*, the continuing, have been ascribed to him and unequivocal belief in his return is an essential part of Shiaism.

The Tragedy of Karbala

After the martyrdom of Hazrat Ali the tragedy of Karbala played the greatest role in the growth of Shiaism. It was in the year A.H. 61 that Hazrat Imam Hussain was brutally massacred together with his seventy-two companions by those who professed Islam at the behest of Yazid, the then Muslim Caliph. Even a babe of six months was not spared. The ladies of the Prophet's family were looted in broad daylight. This heinous act has no parallel in the history of Islam and there is hardly any greater tragedy in human history to stir the emotions

of mankind. The tragedy of Karbala was so shocking that it shook the whole Islamic world. Its wide human significance has since then increasingly captivated the hearts of humanity irrespective of caste and creed. The tragedy of Karbala is the basis of the Moharram mourning celebrations throughout the world. In Karbala, Imam Hussain had to undergo, alongwith his helpers and friends, the worst possible cruelties and killings. Water was denied to them, women and children were tortured, their bodies trampled and their heads taken out on the points of the spears. Thus the tragedy of Karbala was such a heart-rending and sad incident that it can be a guide and a lesson of humanitarianism and righteousness. It paves the way for justice, truth and moral values.

In fact, true Islam spread in the world not by the sword of steel but by the sword of Islamic etiquette preached and practised by Mohammad and his Holy Deputies, the Imams, the first of whom was Hazrat Ali.

Shia States

The aim of mentioning the names of Shiite States is to give a general historical idea of Shias as rulers. The Shia States had ever concentrated themselves towards propagation of knowledge, advancement of literature and propagation of faith through peaceful means and thus contributed immensely in the development of Shiaism in various parts of the world.

1. The Idrisides of Morocco and Algeria in the 9th and 10th Centuries A.D.
2. The Buwaihides of Iran and Iraq in the middle of the 10th Century A.D.
3. The Hamdanies of Alepoo (Lebanon) in the 10th Century A.D.
4. The Banu Madras of Alepoo (Lebanon) in the 11th Century A.D.
5. The Bannu Ammar of Tripoli (Lebanon) in the last quarter of the 11th Century A.D.
6. The Fatimides of Egypt in the 10th, 11th and 12th Century A.D.

According to Syed Ameer Ali, "Besides the Bani-Fatima of Egypt, other branches of Fatimides have ruled under the

different denominations of Ameer, Imam, Sharif, and Caliph in different parts of the Musalman world, such as the Bani-Ukhaydur, the Bani-Musa, the Bani-Kitadah at Mecca, the Taba-Tabai in Northern Yemen the Bani-Ziyad in Southern Yemen, and the Bani-Idris in Morocco.”⁷

“Shiaism continued expanding and contracting, increasing and decreasing, rising and falling depending upon persecutions and tyrannical attitudes of different governments, so much so that their total number in the world today comes up to a quarter of the total population.”⁸ At present they are found in Iran, Iraq, Kuwait, Bahrain, Saudi Arabia, Masqat, Oman, England, America, Soviet Union, Syria, Lebanon, India, Sri Lanka, Burma, Tibet, Singapore, West Africa, Somaliland, Albania, Turkey, Higaz, Yemen, etc. Shias are more or less scattered all over the world.

Shias in Iran

With the Arab conquest, Persia (Iran) became a Muslim country. The marriage of Imam Hussain with Shahar Banu, the daughter of Yazdgurd, the king of Iran, brought the Iranians closer to the Arabs and paved the way for the propagation of Shiaism in Iran. At the advent of Islam in Iran most of the Iranians were Sunnis, but the period of Imam Raza, the 8th Imam of Shias, enormously contributed to the growth of Shiaism in Iran which later on became the state religion. Today 95% of Iranians are Muslims of the Shia sect and number over 30 million. Iran is inseparably connected with the expansion of Shiaism in India as most of the Shia preachers and men of importance who introduced the faith in the country hailed from Iran. The evolution of Indo-Iranian culture is a landmark in Indian History.

DEVELOPMENT OF SHIASM IN INDIA

Arrival of Shias in India : The Muslim invaders of India were all non-Shias and so were the emperors who ruled the country. Nevertheless, Shia influence from Persia started

7. Ali, Amir, *Spirit of Islam*, p 314, Christopher, London, 1922.

8. Hasan-al-Ameen, *Islamic Shiite Encyclopaedia*, Volume 1, p. 42, Beirut 1968.

specially from the time of the reconquest of India by Humayun with the help of Persian forces. Thence forward Shias gained access to India and established themselves at different places.

The armies of the Muslim emperors during the early period were largely recruited from Mongolia, Turkey and Persia and in this way a large number of Shias also found their way to India as soldiers. Another means of introduction and spread of the Shia faith in India was the political shelter which the rulers of this country extended to those Shias who were banished or had run away for the protection of their lives from their own land to [India. Thousands of Shias came to India as missionaries also and worked zealously for the propagation of their faith.

Thus, the coming of Shias into India was by way of steady infiltration and not according to any deliberate planning or invasion. They came to India individually or in groups and their peaceful penetration bore ample fruit. Early historical records reveal that the seeds of Shiaism were sown in India during the Caliphate of Hazrat Ali.⁹ In that period Shiaism spread to the neighbouring states of India. "In the middle of the 8th Century A.D. a renowned Shia Syed, named Jafar-ul-Mulk came to India and settled in Multan. Later on he became the independent ruler of Multan."¹⁰ Impressed by his creed and humane character a large number of persons embraced Shiaism. "Some of the learned Sindhi Shia personages were disciples of Imam Jafar-i-Sadiq. Prominent among them were Faraj Sindhi, Khalad Sindhi and Aban Sindhi."¹¹ According to the historian Al-Maq-Sadi, Shiaism was at its very zenith in the northern part of India, specially in Sindh and Punjab, during the last stages of the 9th and beginning of the 10th Century A.D. In the tenth Century A.D. another noteworthy Shia preacher who came to India was Mulla Mohammad Ali, whose tomb is at Cambay in Gujarat. He is also known as Peer Parwaz. He converted many local

9. Quoted from Hansavi, Sibtul Hasan, Tazkere Majeed, p. 23, Agra, 1963.

10. Ibid., p. 24.

11. Ibid., p. 27.

Hindu businessmen to Shiaism (the Bohra Community of Western India).¹²

In the 16th Century A.D. Mir Shehdad and Syed Raju, Shia preachers, spread the Shia religion in and around Multan, Punjab and Sindh.¹³

Growth of Shiaism in Deccan, Kashmir, Jaunpur, Delhi, Agra and Oudh.

By the end of the 14th Century A.D. Shias gained such strength that they established their independent kingdoms in Deccan, Jaunpur and later on at other places.

Behmani Kingdom (1347 A.D.-1527 A.D.) : The Behmani kingdom in the Deccan was founded by Allauddin Behman Shah. The early rulers were Sunni by faith but the later ones embraced Shiaism. Ahmad Shah I was the first Shia independent monarch to rule in the South. There was a chain of Shia rulers after him, the most important of them being Allauddin II in Nizam Shah (Mohammad III). Farishta, the noted historian, writes that "Allauddin II was a zealous champion of Islam and was benevolent towards the followers of his own faith."¹⁴ The two able Shia wazirs of Allauddin were Khawaja Jahan and Khawaja Mahmood Gawan. Allauddin died in 1457 and was succeeded by Mahmood III (1463 A.D.), who was the last king of the dynasty. The Shia rulers of this dynasty were earnestly devoted to their faith and took great pains in the growth and development of Shiaism in South India. Five separate Sultanats arose in the Deccan after the downfall of the Behmani Kingdom. A brief account of the Shia Kingdoms is given below.

Adilshahi Dynasty of Bijapur (1490-1686 A.D.) : Yusuf Adil Khan, a Behmani Governor of Bijapur, asserted his independence in 1490 A.D. "He was not a bigot; religion was no bar to securing offices in his Government, and he had a preference for the Shia creed, probably due to his sojourn in

12. Ibid., p. 27.

13. Ibid., p. 28.

14. Majumdar, Chaudhry and Datta, *An Advanced History of India*, p. 354, Macmillan Students, New York, 1967.

Persia.”¹⁵ Several eminent Shia scholars, orators, religious leaders and poets were present in his court. Ahmad Adil Shah, another king of this dynasty, is a noteworthy personality in the history of the growth of Shiaism in the Deccan.

Nizam Shahi Dynasty of Ahmadnagar (1490-1633 A.D.) : The founder of the Nizam Shahi Dynasty was Malik Ahmad, a Sunni by faith. After his death he was succeeded by his son Burham Nizam Shah who openly professed the Shia faith. He ruled for 45 years and was one of the most powerful rulers of this dynasty.

Qutub Shahi Dynasty of Golconda (1512-1687 A.D.) : The founder of this Dynasty was a Turk, Quli Qutub Shah, who started his career as an officer in the Behmani Kingdom and declared his independence in 1512 A.D. The other important rulers of this dynasty were Ibrahim Qutub Shah, Mohammad Quli Qutub Shah, and Abdullah Qutub Shah, who were all ardent Shias and did their best to propagate Shiaism. They were enlightened and free from fanaticism and hence equal opportunities were offered to Hindus in the administration of the State. Not only Shias but Hindus too observed *Azadari* and were munificently helped by the State.

Shias in Hyderabad : After the downfall of the Shia Dynasties in the Deccan their wazirs, chieftains and other dignitaries came to the court of the Nizams. Most of these noblemen and distinguished personalities had come to the Deccan from Iran during the rule of the various Shia Dynasties. One of the most important Shia families that had been taking great interest in the development of the faith and welfare of the community is the Salar Jung family. The most important Shia personalities of this family were Sherjung Ghyur Jung, Kulikhan, Salarjung Mir Alam, Munirul Mulk, Sirajul Mulk, Salar Jung I, Salar Jung II and Salar Jung III. The last three members of this family served as Prime Ministers of Hyderabad in succession.

Sir Yusuf Ali Khan Salar Jung III, an illustrious member of this family, was a patron of art and learning. His love of

15. Ibid., p. 358.

art took him to every corner of the globe. He owned the largest collection of art in India known as the Salar Jung Museum, the most precious and beautiful of one-man collections in the world.

The distinguished Shia personalities of Hyderabad of this century who are noted for their outstanding services to their religion and achievements in various spheres of national life are Sir Mirza Mohd. Ismail, Sir Aqeel Jung, Sir Akbar Haidri, Nawab Imadul-Mulk, Nawab Turab Yar Jung, Nawab Moin Yawar Jung, Mukarramudaula, Nawab Inayet Jung, Nawab Kamal Yar Jung, Sir Mehdi Yar Jung, Nawab Shaheed Yar Jung, Dr. Haider Ali Khan, Nawab Zain Yar Jung, Nawab Mehdi Nawaz Jung, Nawab Askar Nawaz Jung, Nawab Ali Yawar Jung, Husain Ali Khan, Masooma Begum, Prof. Abid Ali, Dr. Jafar Hussain, Prof. Husan Askari, Nawab Abbas Yar Jung, Dr. Mehndi Hasan Jafri, Syed Ahmad Agha, Nawab Kazim Nawaj Jung and many others.

Shias in Mysore and Madras : After the fall of the Mysore dynasty in 1792 A.D. most of the Shia dignitaries were granted life-pensions and a few of them settled down in different parts of India, specially in Madras and Bangalore. In the early twentieth century, Maulana Ali Akbar Shirazi, an Iranian preacher, had earned a name for his religious fervour and propagation of the faith at Bangalore.

Later, two young learned ecclesiastical dignitaries from Iran, Maulana Mirza Mehdi and Maulana Mirza Ali visited Bangalore and stayed there to impart religious knowledge to the community. It will be worth while to mention some of the leading Shia personalities of the present era who are mainly responsible for the uplift and growth of the Shia community in Karnataka State. These are Maulana Buniyad Husain, Meer Nurul Hasan, Dr. S. Veqar Hussain, Anwar Ali Jafar Bhai, Meer Mehdi Ali Khan and Mirza Habib Agha Shirazi. Some leading Shia personalities of Madras serving the community are Professor Haider Ali Khan, Professor Meer Ahmad Ali, Maulana C.M. Taqi Khan, Ahmad Ali D. Parpia, Haji Meer Mahmood Ali, Zainul Abdin Jeddy, Mir Mazahir Hussain and Qazi Maulana Ghulam Mohammad Mehdi.

Shias in Bombay : There were very few Isna-Ashari Shias residing in Bombay in the first quarter of the 19th century. The first two important Shia personalities who converted the Agha Khani Khojas into Isna-Ashari Khojas were Mulla Qadir Husain and Mulla Mohammad Baqar. Sheikh Abul Qasim Najafi was the first religious leader of Khoja Shia Isna-Ashari Jamaat, Bombay. The Agha Khani Khojas, inclined towards the Imamia faith, began to attend the religious lectures of these preachers. Those Khojas who embraced Imamia religion formed a "Khoja Shia Isna-Ashari Jamaat". Haji Abdullah Bhai Mawji was the first Honorary Secretary of the Khoja Shia Isna-Ashari Jama-Masjid, Madrasa and the Imambara Trust.

Some of the important Khojas who revolted against the Agha Khani Jamaat were Haji Devji Bhai Jamal, Haji Abdullabhai, Haji Mawji, Haji Ghulam Husain-Alloobhai Muraj, Haji Jan Mohd., Hirji Bhai Alarakhia, Lalji Bhai Sajan, Kasambhai Mawji Miyani, Abdullabhai Lalji, Hashambhai Visbham, Karmali Peerbhai Vakil, Haji Jafar Alarakhia, Haji Roshan Ali, Haji Rajab Ali, P. Ibrahim and Esmail Abdul Karim Panju. Their number swelled to thousands due to the dedicated services of the preacher, Sheikh Abul Qasim, referred to earlier. After his death his illustrious son Sheikh Mohammad Hasan was the second religious leader of the Shia Isna-Ashari Khojas. He was an eminent orator and established a *Najafi* religious library. In the meantime the *Anjuman Himayatul Islam* came into existence, which is doing constructive work for the community. Other important Shia Khojas of Bombay whose contribution to the propagation of the Shia faith is noteworthy are Haji Husain Ali Merchant, Yusuf Lalji, Haji Kasam Ali Panju, Haji Sultanbhai Ahmad, Husainbhai Lalji, Abid Ali Jafarbhai, Dawood Haji Naseer and Ismail Abdul Qasim Panju, Yusuf Ali Nasir and Musa Jafar Fazalbhai, Sultan A.S. Moloobhoy, is the present president of the Khoja Isna-Ashari Jamaat, Bombay. An important Khoja family that took keen interest in the development of Shiaism is the Habib Family.

Another noted Shia preacher was the late Maulana Syed Mohammad Dehlvi, who converted a good number of the

Agha Khani Khojas to the Isna-Ashari Shia faith by his zealous missionary work.

At present, the renowned preachers who are rendering yeoman service to the faith by their preaching and missionary work in Bombay and Gujarat are Maulana Abbas Rizvi, Syed Muzaffar Husain 'Tahir' Jarwali, Maulana Mirza Mohammad Athar, Maulana Gulam Askari and Maulana Ali Nasir Saeed. Due to the learned discourses of these preachers, a good number of Agha Khani Khojas are embracing the Isna-Ashari faith. The name of Syed Mohammad Husain deserves reference for his field work and his achievement in the socio-religious field.

The largest concentration of the Khojas after Bombay is in Gujarat, Kutch and Kathiawar. Bachchoobhai Noorbhai, Roshanbhai Velse, Maseom Ali Merchant, Dr. Ghulam Ali Momin and Ghulam Haider Momin are some of the noted personalities who are spending lakhs of rupees on *Azadari* and are rendering excellent service to the community.

At Calcutta, Rajab Ali Virani Abdullah Ganji and Ashrafbhai-Moosaji are famous for their religious and philanthropic activities.

Iranians in Bombay : In the middle of the 19th century a large number of Shia Iranian businessmen came from Iran and settled in Bombay. Among these families the most outstanding for their achievement were Shirazi, Namazi, Shustri, Yazdi and Asphahani. After settling in Bombay the Iranian businessmen constructed some famous religious buildings and established religious trusts. In the growth of Shiaism in western India, and especially in Bombay, they may be called pioneers.

At present some of the eminent Iranians who are contributing their mite in the development of the faith are Dr. Mohammad Raza Dehqani, Sheikh Mohammad Raza-Tanhidi, Syed Mohammad Weiz Moosavi and Sheikh Mohammad Ismail.

Shias in Kashmir : The introduction and growth of Shiaism in Kashmir, Ladakh and Tibet may be attributed to the sole efforts of Mir Shamshuddin, a learned Shia scholar from Iran and his illustrious son, Mir Danyal, and Mir Syed Ali

Hamdani. According to the historian 'Hasan, "Mir Shamshuddin came to Kashmir in 892 Hijri as an ambassador of Sultan Husain Mirza of Khurasan in the court of Hasan Shah of Kashmir."¹⁶ The first influential and respectable person of Kashmir who was converted to the Shia faith by Mir Shamshuddin was Baba Ali Bakhar. This conversion paved the way for the growth of Shiaism in Kashmir. On the expiry of his term of ambassadorship he went back to Iran but after a lapse of twelve years he again visited Kashmir as a religious preacher accompanied by two thousand Syed co-workers. This time his most remarkable achievement was "the conversion of two most important personalities of Kashmir, namely, Malik Musa (Head of the Malik Tribe) who later on became the Prime Minister of Fateh Shah, and Kajichak, the head of the Chak tribe."¹⁷ The Chak Tribe later on formed the first Shia Chak dynasty in Kashmir. Gaz Khan Chak was the first ruler and Yusuf Shah Chak and his son Yaqub Shah Chak were the other notable kings of this dynasty. During their reign the Shia faith spread throughout Kashmir. According to Syed Mohammad Baqar, author of *Akhtare Darakhshan* published in 1971 in Varanasi, the other noteworthy preachers of the time were Mulla Khalili, Shangali Rashi, Baba Talib, Baba Ali and Sheikh Husaini. In the present age Maulana Syed Mehndi has established *Jamia Babul Uloom*, a religious institution for preachers and religious teachings. This institution is rendering yeoman service to the cause of Shiaism in Kashmir. Other notable Shia preachers doing their work well are Syed Yusuf Husain Musavi, Syed Mustafa Musavi, Syed Mohammad Baqar Musavi and Maulana Syed Iftikhar Husain.

Sharqi Dynasty of Jaunpur (1398-1486 A.D.) : Malik Sarwar, better known as Khwaja Jehan, was the founder of the Sharqi Dynasty of Jaunpur. He was appointed as the Subedar of Jaunpur in 1398 A.D. by Mohammad Tughlaq and later declared himself a ruler. The important kings of this dynasty were Syed Mubarak Shah, Syed Ibrahim Shah, Syed Mohammad Shah

16. Baqar Syed Mohd. *Akhtare Darakhshan*, p. 20. Varanasi, 1971.

17. Ibid., p. 12.

and Syed Husain Shah. The kings of Sharqi Dynasty took active part in all the religious ceremonies connected with Moharram and encouraged *Azadari* by giving financial help to the *Azadari* of all communities. Even today a *Tazia* called the "Tazia of Shahzadgan (Princes) of Sharqi Dynasty" is taken out in procession during Moharrum at Jaunpur. During the reign of the Sharqi kings, Jaunpur was a literary centre of great fame, specially for its *Jamia-us-Sharq*, a University of Philosophy, Persian and Arabic learning. They were great patrons of art and architecture. Many scholars, poets and authors from Delhi came to the court of Jaunpur to seek patronage. Being one of the most important Shia learning centres, Jaunpur was called the 'Shiraz of India' and is still famous for its Shia Culture. The Moharrum and Chelum celebrations of the place are only second to Lucknow in India.

Shias in Delhi and Agra : Inayatullah Shirazi and Fateh-ullah Shirazi, two learned preachers, after converting Adil Shah of the Deccan to the Shia faith, reached the court of Akbar, who was propounding his self-made religion *Deen-i-Ilahi*. The role of his guardian, Bairam Khan, a Shia chieftain, was most significant in the formation of his liberal religious policy. Besides, there were other Shia scholars as well in his court viz., Hakim Abul Fateh Gilani, Mullah Fatehullah Shirazi, Hakim Hamman, Abul Fazl Faizi, and Mirza Abdul Rahim Khan-khana, etc., who exercised great influence on him. Owing to their influence Akbar gave complete religious freedom to his subjects, which paved the way for the rise and growth of Shiaism in India. Another important Shia preacher, Shaheed-e-Salith, came to Agra during Akbar's reign and was appointed Chief Justice through the efforts of Hakim Abul Fateh Gilani. His preaching and outstanding religious works were mainly responsible for the rise and growth of Shiaism in India. Before his marriage with Noor Jahan, Jahangir was under the influence of anti-Shia religious leaders. "These fanatic religious leaders compelled Jahangir to summon Shaheed-e-Salith from Lahore and a 'Fatwa' of death was passed on Shaheed-e-Salith for his religious views expressed in his discourses."¹⁸

18. Quoted from Hansavi Syed Sibtul Hasan, *Tazkere Majeed*, p. 31, Agra, 1963,

Noor Jahan, the Shia queen of Jahangir, and her brother, Asif Khan, who was a minister, helped to better the conditions of Shias in India by appointing hundreds of Shias to important posts throughout the country. Two of the sons of Shahjehan, namely Dara Shikoh and Shuja, had marked inclination towards the Shia faith. Though placed in adverse circumstances, Nemat Khan Ali, the Shia Minister of Aurangzeb, did his best to serve the cause of the Shia faith. The last Moghul Emperor, Bahadur Shah Zafar, had a clear inclination towards the Shia faith.

Later on, the last descendants of the dwindling Moghul Dynasty depended to a great extent on the assistance of Shia Nawab wazirs and the Kings of Oudh. Thus, Shia influence made its way to the Delhi courts during the regime of Moghul emperors as a result of the vast learning, chivalry and other qualities of the Shia stalwarts of those times.

Some of the eminent Shia personalities of this era who have distinguished themselves by services rendered to the religion and the nation are Sir Syed Amir Ali, Sir Syed Raza Ali, Nawab Syed Mahmood, Syed Mohsin Mirza Moosavi, Syed Jalaluddin Haider, Khwaja Gulamus Sibtain, Air Vice-Marshal Syed Abbas Husain, Major General Syed Mehdi Hasan, Brigadier Anwar Husain Rizvi, Syed Akhtar Abbas, Syed Mohammad Mujtaba, K.G. Saidain, Dr. Abid Husain, Syed Asadullah Kazmi, Dr. Hadi Hasan, Dr. Munis Raza, Prof. Manzoor Husain, Dr. Ameer Abidi and others.

Shias in Bengal and Bihar : After the downfall of the Shia Nazims of Bengal and Bihar the propagation of the faith was upheld by three royal families, who took great interest themselves and generously helped the people to perform *Azadari* in a befitting manner. The first of these royal families is the Nizamat family of Murshidabad. Syed Wasif Ali Mirza and his son Syed Waris Ali Mirza were the outstanding personalities in this sphere. This family established a big religious trust at Murshidabad and there are several other religious endowments established by the members of this family at Calcutta. The second royal family was that of Oudh which continued to live at Calcutta after the internment of Wajid Ali Shah by the British rulers. The members of this royal family

constructed Shahi Imambara, Sibtainabad Imambara and Qama Qadar Imambara. The third of the royal families is that of Haider Ali and Tipu Sultan of Mysore whose descendants settled at Calcutta after the fall of the empire. A number of Imambaras have been constructed by them. Of these, Imambaras Lashkari Talab, and Imambara Tipu Sultan are noteworthy.

Leading Irani Shias in Calcutta : The contribution of Iranians to the growth of Shiaism in Bengal and specially in Calcutta cannot be ignored.

In the early 19th century A.D. a number of Iranian Shia businessmen came to Bengal and settled at Calcutta. As devout Shias they took active interest in the propagation of their religion. Haji Mohsin, a multi-millionaire, constructed the famous "Imambara Mohsinia". He established a trust known as *Waqf Mohsinia*, which is the biggest Shia endowment in the country.

The late Abdul Kazim Khalili, Aqai Ali Jan, Mirza Akbar Kashani, and Ahmad Isfahani are some of the personalities whose services shall ever be remembered.

The contribution of the Shias of Bihar to the development of Shiaism in India is also noteworthy. Some of them have played a leading role in the development of the community or have distinguished themselves by their sincere services to the nation. The members of the distinguished Imam family of Patna have contributed immensely towards the faith and nation's struggle for freedom, the prominent being Syed Husain Imam, Sir Syed Ali Imam, Syed Hasan Imam, Syed Naqi Imam, Syed Jafar Imam, Syed Mehdi Imam, etc.

The names of other important Shia personalities of Bengal, Bihar and Orissa, who have rendered praiseworthy services to the religion and nation in modern times are Sir Sultan Ahmad, Syed Zawwar Husain, Syed Tajammul Husain, Dr. S. Nawab, Dr. Syed Nazar Imam, Nawab Ali Sajjad, Nawab Syed Mohammad Akbar, Nawabzada Syed Mohammad Mehdi, Syed Grazanfar Nawab 'Danish', Dr. Syed Haidry, Syed Nazrul Hasan, Syed A.A. Abbas, Syed Raza Madani (Orissa) and Syed Hasan Imam (Bengal).

Oudh Dynasty (1722-1858 A.D.) : In 1722 Saadat Khan

Burhanul Mulk, a Governor of Moghul empire, virtually laid the foundation of the Shia Oudh Dynasty under which Lucknow, its capital ¹⁹prospered and rivalled Delhi in wealth, magnificence and culture. The Nawabs of Oudh played a very important role in the development of Shiaism, especially in Oudh. Their contribution to the development of Shia faith has been very remarkable. The contribution of the Nawabs of Oudh in the fields of art, literature, music and architecture is immense and the fusion of Iranian and Indian cultures under their patronage is known as the composite culture of India. Their liberal and philanthropic policy paved the way for Hindu-Muslim unity and these communities have lived in perfect concord.

After settling at Faizabad, the then capital of Oudh, Saadat Khan captured Lucknow. He was succeeded by his son-in-law, Abul Mansur Khan Safdar Jung in 1739 A.D., who was appointed *Wazir* (Prime Minister) of the Moghul empire in 1748 A.D.

According to A.L. Srivastava, the noted historian, "Safdar Jang was a pious Shia and practised the observances of his faith with scrupulous care and regularity. But he was not a bigot like other medieval Muslim rulers and was a man of toleration. Indeed, he treated his Hindu and Muslim subjects alike and his highest and most trusted officers were Hindu."²⁰

After Safdar Jang, Nawab Shujauddaula became the Nawab Wazir in 1756. His famous wife, Bahu Begum, was a pious lady and took active part in the growth of *Azadari* by spending huge sums. Asafuddaulah succeeded his father in 1775 A.D. and built the world famous Imambara Asafuddaulah at Lucknow. Nawab Saadat Ali Khan succeeded him in 1798 A.D. and took great interest in the propagation of the faith. In 1814 Ghaziuddin Haider ascended the throne of Oudh and declared himself an independent king. He constructed another famous Imambara, "Shah Najaf" in Lucknow. Nawab Nasir-

19. The original capital, Faizabad, was forsaken by Asafuddaulah. In 1819, Ghaziuddin Haider, the 7th ruler of Oudh, assumed the title of King.

20. Srivastava, A L., *First two Kings of Oudh*, p. 244, Agra, 1933.

uddin Haider succeeded him in 1827 A.D. He built a famous Karbala, known as the Karbala Nasiruddin. King Mohammad Ali Shah reigned from 1837-1842 and built the famous "Imambara Husainabad". King Amjad Ali Shah ruled till 1847. King Wajid Ali Shah (1847-56) who succeeded him was deposed by the British rulers and was interned in Calcutta. He breathed his last in exile in 1887. His wife, Begum Hazrat Mahal, is a notable figure in Indian History. She acted as the queen regent during the one-year rule (1857-58), of her son Birjis Qadar, the last king of Oudh. During the first struggle for independence in 1857 Begum Hazrat Mahal took up arms against the English and exhibited outstanding ability as a leader. Prince Meher Qadar, son of Birjis Qadar, died in 1961, leaving three sons : Anjum Qadar, Kaukub Qadar and Nayyar Qadar, who are still living in Calcutta. A large number of descendants of the Oudh dynasty live in different parts of the country and like their forefathers still observe Moharrum with fervour and dignity and spend huge sums on *Azadari*.

Shiaism was the religion of the state during the regime of these Nawab wazirs and Kings of Oudh. Lucknow was not only the capital of the Oudh rulers but was also the centre of Shiaism in India.

Husainabad and Shah Najaf, Religious Endowments of Oudh : It is an accepted fact that the world famous *Azadari* (Moharrum ceremonies) in Lucknow owed its inception to the Nawab wazirs and kings of Oudh. They personally observed it and encouraged other sects by giving them monetary help for the performance of *Taziadari*. They established several religious institutions for the propagation of the faith. Husainabad and Shah Najaf endowments still play an important role in the ostentatious celebration of Moharrum in Lucknow. Husainabad and Shah Najaf Trusts are the creation of king Mohammad Ali Shah and king Ghaziuddin Haider, respectively.

Shia States in India : After the downfall of the Shia dynasties the princely Shia States took up the cause of the Shia faith. They spent a lot of money on the expansion of *Azadari*, propagation of the Shia faith and publication of Shia literature.

Cambay : The rulers of the State were Shia Moghuls. The names of [Nawab Mirza Husain Yawar Khan and his son

Nawab Mirza Mohammad Jafar Ali Khan are well-known for their services to the faith.

Bangnapally : The Late Nawab Mir Fazal Ali and his son Nawab Meer Ghulam Ali encouraged the Shia faith in South India.

Khairpur Sind : Khairpur Sind was ruled by Talpur Balochis and is now in Pakistan. The family's contribution to the propagation of the Shia faith is also praiseworthy.

Rampur : It was a premier princely state of Northern India. Its first ruler was Nawab Syed Ali Mohammad Khan, who died in 1864 A.D. and was succeeded by Nawab Kalbe Ali Khan. He established a library which contains a large collection of Shia literature. His son Syed Mohammad Hamid Ali Khan was a learned scholar and a devout Shia. His son, the late Nawab Syed Raza Ali Khan, collected Rs. 12 lakhs for a Shia Technical Fund. He donated a large sum of money to various Shia institutions. His two illustrious sons are Nawabzada Syed Murtuza Ali Khan and Nawabzada Syed Zulfeqar Ali Khan.

After the downfall of the Oudh Dynasty patronage of the most important religious ceremony, *Azadari*, became the concern of the Ex-Taluqdars (big land lords) of Oudh. The prominent personalities associated with *Azadari* and religious activities are Maharaja Sir Ali Mohammad Khan, Raja Amir Ahmad Khan, Maharaja Kumar Amir Haider Khan, Junior Maharani of Mahmudabad, Maharaj Kumar Mohammad Mahmood Hasan Khan, Rajkumar Amir Naqi Khan, Shabar Ali Khan, Sir Syed Ahmad Ali Alvi, Kunwar Aijaz Ali Khan, Raja Baqar Ali Khan, Raja Kazim Ali Khan, Raja Syed Hasan Imam, Raja Syed Nasir Imam, Raja Syed Abu Jafar, Raja Syed Ahmad Mehdi, Chowdhari Syed Irshad Husain, Chowdhari Syed Ali Mohammad, Chowdhari Mohammad Abul Qasim, Nawab Baqar Ali Khan, Syed Wasi Haider, Syed Zafar Mehdi, Raja Sir Nawazish Ali Khan, Sir Fateh Ali Khan, Raja Syed Sajid Husain, Syed Ali Azhar, Murtaza Ali Khan, Syed Ameer Hasan and others.

Mahmudabad Estate : This estate came into much prominence after the downfall of the Oudh Dynasty on account of its religious, political and social potentialities. The members

of this family who have contributed towards the faith, religious institutions and encouragement of *Azadari* deserve special reference. The services rendered by the late Maharaja Sir Ali Mohammad Khan by establishing at Lucknow one of the premier religious institutions of India for the preaching of the Shia religion and the preparation of missionary workers, known as *Madarsatul Waizeen* can never be forgotten by the community. This institution has published some of the finest books on the Shia religion. They have built magnificent Imambaras and perform *Azadari* with great devotion and enthusiasm. The Estate Library contains 35,000 books, some of which are rare religious books.

Raja Amir Ahmad Khan, the eldest son of the late Maharaja was the Director of Islamic Culture, London, and Maharaj Kumar Amir Haider Khan is the managing trustee of the *Madarasatul Waizeen*, Lucknow.

The Junior Maharani of Mahmudabad's famous Imambara at Lucknow was the venue of some of the biggest *Majalis* in which most of the eminent Shia orators addressed huge congregations. Maharaj Kumar Mohammad Mahmud Hasan Khan is a trustee of the Madarsatul Waizeen and as a devout Shia takes active part in Moharrum celebrations.

The family of Sir Syed Wazir Hasan, a noted Jurist and Chief Justice of Oudh Chief Court, has played a great role in the national and religious spheres. His wife, Lady Wazir Hasan, was a well-known figure of her time owing to her religious zeal and social work.

Syed Ali Zaheer, the eldest son of the Late Sir Wazir Hasan, is a renowned Congress leader and has held the office of minister in the Centre and U.P. Government for a long term. His services to the Shia community are immense. His younger brothers Syed Hasan Zaheer, Syed Baqar Zaheer, Dr. Syed Husain Zaheer and Syed Sajjad Zaheer are well-known for their achievements in social, political, literary and religious spheres. Begum A'lia Ali Zaheer is well-known for her services to the nation and religion. Dr. Nurul Hasan is one of the most eminent educationists of India and is at present the Union Minister for Education, Government of India. He is the grandson of Sir Wazir Hasan. His father, Khan Bahadur

Abdul Hasan, was the Hony. Secretary, Shia College, Lucknow and was a devout Shia.

Shia Degree College, Lucknow : The establishment of Shia Degree College at Lucknow, one of the premier institutions of Shias in India, is an important landmark in the history of the community. This institution was founded in 1919 at Lucknow. The entire community, no doubt, extended its help to this noble cause but four distinguished personalities i.e. Maulana Nasir Husain, Maulana Sibte Hasan, Sir Fateh Ali Khan Qazalbash and Nawab Sir Hamid Ali Khan were the chief founders. It is now a Degree College and is imparting education in Science, Arts, Law and Commerce. Some of the prominent Shias who took active interest in the development of this college were Maulana Mohammad Naseer, Khan Bahadur Mehdi Husain, Maulana Mohammad Sayeed, Nawab Sir Raza Ali Khan and Khan Bahadur Abdul Hasan. The names of some eminent persons who are devoting time for the development and welfare of the college as office-bearers are Syed Ali Zahir, Syed Aijaz Ali Khan, Syed Muzaffar Husain Tahir Jarwali, Syed Mohammad Naqi and Syed Hidayet Husain. The institution, right from its inception, has always been trying to inculcate a spirit of healthy nationalism in the members of the Shia minority in India so that they may remain in the mainstream of Indian life.

Shia Religious Scholars : With the rise of the Shia kingdom of Oudh a galaxy of learned *Ulemas* flourished and consequently Lucknow became the greatest centre of Shia theology, a position it still maintains.

The foremost of these theologians was Maulana Dildar Ali, well-known as Gufran Ma'b, who founded the world famous Imambara known as the Imambara Ghufuran Ma'b and was the author of the famous treatise, *Imadul Islam*. His descendants are known as A'le-Gufran M'ab, the most famous of whom were Tajul-Ulema Maulana Syed Husain, Maulana Syed Taqi, Maulana Meer Agha, Maulana Agha Hasan, Maulana Syed Ibrahim, Shamshul Ulema Maulana Ibne Hasan and Maulana Kalbe-Husain.

Another family of theologians of Lucknow who are equally famous in Muslim countries like Iraq, Iran, etc., is that of A'le

Abaqat. Allama Hamid Husain, son of Mufti Mohammad Quli, a renowned religious scholar of his time, wrote his world famous treatise *Abaqatul Anwar* and earned a great name. His illustrious son, Maulana Nasir Husain, besides being the author of several important books, also [founded the largest library of Shia theology, known as the Nasirya library at Lucknow, which is popular for its collection throughout the world. His distinguished son, Maulana Mohammad Saeed, a well-known scholar of his time, wrote his valuable treatise *Masanidul Ismat*.

Mufti Mohammad Abbas, Baquir-ul-uloom, Maulana Syed Baquir, Najmul-Millat, Maulana Syed Nijmul Hasan, were the pioneers of a number of *Ulema* families and Shia theological institutions and earned world wide fame because of their sincere services.

Other eminent Shia *Ulemas*, orators, preachers and scholars who have contributed towards the development of the faith by their invaluable and zealous services in the modern times also deserve reference. The names of the most outstanding are given below :

Past personalities : Maulana Mohammad Husain (Muhaqqiq Hind), Maulana Zahoor Hasan, Mufti Ahmad Ali, Maulana Sibte Hasan, Maulana Farman Ali, Maulana Mohammad Raza, Hakeem Murtuza Husain, Maulana Mohammad Shabbar, Maulana Mohammad Jawad, Maulana Amjad Husain, Mulla Mohammad Qasim, Maulana Najmul Hasan "Nassar", Maulana Syed Husain, Maulana Ali Haider, Maulana Rahat Husain, Maulana Adeel Akhtar, Maulana Syed Sikandar Husain, Maulana Abrar Husain Parwi, Maulana Mohsin Nawab, Maulana Syed Ahmad, Maulana Shamsul Hasan, etc.

The present personalities are Maulana Ibne Hasan, Maulana Mirza Mohammad Tahir, Maulana Syed Mohammad, Maulana Mohammad Zaki, Maulana Zafrul Hasan, Maulana Saadat Hussain, Maulana Ghulam Askari, Maulana Mohammad Sadiq, Maulana Syed Muzaffar Husain "Tahir", Prof. Mirza Mohammad Akhtar, Maulana Ali Nasir Syeed, Maulana Abbas Rizvi, Maulana Raza Agha, Maulana Syed Ali, Maulana Kalbe Abid, Maulana Faiyaz Husain, Maulana

Karrar Husain, Mufti Altaf Husain, Maulana Wasi Mohammad, Dr. Syed Kalbe Sadiq, Mufti Hameedul Hasan, Maulana Hafiz Ali Sabir, Maulana Mirza Mohammed Ashfaq, Maulana Sharafat Husain, Maulana Akhtar Zaidi, Maulana Qaim Mehndi and others.

Some of the most eminent Shia Mersia (Elegy) writers who served the Shia religion through their works are given below :

Past Mersia Writers : Meer Taqi Meer, Meer Zamir, Meer Babar Ali 'Anis', Mirza Salamat Ali 'Dabeer', Meer Ishq, Meer Tashshuq, Mir Nafees, Urooj, Rashid, Aouj, Waheed, Rafee, Sarfaraz Husain 'Khabeer', Shad Azimabadi, Arif, Qadeem, Muaddab, Nasir, Nami, etc.

Present Elegy Writers : Mohammad Mirza Mohazzab Lucknowi, Josh Malihabadi, Jamil Mazhari, Syed Aley Raza, Naseem Amrohvi, Maharaj Kumar Ameer Haider Khan, Shaheed Lucknowi, Syed Mohammad Mohsin, Shamim Karhani, Baqar Amanat Khan, Fazal Naqvi, Najm Affendi, Salik Lucknowi, etc.

Some of the remaining distinguished Shia personalities of this age who have distinguished themselves by their services to the religion and the nation are : Sir Syed Fazle Ali, Justice Karamat Husain, Azam Husain Azam, Khwaja Asad, Lt. Sultan, Jafar Ali Khan 'Asar', Maulana Mohammad Naseer, Prof. Yusuf Husain Moosavi, Dr. Jafar Husain, Sheikh Mumtaz Husain, Mehndi Husain Nasiri, Prof. Ehtisham Husain, Syed Sibtul Hasan Hansavi, Khwaja Ahmad Abbas, Ali Sardar Jafari, Nawab Raza Ali Khan, Justice Murtuza Fazle Ali, Col. Bashir Husain Zaidi, Syed Kalbe Abbas, Ali Jawad Zaidi, Syed Hamid Husain, Dr. Syed Ali Raza Rizvi, Dr. Rafeeq Husain, Prof. Masoodul Hasan, Prof. Mujtaba Husain Kamunpuri, Syed Naseer { Hasan Parvi, Syed Ashraf Husain, Syed Mohammad Wasi Naqvi, Prof. S.M. Ammar Rizvi, Syed Afsar Husain, Syed Agha Zaidi, S.M. Jafar, Imtiaz Husain, Syed Qaiser Husain, Syed Asghar Husain and others.

The Propagation of Shiaism through "Azadari" (Moharrum Mourning)

Condolence congregation are held by Shias all over the

world to mourn the tragedy of Karbala. Orators address the gatherings on the excellence of the Shia faith and the divine significance of the martyrdom of Imam Husain and his 72 companions. Elegies are also read with a plaintive note and wailings of the mourners rent the sky. These public gatherings offer an opportunity to non-Shias also to study the essentials of the Shia faith and thus *Azadari* or mourning has helped the growth of the Shia attitude in its own way.

In India not only Shias but also a large number of liberal Sunni Muslims and a good section of the Hindu population, mainly in rural areas, keep *Tazias* and observe mourning in one form or the other. A number of Hindu rulers, such as those of Gwalior and Jaipur celebrated Moharrum with reverence which effected the emotional harmony between their Hindu and Muslim subjects. The devotees seek the blessings of the Saint Martyr on this occasion, and recite dirges. Big processions are taken out during the ten days of Moharrum throughout India. In Gwalior the Maharaja himself used to lead the Moharrum procession and spent a large sum of money in connection with the celebrations. To the Shias the tragedy of Karbala is too poignant to be commemorated lightly. So they celebrate Moharrum by mourning, weeping and wailing, beating of chests and holding *Majalis* in which the events of Karbala are narrated. Some enthusiasts perform *Matam* by striking their chest and backs with bunches of knives tied to chains and also inflict cut on their heads with swords that bring out spurts of blood and thus virtually take a bath of blood. In Lucknow and some other places the mourners wail on fire, chanting the name of the Martyr.

The Moharrum celebrations have brought the masses of the subcontinent closer than anything else. Moharrum has verily become an important feature of our composite culture.

Shiaism and its branches : The Shias on the whole are divided into three subsections. Isna-Asharias or Imamias, the Zaidias and the Ismailias. Much has been said about the main sect Isna-Asharias or Imamias, in the foregoing pages.

The second sect, Zaidias, are the followers of Zaid, second son of Imam Zainul Abidin. They affirm that the *Imamat* after Imam Zainul Abidin devolved upon Zaid and not on

Imam Mohammad Baqar whom the Imamias recognise as their fifth Imam. The Zaidias are mostly found in Yemen.

The third sect is that of Ismailias, who derive this denomination after Ismail, a son of Imam Jafar Sadiq. They hold that on the death of Imam Jafar-e-Sadiq, the *Imamat* devolved on his other son Ismail and not on Imam Musa-Kazim. The son of Ismail, Mohammad Abdullah, was the founder of the Fatimide Dynasty that ruled northern Africa for three centuries.

Agha Khani Khojas : Small Sects of the Ismailias are still found in Yemen, Egypt and Barber and there is a fair population of the Agha Khani Ismailias, known as Khojas, residing in India. Thus, Khojas are followers of the Ismailia branch of Shiaism.

Faith of the Khojas : According to the faith of the Shia Ismaili Khojas, in Agha Khan rests the inherent, absolute, unrestrained right, power and authority in respect of all religious and *Jamaat* matters.²¹

The Agha Khans : The present Agha Khan, Shah Karim, comes from an illustrious Shia family of Persia. Agha Husain Ali Shah came to Bombay in 1845 from Persia. He died in 1881, and his eldest son Agha Ali Shah also died shortly after him in 1885. Agha Khan Sir Sultan Mohammad Shah was only 10 years of age when his father Agha Ali Shah died. Before his death he had nominated his grandson, the present Agha Khan Sultan Karim Shah, as his successor.

Bohras : Another branch of the Ismaili Shias are known as Dawoodi Bohras. The Dawoodi Bohras belong to the Shia Ismaili Taiyabi sect of Muslims. They are also called Taiyabi after their 21st Imam, Taiyab. The religious heads of this community also trace their heritage from Prophet Mohammad and his descendants, the Fatimide Caliphs of Egypt. "Nearly 900 years back owing to political upheavels in Egypt, the last Fatimide Caliph, Syed Taiyab, the 21st Imam of the Bohras,

21. *The Constitution of the Shia Imamia Ismaile Muslims in India*, published by H.R.H. Prince Agha Khan, Ismailia Federal Council for India, p. 1, Bombay, 1967.

retired into seclusion while his *Dawat* was transferred to Yemen where the incumbents ruled as Sultans.”²² After the disappearance of the 21st Imam the institution of vice-regent of the Imam came to be known as *Daiul Mutlaq*. The 23rd *Dai* transferred this seat of *Dawat* from Yemen to India. The first *Dai* to hold office in India was Syedna Yusuf Najmuddin in the year 1839. Syedna Burhanuddin, the present *Dai* (52nd), is the son of Dr. Syedna Tahid Saifuddin.

Faith of Dawoodi Bohras : “The Dawoodi Bohras believe that there is one God, that Maulana Mohammad Rasullallah is His Prophet, to whom ‘He’ revealed the Holy book (Quran), that Maulana Ali Amirul Momineen is the wasi of Prophet Mohammad and succeeded him. Maulana Ali was succeeded by a line of Imams each of whom was appointed by his immediate predecessor, son after father.”²³ In India their biggest centres are Bombay and Gujarat. The Dawoodi Bohras are predominantly a trading community.

In India the Isna-Asharias are considerably greater in number than Ismailias. The term ‘Shia’ is generally attributed to the former sect and in this study also the term has been used to connote Isna-Asharias (Imamias), the followers of the twelve Imams. The eminent writer Justice Ameer Ali, while throwing light on the assessment of the Shia minor sects in the mainstream of Isna-Asharias, has asserted “that the political factions which have hitherto kept the Shias divided among themselves are disappearing, and the rest of the sects are fast merging into the Isna-Asharias. The Shias of Persia Arabia, West Africa, and India belong for the most part to this sect. Isna-Ashariaism has thus become synonymous with Shiaism.”²⁴

22. *The History and Faith of the Dawoodi Bohras*, published by the Dawoodi Bohra Friendship Guild, p. 5, Bombay, 1965.

23. *Ibid.*, p. 5.

24. Ameer Ali, Syed, *Spirit of Islam*, p. 350, Christopher, London, 1922.

2

The Institution of Marriage

The history of human society is nothing but the description of the evolution and diffusion of various institutions designed toward perpetuation, maintenance and survival of society. The institution of marriage occupies a unique place in the realm of institutions and it is this institution which is instrumental in perpetuating human society through regulations of conjugal and filial ties.

THE INSTITUTION OF MARRIAGE

The institution of marriage is as old as Adam. As a social institution, it has taken different forms in different societies from time immemorial. The chief sources of our knowledge about the institution are the legends of ancient societies and the various "travellers' tales", which give us a glimpse of the picture regarding progress in this sphere. We also have the numerous theories about the origin and history of this important institution offered by sociologists and Anthropologists, its various forms, modes and conditions in different epochs and societies. The family as the basis of marriage has been a self-contained unit with a division of functions on a sex basis,

each partner performing his or her duties in the best interests of the family as a cooperative unit.

Malinowsky has observed : "The different forms of marriages are not stages in an evolutionary series, as Bachofen, Spencer and others would make us believe, but marriage is fundamentally one and its variations are determined by the type of community, its political and economic order and the character of its material culture."¹

The ethical and ideological aspects of the institution of marriage have been stressed by Lowie. According to him, "The future of marriage will be shaped not merely by utilitarianism but largely on the basis of regnant ideologies.... A reversal of the present attitudes to marriage is wholly conceivable; whether or not it shall occur depends on the potency of appeals involving the older ideologies."² Thus we find marriage a pivotal institution in the social functioning of all cultures.

As a social institution, marriage has been defined by Westermarck "as a relation of one or more men to one or more women which is recognized by custom or law, and involves certain rights and duties both in the case of the parties entering the union and in the case of the children born of it."³

The intermixing of cultures affects the institution of marriage and has been changing its shape in different societies in different epochs. Apart from this, the social, political, moral and economic conditions of a particular social order has always affected the form of marriage in society.

In modern times, the most important aspects of marriage are social, religious as well as legal. Bertrand Russell says that "Marriage differs, of course, from other sex relations by the fact that it is a legal institution. It is also in most communities a religious institution, but it is the legal aspect which is essential."⁴

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1. Malinowsky, B., "Marriage", *Encyclopaedia Britannica*, 1950 Vol. 14, pp. 940-50.
 2. Lowie, Robert H., "Marriage" *Encyclopaedia of Social Sciences*, 1951, Vol. X (pp 146-54), p. 154.
 3. Westermarck, Edward, *History of Human Marriage*, Macmillan and Company, London, Vol. I, 1921, p. 26.
 4. Russell, Bertrand, *Marriage and Morals*, p. 88, Bantam Books, New York, 1959.

The fundamental basis of marriage is defined as "a personal association between a man and a woman and a biological relationship for mating and reproduction. As a social, legal and religious institution, marriage has undergone any number of modifications and changes; nevertheless, its basic realities remain the same. The permanent, indissoluble, sacramental union of the orthodox differs strikingly from the free, easily severed, and often not even officially registered marriages, let us say, of a modern Russian, and yet both of these marriages have certain underlying elements in common. In both instances the couple seek to make their union stable. They assume the freedom and privilege of a sexual relationship, and normally have as their ultimate aim the establishment of a family. Biologically, the object of marriage is not to legalise a sexual union, but rather to ensure the survival of the species and of the race. From this point of view, marriage is not merely a sexual relationship, but a parental association. It is the union of a male and a female for production and care of offspring and reproduction is, therefore, another fundamental object or purpose of marriage."⁵

From the above one can easily draw the conclusion that the main object of the institution of marriage has always been to provide for posterity and the continuance of the human race.

Marriage as a physical as well as a moral union is recognized by society as the basis of a family. It may be a sacrament and in that way an indissoluble union for this life and hereafter, as in the case of a staunch Hindu or Roman Catholic, or a temporary civil contract for a fixed period as in the case of a *Mutaa* marriage among the Shia Muslims. But whether a sacrament or a civil contract, the relationship, above sexual satisfaction, is to join two members of opposite sexes for the procreation of legitimate children. In the words of H.M. Stone and Abraham Stone, "While particular marriages may, of course, be entered into for any number of other reasons as family pleasure, social conveniences, financial considerations

5. Stone, H.M. & Stone A., *Marriage Manual*, London, 1939, p. 18.

and similar motives, basically the prime objects of marriage are companionship, sexual intimacy and procreation.”⁶

A family consisting of husband, wife and children is a complete unit in modern society. In most of societies of the world, the marriage is patrilocal, where the bride moves to the place of the husband. The family's functions are based on division of labour on the basis of sex—the husband performs all the tasks outside the home and fulfils his economic obligations; the wife bears children, brings them up, and performs other household duties of daily routine. However, efficient management of a family largely depends upon economic conditions, and according to H.M. Stone and Abraham Stone, “Economic fitness still constitutes a very important social factor in marriage.”⁷ In the modern set-up much stress is being laid on the economic value of the girl; the ethical and ideological norms of society are losing their importance.

Contemporary Trends in Marriage : In recent times, the institution of marriage has been free from the many customs, ceremonies and additional expenditures of olden times. Bertrand Russell has beautifully summarised contemporary trends in the institution of marriage in the following words: “It is, therefore, possible for a civilized man and woman to be happy in marriage, although if this is to be the case, a number of conditions must be fulfilled. There must be a feeling of complete equality on both sides; there must be no interference with mutual freedom; there must be the most complete physical and mental intimacy; and there must be a certain similarity in regard to standards of values. (It is fatal, for example, if one values only money, while the other values only good work.) Given all these conditions, I believe marriage to be the best and the most important relationship that can exist between two human beings. If it has not often been realized hitherto, that is chiefly because the husband and wife have regarded themselves as each other's policeman. If marriage is to achieve its possibilities, husbands and wives must learn to understand that

6. Stone, H.M. & Stone, A., *Ibid.*, London, 1939, p. 21,

7. *Ibid.*, p. 20.

whatever the law may say, in their private lives they must be free.”⁸

Increased mobility and the new media of communication have helped wider contacts and exchange of ideas between members of different societies. The spread of education, particularly of co-education, is also responsible for intimate social relations between members of the opposite sexes. Modern education, industrialisation as well as urbanisation are other factors responsible for new trends and changes in age-old beliefs and rigid customs which have been playing an important role in the institution of marriage.

Most writers usually distinguish marriages on such basis as (a) the number of parties affected, (b) the duration, and (c) the mode of contracting marriage.

Different form of marriage, depending on the number of spouses, are as follows :—

1. *Group Marriage* : A union between a certain number of males and females. It is still prevalent in some ex-criminal and other primitive tribes in India.

2. *Polyandry* : A union between one woman and several men, related or unrelated, as found amongst the tribal people of the hilly region of Tehri-Garhwal in Uttar Pradesh.

3. *Polygamy* : A union between one man and several women. It is prevalent amongst the Muslims.

4. *Monogamy* : The exclusive union of one man with one woman. It is an universally accepted form of marriage, especially in Christian countries. It has now been legal also among Hindus since 1956, after the enactment of the Hindu Marriage Act extending to Hindu women certain social and equitable rights, although Hinduism permits polygamy.

The different forms of marriage based on duration of the union are :

1. *Marriage for a fixed term* : This form of marriage is terminable at the option of the parties after the expiry of a certain stipulated term (e.g., the *Mutaa* marriage among Shias).

8. Russell, Bertrand, op. cit., p. 97.

2. *Marriage for the life of the spouse* : In this form, the husband or wife can re-marry after the death of his or her spouse. Islam and Christianity allow full freedom to both widowers and widows in this respect, but in Hinduism, particularly in the case of the high caste Hindus, widow marriages have not been accorded religious and social sanctions, though legally permitted.

3. *Marriage in which the unions is life-long for both the parties* : It is the idealistic form of marriage in which the couple bind themselves into a sort of traditional understanding that they would honour the marriage contract even after the death of either spouse and spend the remaining period of their life as celibates, cherishing the love of the departed spouse in their hearts. This applies chiefly to ladies among high caste Hindus and has also been practised among Muslims, especially among Shia families of the higher strata. This is a good example of the cultural influence of one society over the other.

Other useful distinction can, however, be drawn between pre-arranged and self-chosen or love marriages.

1. *Arranged by the Guardians of the Marriage partners* : Such a marriage is arranged, after mature consideration, by the guardians of their wards in the best interest of their wards. As a general rule, it does not ignore the inclinations of the bride and bridegroom, for the guardians are considered to be competent enough to give full consideration to the temperament, the likes and dislikes of the individuals to be united, etc. It may be surmised that this form of marriage had its roots in the child marriages of patriarchal societies in olden times. Experience has proved that such marriages are generally successful in India, because of the sentimental regard borne by the wards towards their parents and guardians and a desire to honour the agreement made by them. With changing norms, the rational youth of today is against this kind of marriage to a great extent.

2. *Love Marriage* : In modern Indian society, courtship and love marriage are becoming common, more particularly among the educated classes. This may be attributed to Western influence. Such marriage necessitates the boy or girl who

intends to enter matrimony himself or herself finding a suitable partner. It is supposed that the choice is generally based on sex attraction, but a majority of modern authorities on the subject, as well as the specific studies made in this field, tend to hold that such marriages are neither contracted entirely on account of sex attraction nor entirely dependent for their success on sex relations. Terman, for example, from his study of 792 couples, has concluded that "in marital happiness the sex factor is relatively unimportant, compared with other factors like personal temperament, family background, age, education, occupation, parental approval etc."⁹ The belief that sex attraction is the main factor in love marriage may therefore be overruled, though not in its entirety. Sex attraction plays, to a great extent, a predominant part in the initial stage, but the success of the marital tie depends of course on the other factors enumerated in the above statement of Terman.

Burgess and Cottrell also, after their study of 526 couples, came to the conclusion that "romantic love alone is not a completely satisfactory basis for conjugal happiness which is the cumulative result of many factors, some of which are more decisive than love and sex."¹⁰

Any close study of love marriages would reveal that a good number of such marriages fail after some time when the lust for sexual enjoyment with the particular person gets satisfied, more so in cases where sensuousness alone brings together the couple, either of whom lacks a fine sense of responsibility, tolerance or adjustment. Ultimately, the result is lifelong separation or legal divorce.

MARRIAGE AMONG MUSLIMS, HINDUS, SIKHS AND CHRISTIANS

Shia Marriage (Muslim) : In Islam a marriage (*Nikah*) is a civil contract (which comes into immediate effect) between two persons of opposite sex for mutual sexual enjoyment and legalised procreation. It is a contract of a permanent nature,

9. Terman, Lewis M., and Assistants : *Psychological Factors in Marital Happiness*, New York, 1939.
10. Burgess, E.W. and Leonard S. Jr., *Predicting success or failure in Marriage*. p. 49, New York, 1939.

unless dissolved by divorce. Besides being a civil contract, it has attached to it a notion of sanctity as well, since every step in its materialisation and dissolution is guided by religious dictates.

In fact, a great point of difference between the Sunnis and Shias on the subject of marriage is that whilst the former insist on the presence of witnesses at the contractual ceremony, they do not require any testimony for the dissolution of the contract by the husband. The Shias, on the contrary, do not require any evidence of marriage so long as the parties agree that it has been performed regularly, but they insist upon the presence of witnesses for the dissolution of the contract.

Thus, marriage is an institution ordained for the protection and development of society and as a shield against sexual weakness, foulness and unchastity. No other sacrament has maintained its sanctity since the earliest times.

The main features of a Shia marriage which are common to all Muslim marriages may be summarised as below :

1. It is a civil contract.
2. It is a sacred religious ceremony.
3. The design and object of marriage is not only the procreation of children, but also mutual enjoyment. It is also instituted for the solace of life and is one of the prime or original necessities of man.

In a Shia marriage it is required that (a) the parties to the contract *should hear each other's words*, i.e. the contract should be understood by both, (b) they should actually give their consent to the contract, (c) the particulars of the husband and the wife should be clearly specified so as to remove all ambiguities from their minds regarding their identity.

The Shia community is one of the important minor communities in India with appreciable social relations with other communities. So, while discussing the Shia marriage it is worthwhile making a brief study of the aspects of marriage among the Hindu, Sikh and Indian Christian communities. The Hindu community, being the major community and also because of its considerable impact on Shia customs, a

comparison of the marriage systems in only these two communities has been provided.

Hindu marriage : Among the Hindus, marriage is a sacrament or religious bond. It is neither considered to be a social contract nor does it aim at sexual enjoyment only. It is no doubt intended for procreation of children, since it is a duty cast on every Hindu to offer oblations for the salvation of his deceased parents and ancestors and repay their debts and for the peace of their soul in the next world. Marriage is a holy union between a man and woman with the sole aim of begetting children who will undertake the performance of the religious duties mentioned above. If a man does not beget a son, the male offspring of the daughter can perform these duties. Marriage, according to the Hindus, is a pre-ordained union by God and hence does not dissolve even after the death of either partner. Widow marriage is, therefore, looked down upon among the Hindus, although certain reformers and rational thinkers have advocated it very vehemently. Among the Hindus, the *Grihastha Ashram* (household life) has a very important place because only as a householder, can a man do material good to society. Marriage is thus a religious mandate with the Hindus.

Aims of Hindu Marriage : A Hindu aims at attaining *Dharma* (religion and duty), *Artha* (money and prosperity), *Kama* (wordly pleasures) and *Moksha* (salvation) and the concept of Hindu marriage is not free from these four. A Hindu is not deemed to have attained his full self unless he gets married.

Hindu scriptures enjoin that without the co-operation of the wife the performance of rituals does not yield the desired result. Thus the importance of having a wife has been much emphasized and she has been called *Dharma Patni* (a partner according to religious mandate).

Comparison of the Hindu and Muslim marriages : Basic differences between the Hindu and Muslim marriage systems are as follows :

1. *Difference in marriage aims :* The aim of marriage among Hindus has been identified as *Dharma*—to beget a

son—whereas among Muslims the marital contract aims at the satisfaction of sexual urges and procreation.

Marriage among Hindus is, in other words, a religious sacrament and with the Muslim a civil contract. To quote K.M. Kapadia, "Hindu marriage is a sacrament. It is considered sacred because it is said to be complete only on the performance of the sacred rites accompanied by the sacred formula."

2. *Difference in the field of marriage* : In case of Muslim marriages, the law of Exogamy is applicable only to very near relatives (blood relations). Among the Hindus, marriages cannot be contracted between persons having ancestral affinity upto seven degrees on the parental side and five degrees on the maternal side. Besides, there is restriction of *Sagotra* and *Saprarava* marriages. Inter-caste marriages are strictly forbidden and as the number of castes reaches several hundreds, the field of choice for matrimony is very much limited among Hindus compared to Muslims.

3. *Provisions of temporary marriage* : While there is no provisions for a temporary marriage among the Hindus, among Shia Muslims there exists a marriage known as *Mutaa*, which is for a temporary period.

4. *Difference in widow remarriage* : By tradition in the upper strata of Hindu society, especially among the Brahmins, widow remarriage have always been regarded as odious, although no legal ban on them exists. At the present day, as a result of the teachings of social reformers and the impact of Western civilisation, some instances of widow remarriage have been taking place but it is still looked down upon in society. Among the Muslims, on the other hand, widow remarriage is a normal feature.

5. As the Hindus believe in rebirth, marriage does not end after the death of either partner, while among Muslims the marriage terminates automatically on the death of either of the parties or by divorce.

6. *Distinction between Maher and Dowry* : Among Hindus there is the custom of dowry, which is different from the custom of *maher*. While the dowry is given by the bride's party to the bridegroom, *maher* is given to the bride

by the bridegroom. While the dowry is given only on the occasion of marriage, the *maher* is generally paid afterwards.

Sikh Marriage : The Sikh marriage is the simplest form of marriage in India. It is neither bound by ritualism nor are either of the parties to the marriage considered inferior to the other. In this form of marriage, utilitarianism is embedded with religious observances. Its main characteristics are as follows :—

The Sikh marriage is a religious sacrament like that of the Hindus. The Sikhs also hold marriage to be lifelong tie, the breaking of which would be sacrilegious. But they do not attach importance to the theory of rebirth and believe that this tie, like other human ties, dissolves after death and has nothing to do with life after death.

The Sikhs are divided into many *Gotras*. They practise *Gotra* exogamy and religious endogamy. As Sikhism does not prescribe any caste system, the question of inter-caste marriages does not arise. A *Sapinda* marriage, i.e. marriage between parties having common ancestors both on the paternal and maternal side, is to be avoided upto two or three degrees.

The proposal in a Sikh marriage emanates from the bridegroom's side and the bride's side accepts it. Neither of the parties is however considered inferior or superior to the other. A day for *Sagai* (betrothal) is fixed by mutual content. No formal ceremony is held after *Sagai* up to the time of marriage. Any day is considered good for marriage, except those days associated with the death of the Gurus.

Usually, the Sikh marriage takes place in the daytime and the ceremony is brief. When all persons from the groom's side have assembled at the bride's place, the head religious priest of the Gurudwara performs the marriage ceremony. At the time of the marriage the "Granth Sahib" is placed in the centre and the couple go round it four times, the bride following the groom. This is known as the *Lavan Pherey*. With this *Pherey*, the marriage stands performed and the congregational dinner follows. Devout Sikhs prefer to perform the *Sagai* and the marriage ceremony in a Gurudwara, for which they are provided all facilities,

Christian Marriage : The study of the Indian Christian community reveals that this class is different from the European Christians in many respects. Because the Indian Christians were mainly Hindus before their conversion to Christianity, they still retain, by tradition, some of the features of Hindu society. The Christian marriage does not aim only at sexual relationship but also at the full development of personality, procreation and establishment of social contact and social relationship. According to the Bulletin of the Christian Institute (September 2, 1957), "The Christian churches have always held that the universal institution of marriage has a special place in God's purpose for all human life." Thus, there is religious sanctity as well in it, because it fulfils the purpose of the Creator.

3

Design of Research

SCOPE AND OBJECTIVES OF THE STUDY

The State of Uttar Pradesh, with a population of 88,299,000 or 16.1% of India's population, ranks first among the State from the point of numbers. It stands fourth in area, with 2,94,366 square kilometres, which is 9.0% of Indian territory.

The inhabitants of Uttar Pradesh include members of all the leading religions of the world, but Hindus constitute an overwhelming majority, with Muslims next constituting 12.2% of the total population of the State. The majority of the population i.e. about 97% of this predominantly agricultural State, speak either Hindi, Urdu or Hindustani. Some 21.64% are literate, against a percentage for the whole of India of 29.35%. The percentage of literacy is much higher among men than amongst women and among residents of urban areas compared to those of rural areas. As regards the sex ratio, there are 882 women to 1,000 men.

The number of Muslims residing in Uttar Pradesh is 13,676,533. No specific statistics of Shia Muslims residing in Uttar Pradesh are available due to the omission of this item from the Census Reports of the last 40 years. But from earlier

census reports and from other report of Shia agencies, it is clear that Shias constitute about 25% of the total Muslim population of Uttar Pradesh. They carry with them a special prestige and significance, being one of the two most important sects among Muslims.

Shias and Sunnis : These two sects differ in their observance of certain customs, rites, etc. There is a difference in their marriage laws as well, the pattern of marriage, to some extent, differs materially from one section to another.

There are certain customs, manners, traditions, conventions and modes which are common to all or most of the Shia population in different cities of Uttar Pradesh. Yet there are some variations in the marriage customs of the Shias in the major cities of Uttar Pradesh—Lucknow, Allahabad, Jaunpur, Faizabad and Meerut. The difference is between the orthodox and liberal, the educated and uneducated, the rich and the poor sections of the Shias.

The main object of this project, as the title suggests, is to study the institution of marriage among the Shia Muslims, with special emphasis on their marriage customs. The impact of Hindu Culture on Islam and the conditioning of Muslim customs as a consequence forms a special interest of this study. The specific objects of this research are as detailed below :

- (1) To trace a brief history of the development of Shiaism, specially in India and particularly in Uttar Pradesh.
- (2) To analyse the legal aspects of marriage among Shia Muslims.
- (3) To find out the customs regarding the selection of marriage partners and the negotiation and settlement of marriage.
- (4) To know the rites and ceremonies before, during and after the performance of marriage.
- (5) To determine the place of *Maher* in Shia marriage.
- (6) To explore the prevalence of divorce among the Shias in Uttar Pradesh.
- (7) To discover the incidence of *Mutaa* marriages, and their significance in Shia society;

- (8) To examine the laws and customs regarding widow remarriage; and
- (9) To present an overall picture of the marriage customs of the Shias in the context of the present changing social scene.

The study is an exploratory one, and it is needless to say that its findings have a limited validity. Even so considering the dearth of sociological studies on Islam and especially on Shiaism, the value of the findings of this study cannot be underestimated. Due to the non-availability of any scientific data on the institution of marriage in Uttar Pradesh, it was not possible to begin with a definite hypothesis. This lack of information in itself is a justification for this research. This study is important in the sense that it raises a few hypotheses for further verification.

If the hypothesis has not been formed, it does not mean that there were no ideas or no direction. It only means that there was no previous reliable information about Shia marriage customs and the institution of marriage upon which any hypothesis could be based.

COLLECTION OF DATA AND THEIR ANALYSIS

This is a study of 500 Shia Muslims, 100 from each of the five major cities of Uttar Pradesh. These cities were selected from the point of view of Shia culture and population, namely, Lucknow, the present State capital, and once the Capital of the Shia Dynasty of Oudh; Jaunpur, once capital of the Shia Sharqi dynasty in the 18th Century; Faizabad, the previous capital of Shia rulers of Oudh; Meerut, an agriculturally advanced city in the western part of the State, and Allahabad, the *de jure* Capital of Uttar Pradesh. These cities have a comparatively large Shia population than other cities of Uttar Pradesh, and are still the seats of Shia culture in the State. The data were gathered on the basis of purposive sampling, because of the following reasons :

- (1) There is no systematic record available regarding the Shia population in Uttar Pradesh.
- (2) There is generally mixed living of Shias and Sunnis in all the localities at different places.

In view of these limitations, random sampling could not be adopted as a basis for data collection. For obvious reasons and practical advantages, it was not possible to base this study on any other method than the purposive sampling. In selecting the respondents an attempt was made to make the group as broadly based as possible in terms of the basic characteristics of age, sex, *Qaum*, education, income and occupation. No specific criteria, except the city of residence, could be adopted. But efforts were made to give representation to all sections of the Shia population. The field data for this research were collected from primary sources, i.e. through direct contact with the respondents in the different cities. The information was collected through an interview schedule drawn up according to the requirements of the enquiry. Only one person from a family, ordinarily the head of the family, was interviewed.

The preliminary and the most important step in this research was the collection of all available information regarding the marriage customs of Shia Muslims inhabiting different parts of the State. The survey work was completed within a year. There was, however, not much difficulty in getting the relevant information from the respondents. They were extremely helpful and cooperative. There was not a single respondent who did not give full cooperation, irrespective of his profession and status. *Mujtahids* (religious heads), lawyers, doctors, teachers, businessmen, rich and poor, all of them were included among the respondents. The preparation of the interview schedule presented some unusual difficulties. It was estimated that about half of the respondents would be unable to answer the questions if these were in English. Therefore, the interview schedule was prepared in two versions—English and Urdu. Considerable difficulty was experienced in contacting respondents in different cities. A majority of the respondents were contacted at their residence, while many were contacted in colleges, offices, businesshouses, etc.

This account of the data collection for this study will remain incomplete without mention of the interesting reactions and remarks passed by our respondents.

Before the interviews began, about 50 per cent of the respondents were of the opinion that this was an enquiry by the Government of Uttar Pradesh in connection with some legal changes contemplated in Muslim Marriages and holding this belief they were at first not prepared to give their personal opinions in response to questions put forth by the investigator. After being assured that it was purely a research work on the part of the researcher only, they readily gave the required information.

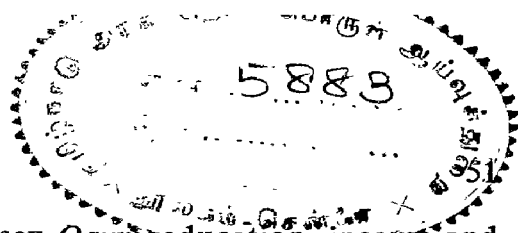
It was also very difficult to interview women respondents due to their shyness, lack of education and the *pardah* system. However, the male members of their families helped the investigator to get the relevant information from them. Despite these drawbacks and difficulties, the respondents who cooperated with me—the investigator—deserve commendation for their help.

Data and material have also been taken from secondary sources, wherever necessary. These include religious books of the Shias, authentic texts of Muslim Law and English translation of the Holy Quran. Sociological literature in the field of marriage has also been used.

A glance at the list of contents will show that this study portrays a complete picture of the Shia marriage. The answers of the 500 respondents from the major cities of Uttar Pradesh were first edited and then tabulated. In most of the tables relating to marriage customs the different variables have been related. Similarly, in most of the tables dealing with general characteristics of the respondents, two or more variables have been related. It will be seen that in a few tables, there are "And Others" categories, which are mainly due to the length of the interview schedule. Individual cases have also been described in detail in a separate chapter. Cases have also been used in the text, where necessary.

Main Characteristics of the Respondents

The main personal and social characteristics of the respondents will be given in this section, so as to give a complete picture of the total group on whose responses this study has been based. These characteristics include the city



DESIGN OF RESEARCH

of the respondents, their age, sex *Qaum*, education, income and occupation.

Table I
City of the Respondents

City	No. of Respondents
Allahabad	100
Faizabad	100
Jaunpur	100
Lucknow	100
Meerut	100
<i>Total</i>	500

Table I shows that an equal number of respondents have been taken from each of the five cities selected for study.

Table II
Age and Sex Composition of the Respondents

Age Group	Male		Female		Total	
	No.	%	No.	%	No.	%
20-29 years	39	7.8	19	3.8	58	11.6
30-39 years	73	14.6	13	2.6	86	17.2
40-49 years	112	22.4	12	2.4	124	24.8
50-59 years	98	19.6	5	1.3	103	20.6
60-69 years	94	18.8	1	0.2	95	19.0
70 years and	34	6.8	—	—	34	6.8
<i>Total</i>	450	90.0	50	10.0	500	100.0

The above table indicates that 90% of the respondents were men and only 10% were women. This variation is due to the fact that men are normally the heads of families. Special efforts had to be made to find female heads of families. Among the males, the large majority is in the age group of 30 to 69 years, and the single largest group falls in the age

group of 40 to 49 years. This can obviously be explained in terms of the prevalent pattern of family responsibility. Older persons are more likely to be the heads of the families. Among women, the number declines with age, possibly because women have to head the family only in extraordinary circumstances.

Table III
'Qaum' of the Respondents

'Qaum' of the Respondents	Total	
	Number	Percentage
Syed	327	65.4
Sheikh	68	13.6
Moghul	50	10.0
Pathan	55	11.0
<i>Total :</i>	500	100.0

Table III gives the classification of the *Qaums** of the respondents. A significant point that draws our attention at

**Qaum* among Muslims in India is something different from the Hindu caste system. There is no gradation of the caste system in the *Qaum* system. The actual origin of the system started in Arabia, where the tribal chiefs were known as Sheikhs. Sheikh literally means an old man, and these chiefs were experienced old heads of the tribes. With the disintegration of the tribal system and the establishment of the solidarity of the Muslim Empire, the term Sheikh generally meant a respectable gentleman, nobleman and a learned scholar.

Another *Qaum*, i.e. the Syeds also originated from Arabia. They are the descendants of the Holy Prophet through his daughter Fatima. They are regarded as the most elevated and respectable *Qaum*, esteemed by all the others.

The Moghuls are the Mongols and even Persians who came to India from the time of Baber onwards. They are known as Mirzas also.

The Pathans are of Afghan origin and came to India from the time of Mahmood Ghaznavi and Mohammad Ghauri and continued their supremacy upto the time of Sher Shah, who was the last Afghan Ruler. They are militant in their cult. New converts generally join the Pathan category.

first sight is the large majority of Syeds. They were 65.4%, of the respondents, while among the remaining 34.6%, 13.6% were Sheikhs, 11% Pathans and only 10% Moghuls. The main reason for this high percentage of Syeds is due to the fact that most of the Shias are the direct descendants from the Prophet and Imams and, hence, are Syeds.

Table IV
Education of the Respondents

Education	No. of Respondents	Percentage
Illiterate	24	4.8
Literate, below High School	276	55.2
High School and below B.A.	125	25.0
B.A. and above	75	15.0
<i>Total :</i>	500	100.0

The above table gives the educational background of the respondents. 95.2% of the respondents were literate and above. There were only 4.8% illiterate and 55.2% below High School.

The reasons for the higher percentage of literacy in the sample may be attributed to a number of factors. All the 500 cases have been studied from urban areas, where literacy is usually higher. The rich cultural heritage of Shias in India may be considered another important factor. Shias, who constitute a minority group amongst the Muslims, have been historically and culturally advanced in education. The Shia community has been placing a premium on education, and, in fact, the incidence of illiteracy among the Shias is very low.

Table V reveals that the monthly income of 35 per cent of the respondents did not exceed Rs. 100/-. 30 per cent of the respondents were within the range of Rs. 101/- to Rs. 200/-. Only 12 per cent and 3 per cent of the respondents had monthly income between Rs. 301/- and Rs. 500/- and Rs. 501/- to Rs. 1,000/- respectively.

Table V
Income of the Respondents

Income of the Respondents	Number	Percentage
Rs. 001-Rs. 100	175	35
Rs. 101-Rs. 200	150	30
Rs. 201-Rs. 300	100	20
Rs. 301-Rs. 500	60	12
Rs. 501-Rs. 1000	15	3
<i>Total :</i>	500	100

The main factors responsible for the poor economic condition of Shias may be as follows :

Firstly, most of them had been Zamindars and landlords, and after the Zamindari abolition, their sources of income almost ceased.

Secondly, only 40 per cent of the respondents were educated above High School. Hence, higher jobs and Government services were not open to the majority of them.

Table VI
Occupation of the Respondents

Occupation of the Respondents	Number	Percentage
Services Class (Public)	114	22.8
(Private)	50	10.0
Businessmen	90	18.0
Agriculturists	16	3.2
Landlords and ex-Zamindars	36	7.2
Professionals (Lawyers, Doctors, Teachers, etc.)	108	21.6
Housewives	50	10.0
Pensioners	36	7.2
<i>Total :</i>	500	100.0

Thirdly, as they had been Nawabs and landlords, most of them considered it below their dignity to accept low-paid jobs or engage themselves in petty business.

Table VI gives a picture of the occupational background of the respondents. 32.8 per cent of the respondents were from the services class—22.8% in public sector and 10% in private. Professionals including Doctors, Lawyers, Teachers, etc. and Businessmen came next, i.e. 21.6% and 18%, respectively. This is due to the higher percentage of literacy prevalent amongst the Shias of Uttar Pradesh. The Zamindari abolition had deprived them of their ancestral occupation and their children were naturally falling back upon the services and other professions. Since the present study is confined to cities only, the percentage of businessmen is largely because of this and agriculturalists receded into the background and were only 3.2 per cent of the Total. Landlords and ex-Zamindars, as well as pensioners, were in equal proportion, i.e. 7.2% each. It is worth mentioning that all the 50 women, who constructed 10 per cent of the sample, have been categorized here as housewives.

4

Selection of Marriage Partners

Like many other communities of the world, Shias too give preference or priority to certain of their kin while settling marriage. Due to some socio-cultural factors "cousins" occupy a significant place in the matrimonial alliances of the Shias and hence they evolved "cross cousin" and "parallel cousin" marriages, which are still popular among them. The most probable reason for these sort of matrimonial alliances is that siblings among them yearn for remaining close to each other and hence they want their children to intermarry and give the demonstration of "sibling solidarity."

AGE FOR MARRIAGE

Marriage at an early age is a distinctive feature of Indian Society. Reasons commonly advanced for it among Hindus are the lower status of woman, endogamy, hypergamy, the sacramental nature of marriages and the emphasis on continence and female chastity, the economic usefulness of a woman as an earning partner, particularly among the poor. Child marriage and marriage immediately after attaining puberty are now generally condemned and discouraged by the educated

and enlightened strata of society but is still in vogue in rural areas, although declining steadily.

A noteworthy social reformer who raised his voice against the evil of child marriage was Raja Ram Mohan Roy, founder of the 'Brahmo Samaj' sect. The efforts of social reformers during the British regime first bore fruit when marriage with any girl below 10 years of age was made an offence under section 375 of the Indian Penal Code of 1860.¹ This was the first legal blow in the direction of Social Reform.

Another prominent personality who raised his voice against the practice of child marriage was Shri Bahramji Malabari. In August 1884, he submitted a memorandum to the Government of India pointing out that such marriages had in fact become a source of social disorganization of Indian Society. But under the influence of powerful Hindu elements the then Government of India failed to pay heed to this matter.

Another important step was taken by Sri Harbilas Sarda, who was responsible for the enactment of the "Child Marriage Restraint Act" of, 1929 known as the Sarda Act (after the name of its author). The Sarda Act penalised the marriage of boys under 18 years of age and girls under 15. (The age limit in the case of girls was originally 14).

The progressive erstwhile princely states of Mysore, Baroda and Indore also had made appreciable efforts in the form of laws preventing child marriages in 1894, 1904 and 1918 respectively.

Among the Shias, some fifty or sixty years earlier, it was customary to get their sons and daughters married at an early age. In recent years a social change is perceptible in the Shia Community too, as among other educated and progressive communities. (The census of 1971 confirms this attitude). People are now fully aware of evils of early marriage and at the present time there is to be found a considerable percentage of boys and girls, who, though past puberty, are unmarried.

1. Section 375 of the Indian Penal Code was successively amended in 1891 (Act 10), 1925 (Act 29) and 1949 (Act 42) to raise the originally provided age of 10. The age is now 15 years.

The reasons for the social change may be modern education, a change in outlook, the growth of modern complex society, the right to divorce, and other rights given to women. This change is to a great extent beneficial to the people as well as to society as a whole.

Table VII

Views of the Respondents on the Desirable Age of Marriage of Boys and Girls

Age in years	Sex			
	Boys		Girls	
	No.	%	No	%
9-11	—	—	14	2.8
12-14	—	—	113	22.6
15-17	16	3.2	152	30.4
18-20	123	24.6	191	38.2
21-23	128	25.6	19	3.8
24-26	180	36.0	11	2.2
27 and above	53	10.6	—	—
<i>Total :</i>	500	100	500	100

Views on age for marriages of boys and girls obtained from 500 respondents have been given in Table VII. It should be noted that 180 respondents (36%) preferred the age group 24-26 years for boys, and 25.6 per cent and 24.6 per cent of the people were of the view that boys should be married between the ages of 21-23 years and 18-20 years respectively. The age group 18-26 years was preferred by as many as 86.2 per cent while 363 (72.2%) respondents were of the view that boys should be married after the age of 20.

In the case of girls, 191 respondents (38.2%) preferred the age group 18-20 years. 30.4 and 22.6 per cent of the people being of the opinion that girls should be married between the ages of 15-17 and 12-14 respectively. On 14 (2.8%) people were in favour of a comparatively early age, namely, 9-11 years, while 11 respondents (2.2%) favoured comparatively

late marriage for girls. 91.2 per cent of the respondents favoured the ages of 12-20 for girls. The most significant conclusion that could be drawn is that 91.2% of the respondents were of the opinion that their daughters should be married before they crossed their twentieth year.

Thus it is quite evident that the Shias are anxious to get their daughters 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 guardians. 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, some times the husband being even 10 years older than his wife.

In the following table the respondents' views regarding the desirable age of marriage for boys and girls have been examined in relation to the respondents' *Qaum*, education and occupation.

Table VIII

Education and Views of Respondents on the Desirable Age of Marriage for Boys

Age group of boys	Illiterate		Literate, below High School		High School and below B.A.		B.A. and above		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
9-14	—	—	—	—	—	—	—	—	—	—
15-20	22	4.4	104	20.8	10	2	3	0.6	139	27.8
21-26	2	0.4	164	32.8	90	18	52	10.4	308	61.6
27 and above	—	—	8	1.6	25	5	20	4	53	10.6
<i>Total :</i>	24	4.8	276	55.2	125	25	75	15	500	100

Table VIII shows that the majority of the respondents (61.6%) were in favour of getting boys married between the ages of 21-26 years, though 27.8 per cent of the respondents still thought that boys should be married at an earlier age, i.e., between the ages of 15 and 20 years. A good number (10.6%) preferred a later marriage age—after 27 years.

It is interesting to note that an overwhelming majority of illiterate respondents (91.7%) considered 15-20 years as the desirable age for boys' marriages. Marriage between the age of 21 and 26 years was considered desirable by all three educated categories, while a good number of respondents in the educational categories, of "High School and below B.A." and "B.A. and above" were prone to consider 27 years and above the desirable marriageable age for boys.

Arranged occupation-wise : Table IX illustrates that 61.6 per cent of the respondents considered the desirable age of marriage for boys to be between 21 and 26 years. They included 83 (72.8%), 78 (72.3), 50 (55.5%) and 35 (70%) respondents who were public servants, professionals, business men and private servants respectively.

It is interesting to note that a sizeable number of respondents belonging to the agriculturist, landlord and ex-Zamindar classes, pensioners and housewives favoured getting their boys married between the ages of 15 and 20 years. However, 10.6 per cent belonging to the categories of businessmen and professionals and public and private servants preferred marriage after 27 years and above.

In regard to marriageable age for girls Table X indicates that 68.6 per cent of respondents were in favour of getting them married between the ages of 15 and 20 years. There were 198 (71.7%), 87 (69.6%) and 51 (77.3%) respondents who belonged to the categories of literates 'below High School', 'High School and B.A.' and 'B.A. and above' respectively, who were of that opinion. It is worth noting that all the 24 illiterate respondents favoured getting girls married between the ages of 9 and 14 years. Only 6 per cent of the respondents in the three educated categories considered the age group of 21 to 26 years as a desirable age of marriage for girls.

Table X

Education and Views of the Respondents on the Desirable Age of Marriage for the Girls

Age group of girls	Illiterate		Below High School		High School & below B.A.		Literate B.A. and above		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
9-14	24	4.8	74	14.8	27	5.4	2	0.4	127	25.4
15-20	—	—	198	39.6	87	17.4	58	11.6	343	68.6
21-26	—	—	4	0.8	11	2.2	15	3	30	6.0
27 and above	—	—	—	—	—	—	—	—	—	—
<i>Total :</i>	24	4.8	276	55.2	125	25	75	15	500	100

Table XI

Qaum and Views of the Respondents on the Desirable Age of Marriage for the Girls

Age group of girls	Syed		Sheikh		Moghul		Pathan		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
9-14	105	21	14	2.8	4	0.8	4	0.8	127	25.4
15-20	215	43	51	10.2	36	7.2	41	8.2	343	68.6
21-26	7	1.4	3	0.6	13	2	10	2	30	6
27 and above	—	—	—	—	—	—	—	—	—	—
Total	327	65.4	68	13.6	50	10	55	11	500	100

Table XI, arranged *Quam*-wise, reveals that the majority of the respondents (68.6%) were in favour of getting girls married between the ages of 15 and 20 years. Nevertheless, 25.4 per cent of the respondents (127 out of 500) suggested a marriageable age between 9 and 14 years. Only 6 per cent preferred adult marriage and one seemed to be in favour of a marriage delayed beyond 26 years of age. It is interesting that girls' marriage, in between the ages of 15 and 20 years, was considered desirable by almost every *Quam* amongst the Shias, whereas the Syeds seemed more inclined to early marriages, that is, before 15 years.

The changing trend in the age for marriage : It would be worthwhile comparing these results with those of other studies on the changing attitude of the masses to the question of a proper marriageable age in India. Unfortunately, very few studies in this connection have been made in this country. A reference to the ages of girls at the time of marriage has been made by Professor Kapadia and we may compare our findings with his.

In a study of 256 marriages made by Professor Kapadia in 1957, of lady graduate-teachers, among whom 139 were below 35 and 117 above 35, it was found that the highest percentage (21.4%) in the "Above 35" group was of women who had married between the ages of 17 and 18. In the "Below 35" group also the highest percentage (25.9%) was of those who had married between 17 and 18. In a subsequent study of 148 marriages, Professor Kapadia found that the percentage in the 17-18 group had not only risen to 33.8 but also that it had decreased for the age group 14-15 and 16-17 and had notably increased for the age group 19-20.²

It will be seen that while in Professor Kapadia's studies the largest percentage of women (33.8%) were married between the ages of 17 and 18, (their number having increased from about one-fourth in 1957 to one-third in 1958), in our studies the age groups 15 to 17 and 18 to 20 were favoured by 30.4% and

2. Kapadia, K.M, "*Marriage and Family in India*, p. 158, Oxford University Press, Bombay, 1959.

38.2% of the respondent for the marriage of their daughters before they crossed their twentieth year. While in Professor Kapadia's studies the second largest number of women were married between 19 and 20, in our findings the second largest number favoured was the age group 15 to 17.

Professor Kapadia's conclusions were parallel to the conclusion reached in our studies as far as the most favoured age group is concerned, though in regard to the second largest group our findings differ. A significant point is that while the trend in Professor Kapadia's findings is upward, 19-20 years, as far as the second largest group is concerned, the trend in our findings is downward, the most favoured age-group among the second largest group of respondents dropping to 15 to 17 years. This clearly indicates the views of the Shia population of the State as far as the age of the marriage for their daughters is concerned. They are in favour of comparatively early marriages.

The concept of early marriage is usually changing in Indian society as is evident from recent censuses. Similar is the case with Shia Society, too, because the Shias are also an integral part of the Indian people. Educated Shias also hold the view now that a girl should be educated or given training in some profession, so that if any misfortune befalls her after marriage she may be able to stand on her own feet without the help of the husband, guardians or other relations.

CRITERIA OF SELECTION

"Among many so-called savage tribes, no young man or young woman is allowed to go courting without first having demonstrated sufficient skill and maturity to convince the elders of the tribe that the responsibilities of marriage can be successfully discharged. Boys must know how to provide food; girls must be able to prepare and to serve it."³

This simple quotation illustrates that even savage tribes observe some rules about marriage. The selection of mates depends to a great extent on their capabilities of discharging

3. Magoun Alexander, F., *Law and Marriage*, p. 124. Harper and Brothers, New York, 1948.

their responsibilities. The male should be capable of supporting and providing for the maintenance of his spouse, while she, on her part, must be conversant with household affairs. There are variations in the pattern of arrangement for marriage also depending on the culture of the particular society.

Two main forms of marriage can be identified on present standards, (1) where the arrangement and settlement of the marriage are entirely in the hands of parents and guardians, (2) where the selection of the partner is entirely the business of the young couple.

As arranged by parents, the selection of a marriage partner is based on social and economic considerations, including the status of the family, their standing and relationship which may be helpful in the bridegroom's advancement in life. They also keep under consideration their (the couple's) compatibility of temperaments and feelings. "In all countries of the Orient, China, India, Japan, Korea and the Philippines, as in ancient society, arrangement for marriage is controlled by the parents."⁴

On the other hand, marriages arranged by the couples themselves proceed on an entirely different footing. They make their choice on the basis of companionship formed by marital experiences, compatibility of temperament, personality, needs and common interests and ideals. Such factors for mate selection are common in Western countries.

In India the criteria of selection of marriage partners, as pointed out by Professor Kapadia, may be understood from the following extract in which he says: "The question of selection in marriage may be considered from three points of view, namely, the field of selection, the party to selection and the criteria of selection. The field of selection is restricted in two ways. Among some tribes and communities there is a preferential code, enjoining marriage with a particular relative as more desirable, or at times even obligatory. There are, likewise, certain restrictions prohibiting marriage with certain relatives or between certain groups as such marriages are

4. Burgess, E.W. & Lock, H.J., *The Family*, p. 400, American Book Company, New York, 1950.

considered incestuous or undesirable. There are further restrictions of an endogamous character enjoining marital union within the bounds of a certain group. The Hindus have both endogamous and exogamous rules limiting the selection of a mate. The Hindu community is divided into a number of castes which are endogamous groups; in practice, the caste is again divided into a number of sub-castes, each of which is further sub-divided into a number of sections.”⁵

While selecting a partner the main consideration of the father is to see that the selected partner does not suffer from any disease or deformation. What stands out as a prominent consideration is that the spouse must come from a family which is well-known for its adherence to the cultural traditions of the community. Thus the family is an important factor in the selection of a spouse.

“Now-a-days the idea is to ascertain that the family is not quarrelsome, has no history of persons suffering from incurable diseases and is held high in social estimation for its standard of living, material as well as cultural. In the old days the choice was left to the father and a partner in marriage had little voice in settling it, and marriage did not very often prove unhappy because the parents were fastidious in selecting the spouse from proper families and the social ideals of marriage and joint family organisation offered little chance for clash of interests or ideology.”⁶

Muslims as such have no limitation in the field of selection of mates and are divided into four *Qaums*, viz., Syeds, Sheikhs, Moghuls and Pathans. There is no religious restriction in connection with marriage amongst the different *Qaums* though Islam has no doubt prohibited marriage between certain categories of women and men. On the one hand are there the Indian ideas about caste, its various forms, divisions and sub-divisions and on the other is the Islamic universality of equality and spirit of anti-restriction. The Shias, being Muslims, ought to be free from caste bias but though they may have no caste they have *Qaums* determined on a racial

5. Kapadia K. M., op. cit., p. 117.

6. Kapadia, K.M., op. cit., p. 136.

basis. So, indirectly and sub-consciously, Hindu ideals have somehow crept into their minds also.

In selecting mates, the Syeds are held in the highest esteem. Although the Syeds themselves prefer a settlement within their own *Qaums*, especially in the case of the daughter, there are examples where they have chosen non-Syed girls for their sons. Generally each *Qaum* likes to be married within his or her own circle but inter-*Qaum* marriages may be witnessed among non-Syeds.

Shias mostly give first preference to cousins because of the following considerations : (1) pride of lineage and notions of purity of blood, (2) family solidarity, (3) the prospect of the *Jahez* or dowry given to the daughter at the time of marriage remaining in the same family.

Of the above, the most significant is the family consideration. It may be split into (1) consideration pertaining to the bridegroom and (2) consideration pertaining to the bride. 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 merits of the bride are 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.

These considerations are generally followed in nearly all cases but the main factor is that every *Qaum* wants to settle a marriage within the *Qaum* and not beyond it. Table XII indicates that 327(100%), 10(14.7%), 10(20%) and 2(3.6%) Syeds, Sheikhs, Moghuls and Pathans respectively gave first preference in the marriage of their sons to girls of Syed families. A Syed is not willing to marry his son to non-Syed in ordinary circumstances. It shows that a Syed holds the highest prestige among Shias. 58(85.3%), 40(80%) and 53(96.4%) Sheikhs, Moghuls and Pathans gave first preference to girls of their respective *Qaums*. Out of 327 Syeds, only 40 and 20 gave second and

third preferences to daughters of Sheikhs and Moghuls. 30(44.10%), 10(14.7%) and 28(41.2%) Sheikhs gave second preferences to daughters of Syeds, Sheikhs and Moghuls respectively, and similarly 40(58.8%) and 4(5.9%) Sheikhs gave third preferences to Moghuls and Pathans respectively. Only 2(2.9%) Sheikhs gave fourth preference to the daughters of Pathans.

30(60%), 10(20%) and 10(20%) Moghuls gave second preference to daughters of Syeds, Sheikhs and Moghuls respectively. Similarly, 40(80%) and 5(10%) Moghuls gave third preference to daughters of Sheikhs and Pathans respectively and only 3(6%) gave fourth preference to the daughters of Pathans.

20(36.4%), 35(63.6%) and 5(9.1%) Pathans gave second preference to daughters of Syeds, Sheikhs and Moghuls respectively. Similarly, 15(27.3%), 20(36.4%) Pathans gave third preference to daughters of Sheikhs and Moghuls respectively. 10(18.2%) Pathans gave fourth preference to daughters of Moghuls. The highest preference of endogamous *Qaum* among the Shias was shown by the Syeds. Generally, they are not prepared to establish marital relations with non-Syeds.

Table XIII indicates that 327(100), 30(44.1%), 15(30%) and 30(54.5) Syeds, Sheikhs, Moghuls and Pathans respectively gave first preference to get their daughters married to Syed' sons only. 35(70%), 38(55.9%) and 25(45.5%) Moghuls, Sheikhs and Pathans respectively gave first preference to their own respective *Qaums*. Out of 327 Syeds, only 40 and 21 gave second and third preferences to Sheikhs and Moghuls respectively. Not even a single Syed was ready to establish matrimonial relations with a Pathan son. It is worthwhile to mention here that out of 327 Syeds, 282(86.5%) were not at all prepared to get their daughters married to non-Syed sons.

18(26.5%), 30(44.1%) and 10(14.7%) Sheikhs gave second preference to sons of the Syeds, Sheikhs and Moghuls respectively and 10(14.7%) and 18(26.6%) Sheikhs gave the third preference to Syeds and Moghuls respectively. 30(60%), 15(30%) and 5(10%) Moghuls gave second preference to sons of Syeds, Moghuls and Sheikhs respectively. Similarly, only 30(60%) and 3(6%) Moghuls gave third preference to sons of

Table XII

Qaum of the Respondents and Degree of Preference in the Marriage of the Sons

Qaum of the res- pondents	Syed		1st preference		Pathan		Syed		2nd preference		Moghul		Pathan	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
	(1)		(2)		(3)		(4)		(5)		(6)		(7)	(8)
Syed	327	100	—	—	—	—	—	—	—	—	40	12.2	20	6.1
Sheikh	10	14.7	58	85.3	—	—	—	—	30	44.1	10	14.7	28	41.2
Moghul	10	20	—	—	40	80	—	—	30	60	10	20	10	20
Pathan	2	3.6	—	—	—	—	53	96.4	20	36.4	35	63.6	5	9.1

(Table XII—Contd.)

Qaum of the res- pondents	Syed		3rd preference		Pathan		Syed		4th preference		Pathan	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
	(9)		(10)		(11)		(12)		(13)		(14)	
Syed	—	—	20	6.1	10	3.1	—	—	—	—	—	—
Sheikh	—	—	—	—	40	58.8	4	5.9	—	—	—	2 2.9
Moghul	—	—	40	80	—	—	5	10	—	—	—	3 6
Pathan	—	—	15	27.3	20	36.4	—	—	—	—	10 18.2	—

(Table—XIII Contd.)

Qaum of the res- pondents	Syed			3rd preference			Pathan			Syed			4th preference			Pathan		
	No.	%		No.	%		No.	%		No.	%		No.	%		No.	%	
	(9)			(10)			(11)			(12)			(13)			(14)		
Syed	—	—	20	6.1	2	0.3	—	—	—	—	—	—	—	—	—	—	—	—
Sheikh	10	14.7	—	—	18	26.6	—	—	—	—	—	—	—	—	—	—	—	—
Moghul	—	—	30	60	—	—	3	6	—	—	—	20	40	—	—	10	20	—
Pathan	—	—	30	54.5	25	45.5	—	—	—	—	—	25	45.5	30	54.5	—	—	—

Table XIV

Qaum of the Respondents and their Preferential Considerations while Selecting a Match for the Son

Qaum of the respondents	Education		1st preference Family of the bride		Employment		Economic status		Education		2nd preference Family of the bride		Employment		Economic status	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
	1		2		3		4		5		6		7		8	
Syed	—	—	327	100	—	—	—	—	250	76.4	—	—	—	—	77	23.6
Sheikh	—	—	68	100	—	—	—	—	50	73.5	—	—	—	—	18	26.5
Moghul	—	—	50	100	—	—	—	—	30	60	—	—	—	—	20	40
Pathan	—	—	55	100	—	—	—	—	25	45.6	—	—	—	—	30	54.4

Sheikhs and Pathans respectively. 25(45.5%) and 30(54.5%) Pathans gave second preference to the sons of Syeds and Pathans respectively. Similarly, 25(45.5%) and 30(54.5%) Pathans gave third preference to sons of Moghuls and Sheikhs respectively. 30(54.5%) and 25(45.5%) Pathans have given fourth preference to the sons of Moghuls and Sheikhs respectively.

The tables XIV & XV reflect further the relationship of respondents, *Qaum* and education and their preferential considerations while selecting a match for their sons and daughters. Table 14 reveals that all 500 respondents gave first preference to family background of the bride. 355(71%) and 145(29%) of the respondents seemed to lay particular emphasis on the brides' household education and the economic status of the family was given second preference. 76.4% and 73.5% Syeds and Sheikhs preferred household education to economic status of the bride. In the third preference 355(71%) and 145(29%) respondents preferred economic status and household education of the bride respectively. 77(23.6%) and 18(26.5%) Syed and Sheikhs respectively laid emphasis on household education of the bride while 20(40%) and 30(54.4%) Moghuls and Pathans respectively gave preference to the bride's family's economic status. The table further indicates that all respondents gave first preference to the purity of lineage in the family. An overwhelming majority gave second preference to education of the girls in household work. Most respondents gave third preference to economic status, which shows that economic status was not considered to be of prime importance. Not a single respondent gave the bride's employment as a preference; even the fourth preference was not given to this qualification. This clearly shows that even today Shia society is totally against employment of girls.

Table XV relates the educational background of the respondents and their preferences for matches for their daughters. It is significant that even the highly educated classes among the respondents preferred family background as the most important factor. 219(43.8%) and 274(54.8%) respondents were in favour of education and employment of the bridegroom for second preference. It is worth mentioning that the majority

of the respondents within the categories of 'High School and below B.A.' and 'B.A. and above' seemed to lay emphasis on education rather than employment for second preference, while the majority in the other categories of 'illiterate' and 'literate, below High School' were in favour of employment rather than education as the second preference.

The respondents' third preference were more or less on the same lines as their response to second preference except that the majority of the 'illiterate' and 'literate, below High School' respondents gave their third preference to education while the two other educated categories were in favour of employment. 97.4% of the respondents favoured economic status of the family of the bride as the fourth preference. We can easily draw the conclusion from the above two tables that first preference was given to the standing of the family of the contracting party, whether in the case of the girl or boy. The educational background of the respondents made no difference as far as this is concerned.

So far as girls were concerned, an overwhelming majority of the respondents gave second preference to household education and the behaviour of the girl. Economic status entered as a third preference while no respondent was in favour of employed girls even as a fourth preference.

So far as boys were concerned, the second preference in the case of a majority of the respondents was employment rather than education. The majority of the respondents belonging to the categories of 'illiterate' and 'literate, below High School' gave more importance to employment than education, while respondents belonging to the other educated categories gave more importance to education than employment in second preference. The third preference was just the reverse of the second one. Economic status came in as fourth preference.

In recent years there have been some cases of strained relations between contracting parties among the Shias due to differences in the social status of the guardians of the newly married husbands and wives. In marriages where there is disparity in the social status of the two parties there arises the problem of adjustment to the new social milieu.

(Table—XV Contd.)

Education	3rd preference				4th preference							
	Family of the bridegroom		Employ-ment		Economic status		Family of the bridegroom		Employ-ment		Economic status	
No. %	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)
Syed 12 50	—	—	10 41.7	2 8.3	—	—	—	—	—	—	22 91.7	—
Sheikh 201 72.9	—	—	71 25.7	4 1.4	11 4	—	—	—	—	—	265 96	—
Moghul 45 36	—	—	80 84	—	—	—	—	—	—	—	125 100	—
Pathan 10 13.1	—	—	65 86.9	—	—	—	—	—	—	—	75 100	—

Table XVI

Qaum of the Respondents and Preferences to Marry Sons and Daughters in Lower, Equal or Higher Social Status

Qaum of the res- pondents	Sons						Daughters									
	Lower		Equal		Higher		Total		Lower		Equal		Higher		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Syed	130	26	192	38.4	5	1	327	65.4	—	—	251	50.2	76	15.2	327	65.4
Sheikh	27	5.4	40	8	1	0.2	68	13.6	—	—	39	7.8	29	5.8	68	13.6
Moghul	18	3.6	30	6	2	0.4	50	10.0	—	—	30	6	20	4	50	10.0
Pathan	19	3.8	33	6.6	3	0.6	55	11.0	—	—	25	5	30	6	55	11.0
Total	194	38.8	295	59	11	2.2	500	100	—	—	345	69	155	31	500	100

The Respondents' *Qaum* and educational background in the context of the social status of the families of boys and girls have also been examined. Table XVI indicates that 130 (39.8%), 27 (39.7%), 18 (36%) and 19 (34.5%) Syeds, Sheikhs, Moghuls and Pathans respectively, were in favour of marrying their sons with daughters belonging to the families of lower social status while none of the respondents have showed such a preference in the case of getting their daughters married. 192 (58.7%), 40 (58.8%), 30 (60%) and 33 (60%) Syeds, Sheikhs, Moghuls and Pathans respectively, were in favour of marrying their sons to daughters of the parents of equal social status. Similarly, 251 (76.8%), 39 (57.3%), 30 (60%) and 25 (45.5%) Syeds, Sheikhs, Moghuls and Pathans, respectively, held the similar view in the case of their daughters. Only 11 (2.2%) respondents were in favour of getting their sons married to daughters of families of higher social status. 76 (53.2%), 29 (42.6%), 20 (40%) and 30 (54.4%) Syeds, Sheikhs, Moghuls and Pathans, respectively, showed preference in favour of marriage of their daughters with the sons of the families of higher social status than themselves. The table further indicates that out of 500 respondents, none were ready to get their daughters married to the sons of families lower in social status than theirs'. They were of the opinion that if they got their daughters married in such families, their daughters would face economic difficulties, as well as other inconveniences. They were also of the view that girls should always be married into families having either equal or higher social status.

Table XVII reveals that 134 (44.9%), 45 (36%) and 15 (20%) respondents belonging to the categories of 'literate, below High School', 'High School and below B.A.' and B.A. and above respectively preferred to get their sons married to daughters of families in lower social status. 295 (59%) respondents preferred to marry their sons into families of equal social status. Only 8 'illiterate' and 2 'literate, below High School' respondents preferred to marry their sons into families of higher social status.

Not a single respondent preferred to marry his daughter into a family of lower social status. The majority of the

respondents i.e. 345 (69%) preferred equal social status to get their daughters married. Among these were 172 (62.4%), 100 (80%), 65 (86.7%) and 8 (33.3%) of the 'literate, below High School', 'High School and below B.A.', 'B.A. and above' and illiterate respondents respectively. There were only 11 (2.2%) and 155 (31%) respondents who favoured marrying their sons into families of higher social status, while there were no respondents preferring families of a lower social status for the marriage of their daughters.

The 'illiterate' respondents preferred a family of a higher social status for their sons as well as for their daughters because they thought that their wards would be well-off, while the majority of the educated respondents preferred a family of equal social status for their sons as well as for their daughters. A small majority of the educated respondents preferred a family of lower social status for their sons, and a higher social status for their daughters. Reasons for this preference may be that a girl from a family of a lower status would consider herself blessed and well-off, while the main reasons in the latter case may be the expectation of a more affluent and prosperous future for their daughters. Thus the findings of the above table show that family status plays a great role in mate selection.

The relationship between the respondents' age and sex and their views on higher education for girls in order to secure good partners have been examined in this connection.

Table XVIII

Age of the Respondents and Preference for giving Higher Education to Daughters for Securing Good Partners

Age of the respondents	Yes		No		Total	
	No.	%	No.	%	No.	%
20-39 years	27	5.4	117	23.4	144	28.8
40-59 years	13	2.6	214	42.8	227	45.4
60 & above	—	—	129	25.8	129	25.8
Total	40	8	460	92	500	100

Table XVIII indicates that only 8% of the respondents were in favour of giving higher education to their daughters for securing good partners. Among these respondents, 27 (18.8%) and 13 (5.7%) belonged to the age group of 20-39 and 40-59 years. No respondent belonging to the 60 and above age group supported the above view. The table further reveals that only a few respondents belonging to the comparatively lower age groups, were in favour of giving higher education to their daughters for securing good partners in life.

Table XIX

Sex of the Respondents and Preference for giving Higher Education to Daughters for Securing Good Partners

Sex of the Respondents	Yes		No		Total	
	No.	%	No.	%	No.	%
Male	28	5.6	422	84.4	450	90
Female	12	2.4	38	7.6	50	10
Total	40	8	460	92	500	100

The above table shows that 40 (8%) respondents were in favour of giving higher education to daughters for securing good partners, 28 (6.2%) were men and 12 (24%) were women. The table further indicates that women were more liberal than men in this connection.

Marriages between Shia men and Sunni women and vice versa were common about 50 years ago in Uttar Pradesh. But such marriages are not prevalent amongst the two sects at present with the exception of love marriages.

Table XX gives a picture of inter-sect marriages between Shias and Sunnis which have taken place during the last twenty-five years. It is clear from the table that only 5 (1%) of such marriages were contracted amongst 500 respondents. Only two Shia Sheikhs contracted marriages with two Sunni Sheikh women. Similarly, one Shia Moghul and two Shia Pathans contracted marriage with Sunni Pathan women. It

may be mentioned that all 5 were love marriages. The table indicates that inter-sect marriages were not common.

Table XX

Qaum of the Respondents and Inter-sect Marriages during the last Twenty Five Years

<i>Qaum of the Resp.</i>	Syed (Sunni)		Sheikh (Sunni)		Moghul (Sunni)		Pathan (Sunni)		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Syed*	—	—	—	—	—	—	—	—	—	—
Sheikh*	—	—	2	—	—	—	—	—	2	—
Moghul*	—	—	—	—	—	—	1	—	1	—
Pathan*	—	—	—	—	—	—	2	—	2	—
Total	—	—	2	—	—	—	3	—	5	—

* Shia

Islam does not permit inter-religious marriages. Shias dislike marriages with any other Islamic sect. Shia and Sunni marriages used to take place previously, but in the last 50 years or so the relations between both sects have become strained due to certain controversies. So far as converted Shia girls are concerned, some Shias are of the opinion that they may be taken in marriage provided they are ready to follow Shia tenets. In spite of this liberal view such marriages are very rare.

Table XXI reveals that not a single Shia respondent is ready to get his daughter married to a Sunni, Qadiyani Hindu, Parsi, Christian, Jew or converted Muslim's son. Only 5 (7.4%), 6 (12%) and 10 (18.2%) Sheikhs, Moghuls and Pathans respectively were ready to marry their daughters to converted Shia sons. Similarly, none of the Shia respondents was ready to get his son married to the daughter of a Qadiyani, Hindu, Parsi or Christian. Only 12 (17.6%), 15 (30%) and 18 (32.7%) Sheikhs, Moghuls and Pathans were ready to marry their sons with Sunni and converted Muslim daughters. 15 (22.1%), 18 (36%) and 20 (36.4%) Sheikhs, Moghuls and Pathans, respectively, were in favour of having matrimonial relations

Table XXI
Qaum of the Respondents and Willingness to Establish Matrimonial Relations with other Religions and sects of Islam

Other Religions and Sects of Islam	(1)		(2)		(3)		(4)	
	Syed No.	%	Sheikh No.	%	Moghul No.	%	Pathan No.	%
Sunni Son	—	—	—	—	—	—	—	—
and Daughter	—	—	12	17.6	15	30	18	32.7
Qadiyani Son	—	—	—	—	—	—	—	—
and Daughter	—	—	—	—	—	—	—	—
Hindu Son	—	—	—	—	—	—	—	—
and Daughter	—	—	—	—	—	—	—	—
Parsi Son	—	—	—	—	—	—	—	—
and Daughter	—	—	—	—	—	—	—	—
Christian Son	—	—	—	—	—	—	—	—
and Daughter	—	—	—	—	—	—	—	—
Jewish Son and Daughter	—	—	—	—	—	—	—	—
Converted Muslim Son	—	—	—	—	—	—	—	—
Converted Muslim Daughter	—	—	12	17.6	15	30	18	32.7
Converted Shia Daughter	—	—	15	22.1	18	36	20	36.4
Converted Shia Son	—	—	5	7.4	6	12	10	18.2

(Table XXI Contd.)

Other Religions and Sects of Islam	(5)		(6)		(7)		(8)		(9)		(10)	
	No.	%	Syed No.	Sheikh %	Non-willing No.	Moghul %	Pathan No.	%	Total of willing No.	%	Total of Non-willing No.	%
Sunni Son	327	100	68	100	50	100	55	100	—	—	500	100
and Daughter	327	100	56	82.4	35	70	37	67.3	45	9	455	91
Qadiyani Son	387	100	68	100	50	100	55	100	—	—	500	100
and Daughter	—	—	—	—	—	—	—	—	—	—	—	—
Hindu Son	327	100	68	100	50	100	55	100	—	—	500	100
and Daughter	327	100	68	100	50	100	55	100	—	—	500	100
Parsi Son	327	100	68	100	50	100	55	100	—	—	500	100
and Daughter	327	100	68	100	50	100	55	100	—	—	500	100
Christian Son	327	100	68	100	50	100	55	100	—	—	500	100
and Daughter	327	100	68	100	50	100	55	100	—	—	500	100
Jewish Son and Daughter	327	100	68	100	50	100	55	100	—	—	500	100
Converted Muslim Son	327	100	68	100	50	100	55	100	—	—	500	100
Converted Muslim Daughter	327	100	56	82.4	35	70	37	67.3	45	9	455	91
Converted Shia Daughter	327	100	53	87.9	32	64	35	63.6	53	10.6	447	89.4
Converted Shia Son	327	100	63	92.6	44	88	45	81.8	21	4.2	479	95.8

for their sons with daughters of converted Shia Muslims. The table further reveals that none of the 327 Syeds were ready to establish marriage relations with sons or the daughters of different religions, different sects of Islam and even converted Shia Muslims, because as discussed earlier, the Syeds are very particular about the purity of blood and lineage.

Chief Criteria in Mate Selection

A. Family Factors : The Shias are very particular about the family. The guardians generally do not like to marry outside the family or in a family of lower status.

B. Personal Factors : Among the Shias, factors that affect a person's choice in marriage are personality, health and temperament, likes and dislikes, attitudes and tendencies. The main consideration before the father or the guardian, however, is that the selected spouse does not suffer from any disease or deformity.

C. Inter-Personal Factors : As described earlier, generally the marriages amongst the Shias are solemnised with the cousins. Both of them are supposed to know each other since childhood. Such marriages are expected to be helpful in establishing better relations between the mates. A marriage so based on mutual understanding may be described as a sort of "love marriage" because both parties have known each other from childhood.

Jahez (dowry) is not a major consideration in the selection of a partner. Chastity and morality are regarded as the highest virtues and essential qualifications for a girl. Some parents regard the bride as a gift, to be given to the bridegroom and, therefore, exercise absolute independence in the selection of the mate. Under the notion of marriage as a gift there is little scope for girls' rights in the selection of the partner. Therefore, the father or the guardian is the whole and sole authority in giving this gift to a person whom he considers deserving and fit.

In Indian society, contrary to the Western one, occasions of contact between unmarried young men and women are rare. Social life does not provide such opportunities as the girls are always under strict vigilance.

In India, due perhaps to the impact of Hindu culture on Islam, social stratification amongst the Muslims is also conspicuous. Generally, all the four *Qaums* among the Shias prefer to marry, not only in their own *Qaum*, but specially within their families or blood relations. No doubt, some Moghuls, Sheikhs and Pathans give preference to marrying their daughters to Syeds, but the Syeds are not at all inclined to accept the sons of these *Qaums*. Generally the non-Syed Shias are shy of marrying the daughter of Syeds because the Syeds are considered to be higher in status than the non-Syeds. Another reason why the Syeds do not want to give their daughters to non-Syeds is that the issue of such a marriage would naturally belong to the *Qaum* of their husbands and hence, the continuation of the *Siadat* (the continuance of the Syed-line) would end with the daughter, while if she is married to a Syed the lineage will not end. It has also been observed that some Syeds marry their sons to the daughters of non-Syeds but very rarely and only when they are not able to find a suitable match for their sons in their own *Qaum*.

5

Settlement of Marriage

Since courtship and dating are alien notions among the Shias of this region, settlement remains the only option open for the prospective couples to enter a socially sanctioned wedlock.

THE PROCESS OF SELECTION

The procedure of selection of the marriage partners is considered to be the most significant and important factor among Shias; they give every possible attention to this basic point. As described earlier, the marriages are performed generally between 'cousins', but this may not always be possible. In most cases, it is the elderly ladies of the families concerned who take the lead in the matter. They consider it their foremost duty to suggest marriage proposals for marriageable girls and boys. Other members of the family also keep on the lookout for suitable young people. The grand-parents particularly, take the greatest care to keep themselves well-informed about suitable boys and girls. When the elderly ladies of the two parties meet at some function or other the opportunity is availed of to discuss the possibility of an alliance. As it is a

family matter and previously contemplated, both parties give authority to an elderly lady who settles a date for a talk between the families. This generally happens when the lead is taken by the elder people of the family.

Another procedure is through interested friends and relatives, especially when a suitable match is not available amongst near-relations. Friends and relatives often suggest the name to the guardians concerned and the process of investigation and settlements starts. In this way common friends and relatives are useful in the process of selection.

The third procedure is by ascertaining a suitable match through servants, fruit and sweet vendors, barber's wife and the like who move among several families and are able to render service to various families.

Thus, in Oriental countries the process of selection rests mainly with the guardians, their friends, and relatives and well-wishers. In Western countries the procedure is quite different as the selection of mates is to a great extent mutual and direct. Girls as well as boys move freely in society and have opportunities to come into contact with and to get closely acquainted with each other. Co-education, professions and social gatherings, etc., afford favourable occasions. There is no question of the guardians taking the consent of the young people, but it is the young people themselves who inform their guardians of having settled a betrothal.

In present society, though the old role of the parents still prevails under the influence of Western education more and more, it is considered proper to take the consent of the young people directly or indirectly with the help of friends and cousins. This practice is becoming common.

To what extent the respondents' education and age has affected the obtaining of the consent of the mates in marriage has been examined in the following table No. XXII.

The table indicates that 174 (34.8%) respondents were in favour of taking the consent of the mates in marriage. They included 2 (8.3%) illiterates, 72 (22.4%) 'literate, below High School', 60 (48%) 'High School & below B.A.', and 40 (53.3%) 'B.A. & above' respondents. The table further reveals

that the more educated the respondents were, the more they were in favour of seeking the consent of the mates.

Table XXII

Education of the Respondents and Consent of the Mates in Marriage

Education.	Yes		No.		Total	
	No.	%	No.	%	No.	%
Illiterate	2	.4	22	4.4	24	4.8
Literate, below High School	72	14.4	204	40.8	276	55.2
High School & Below B.A.	60	12	65	13	125	25
B.A. & above	40	8	35	7	75	15
Total	174	34.8	326	65.2	500	100

Table XXIII

Age of Respondents and Consent of the Mates in Marriage

Age of Respondents.	Yes.		No		Total	
	No.	%	No.	%	No.	%
20-39	106	21.2	38	7.6	144	28.8
40-59	67	13.4	160	32	227	45.4
60 & above	1	.2	128	25.6	129	25.8
Total & %	174	34.8	326	65.2	500	100

The above table indicates that out of 174 (34.8%) respondents who were in favour of taking the consent of mates in marriage, 106 (73.6%) and 67 (29.5%) belonged to the age groups 20-39 and 40-59 years respectively. The table further reveals that a larger number of respondents in the former age group were in favour of taking the consent of mates in marriage than respondents in the older age group.

So far as the question of obtaining the consent of the couple is concerned, it has been observed generally that there is no

difficulty in the case of a boy, because the *Bhabhi* (elder brother's wife), married sisters, intimate friends and even parents themselves obtain his consent. But in the case of a girl it becomes very difficult, because the girls are generally shy. Usually the *bhabhi* or an intimate girl friend ascertains her inclination. Although most Shias still do not think it proper or necessary to obtain the consent of the girl at the time of the engagement, yet if she is asked about it, they do not disregard her wishes.

Table XXIV

*Persons through whom the Consent of the Boys
and Girls in their Marriages is Obtained*

Persons through whom the consent is obtained	Boys		Girls	
	No.	%	No.	%
Friends	220	44	202	40.4
Parents	125	25	12	2.4
Relatives	30	6	6	1.2
<i>Bhabhis</i>	84	16.8	172	34.4
Sisters	41	8.2	108	21.6
TOTAL :	500	100	500	100

The above table indicates that the majority of such persons belonged to the categories of common friends 220(44%), parents 125 (25%) and *bhabhis* 84 (16.8%) in the case of boys and 202 (40.2%), 172 (34.4%), and 108 (21.6%) girl friends, *bhabhis* and sisters respectively take the initiative in obtaining the consent of the girls. From the findings of the above table it is obvious that in the case of the boys both the men and women are helpful whereas in the case of the girls only females.

Amongst Shias, it is considered indecent for a young man to choose a wife directly for himself. If he does so he informs his mother or other near female relatives of his wishes and if the guardians agree, the mother accompanied by some near relatives, calls on the mother of the girl and requests her for a matri-

monial alliance. If the proposal is not acceptable to the girl's mother, she gives an ambiguous reply, otherwise she consents after consultation with other members of the family. Amongst the Shias generally *istikhara* (meaning the will of God) is taken, which settles the fate of the alliance. This finally leads to the settlement of the marriage. If the *istikhara* is in favour, the mother of the girl asks the other party to perform the betrothal formalities.

INITIATION OF MARRIAGE PROPOSAL

The initiation of a marriage proposal as such is a very important item for it opens the way to negotiation and settlement. The main initiation starts, no doubt, with the guardians concerned but there are other people also connected with it e.g. relatives, friends and intermediaries.

The initiation of a marriage in Western countries is different from ours, as they settle the marriage directly and the initiation is also direct. In India the initiation starts from the side of the girl, amongst the Hindus, but amongst the Muslims it always starts from the side of the boy.

Thus among the Shias also the marriage proposal is initiated by the guardians of the boy, either through correspondence or personal interview. The right to initiate a marriage by the mates themselves has been sanctioned by Islam. But in India it has become a social custom that usually the boys and girls do not initiate the proposals on their own. It is customary even now for the guardians to initiate the marriage proposals. There is, however, no hard and fast rule in the religion as to which party should initiate the proposal, though generally the guardian of the boy takes the lead in this respect and it is open to the guardian of the girl to accept or reject the proposal. In some cases it has also been observed that the proposal is not made directly by the guardians but through intermediaries. A marriage proposal from the girl's side is considered to be humiliating or indecent and therefore is always avoided.

But a change is perceptible in this connection. [During the last decade it has been the tendency of some of the educated and enlightened Shia guardians to take the consent of the mates before the initiation of marriage proposal]. Respondents'

Table XXV

Education of the Respondents and Initiation of Marriage Proposals by Boys and Girls

EDUCATION	Boys						Girls					
	Yes		Total		Yes		Total		Yes		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Illiterate	—	—	24	4.8	21	4.8	—	—	24	4.8	24	4.8
Literate, below High School	6	1.2	270	54	276	55.2	—	—	276	55.2	276	55.2
High School and below B.A.	24	4.8	101	20.2	125	25	5	1	120	24	125	25
B.A. and above	20	4	55	11	75	15	6	1.2	69	13.8	75	15
Total & %	50	10	450	90	500	100	11	2.2	489	97.8	500	100

education and sex and the degree to which they favoured initiation of marriage proposals by boys and girls themselves have been examined in this connection.

Table No. XXV shows that 50 (10%) respondents favoured the grant of the right of initiation of marriage proposal to boys of whom 6(2.2%), 24 (19.2%) and 20 (26.7%) belonged to 'literate below High School', 'High School and below B.A.' and 'B.A. and above' categories respectively. Not a single illiterate respondent favoured this viewpoint. Only 5 (4%) and 6 (9.1%) respondents in the categories of 'High School and below B. A.' and 'B.A. and above' were in favour of giving this right of initiation to girls. Not a single respondent amongst the illiterate or literate below High School favoured it. The table further shows that educated parents were liberal in granting this right to their wards.

The Table No. XXVI shows that 50 (10%) respondents were in favour of granting the right of initiation of marriage proposal to the boys among whom 40 (4.9%) were men and 10(20%) women. As regards giving the right to girls, 6 (.3%) and 4 (8%) men and women respectively were in favour.

PARTIES AND PROCEDURE IN NEGOTIATIONS

Negotiation starts after initiation through intermediaries and friends, and when concurrence has been reached in settlement, they become more and more defined and details are discussed and a day fixed for final settlement.

As already pointed out earlier, it is the bridegroom's party that takes the initiative and makes the proposal for the marriage, but owing to the impact of Hindu culture and customs and the migration of a large number of suitable Shia young men to outside India, some times the bride's party takes the initiative and makes the proposal for the marriage. Thus the custom as it originally existed has undergone a change owing to the circumstances mentioned above.

As in initiation, so in negotiations, elderly ladies, mutual friends and close relatives play prominent role. Apart from them, a unique personality known as *Mushatta* was accustomed to play a great role in the marriage negotiations. A *Mushatta* is a working woman visiting well-to-do families

Table XXVI

Sex of the Respondents and Initiation of Marriage Proposal by Boys and Girls

Sex of the Respondents	Boys				Girls			
	Yes		Total		Yes		Total	
	No.	%	No.	%	No.	%	No.	%
Male	40	8	410	82	6	1.2	444	88.8
Female	10	2	40	8	4	.8	46	9.2
Total	50	10	450	90	10	2	490	98

to help young girls to complete their toilet, etc. Because of their close associations and unchallenged access to different families and mixing with them, they used to gain close and deep knowledge of the status of the different families, the character of the individuals and their behaviour. Such *Mushattas* are practically few now, but in the past amongst the erstwhile Muslim Estates and Zamindaries, they played a great role. They were, however, paid liberal sums as rewards for their services. The following table shows the role played by different people in the marriage negotiations.

Table XXVII

Persons who Negotiate Marriages

Persons who negotiate	Total	Per cent
Parents	75	15
Relatives	350	70
Common Friends	25	5
<i>Nai</i> or <i>Nawan</i> (Barber or his wife)	35	7
<i>Mashatta</i>	15	3
Total	500	100

Table No. XXVII shows that in 350 (70%) cases, relatives played the main role. 75 (15%), 35 (7%), 25 (5%), and 15 (3%) respondents stated that marriages had been negotiated by the parents, *Nai* or *Nawan* (Barber or his wife), common friends and *Mashattas* respectively. Marriage relations were thus established mainly through the relations of both the parties.

On the details of the procedure in negotiations, it is worth mentioning that in some cases the guardians of the bride have been known to ask guardians of the bridegroom to transfer some immovable property such as a house, etc., in the name of the bride, so that she becomes the owner of some immovable property from her husband's side. Another condition which is also imposed in some cases is that the husband should pay Rs. 50 or Rs. 100 (Whatever amount is settled between the parties) as expenses of the *Pan dan* (betel case) to the wife

every month. This has nothing to do with other domestic expenses.

Another interesting feature in connection with the procedure of the negotiation for a marriage is that, in some cases, the guardians of a bridegroom, if he is well-established in life, demand costly presents in the shape of movable or immovable property from the guardians of the bride. This may be either an old relic of the past or may be due to the impact of Hindu customs. Though not widely prevalent amongst the Shias, yet some of the guardians of educated and employed youths have an eye on such a custom.

A somewhat similar tendency which is gaining strength among rich guardians of the girls is the concept of *Ghar Damadoo* the intention being to keep the daughter and the 'son-in-law' in the guardian's own house after the marriage. In recent years this practice has become common specially in wealthy Shia families and in families where the bride happens to be the 'only' daughter. In some cases an important issue which is generally settled at the time of the marriage negotiations is an assurance of employment for the bridegroom given by the guardians of the girl, where the guardian is in a position to give such an assurance by reason of the high position or status he may be holding. It has been observed that in several cases such promises had not been fulfilled by the guardians of the girl after marriage and differences had arisen between the two parties sometimes after the marriage. It has also been observed that in certain cases matrimonial alliances are settled on a mutual basis, a boy of one family marrying a girl of the other and a boy from the latter family marrying a girl from the former.

Important ceremonies concerning negotiations are given below.

Istikhara and Imam-Zamin

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 *Tasbeih* (Rosary) and when the *Istikhara* is *wajib*

(super affirmative), it is considered that the marriage between the parties should be finally settled. The mother of the boy or some other near woman relative (if the mother is dead), accompanied by her female friends and relations, pays a visit to the house of the girl with sweets and *Imam Zamin* to see the girl immediately after *Istikhara*. The guardians of the girl accept the sweets and entertain them with refreshments. In most cases the girl is adorned and the women members of the boy's family see the girl's face for the first time and the mother of the boy ties the *Imam Zamin* round the upper portion of the bride's right arm (a silver or gold coin wrapped in a silken cloth). This ceremony is called the *Imam Zamin* ceremony.

Mangni (Betrothal)

In some of the Shia families there is also the betrothal or *Mangni* ceremony. In this ceremony, the female members of the boy's family visit the house of the girl, taking with them sweets, fruits and vegetables (according to the status of the boy's or girl's family). In some families even five to ten maunds of sweets are taken. The sweets are distributed among the relatives and friends of the girl's family. In return sweets, fruits and vegetables are sent to the boy's house and there also sweets are distributed among the relatives and friends of the boy's family.

In some families at the *Mangni* ceremony, gold or silver rings are also exchanged. After this ceremony the marriage proposal is supposed to be finally settled.

Fixation of Marriage Date

Generally at the time of *Imam Zamin* or *Mangni*, the date for the marriage is settled by the guardians of the couple. Among the Shias, marriages mostly take place in the months of *Rajab*, *Shaban*, after the tenth of *Id-ul-Zuha* and the second half of *Rabi-ul-Awwal*. Shias do not perform marriages in the months of *Moharrum*, *Safar* and the first eight days of the month of *Rabi-ul-Awwal*. *Moharrum* is considered as an inauspicious occasion for marriage because of the tragedy of *Karbala* which took place in this month. Amongst the Shias the

'mourning period', is observed for 2 months and 8 days, i.e., from the 1st. Moharrum upto the 8th of *Rabi-ul-Awwal*, the day when the female members of the family of the Holy Prophet reached Madina after the tragedy of Karbala. Usually marriages do not take place in the month of Ramzan also, because people fast during this month. There are a very few cases in which marriage proposals were broken down after the ceremony of *Istikhara*.

Table XXVIII

Qaum of the Respondents and the Ceremony which finally settles the Marriage

Qaum of the Respondents	Istikhara & Imam Zamin		Mangni		Nikah		Total	
	No.	%	No.	%	No.	%	No.	%
Syed	210	42	15	3.0	102	20.4	327	65.4
Sheikh	28	5.6	8	1.6	32	6.4	68	13.6
Moghul	22	4.4	6	1.2	22	4.4	50	10
Pathan	10	2	17	3.4	28	0.6	55	11
Total	270	54	46	9.2	184	36.8	500	100

The above table shows that 270 (54%), 46 (9.2%) and 184 (36.8%) respondents deemed the marriage proposals settled at the ceremonies of *Imam Zamin*, *Mangni* and *Nikaha* respectively. The table indicates further that 270 respondents considered the *Imam Zamin* to be the main ceremony. Among these 210 (64.2%), 28 (41.2%), 22 (42.4%), 10 (18.2%) were Syeds, Sheikhs, Moghuls and Pathans respectively. The *Istikhara* and *Imam Zamin* ceremonies generally make the settlement of marriage final, although some respondents were of the view that it was only the *Nikah*, which finally settled the marriage.

ROLES OF PARENTS AND PARTIES IN MARRIAGE

Parents are solely responsible for the settlement of the marriage in the Shia community. They initiate the marriage proposals, and negotiate them on their initiative. They inquire about family status, character and other necessary particulars

from the other party, and when wholly satisfied, give their final consent. It is obvious, therefore, that parents or guardians still play a prominent role in the settlement of the marriages of their wards. Even in the case of a love marriage, the parents or guardians do exercise a sort of check on the youth. As has been observed earlier, the difference between the Western system and the Indian system is that in the West the partners themselves seek partners, while in India, including the Shia community, it is the parents who take the lead in the marriage negotiations. Another remarkable difference is that in the West a union of hearts takes place before the union of hands. In India, generally, a union of hands takes place before the union of hearts.

The relationship between the educational background of the respondents and their views on the question of giving full liberty to boys and girls in the selection of their life partners has been studied in one table. In the other, the relationship between the cities in which the respondents resided and their views has been studied.

Table No. XXIX shows that 35 respondents (7%) were in favour of giving full liberty to boys and 10 (2%) respondents to girls, in selecting their life partners themselves, 15 (20%), 15 (12%), and 5 (1.8%) respondents in the 'B.A. and above', 'High School and below B.A.' and 'literate, below High School' categories were in favour of giving the right to boys. Not a single illiterate respondent was willing to give full liberty to select their life partners to either the boy or the girl. The table indicates further that the more the educated the respondents were the more were they in favour of giving full liberty to boys and less to daughters, compared to the less educated or illiterate persons.

Table No. XXX reveals that of 35 (7%) respondents who were in favour of giving full liberty to boys, 12 (12%) and 10 (10%) belonged to the cities of Lucknow and Allahabad. Only 4 (4%) and 3 (3%) respondents in the above cities were in favour of giving full liberty to daughters. The table indicates further that respondents belonging to the cities of Jaunpur, Faizabad and Meerut were more conservative in this matter than respondents in other cities.

6

Marriage rites and Ceremonies

From time immemorial certain ceremonies and rites have been associated with the institution of marriage and these rites and ceremonies have differed from society to society in different epochs. The religious or social practices attached to the institution of marriage are called ceremonies or rites.

Among the Shias in India two distinct types of marriages are found to exist side by side. The first is the *Sharai* (strictly religious) form of marriage and the second is the *Urfi* customary form.

The “Sharai” Marriage (Strictly Religious)

This type of marriage is completely in accordance with the principles of Islam regarding marriage. The *Sharai* marriage requires no *Rusumat* (ceremonies) as the Holy Prophet observed in the marriage of his own daughter Hazrat Fatima Zehra. In this form of marriage, only simple directions of religion are observed. The nature of such a marriage is always simple and sober. The bride, bridegroom and the *Mujtahid* (religious teacher) are necessary. There may or may not be more persons at the time of the *Nikah*.

A welcome feature of the *Sharai* marriage is the comparatively small amount of *Maher*. Generally, Muslims think that it is better to pay the amount of *Maher* at the time of the marriage, but according to custom, in most cases, it is not paid at the time of *Nikah*. Among the Shias, relatively more *Sharai* than *Urfi* marriages take place.

The 'Urfi' Marriage (Customary Form)

The *Urfi* marriage is more common among the wealthy sections of the Shia community i.e., the Nawabs, *wasi-qadars* (Royal Pensioners) and ex-zamindars, etc. The *Urfi* marriage is celebrated among the Shias with elaborate ceremonies. Generally, many people accompany the marriage party, and a large number of people assemble at the bride's place also. There is provision for music, dance and fire-works as well. Usually the amount of *Maher* is in thousands or lakhs, which is not possible for a bridegroom to pay at any time in his life, and in practice it is rarely paid to the wife.

Origin of Social Customs Regarding Urfi Marriage : After the advent of Muslims in India, the *Sharai* marriage acquired new forms in conformity with the regional and class differences of the country. Staunch followers of religion pronounce these customs as innovations and deviations from the tenets of religion, destroying its austerity. They go even so far as to consider it a heresay against Divine faith. Customs are a product of social activity and are to be considered as such, irrespective of what they ought to be. We are rather concerned with what they actually are and how they have come to be what they are.

The main religious ingredients have never changed. It is the local colouring as a circumsurrounding fringe that has changed without affecting the main procedure. The *Urfi* marriage contains all the requisite elements of marriages and in addition something more. The chief functions along with the simple *Sharai* Marriage Ceremony, though not incumbent are for public advertisement of the marriage. The gathering of relations and friends in an assembly and the marriage feast in a *Sharai* marriage prove this fact, and when we consider the social background of the *Urfi* marriage customs, we find

the same trend working, as the purpose of each one of these customs and ceremonies is to proclaim the marriage publicly. The various ceremonies and processions to and from the bridal house preliminary to the actual wedding i.e., the *Baraat* serve the same purpose. Again, the ceremonies that follow the wedding are similarly motivated. These ceremonies may be divided into two sections.

1. Those that have a wide public range and are associated with processions, music, bands and fire-works. They are mainly for the public, although the near relatives and friends take part in them.

2. Those that are celebrated only by near relatives or very intimate friends. They are generally held in the form of *Chalas* (feasts given to the married couple by near relatives) after the marriage for an intimate get-together of the near relations. Each one of these relations invites the bridal pair, and entertains them; gifts are also presented to the married couple. These may be costly ornaments and apparels, and close intimacy with the new relations is thus established. The historical development of such customs is the impact of Hindu culture on Muslim civilisation.

Shia marriage customs, however, vary according to the financial status of the individuals in society, but the significance of these customs remains. For example, the attire of the bridegroom and bride makes them conspicuous compared to others. In olden times, these dresses were similar to the court garments. But such garments no longer need to be worn and these dresses are not worn by any one after the marriage is over and become useless except as a family relic. The flower veil or *Sehra* is put on to make the bridegroom prominent. Similarly, the *Sohag Pura*, which is really a toilet combination, has now been replaced by a modern toilet box and make-up recipes.

Some of these customs may be traced to the old Indian Rajput culture when brides were acquired through warfare. The mimic fight with flowery sticks, the battering volleys of vegetables and fruits in *Chauthi*, and the general custom of taking the bridegroom on horse back or on an elephant goes back to this martial practice. Again the *Baraat* of the bridegroom's side are not given any eatables, meals or drink before the marriage.

These latter-day customs should only be critically examined from sociological standpoint and should not be pedantically pronounced as irreligious. Strictly speaking, the so-called religious people who declare anything they dislike to be irreligious have to consider that even normal clothes, food and even vociferation and language change with a change of the environment and history. Thus, changes in customs are a necessary and natural product of social environment and are not to be denounced in so far as they do not affect the main characteristics.

CEREMONIES PRECEDING MARRIAGE

Of the several ceremonies which precede the actual marriage, the main are *Istikhara*, *Imam Zamin (Mangni)*, *Manjha* and *Sanchaq*. The ceremonies *Istikhara* and *Imam Zamin (Mangni)* the have already been dealt with in Chapter V in connection with the settlement of marriage. As regards *Manjha* and *Sanchaq*, it will be worthwhile describing them here.

Manjha

The *Manjha*, ceremony starts a few days before the actual *Nikah* ceremony. The bride wears yellow clothes and in some of the Shia families, the bridegroom is also dressed in yellow clothes. During these days the *Nawan* (Barber's wife) in the case of the bride, and *Nai* (Barber) in the case of the bridegroom rubs *Butna* (grounded mustard seeds) on the bride's and bridegroom's bodies and each in his or her own house and they take their bath daily after that. This is continued upto the day of *Nikah*. The bride is confined in a separate room, which is avoided by male members who are older than her. In the case of bridegroom, it is necessary that during *Manjha* he should not go out of his house, but few are able to observe this restriction. Girl friends and relatives entertain the bride with jokes and humour.

Among the Shias, both at the residence of the bride and of the bridegroom women of both the sides sing to the accompaniment of the *Dholak* (Drum). A joyful atmosphere prevails in houses of both the bride and bridegroom. Grinded *Mehndi* (Myrtle) is applied to the hands and feet of the bride before

the actual marriage ceremony takes place, and in some families it is also pasted on the hands of the bridegroom.

Manjha is sent from the bride's side and it is the first occasion when specially the women of both sides meet one another in close familiarity. This is the first public advertisement of the marriage. The *Manjha* is taken out in a procession with music bands. The main articles sent on such an occasion are the yellow robes of silk satin with golden fringes and embroidery. Sweets and *pindis* (sugar preparations) are also sent in trays to be used by the bridegroom to improve his health and are eaten with milk. The *pindis* contain varieties of dried kernels of fruit and gum shaped into round balls weighing sometimes above a pound. They are also distributed among friends and relatives as a token of intimation of the coming marriage.

Sanchaq

Sanchaq includes jewelleries and costly clothes which are sent from the bridegroom's house to the bride for use on the occasion of *Nikah* and *Chowthi* (another ceremony after *Nikah*). In *Sanchaq*, articles like, *Nuth* (nose ring), *Tika* (forehead ornament), Ring, *Suhag Pura* (make-up goods for the day of *Nikah*), garlands, *Nuqals* (a preparation of sugar), dried fruits, etc., are also included.

The procession of *Sanchaq* contains music bands and all sorts of articles in large pans known as *Khawans* covered with gorgeous wrappings, the chief being a *Matki* or a jar with curd in it and fish tied to the neck of this jar. Hasanul-Husaini, in his book, *The History of Oudh*, has vividly described the *Sanchaq* procession on the occasion of the marriage of Shujaudaula, a Nawab of Oudh, with Bahu Begum Saheba of Bengal. The *Sanchaq* procession according to him contained hundreds of gold and silver jars with golden fishes and fishes studded with jewellery.

CEREMONIES DURING THE PERFORMANCE OF MARRIAGE

There are several ceremonies which are observed during the marriage. The main ones are the *Nikah* ceremony, *Arsi-Mushaf*,

Salami, *Rukhsati*, *Kheer Chatai*, and *Runumai*. These are discussed here.

Nikah Ceremony

Invited guests and relations assemble at the bridegroom's place on the *Nikah* day when the bridegroom wears the clothes received from the bride's side. *Sehra* (a flower veil for the face) is tied to the bridegroom's forehead by the brother-in-law, who in return receives some cash as a present from the elders of the family. The *Parjas* i.e., Barber, Sweeper, Washerman, *Mali* (gardener), tailor and domestic servants, etc., are given money and clothes to mark the auspicious occasion. The *baarat* (marriage party) then proceeds to the house of the bride. It generally includes relatives, friends and invited guests. Some times, elephants, camels, *Jhandis* (flags) and music bands are also included in the procession. In most *Urfi* marriages there is also a display of fireworks with the marriage procession. As the *Baraat* reaches the bride's place, the guests and relatives on the bride's side offer a ceremonial welcome to the *Baraaties* and are served with cold drinks, *Pan* (betel) and cigarettes, etc.

Before the *Nikah* ceremony, dried dates, sugar and *Nuqal* are placed before the bridegroom. There are generally two *Mujtahids* and some witnesses. One of the *Mujtahids* represents the bridegroom while the other represents the bride's side. If the settlement of the *Maher* has not taken place before, it is done on this occasion. The bride's *Mujtahid*, goes to the bride in the woman's apartment and asks her three times whether she accepts the person concerned as her husband, with the amount of *Maher* as settled and generally she answers in the affirmative after a short hesitation. Then the *Mujtahids* from the bride's side comes and takes his seat in the assembly. Then the *Mujtahids* of the bridegroom's side asks the bridegroom three times whether he accepts the woman concerned as his wife with the amount of *Maher* as settled and he answers in the affirmative. After this is done the *Mujtahids* of the bride's side recites the *Khutba* (religious discourse) and then both the *Mujtahids* pronounce the *Sigha* of *Nikah*, and some responsible persons from amongst the audience sign on the *Nikahnama* (marriage deed) as the witness. Now the *Nikah* is complete.

Some poets recite *Sehra* (sort of poetry) in praise of the bridegroom and his family on this occasion. The *Mujtahids* and the *Baraaties* pray for the happiness and successful life of the newly married couple and give *Mubarakbad* (greetings) to the guardians of both the parties. On this occasion there ensues a tussle between the younger generation of the *Baraaties* for the dried dates, *Nuqal* and sugar, etc., and every one then tries to get as much of it as possible. In most families *baraties* are entertained at a dinner. The relatives and friends of the bride's family also participate in it.

Arsi Mushaf

The *Arsi Mushaf* is the occasion when the bridegroom first sees the face of the bride in a mirror held between them. *Arsi* means a mirror and *Mushaf* means the Holy Quran. The Holy Quran is placed along with the mirror for seeking divine blessings for both. A candle is held under the shawl spread over the heads of both. Thus the bridegroom sees the face of the bride in privacy through the mirror, though the ceremony takes place publicly. The veil of the bride is removed from her face and the husband sees the face of the bride in the mirror, so to say, for the first time. It is a very trying time for the girl, who keeps her eyes closed. The husband then says "O my dear wife, open your eyes" and on the insistence of others she just has a glance and sees the face of her husband in the mirror. She has to do it as the shawl is not removed till this ceremony is completed. The bridegroom is also asked to write the *Surai-Ikhas* (a Holy verse) on the forehead of his wife with the right hand pointing finger known as *Kalmey-ki-unglee*.

Salami

When the *Arsi Mushaf* ceremony is over, another ceremony of *Salami* takes place. The bridegroom salutes (*salam*) the elders and gets presents and money from them. The presents and cash are known as *Salami*. In some families there is also provision of music and dance on such occasions.

Rukhsati

Before the *Rukhsati*, the *Jahez* (dowry), which generally

includes clothes, ornaments, furniture, utensils, etc., and in some cases cash given to the bride by her parents, as well as presents from his friends and relatives, are displayed. No religious importance is attached to the giving of huge *Jahez*, but generally the people give a heavy *Jahez* which is not within their means.

Last of all, when the bride starts for the bridegroom's house, he is called to take the bride in his arms to the palanquin in which she is to go to the bridegroom's house. She generally weeps on such occasions. The parents of the bride give instructions and advice to the married couple regarding the duties and responsibilities of a married life at the time of *Rukhsati* (departure). They pray for their happily married life. The *baraat* with the bride and the *Jahez* then starts for the bridegroom's place. Among the Shias on their way back to the bridegroom's place the pair first visit some local holy shrine like the Dargah Hazrat Abbas or some Imambara for their blessings. As soon as the *Baraat* reaches the bridegroom's house, the bridegroom's sisters demand *Neg* (money) and after taking *Neg* from the elders, they allow the bride to enter the house.

Kheer Chatai

After settling down, another ceremony takes place known as the *Kheer Chatai*. Again the bride and bridegroom are seated face to face and some *Kheer* (milk pudding) is put in a plate, before them. The bridegroom puts a spoon full of *Kheer* into the bride's mouth. Then comes the turn of the bride. She is assisted in holding the *kheer* on her palm by her husband's sisters and the husband licks it. It is purely a social ceremony, and has nothing to do with religion.

In almost all Shia families, the feet of the bride are washed in a *Tasla* (Basin) of silver or any other metal and this water is sprinkled in all corners of the house for prosperity. Similarly, in all the Shia families, the bridegroom offers two *Rakats Namaaz Shukrana* (Thanks) on the *Dupatta* (veil) of the bride.

Runumai or Face showing

The face showing ceremony (*Runumai*) takes place after the ceremony of *Kheer Chatai* when close relatives and female

friends of the bridegroom's family look at the bride's face and offer presents in cash or kind.

Bridal Night

A secluded room is decorated with flowers and buntings, etc., for the newly-wedded pair, and the bride and bridegroom are left in the chamber. At dawn, when she has to come out of the chamber, she hesitates to do so because of shyness associated with such an occasion.

CEREMONIES AFTER MARRIAGE

There are several ceremonies which are performed after marriage. They include *Walima* feast, *Chauthi* and *Chalas*. These ceremonies are discussed in the following pages. The only ceremony besides the *Nikah* which has some religious significance and importance is the *Walima* feast in a Shia marriage. The father or the guardian of the bridegroom gives this feast at his residence generally on the next day of the marriage. Relatives, friends, acquaintances, *Beradari* fellows and *mohalla* people attend this feast. The majority of the Shias consider this feast to be an essential part of the marriage because the Holy Prophet gave the *Walima* feast at the marriage of his only daughter, Hazrat Fatima Zehra.

Table XXXI

*Education of the Respondents and Their Views
Regarding Compulsory Walima Feast*

Education of the Respondents	Yes	%	Compulsory Walima		No.	Total
			No.	%		%
Illiterate	22	4.4	2	0.4	24	4.8
Literate, below High School	244	48.8	32	6.4	276	55.2
High School & below B.A.	65	13.0	60	12.0	125	25.0
B.A. & above	33	6.6	42	8.4	75	15.0
Total	364	72.8	136	27.2	500	100

The respondents' background of education and occupation and their views regarding compulsory *Walima* feast have been examined in this connection.

The table XXXI indicates that out of 500 respondents, 364 (72.8%) considered the *Walima* feast compulsory. Among these 22, (91.7%), 244 (88.4%), 65 (52%) and 33 (44%) belonged to the categories of 'illiterate', 'literate, below High School', 'High School and below B.A.' and 'B.A. and above' respectively.

The table further reveals that education plays an important role in this connection, the majority of the respondents belonging to the categories of 'illiterate' and 'literate below High School' considered the *Walima* feast compulsory, while only 52% and 44% respondents in the categories of 'High School and below B.A.' and 'B.A. and above' hold the above view.

Table XXXII

*Occupation of the Respondents and their Views
Regarding Walima Feast*

Occupation of the Respondents		Compulsory Walima Feast				Total	
		Yes		No		No.	%
		No.	%	No.	%		
Service Class	{ Public	74	14.8	40	8.0	114	22.8
	{ Private	34	6.8	16	3.2	50	10.0
Businessmen		62	12.4	28	5.6	90	18.0
Agriculturists		14	2.8	2	0.4	16	3.2
Landlords and Ex-Zamindars		32	6.4	4	0.8	36	7.2
Professionals		68	13.6	40	8.0	108	21.6
Housewives		50	10.0	—	—	50	10.0
Pensioners		30	6.0	6	1.2	36	7.2
Total & %		364	72.8	136	27.2	500	100

The above table shows that out of 500 respondents, 364 (72.8%) respondents considered the *Walima* feast compulsory. 50 (100%), 32 (88.8%), 14 (87%) and 30 (83.3%) were housewives, ex-zamindars and landlords, agriculturists and pensioners

respectively. The table further indicates that the majority of the respondents in all categories considered the Walima feast compulsory but the above categories were more particular about this feast.

The respondents' *Qaum* and age regarding the Walima feast, followed after *Nikah* in their families, have been examined in this connection.

Table XXXIII

Qaum of the Respondents and Walima Feast Followed After Nikah

Qaum of the Respondents	Walima Feast Followed				Total	
	Yes		No			
	No.	%	No.	%	No.	%
Syed	326	65.2	1	0.2	327	65.4
Sheikh	58	17.6	10	2.0	68	13.6
Moghul	32	6.4	18	3.6	50	10.0
Pathan	54	10.8	1	0.2	55	11.0
Total & %	470	94	30	6	500	100

The above table reveals that the Walima feast is followed after marriage in 470 (94%) families of the respondents, although many of them do not consider it compulsory. Among these were 326 (99.7%), 58 (85.3%), 32 (64%) and 54 (98.2%) Syeds, Sheikhs, Moghuls and Pathans respectively. This table further indicates that Syeds and Pathans were more particular about the Walima feast.

Table XXXIV

Age of the Respondents and Walima Feast Followed After Nikah

Age of the Respondents	Walima Feast followed				Total	
	Yes		No			
	No.	%	No.	%	No.	%
20-39 Years	120	24.0	24	4.8	144	28.8
40-59 Years	222	44.4	5	1.0	227	45.4
60 and above	128	25.6	1	0.2	129	25.8
Total & %	470	94	30	6	500	100

The above table indicates that out of 470 (94%) respondents in whose families the Walima feast was followed after Nikah, 120 (83.3%), 222 (97.8%) and 128 (99.2%) respondents belonged to the age groups of 20-39 years, 40-59 years and 60 and above respectively. The table further reveals that the Walima feast is comparatively less followed in the families of respondents in the age group of 20-39 than above.

Among those in whose families Walima feast was followed the Syeds were foremost. The Syeds are more particular about the regular observance and traditions handed down to them from the Holy Prophet's time, and because the Holy Prophet gave the Walima feast on the occasion of his daughter's marriage, they keep it as a family tradition. Comparatively, young people are less particular about the Walima feast because they do not follow strictly the religious traditions in the face of economic difficulties.

Chowthi

It is the first feast after marriage in the house of the bride. At this ceremony also the bride and bridegroom sit opposite each other and a female companion of the bride, who remains under a veil, put some vegetables and fruits in the hands of the bride and then holding her wrists, throw them in the lap of the bridegroom. He also repeats the same. This is known as *Chowthi* and after the bride and the bridegroom have played, the young ones of both sides are divided in two opposite groups and the contest goes on till the elders intervene and stop the same. Slender sticks wrapped in flowers are also used to strike each other. Thus *Chowthi* may be traced to ancient Rajput culture as well as to the Islamic martial spirit that adopted it. Mirth prevails in the young ones of both the sides. After the elders pronounce the command to stop, all sit down laughing, talking and enjoying jokes in a homely atmosphere before the feast.

The bridegroom then receives amounts in cash as well as some presents. It was an old custom that the bridegroom did not start eating unless he was given money and haggled for a larger sum, but now among decent people the amount

is left to the goodwill of the elders of the bride, specially the parents.

The earlier part of *Chowthi* is for the unrestrained jollity of the young ones, the elders remaining in the background. In the latter part, after the feast, the elders come to the forefront, giving the bridegroom an occasion to win their affection and be intimate with them. The bridegroom passes the night with the bride at the bride's residence.

The Chalas

Chalas denote feasts for the bridegroom and bride, given in succession by the near relatives, chiefly from the bride's side. The uncles, aunts, brothers and sisters each invite the pair every day, give sumptuous feasts and presents and thus their intimacy is more closely established. Generally, the pair also pass the night at the respective houses, where a decorated room is given to them.

Other less important customs

On the marriage night, when the bridegroom enters the *Zanana* (woman's apartment) of the bride's house after the *Nikah*, he is robbed of his shoes by the younger sisters of the bride for the sake of fun and are restored only after some money or gift is given to them.

When the palanquin bearers take the palanquin of the bride to the house of the bridegroom they demand a tip before putting down her palanquin.

When the bride first comes to the house of her husband in some families, a goat is killed and its blood applied to her feet for averting any inauspiciousness.

The Neg

This is a monetary gift given to sisters and brothers-in-law, etc., at each stage in each ceremony, e. g., (a) when the flower veil is tied to the forehead of the bridegroom by one of the brothers-in-law. The gift is shared by other brothers-in-law also, (b) when the bride or bridegroom have a bath before marriage they are washed by sisters who are paid monetary gifts. The water used on such occasions is mixed with rice

and tender grass and a silver coin is also dropped in the same.

Halja

After the marriage, *puris* are cooked in *ghee* and the cost so incurred is contributed by all the relatives, friends and neighbours. The master or mistress of the house contributes the largest amount but receives the same share as given to others. The filling of the lap of the bride takes place twice during the marriage, once at *Sanchaq* and again at the departure of the bride after the wedding. This contains rice, five dried fruits, two brinjals and coconut.

The *prajas* (menial servants) are given gorgeous apparel and monetary gifts at each step as well as plenty of food, rice and *gur*, specially by the Zamindars. The *Dominies* or household dancing girls who dance only in the *Zenana* (women's apartment) demand *Gur-Chawal* also before starting their dance. They never sing in the assembly of men. They cut jokes at the cost of *Samdhans* (female near relatives of the bride and the bridegroom) at each other's house. They receive a settled sum, but also receive tips from the guests in the form of *Nichawal* (money given as charity for the health and fortune of the bride or bridegroom). On the wedding night they also recite satirical and facetious songs relating to the guests and relatives of the bridegroom which provide good amusement to the hearers.

There is a class of people known as *Shuhdas*. The term literally means vagabonds though they are not really so; they are poor people who are neither mendicants nor thieves. *Shuhdas* originally belonged to well-to-do families who became poor through gambling. They clothe their welcome with abusive language demanding money, and do not leave the premises until they receive it.

Similarly, *Bhands* (Singers) and *Hijras* (eunuchs) also come for tips, offering their welcome and blessing the pair and receive tips for the same. These are the relics of old customs which are dying out with passage of time.

7

The Institution of Maher (Dower)

Islam, which is not much favourable to such modern trends as 'women's liberation' provides a sort of consolation to women in the shape of *Maher*, which may be regarded as a sort of socio-economic security for them.

THE SIGNIFICANCE OF MAHER (DOWER)

The historical origin of *Maher* can be traced to pre-Islamic Arab society, where it was customary to pay a price for a bride. Islam also continued this custom, not in the sense of a price but as a legal right of the bride, since in Islam a woman has equal status with man. The husband, in order to get a complete right over the wife, has to bear all the expenses from the very time of the marriage. *Maher* is the first provision, according to the status of the wife, for the upkeep of the house and for the provision of dowry.

The Holy Prophet himself paid a large dower for his first wife. But as he wanted to set an example for his own daughter in keeping with the poor, he encouraged handsome dowers saying that people should increase the status of the wife by the largest possible dowers, and this is the dictate of

the Holy Quran. Thus, the amount of the *Maher* is flexible and may range from the lowest to the highest. The low amount which the Holy Prophet demanded for his daughter is considered to be very auspicious by all Muslims and is termed the *Sharai Maher*. The *Sharai Maher* was followed in the early period of Islam, but with increase in wealth it began to rise and it was not considered unreasonable if it could be paid in cash. Later on, it acquired the force of custom even when times were hard. It has been a relic of the past. One of the reasons for its continuance is that it is meant to check divorces, as the payment of a large sum acts as a deterrent to divorce.

Now, however, with the social cycle of change and weakening of the financial position, large amounts for *Maher* are considered to be outdated. Educated people at present hold the view that the amount of the dower should be reasonable and suit the resources of the husband. However, *Maher* is an essential ingredient of a Muslim marriage. According to the Holy Quran, "If the intention of a husband is not to pay the dower, the marriage is void."¹ Thus, it is of prime importance in a marriage contract.

The outstanding significance of the *Maher*, according to Islam and the Holy Prophet's tradition, is that the dower from which *Jahez* is also to be provided should be given by the husband before *Nikah*. The main factors determining the significance of *Maher* in the present Shia society of Uttar Pradesh are as follows :

1. Security for the wife.
2. *Hukm-e-Shariat* (Religious order).
3. Price of wife's *Nafs* (self).
4. A help to the girl's guardians towards the expenses of the marriage.

The respondents' *Qaum*, education and age regarding their views about the significance of *Maher* have been examined in this connection.

The table XXXV shows that the largest number of Shias (230) were of the opinion that *Maher* is the price of a wife's

1. Holy Quran, Para 4, Surah 4, Verse 4.

Table XXXV

Qaum of the Respondents and Significance of Maher

<i>Qaum of the respondents</i>	Security for the wife		<i>Hukm-e-Shariat</i> (Religious order)		Price of wife's <i>Nafs</i> (self)		A help to the girl's guardian towards the expenses of marriage		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Syed	65	13.0	91	18.2	163	32.6	8	1.6	327	65.4
Sheikh	22	4.4	15	3.0	30	6.0	1	0.2	68	13.6
Moghul	15	3.0	10	2.0	24	4.8	1	0.2	50	10.0
Pathan	33	6.6	9	1.8	13	2.6	—	—	55	11.0
Total :	135	27.0	125	25.0	230	46.0	10	2.0	500	100

Table XXXVI

Education of the Respondents and Significance of Maher

Education of the respondent	Security for the wife		<i>Hukm-e-Shariat</i> (Religious Order)		Price of wife's <i>Nafs</i> (self)		A help to the girl's guardian towards the expenses of marriage		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Illiterate	14	2.8	10	2.0	—	—	—	—	24	4.8
Literate, below High School	81	16.2	85	17.0	106	21.2	4	0.8	276	55.2
High School & below B.A.	25	5.0	20	4.0	76	13.2	4	0.8	125	25.0
B.A. and above	15	3.0	10	2.0	48	9.6	2	0.24	75	15.0
Total :	135	27.0	125	25.0	230	44.0	10	2.0	500	100

Nafs (self). 70.9 per cent of this number were Syeds. Those respondents, who were of the opinion that *Maher* was a kind of financial help to the girl's guardians towards the expenses of the marriage constituted the smallest group, viz, 2 per cent. Out of these ten, 8 were Syeds. 135, i.e. 27 per cent of Shias thought that *Maher* is a security for the wife and among them 91 were Syeds. About half of the respondents thought that the main significance of *Maher* was that it is the price of the wife's *Nafs* (self).

Table XXXVI shows that out of 24 illiterate respondents, 14 and 10 respectively regarded the *Maher* as either security for the wife or *Hukm-e-Shariat*. Out of 276 'literate below High School' respondents, 104 (37.7%) considered the main significance of *Maher* is that it is the price of the wife's *Nafs* (self). So did 76 (60.8%) and 48 (64%) amongst the 'High School and below B.A.', 'B.A. and above' classes or respondents. While illiterate respondents considered the significant factors of *Maher* as security for the wife and *Hukm-e-Shariat* (religious order), the respondents belonging to the other three literate categories considered it as the price of the wife's *Nafs* (self) and a help to the bride's guardians also.

The table XXXVII shows that out of 135 respondents who considered the significance of *Maher* to be security for the wife, 48 (35.6%), 57 (42.2%) and 30 (22.2%) belonged to the age groups of 20-39 years, 40-59 years and 60 years and above, respectively.

63 (43.7%), 118 (52%) and 49 (38%) respondents, who thought that the *Maher* signified the price of the wife's *Nafs* belonged to the age groups of 20-39 years, 40-59 years and 60 years and above respectively. Only 10 (2%) respondents were of the view that the significance of *Maher* was a rightful facility to the guardians of the bride, 4 and 6 such persons belonged to the age groups of 40-59 years, and 60 years and above. However, none of the respondents in the age group 20-39 years showed the above opinion. The table also reveals that respondents in the age group of 20-39 years considered security of the wife and price of the wife's *Nafs* as the most significant factors while respondents belonging to the age groups of 40-59 years and 60 years and above were

Table XXXVII

Age of the Respondents and Significance of Maher

Age of the respondents	Security for the wife		<i>Hukm-e-Shariat</i> (Religious order)		Price of wife's <i>Nafs</i> (self)		Help to the girl's guardians towards expenses of marriage		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
20-39 yrs	48	19.6	33	6.6	63	12.6	—	—	144	28.8
40-59 „	57	11.4	48	9.6	118	23.6	4	0.8	227	45.4
60 & above	30	6.0	44	8.8	49	9.8	6	1.2	129	25.8
Total :	135	27.0	125	25.0	230	46.0	10	2.0	500	100

of the view that *Hukm-e-Shariat*, the price of wife's *Nafs* and a rightful guardians of the bride were the most significant factors in this connection.

Maher is a debt which a husband owes to his wife and which she can claim at any time. It is also the first claim of hers on the property of the husband. Another significance is that it is enjoined by the *Shara* (Religion) and every Muslim has to obey the will of the Holy Prophet and God. The amount of dower remains solely at the disposal of the wife. It can be paid after the marriage as well. The main significance of demanding *Maher* is a sort of test from the side of the girl and a proof from the side of the boy that the girl would maintain her family standard. *Maher* is a preliminary provision and a primary condition, safeguarding her future up-keep in life. It also ensures that she will have a comfortable future.

THE FIXATION OF MAHER

Religion enjoins that the amount of *Maher* should be in conformity with the financial position of the bridegroom; in practice, it is just the reverse. Among Shias dower is generally fixed out of all proportions to the means of the husband, chiefly because of family status, customs and as a safeguard against divorce. It is also interpreted as a mark of respect for the wife. *Maher*, which Muslim-Law-givers considered as serving a useful purpose, has now acquired a different meaning. The husband sometimes adopts tyrannical behaviour in order that the wife may herself ask for a divorce. In such cases, a wife is not entitled to get any dower. If the husband who is not able to pay the dower does not adopt this kind of attitude, a divorce is not possible, with the result that the life of both partners becomes a torture. The *Sharai Maher*, which was fixed by the Holy Prophet as described earlier, was the *Maher* fixed for Hazrat Fatima Zehra, and was paid by Hazrat Ali in cash then and there. All Muslims consider that level of *Maher* to be the most auspicious and sacred, as exemplified by the Holy Prophet. But customary dower has prevailed over the *Sharai Maher*. During the Shia Dynasty of Oudh the dower used to be in lakhs of rupees and was generally paid in cash.

This custom is still followed by the present descendants of the dynasty. In some cases, the dower is still in lakhs of rupees and generally in thousands.

Respondents have assigned two reasons for the prevalence of a high dower. Firstly, that it is customary or according to the status of the bride's family. The other reason, which seems to be more important, is that in case of a divorce, the wife is expected to pass her life easily with this money because in a divorce from the husband's side a wife is entitled to get the entire amount of the *Maher* fixed at the time of the marriage contract. But this notion of the respondents is totally wrong because under Section 5 of the Oudh Laws Act 1876, which applies here, the Court is to award only such amount of dower as "shall be reasonable with reference to the means of the husband and the status of the wife".

The respondents' occupation, age and residence regarding the fixation of amount of *Maher* in their families have been examined in this connection.

Table XXXVIII indicates that *Sharai Maher* (religious) is very common among the agriculturist class but rare among the ex-zamindar and landlord families. A large sum as *Maher* is still common among ex-zamindars, landlords and businessmen. The table further reveals that 112 (22.4%), 314 (62.8%), 66 (13.2%) and 8 (1.6%) respondents were in favour of fixing the amount of *Maher* at Rs. 1,100, or Rs. 1,101 to Rs. 50,000 Rs. 50,001 to Rs. 1,00,000 and Rs. 1,00,001 and above, respectively. The majority of the respondents 314, (62.8%) stated that *Maher* fixed in their families was between Rs. 1,101/- and Rs. 50,000. Out of 16 agriculturists, 10 (62.5%) fixed it at *Sharai Maher* level, that is about Rs. 1,100. In 50 per cent of the families of ex-zamindars and landlords, the amount of *Maher* was between Rs. 50,001 and Rs. 1,00,000.

The table XXXVIII shows that in 62.8 per cent cases, the amount of *Maher* was between Rs. 1,101 and Rs. 50,000. The *Sharai Maher* was fixed in only 22.4 per cent cases and there were 1.6 per cent cases in which the *Maher* was Rs. 1,00,000 and above. The majority of the respondents in all age groups preferred to fix it between Rs. 1,101 and Rs. 50,000. Out of these, 141 (28.2%) respondents were between the ages of 40-59

Table XXXIX

Age of the Respondents and Fixation of Amount of Maher

Age of the respondents	Sharai Maher		Rs. 1,101/- to Rs. 50,000/-		Rs. 50,001/- to Rs. 1,00,000/-		Rs. 1,00,000/- and above		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
20-39 years	50	10.0	85	17.0	9	1.8	—	—	144	28.8
40-59 years	55	11.0	141	28.2	28	5.6	3	0.6	227	45.4
60 years and above	7	1.4	88	17.6	29	5.8	5	1.0	129	25.8
Total	112	22.4	314	62.8	66	13.2	8	1.6	500	100.0

years. 88 (17.6%) respondents were 60 and above. The table also shows that age played an important role in this connection. The majority of the respondents belonging to the age group 20-39 years were not in favour of large amounts, i.e. not more than Rs. 50,000 while a good majority of the respondents belonging to the age groups 40 and above preferred large amounts of more than Rs. 50,000.

Table XL indicates that out of 112 (22.4%) respondents who were in favour of *Sharai Maher*, 39, 27 and 22 belonged to the cities of Meerut, Faizabad and Lucknow, respectively. 314 out of 500 respondents preferred the amount of *Sharai Maher* to be between Rs. 1,101 and Rs. 50,000. Among them 75 (15%) and 66 (13.2%) belonged to the cities of Allahabad and Lucknow. Only 66 (13.2%) respondents favoured *Maher* between Rs. 50,000 and Rs. 1,00,000 out of which 34 (6.8%) and 14 (2.8%) belonged to the cities of Jaunpur and Faizabad respectively. 1.6 per cent of the respondents favoured a huge sum of Rs. 1,00,001 and above as *Maher* and among them 4 (0.8%) and 3 (0.6%) belonged to the cities of Lucknow and Allahabad respectively. It is significant that the majority of the respondents from the cities of Meerut and Faizabad were in favour of a smaller amount of *Maher* compared to those of other cities.

Thus, the general practice among the Shias in Uttar Pradesh is to fix a large amount in the shape of *Maher*. They are generally, however, unable to pay such a large amount either at the time of *Nikah* or afterwards. There is no bar to the settlement of any amount as *Maher*, but it should not be less than *Sharai Maher*, which is equal to Rs. 1,100. This clearly shows that as far as fixation of amount of *Maher* is concerned, Islam has not specified any limit. The main considerations before the Shias of Uttar Pradesh at the time of the settlement of *Maher* are security for the wife, *Shara* (Religion), family traditions, and family status of the partners.

The Respondents' *Qaum* and education in relation to the considerations that govern the fixation of *Maher* have been examined in this connection.

Table IXL reveals that out of 500 respondents, 140 (28%), 135 (27%), 125 (25%) and 100 (20%) respondents

Table XL

City of the Respondents and Fixation of Amount as Maher

City of the respondents	<i>Sharai Maher</i>		Rs. 1,101 to Rs. 50,000		Rs. 50,000 to Rs. 10,00,00		Rs. 10,00,00 and above		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Allahabad	14	2.8	75	15.0	8	1.6	3	0.6	100	20.0
Faizabad	27	5.4	59	11.8	14	2.8	—	—	100	20.0
Jaunpur	10	2.0	55	11.0	34	6.8	1	0.2	100	20.0
Lucknow	22	4.4	66	13.2	8	1.6	4	0.8	100	20.0
Meerut	39	7.8	59	11.8	2	0.4	—	—	100	20.0
Total :	112	22.4	314	62.8	66	13.2	8	1.6	500	100.0

Table IXL

Qaum of the Respondents and Considerations that Govern the Fixation of Maher

<i>Qaum of the respondents</i>	Security for the wife		<i>Shara</i> (Religion)		Family tradi- tions		Family Status		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Syed	65	13.0	91	18.2	64	12.8	107	21.4	327	85.4
Sheikh	22	4.4	15	3.0	16	3.2	15	3.0	68	13.6
Moghul	15	3.0	10	2.0	12	2.4	13	2.6	50	10.0
Pathan	33	6.6	9	1.8	8	1.6	5	1.0	55	1.0
Total :	135	27.0	125	25.0	100	20.0	140	28.0	500	100

considered family status, security for the wife, *Shara* and family tradition, respectively, as the main considerations in the fixation of *Maheer*. Out of 327 Syeds, 107 (32.7%) and 91 (27.8%) considered family status and *Shara* respectively to be the main considerations that should govern the fixation of *Maheer*. Out of 68 Sheikhs, 22 (32.4%) and 16 (23.5%) were of the opinion that security for the wife and family traditions respectively were the main considerations. Out of 50 Moghuls, 15 (30%), 13 (26%) and 12 (24%) considered security for the wife, family status and family traditions to be the main consideration in this respect. The majority of the Pathans, 33 out of 55 (60%) gave importance to security for the wife as the most important consideration. The table further shows that the Syeds gave more importance to family status and the other *Qaums* to security for the wife.

Table VIII L indicates that out of 24 illiterate respondents, 14 (58.3%) and 10 (41.7%) considered security for the wife and *Shara* respectively as the essential considerations. Out of 276 'illiterate, below High School' respondents, 85 (30.8%) and 81 (29.3%) considered *Shara* and security, respectively, as main considerations. 45 (36%) and 35 (28%) out of 125 'High School and below B.A.' respondents considered family status and family traditions the main considerations in the order. Out of 75 'B.A. and above' respondents, 25 (46.7%), 15 (20%) and 15 (20%) considered family status, security for the wife and family traditions in that order as the main considerations that govern the fixation of *Maheer* in their families. The table also shows that respondents belonging to 'illiterate' and 'literate below High School' categories gave preference to security for the wife and *Shara*, while respondents belonging to the other educated categories gave preference to family status and family traditions.

Kinds of Dower (Maheer)

There are two types of dower, prompt (*Muajjal*) and deferred (*Muwajjal*). Prompt dower is payable immediately after the marriage contract. A husband is not permitted to have conjugal relations with his wife unless he has paid the prompt dower. In the case of deferred dower, it is not necessary to pay it at

Table VIII.

Education of the Respondents and Considerations that Govern the Fixation of Maher

Education of the respondents	Security for the wife		Shara (Religion)		Family traditions		Family status		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Illiterate	14	2.8	10	2.0	—	—	—	—	24	4.8
Literate below High School	81	16.2	85	17.0	50	10.0	60	12.0	276	55.2
High School & below B.A.	25	5.0	20	4.0	35	7.0	45	9.0	125	25.0
B.A. & above	15	3.0	10	2.0	15	3.0	35	7.0	75	15.0
Total :	135	27.0	125	25.0	100	20.0	140	28.0	500	100

the time of marriage, but a husband should remain aware of the intended payment and pay it on demand. The payment is obligatory even after termination of the marriage or on the death of either party.

Another classification of *Maher* is specified and unspecified. When the amount of dower is settled between the parties, it is called specified dower but when it is not settled at the time of *Nikah* it is called *Sharai* or unspecified. The settlement of *Maher* is generally the concern of the guardians of the boy and the girl but the couple must be aware of the amount of *Maher* before *Nikah* as settled by their guardians.

Table VIII.

Qaum of the Respondents and Time of Settlement of Maher

<i>Qaum</i> of the respondents	Before <i>Nikah</i>		At the time of <i>Nikah</i>		Total	
	No.	%	No.	%	No.	%
Syed	312	62.4	15	3.0	327	65.4
Sheikh	14	12.8	4	0.8	68	13.6
Moghul	44	8.8	6	1.2	50	10.0
Pathan	50	10.0	5	1.0	55	11.0
Total :	470	94.0	30	6.0	500	100

The above table indicates the time when the *Maher* is settled by the respondents of different *Qaums*. 470 (94%) respondents settled the same before *Nikah*. Out of these 470 respondents, 312 (95.4%), 64 (94.1%), 44 (88%) and 50 (90.9%) were Syeds, Sheikhs, Moghuls and Pathans, respectively. Only 30 (6%) respondents settled *Maher* at the time of *Nikah*. The above table clearly reveals that generally the *Maher* is settled before the ceremony of *Nikah*.

The Dowry and Dower

Among the Shias the dowry or *Jahez* is a very necessary requisite for the marriage of a girl. This is not only an extremely superfluous condition but extravagant also, for Islam places the authority of the husband over his wife indisputably

and against any other's authority, including that of the elders of the family. Islam, therefore, does not want the husband to be indebted to anyone in so far as provision for and maintenance of his wife are concerned. Thus a dowry is out of the question.

So far as the dower is concerned, it is not a price for the girl but a surety in cash and kind that she will be maintained according to the status of her family.

The dowry, according to pure Islamic law and the Holy Prophet's tradition and behaviour, is provided from the dower paid by the husband and no burden is laid on the pocket of the girl's parents. In Shia society today, the case is now the reverse, for the guardian of the girl has to provide the dowry in addition to having met the cost of maintenance and rearing of the girl already. This may be due to the impact of Hindu culture. Islam bids even the cost of maintenance to be paid by the husband, if the parents of the girl demand it, which they generally do not. Again, the dower should be according to the actual status of the girl's family at the most and not a fabulous sum.

The women in Islam has more privileges over her husband, for their relations are mutually inter-dependent. Hence, if the husband has the prerogative of demanding obedience, the wife is also free in many respects. The husband cannot compel her to do household duties or even to nourish his baby. This does not in any way contradict the right of the father to keep the children, for it is he who is responsible for their support.

Even today in Iraq and Iran, it is a custom in the families which have several girls to demand half the dower from the would-be husband to provide dowry for the girl.

MAHER IN THE PRESENT SOCIAL SCENE

The settlement of *Maher* is the duty of the guardians of both the parties. It has been observed that in most of the cases, the couple are informed about the amount at the time of *Nikah* only, when the religious heads (*Mujtahids*) take the consent of the parties concerned. This practice has assumed the shape of a social custom, although it is necessary that the

couple should be made aware of the amount which their guardians settle. It is the formal duty of the guardians to obtain the consent of the respective parties before the marriage is solemnized. If the husband and wife agree, the amount can be increased, but there are very few such examples. The general practice, which is prevalent among the Muslims as well as Shias, is that generally the wife pardons the deferred dower either at the time of her death or that of the husband's or during his life time which is very rare.

So far as the *Maher* in the present social scene is concerned, it can be understood from the historical background to it. The amount has been on the increase since the earliest period of Islam when the financial conditions of the Shias were sound. They were holding *Jagirs* and kingdoms and hence could afford to pay large amounts without any inconvenience. Now, with diminishing financial resources, it is an encumbrance to continue old traditions for which the present economic conditions do not allow any justification. Thus, there are only two alternatives left so far as the dower is concerned :

- (1) Either reduce the dower to make it compatible with present financial conditions, or
- (2) adopt it only as a continuance of past traditions without any consideration for present realities.

The second alternative became prevalent out of family prestige and now *Maher* is no longer a practical reality but a superficial formality.

The consideration that a heavy dower is a check against divorce is also futile, because no one is legally bound to pay a sum beyond his means and the amount allowed by law is far below the amount settled. Thus, a heavy dower is neither reasonable from the point of view of religion nor is it the present law. A reasonable view would be that the dower should be payable partly in cash immediately and the rest by instalments later. In this way, the dower may be divided into two parts (1) cash or *Muajjal*, and (2) in deferred payment as *Muwajjal*. This will make the dower a reality and not a farce.

Payment of a dower is incumbent on and a pre-condition for ratification of the wedding. The dower should not, in any way, be an impossible burden; in that case, it would nullify the wedding itself and the present adherence to past traditions would make even the wedding open to objections.

The general result of this inadmissible and unreasonable practice is that people accept any dower proposed by the bride's parents. Knowing full well that by law they could be called upon to pay only a trifling amount, they enter into the marriage contract, in some cases only to leave the girl at the next favourable opportunity. Such cases have happened and some people have been known to contract unsuitable marriages since they have the option to leave the girl without serious legal consequences and would be required to pay not the actual amount of the dower but a negligible minimum. This is the result of the prevalence of the extravagant dowry system which leads to undesirable actions. Such people lose nothing by paying a small amount as *Maher* while getting away with substantial benefits in the shape of dowry and gifts from the other party at the time of the wedding.

The best reform under such circumstances would be to re-establish the dower system in accordance with the dictates and true traditions of Islam, in which the dower is to be pre-paid and this payment is the property of the bride herself. There can be no intention of divorce after it, and the bridegroom's family would not be able to exploit the bride's family. They would enter into contract only when they are serious about the marriage.

The Role and Place of Divorce

Dissolution of marital alliance becomes impossible when it is a religious sacrament but the nuptial tie in Islam is a sort of civil contract which may be severed, though it is abhorred and considered as a necessary evil which is resorted to as a last measure.

THE LAW OF DIVORCE

Islam has made provisions for the dissolution of a marriage. Marriage is regarded as a civil contract by Muslim Law and to that extent it can be dissolved by writing a divorce deed. But this is the last resort which primarily the husband has to take, when the wife fails to adjust herself. A man has greater rights than a woman in the matter of divorce in Islam. The man can, of his own accord, divorce the wife under certain conditions, even against her will. But the wife cannot divorce her husband against his will, unless she has acquired this right by a *Sigha* (condition) of divorce at the time of the *Nikah*. This *Sigha* should be mentioned in the *Nikahnama* according to the Shias. She can then demand a divorce (*Khula*) from her husband but this is also subject to the

approval of the husband. According to Muslims, a divorce or dissolution of the marriage contract is meant for the purpose of avoiding the evil consequences of an unhappy marriage. As the Holy Quran says, "Either retain them with humanity or dismiss them with kindness".¹

The contract of marriage may be dissolved in any one of the following ways : (1) by the husband at his will ; without the intervention of the court, called *Talak*, (2) by mutual consent of the husband and wife, without the intervention of the court, called *Khula* or *Mubarat*, (3) by a judicial decree at the suit of the husband and wife.

I. Divorce by Talak : Any Mohamadan of sound mind who has attained puberty may divorce his wife whenever he desires without assigning any cause. A *talak* may be effected either (1) orally or (2) by a written document called a *Talak-name*. But under Shia law a *talak* must be pronounced orally in the presence of two witnesses. *Talak* communicated in writing is valid only when the husband is not physically capable of pronouncing it orally. Pronouncement of *talak* may be either revocable (*talak-ul-rajai*) or irrevocable (*talak-ul-bain*). An irrevocable *talak* dissolves the marriage immediately on its pronouncement, while a revocable one does not dissolve the marriage until the period of *Iddat* has elapsed, and may at any time be revoked either expressly or implicitly by resuming sexual intercourse. A *talak* may be effected in any of the following ways :

(a) *Talak Ahasan* : This consists of a single pronouncement of divorce made during *Tuhr* (period between two menstruations) followed by abstinence from sexual intercourse for the period of *Iddat*.

(b) *Talak Hasan* : This consists of the pronouncement made during three successive *Tuhrs*, no intercourse having taken place in between these periods. A *Talak Hasan* becomes irrevocable and complete on the expiration of the period of *Iddat*. A *Talak Hasan* becomes irrevocable and complete on the third pronouncement, irrespective of the *Iddat*.

1, Holy Quran, Para 2, Surah 2, Verse 23.

Sunni and Shia Law as to Talak Distinguished : (1) Under Sunni law a *talak* uttered even under compulsion, fraud, under influence or paroxysm of anger is valid, while under Shia law, an intention to divorce is a necessary element and consequently a *talak* pronounced under the foregoing circumstances is not recognized as valid and effective.

2. Under Sunni law it is not necessary that a *talak* be pronounced in the presence of any witness while under Shia law it must be pronounced in the presence of two witnesses.

3. Under Sunni law a *talak* may be effected either orally or in writing but under Shia law it must be pronounced orally unless the husband is not physically capable of pronouncing it orally.

II. *Khula* and *Mubarat* :

A dissolution of marriage by agreement may take the form of *Khula* or *Mubarat*. A divorce by *Khula* (redemption) is a divorce with the consent of the husband and at the instance of the wife, in which she gives or agrees to give a sum to the husband for the release from the marriage tie; in fact it is a divorce purchased by her. It is complete and irrevocable from the moment the husband repudiates the wife. A *Khula* divorce is effected by (a) an offer from the wife coupled with (b) a sum for the same and (c) acceptance of the offer by the husband. Once the offer is accepted it operates as a single irrevocable divorce (*talak-i-bain*) and its operation is not postponed until the execution of the deed of *Khula*.

Mubarat (Mutual freeing) divorce proceeds from the mutual consent of both the husband and the wife. As the incentive comes from both sides, no return is required from the wife in this form of divorce. The offer may proceed from the wife or it may proceed from the husband, and once it is accepted the dissolution is complete, and it operates as *talak-i-bain* (irrevocable divorce) unless it is contracted to the contrary. A divorce affected by *Khula* or *Mubarat* operates as a release by the wife of her dower or part of dower but this does not affect the husband's liability to maintain her during her *Iddat*, or to maintain his children by her.

Khula and Mubarat Distinguished : In *Khula*, the wife procures her release by payment of some valuable considerations, though if the wife fails to pay the consideration, the divorce does not become invalid. In *Mubarat* there is no consideration. In *Khula* the wife makes the proposal, while in *Mubarat* either spouse may make the proposal.

The Procedure of Divorce among Shias : The procedure that is usually followed in divorce is that the husband levels charges against the wife before the *Mujtahid* who calls the wife and tries his utmost to unite them, because in Islam divorce is the last resort. But in spite of his advice, if the husband is not ready for a compromise, he pronounces a *Sigha* of *Talak* (Holy Verse regarding divorce) before two witnesses, who should be reliable *Adil*.

The above is the procedure for divorce if the husband divorces his wife. If the wife becomes impatient of her husband and cannot bear to live with him, she may seek to get rid of him by giving back her dower, or any other additional sum that the husband may propose (*Khula*). Usually the sum is a fourth of the dower of the wife. In *Khula* the husband and wife both appear before the *Mujtahid* and it is his duty to advise them regarding the bad consequences of a divorce, and only then will he issue the deed of *Talak* in the presence of two reliable witnesses. When there is an inclination for divorce on both sides, nothing but the dower need be renounced and this is called *Mubarat*. In *Mubarat* also the above procedure is followed. These different types of divorces are subject to the willingness of the husband to grant her a divorce.

The Dissolution of the Muslim Marriage Act of 1939

The Act was passed in order to consolidate and clarify the provisions of Muslim law relating to suits for dissolution of marriage by women married under Muslim law, and to remove doubts as to the effect of the renunciation of Islam by a married Muslim woman on her marriage tie. The Act came into force on the 17th March, 1939, and lays down the following grounds for divorce:

1. The whereabouts of the husband are unknown for a period of four years.

2. Failure of the husband to provide for the maintenance of the wife for a period of two years.

3. Sentence of imprisonment on husband for a period of seven years.

4. Failure without reasonable cause to perform marital obligations.

5. Impotency of husband.

6. Insanity of husband.

7. Repudiation of marriage by wife.

8. Cruelty of husband.

Can a husband remarry a divorced wife ? According to the Shias, if a man divorces his wife and then marries her again, divorces her again, and remarries her and again divorces her, he in that case cannot remarry her without submitting to the ordeal of her being married to another person and divorced by him. Then only can he remarry his divorced wife. In Mohamadan Law, when a marriage is dissolved by death or divorce, the woman is prohibited from marrying within a specified time. This period is called *Iddat*, and is the term or period which must elapse before a new marriage is rendered lawful. It is a period of continuance imposed on a woman, on the termination of her marriage in order to establish the paternity of a possible child conceived earlier, during which a woman is expected to live a life of seclusion and abstain from all luxuries. The observance of *Iddat* is necessary where cohabitation had taken place before the divorce. If consummation of marriage had taken place and the marriage is dissolved by divorce, then the duration of *Iddat* is three monthly courses, or, if the woman is pregnant, till delivery. If the marriage is dissolved by death, the period is four months and ten days, or, if the woman is pregnant, till delivery, whichever is longer. If the marriage is not consummated, *Iddat* has still to be observed as in the case of death of the husband but not in the case of divorce. Thus *Iddat* is compulsory for a woman after divorce. During the period of *Iddat* a divorced woman is forbidden to marry another man. She cannot go out of the house during this period and if going out is unavoidable, she can do so only during the day and not at night.

Besides the necessity for ascertaining the legitimacy of a possible child, another important purpose for fixing a period of *Iddat* following a divorce is essentially to bring about a reconciliation between the husband and wife. It is the duty of every husband to maintain the divorced wife during the period of her *Iddat* and bear all her reasonable expenses during this period.

Maintenance and Custody of Children After Divorce : It is the duty of the husband to maintain the children after divorce also, whether the children live with the mother or with him. The mother is entitled to the custody of the children without distinction of sex until they are weaned. During this period which is limited to two years, the children cannot under any circumstances be removed from their mother's care without her consent. After the child has been weaned, its custody, if a male devolves on the father, and if a female, on the mother. The mother's custody of a female child continues upto its seventh year. After she attains that age, the father is entitled to her custody in preference to the mother.

THE INCIDENCE OF DIVORCE AND ITS CAUSES

The institution of divorce exists from time immemorial in various forms and in various ages. If marriage is a natural institution, divorce is a counterpart though considered undesirable by every one in every age. A very comprehensive view of divorce has been given by Bertrand Russell who wrote, "Divorce as an institution has been permitted in most ages and countries for certain causes. It has never been intended to produce an alternative to the monogamic family, but merely to mitigate hardships, where, for special reasons, the continuance of a marriage tie was felt to be intolerable. The law on the subject has been extraordinarily different in different ages and places."²

Divorces are very rare in the Shia community, for two reasons. Firstly, marriages having been initially so well-considered and settled keeping in view of all existing and contingent circumstances, the possibilities of divorce are very rare. In the second place, the traditions of faithfulness

2. Russell B., op. cit. p. 149.

in marriage which prevail among the families are such that both parties, and specially the girls, are ready to put up with problems, however difficult, and some how make things agreeable. The general idea is that alliances should be well-considered and once established should be abided by both parties, as divorce defames both.

Divorces are thus rare among the Shias, as stated earlier, and when divorces have taken place in the last ten years, their number as well as the respondents' *Qaum*, education and age have been examined in the following table.

Table VII

*Qaum of the Respondents and Divorce in Their Families
During the Last Ten Years*

<i>Qaum</i> of the Respondents	Yes		No		Total	
	No.	%	No.	%	No.	%
Syed	20	4	307	61.4	327	65.4
Sheikh	6	1.2	62	12.4	68	13.6
Moghul	3	0.6	47	9.4	50	10.0
Pathan	6	1.2	49	9.8	55	11.0
Total :	35	7	465	93	500	100

Table VI

*Education of the Respondents and Divorce in Their Families
During the Last Ten Years*

Education of the Respondents	Yes		No		Total	
	No.	%	No.	%	No.	%
Illiterate	1	0.2	23	4.6	24	4.8
Literate, below High School	13	2.6	263	52.6	276	55.2
High School & above	12	2.4	113	22.6	125	25.0
B. A. & above	9	1.8	66	13.2	75	15.0
Total :	35	7	465	93	500	100

Table VII shows that only 35 (7%) respondents stated that divorces has taken place in their families during the last ten years. Among these were 20 (6%), 6 (8.8%), 3 (6%) and 6 (10.9) among Syeds, Sheikhs, Moghuls and Pathans respectively. The table further indicates that the divorce rates was comparatively higher among the Pathans and Sheikhs rather than in other *Qaums*.

The table VI shows that out of 35 respondents in whose families divorces had occurred during the last ten years 1 (4.2%) 13 (4.7%), 12 (9.6%) and 9 (12%) belonged to the categories of 'illiterate', 'literate, below High School', 'High School and below B.A.' and 'B.A. and above' respectively. The table further reveals that the divorce rate among 'illiterate' and 'literate, below High School' categories was very low, while it increased with the education of the respondents.

Table IVL

Age of the Respondents and Divorce in Their Families During the Last Ten Years

Age of the Respondents	Yes		No.		Total	
	No.	%	No.	%	No.	%
20-39 years	23	4.6	121	24.2	144	28.8
40-59 years	10	2	217	43.4	227	45.4
60 and above	2	0.4	127	25.4	129	25.8
Total :	35	7	465	93	500	100

The above table indicates that out of 35 (7%) respondents in whose families divorces had occurred during the last ten years, 23 (16%), 10 (4.4%) and 2 (1.6%) belonged to the age group 20-39, 40-59 and 60 and above years, respectively. The table further reveals that the rate of divorce was appreciably higher among the younger people than among the more aged ones.

The divorce rate was only 7% of the marriage in the families of the respondents during the last ten years. This percentage clearly indicates that divorce is still disliked due to the high moral and social standards of the Shias. The rate of divorce

is comparatively higher among the Pathans and Sheikhs compared to Syeds and Moghuls. Modern education no doubt is playing an important role in the rise of the divorce rate, the incidence of divorce shows increases with the higher education of respondents. The main blessings of modern education are freedom of thought and behaviour and this freedom rings about an independence of judgement which may not agree with the opinions of others and hence there are greater chances of incompatibility of thought among educated and modernized people.

Similarly, the age of the respondents is also one of the factors for increase of divorce. Elder people generally still regard divorce as the greatest blot on the fair name of the family, while comparatively young respondents do not think so. Out of these 35 cases of divorce, 30 were initiated by the husband; only 5 were demanded from the side of the wife. This shows that girls were more averse to divorce—they were only a seventh of the number of persons seeking divorce.

Table III L

Reasons for Divorce Given By the Husbands

Reasons for Divorce	Number
1. Disobedience	4
2. Quarrelsome nature	5
3. Not observing <i>Purdah</i>	3
4. Extravagant	5
5. Doubt in character	1
6. Deliberate stay at father's place	3
7. No issue	4
8. Negligence towards husband	5
Total :	30

Table III L tabulates the reasons given by the 30 respondents in whose families the husbands had sought divorce in the past 10 years. The main reasons given seem to be the quarrelsome and extravagant nature of the wives and negligence towards their husband. The other significant reasons were wife's dis-

obedience and sterility. Some divorces had also taken place due to the wife's unwillingness to observe *purdah* and her deliberate stay at her father's place against the will of the husband. The table on the whole reveals that divorces from the side of the husband were mainly based on economic and moral grounds of behaviour. Those wives whose demands exceeded the monetary resources of the husbands became extremely troublesome and the position ultimately intolerable. The factor of behaviour is an equally important factor for divorces.

As the reasons for seeking divorce by the husbands were based on the non-fulfilment of his expectations, the wife could also similarly demand a divorce on the same grounds.

Table III

Reasons for Demanding Divorce by the Wife

Reasons for Divorce	Number
1. Second marriage	1
2. Non-maintenance	2
3. Negligence	1
4. Undesirable behaviour	1
Total :	5

The above table indicates that in only five cases divorce was demanded by the wife. The main reasons in this connection were non-maintenance and negligence on the part of the husband, husband's second marriage and undesirable behaviour by the husband. The table further reveals that the main reason in this connection was an economic one i.e., non-maintenance. The other reasons pertain to the behaviour of the husband e.g. second marriage, negligence and undesirable behaviour.

The religious principles about divorce are very strict and the chances of permission to separate are very limited. The process of divorce is also difficult and requires considerable amount of time for arbitration and failing that consideration of the matter by the theological judges, before deciding on the divorce. Society also disapproves of it and the divorce is a

sort of slur for both parties, forboding an unsettled future. It is also not morally desirable, for it entails disintegration of the family and casts an unwelcome shadow over the character of both. The impact of Hindu culture has also to a great extent, rendered divorce an extremely undesirable course.

Table II

Reasons for Infrequent Divorce Among the Shias

Reasons	Number	Percentage
1. Discouraged by Islam	241	48.2
2. Social Disapproval	227	45.4
3. Difficulty in the process	32	6.4
Total :	500	100

Table II shows the reasons why divorces are infrequent among the Shias. 241 (48.2%), 227 (45.4%) and 32 (6.4%) respondents gave religious discouragement, social disapproval, and difficulty in the process as the reasons. The table further indicates that divorces are still rare in Shia society due to its past religious, social and moral heritage, as these traditions are handed down from generation to generation and have rather become instinctive. Alongwith it, the impact of Hindu culture has also played a prominent part as a social influence.

Table L

Reasons for Strained Relations Between Husband and Wife

Reasons	Number	Percentage
Economic	172	34.4
Modern Education	122	24.4
New Fashions	92	18.4
Girls' Freedom	114	22.8
Total :	500	100

Conjugal relations are strained when there is a difference of opinion between the spouses on each other's responsibilities and duties as husband and wife, and when the demands and expectations of the wife or the husband are not fulfilled. Due to the paucity of funds, husbands are at times not able to fulfil the desires of their wives; this results in dissatisfaction and disagreement on both sides. Ultimately, things become unbearable and bring about disruption of the family. This especially happens when there are no children; filial love generally acts as a sort of check against separation.

In table L, the reasons given by respondents for strained relations between couples in present Shia Society have been tabulated. It is significant to note in this connection that 172 (34.4%) respondents were of the view that poor economic condition was the main reason, while 122 (24.4%), 114 (22.8%) and 92 (18.4%) were of the opinion that modern education, girls' freedom and new fashions respectively were main reasons. The table further reveals that the impact of Western education and leanings toward habits of Western society were also responsible for strained relations between husband and wife.

These cases pertain to the present age, where modern education has changed people's outlook on life. The old spell of persistent unequivocal faithfulness under any circumstances is weakening and people are considering life in its stark reality. The tendency is to become more materialistic and less spiritual, giving rise to degradation of moral values. Another factor is the disproportionate education of boys and girls. Girls who are highly educated generally believe in equal rights for men and women and therefore fail to adopt that degree of humility required in their dealings towards their husbands. Their air of superiority begets dissatisfaction in the minds of their husbands who may expect unrestrained respect and unqualified and abject submission on the part of the wife. Another factor is diminishing economic resources, giving rise to family difficulties and wants which are unbearable to modern girls, as they are generally fond of fashions which require liberal spending and are sometimes a source of nuisance to their husbands, with limited means.

Now fashions are not only common among girls but also among boys. When the demands of fashion of both collide, they give rise to a competitive struggle and ultimately to serious disagreements.

Another factor is the growing system of keeping the bride as well as the bridegroom in the bride's family by wealthy people. In such cases a husband does not enjoy the same status of freedom as others, he is reduced to a position subordinate to that of his wife. This ultimately becomes intolerable and he contemplates either separating his wife from her family or separating himself from the wife altogether.

SOCIAL IMPLICATIONS OF DIVORCE

The social contract aspect of marriage in Islam has many sides, the chief being sexual relationship. Other aspects include family life, procreation, bringing up of children, companionship, love, sympathy, co-partnership, cooperation and division of labour in family management. Thus the relationship is based on gradually deepening foundation.

Some religions treat marriage as a permanent relationship unbreakable throughout one's life so much so that if one dies, the woman specially is required to observe celibacy throughout her life afterwards.

In ancient India, upto the medieval period, the system of *Sati* (consigning oneself to the fire with the dead husband) was prevalent among Hindus, thus avoiding the sufferings which widows are subject to.

Lord William Bentinck, with the support of certain Indian leaders, legislated against the *Sati*. Today the law disallows it though occasionally reports appear of a woman committing *Sati* on the death of her husbands. Educated and rational people have been supporting widow remarriage and the practice of *Sati* is practically unknown.

Islam, being based on human nature, takes a more generous and liberal views of natural instincts and allows widow remarriage, it not only allows widow remarriage but makes a provision for divorce also. The latter appears to be a necessity in view of the fact that marriages, though contracted after a good deal of consideration and mutual understanding,

sometimes prove unhappy. In such cases it is better to separate if both partners cannot live in harmony and the continuance of the partnership leads to misery. In such cases divorce appears to be the only solution. If marriage is a social necessity, divorce also appears to be an alternative necessity. According to Islam, divorce is a necessary evil but is inevitable in the interests of both the parties who cannot mutually adjust themselves. Some thinkers are of the opinion that divorce brings about family disintegration. On the other hand divorce in our opinion, is the result and not the cause of family disintegration and when a family is already disintegrated, separation appears to be the only remedy for the evil.

The main social implications of divorce may be stated as follows : the future of the divorced woman, the problems of her maintenance, the support and rearing of children.

So far as the future of the divorced woman is concerned, it is not a very bright one. They are generally looked upon as ineligible for remarriage, firstly, because of social prejudice and secondly, because they may feel reluctant to remarry. Sometimes people do not want to marry them, preferring widows to divorced women. This generally happens among the Syeds, who do not like divorce for their girls and would rather keep them married without divorce. If, in rare cases, a divorce occurs, the woman remains unmarried. In other *Qaums* tradition is not so strict and they occasionally remarry although many of them abjure marriage.

Table LI

Qaum of the Respondents and Fate of the Divorced Women

<i>Qaum</i> of the Respondents	Remarried	Did not remarry	Total
Syed	1	19	20
Sheikh	2	4	6
Moghul	2	1	3
Pathan	4	2	6
Total :	9	26	35

The respondents' *Qaum* and education and their bearing on remarriage of divorced women have been examined in this connection.

Table LI indicates that out of 36 divorced women 9 (25.7%) remarried and 26 (74.3%) did not. The latter included 19 (95%), 4 (66.6%), 1, (33.3%) and 2 (33.3%) divorced women among the Syeds, Sheikhs, Moghuls and Pathans respectively. The table further indicates that the percentage of divorced women who remained celibate was higher among Syeds and Sheikhs than among others.

Table LII

Education of the Respondents and Fate of the Divorced Women

Education of the Respondents	Remarried	Did not remarry	Total
Illiterate	—	1	1
Literate, below High School	1	12	13
High School & below B.A.	3	9	12
B.A. & above	5	4	9
Total :	9	26	35

The above table indicates that out of 9 divorced women who were remarried, nil, 1 (7.7%), 3 (25%) and 5 (5.5%) belonged to the categories of 'illiterate,, 'literate below High School', 'High School and below B.A.' and 'B.A. and above' respectively. The table further reveals that remarriage of divorced women occurs to some extent among the educated classes; the percentage also rises as the level of education of the respondents increases.

We can easily draw the conclusion from the above tables that remarriage of divorced women is rare or practically nil among Syeds while among Moghuls and Pathans the percentage is higher. Sheikhs occupied a middle percentage.

It is the duty of every husband to maintain the divorced wife during the period of *Iddat*. He must bear all reasonable

expenses of the divorced wife during this period. It has been found in some cases that when the husband divorces his wife he thinks that he has no duty to perform towards her. In some cases it has also been found that the divorced woman herself leaves the husband's house and goes to that of her guardian, who maintains her.

Respondents' *Qaum* and occupation regarding their views in connection with the maintenance of divorced woman during *Iddat* have been examined in this connection.

Table LIII

Qaum of the Respondents and Maintenance of the Divorced Women During Iddat

<i>Qaum</i>	Husband to Maintain		Guardians of the wife to maintain		Total	
	No.	%	No.	%	No.	%
Syed	250	50	77	15.4	327	65.4
Sheikh	40	8	18	5.6	68	13.6
Moghul	27	5.4	23	4.6	50	10.0
Pathan	35	7	20	4	55	11.0
Total :	352	70.4	148	29.6	500	100

Table LIII indicates that 352 (70.4%) and 148 (29.6%) respondents were of the view that husbands and guardians of the wife respectively should bear the expenses of the divorced woman during the *Iddat* period. Out of the 352 respondents who were of the opinion that husband should maintain her during the *Iddat* period were 250 (71.5%), 40 (58.8%), 27 (54%) and 35 (63.6%) Syeds, Sheikhs, Moghuls and Pathans respectively. The table further shows that a higher percentage of Syeds and Pathans were in favour of maintenance of the divorced women by the husbands during the period. This view is according to Islamic Law, while the other is the result of the force of customs as against religion.

Table LIV shows that 148 (29.6%) respondents were of the view that the guardian of the divorced woman should maintain her during *Iddat*. 48 (44.4%), 40 (35.1%), 37 (41.1%) and

18(36%) of these belonged to the professions, public services, the business class and private services respectively. The table further shows that very few of the respondents belonging to other occupational categories were in favour of the above view and not a single house wife entertained this opinion.

Table LIV

Occupation of the Respondents and Maintenance of the Divorced Women During Iddat

Occupation of the Respondents	Husband to maintain		Guardian of the wife to maintain		Total		
	No.	%	No.	%	No.	%	
Service class	Public	74	14.8	40	8	114	22.8
	Private	32	6.4	18	3.6	50	10
Professionals		60	12.0	48	9.6	108	21.6
Businessmen		53	10.6	37	7.4	90	10.0
Agriculturists		14	2.8	2	0.4	16	3.2
Landlords & Ex-Zamindars		35	7	1	0.2	36	7.0
Housewives		50	10	—	—	50	10.0
Pensioners		34	6.8	2	0.4	36	7.2
Total :		352	70.4	148	29.6	500	100

It is the duty of the husband to maintain the children after divorce, whether they are with the mother or with him, because the children belong to the father, and he has the legal as well as religious right to keep them.

Respondents' education, and age in relation to their views in connection with the maintenance of the minor children after divorce have been examined in this connection.

Table LV indicates that 429 (88.8%) respondents were of the opinion that the husband should bear the expenses of maintaining minor children after divorce while only 71 (14.7%) respondents were of the view that the guardian of the divorced woman should meet the expenses. 14 (58.3%), 234 (84.8%), 112 (89.6%) and 69 (92%) of the respondents belonging to the

categories of 'illiterates', 'literate, below High School', 'High School and below B.A.' and 'B.A. and above' respectively considered that the husbands were responsible for the maintenance of minor children after divorce.

Table LV

Education of the Respondents and Maintenance of Minor Children After Divorce

Education of the Respondents	Husband to maintain		Guardian of the wife to maintain		Total	
	No.	%	No.	%	No.	%
Illiterate	14	2.8	10	2	24	4.8
Literate below High School	234	46.8	42	8.4	276	55.2
High School and below B.A.	112	22.4	13	2.6	125	25.0
B.A. and above	69	13.8	0	1.2	75	15.0
Total :	429	85.8	71	14.2	500	100

The above table further reveals that educated respondents were more in favour of the above view than illiterates.

Table LVI

Age of the Respondents and Maintenance of Minor Children After Divorce

Age of the Respondents	Husband to maintain		Guardian of the wife to maintain		Total	
	No.	%	No.	%	No.	%
20-39 Years	110	22	34	6.8	144	28.8
40-59 Years	193	38.6	34	6.8	227	45.4
60 and above :	126	25.2	3	0.6	129	25.8
Total :	429	85.8	71	14.2	500	100

Table LVI reveals that 429 (85.8%) respondents were of the opinion that the husband should bear the expenses in connection with the maintenance of minor children after a divorce. Of these, 110 (76.4%), 139 (84.6%) and 126 (97.6%) respondents belonged to the age groups 20-39, 40-59 and 60 and above years respectively. The table further indicates that the older the age, the greater is the opinion that the minor children ought to be maintained by the father. Among the young people only a negligible few considered it to be the duty of the guardian of the divorced woman.

The findings of all these tables throw considerable light on the implications of divorce, and on the problems of maintenance of the divorced woman which arise. There is diversity of opinion whether she should be maintained by the husband or by the guardian. A similar difference of opinion appears to arise about the children also. There seems to be some kind of misconception in the minds of some respondents which may be due to the actual and practical circumstances.

The position is that divorced women during their period of *Iddat* are legally and morally to be maintained by their husbands as the replies of the majority of the respondents show. There may be other cases in which the divorced wife is either abandoned or unprovided for by husband or where she, of her own free will, prefers to stay during the *Iddat* period with her own family. Then the responsibility is shifted from the husband to her guardian.

Those who put the responsibility for her maintenance during the period on her guardians belong to the latter category. So far as her maintenance after the *Iddat* is concerned, the husband is in no way responsible for it and she has to be maintained at her parents' place. The maintenance of the children is the responsibility of the husband but if he violates his responsibility or if the children are retained and withheld by the divorced wife or her family, they are naturally to be supported by them. In this way a divorce places a woman in a precarious position, throwing her from the family of the husband to her own family.

Considering the problem of divorce in its various aspects,

it is interesting to note that one may be faced with serious consequences.

1. In those cases where a permanent and natural distinction towards each other has developed divorce is a necessary evil but may ultimately prove to be good in itself.

2. If only one party is unmanageable, and the other party is the sufferer, it is desirable in that case also to reconcile the unmanageable and end the sufferings of the other person.

3. There may be cases in which a divorce is sought based on selfish motives and for conjugal exploitation, which is a sin. In such cases, divorces must be checked and controlled. Adventurous are not wanting who get themselves married to innocent girls to avail themselves of the dowry and other monetary gains. After gaining their object they seek the first opportunity to leave the girls to their fate. This is highly condemnable.

Thus a divorce has legitimate as well as dark sides. A divorce is not regarded as a very desirable objective by any society as it besmirches the character of both. A divorced man or woman is not highly respected by society because of the stigma attached to it.

However, it is not necessary that a person who has not been able to adjust himself or herself with one will not be able to adjust himself or herself to any other, particularly when that person has gone through the consequences of disintegration of the family and he or she has been reduced to a precarious position. Those who do not learn the lesson in the first instance may be careful about their behaviour on a second occasion. In this way, a divorce has its educative value and teaches proper behaviour through its bitter lessons.

However, society in general does not favour divorce, for it causes family disintegration as well as social disorganisation. Hindus on the whole abhor it and their views have influenced Indian Muslim society as well. Islam allows divorce but only as a last resort and as a necessary evil. Hindu culture and society teach a woman to look upon her husband as a "deity" to be worshipped by her. Her precepts enjoin her to be so full of devotion and service to her husband that a divorce is unthinkable. On the other hand, she would consider it of

the greatest merit to put up with any degree of suffering rather than think of separation. However, with the advance of modern culture the attitude or approach of some educated women is changing. Indeed, some Hindu leaders who favour widow remarriage have had a divorce law passed as part of the Hindu Marriage Act of 1956. Thus a divorce, with all its evils, has crept into those areas also which had remained alien to it for a long time.

Shia society is also extremely averse to divorce and considers it a family dishonour. Generally, a Shia may prefer his daughter or ward to die of family torture than be separated from her husband. This is no doubt due to a great extent the long impact of Hindu culture. But now with broadening of liberal views due to the expansion of modern materialistic culture, Shia society is imbibing new ideas of freedom and mutual adjustment and readjustment and divorced men or women do not remain generally debarred from fresh legal alliances. We now find occasional cases of divorces as well as remarriages, though rarely in Shia society. Divorce, though not a desirable thing, is the last natural recourse to avoid disintegration and to establish reconstruction of society.

Widow Remarriage

Unlike some other faiths and dogmas, Islam does not prevent widows from enjoying the fruits of life. Hence, it not only permits but even encourages widow remarriage and Shias are also not averse to this aspect of the institution of marriage.

STATUS OF THE WIDOW IN ISLAM

Islam has given full rights of equality to widows and also prescribes some obligations, some of which are strictly religious and legal while others are social. Widows have the same status as any other woman, whether virgin or divorced. Widows are equally entitled to remarriage, for the verse of Holy Quran¹ about the marriage of girls applies to widows as well as to virgins. Islam does not approve of any ban on procreation, hence, widows also have been given the right which is also to be found in the Holy Prophet's traditions. The Holy Prophet advised every sort of alliance for the multiplication of Muslims and wished his followers to follow procreation to the utmost limit. Thus widows have full right

1. Holy Quran, Parah 18, Sura 24, verse 32.

to be remarried. In this way they can have a family of their own, enjoy in company of a supporting husband and beget children. This Islamic legal view is full of foresight for the strength of a religion depends upon the number of its followers and social expansion.

Widows have rights of inheritance also, not only from parents but also from their husbands. If a widow has no children, she is entitled to a fourth of her husband's property in cash and kind. If there are children she gets only one eighth. If the widow is the sole surviving heir of the deceased she takes the whole of the property. In this way a widow has strong rights over the property of her husband in proportion to her share or over the whole property as described above. She is free to remain celibate but it is better for her to remarry; in the latter case she enjoys the full rights of a wife with the second husband. If she does not remarry, she enjoys the right of support in her paternal or conjugal family. She has full right to manage her property, either by herself directly or through relatives on whom she can confer powers to act on her behalf. She has full rights to sue in the courts and to file suits and conduct the procedure thereof.

The duties of a widow are also numerous. Her first duty is to observe *Iddat* which is a period of celibacy covering 4 months and 10 days. During this time she has to avoid marriage in memory of her dead husband. This period is generally recommended to be passed in the house of her husband. The main aim of *Iddat* is to ensure that she is not pregnant through her first husband and if she is pregnant, this period is extended upto the delivery of the baby if it exceeds four months and 10 days. *Iddat* thus provides a safeguard against any ambiguity about the paternity of a child she is about to bear.

Also, during this period she has full opportunity to study the attitude and behaviour of her supporters for finding out the extent to which she is welcome in the family, she thus gets time to ponder over her future course of life in the light of her changed circumstances. During this period she has to lead a simple and unsophisticated life, keeping with the mourning for her husband. She is expected to remain in the

house throughout the period without even visiting her relatives. She has also to look after the well-being of her children and the preservation of their father's property till they are mature. If it is a newly born child, she has to nurse it. If the child is grown up she has to bring it up with due care. She is the regent of her children but has no personal right (over their inherited property, except in so far as she requires it for their maintenance. Even if she marries, her duty towards her previous children remains the same.

So far as her social obligations are concerned she may either be a dependent of her paternal family or that of her husband. As a natural consequence of the support she gets, she has to live as a cooperating member in any of these families. If she supports and maintains herself, having sufficient property, her first care should be her children, for, besides being a mother, she has also to bestow the protection and care of a father.

In short, a widow has to a great extent independent rights. She is the master of her own property, either inherited from her parents or from her husband or acquired by her own efforts. She has full obligations in respect of her issues of support and care. Even in the presence of the father, the rights of the mother are three-fold. After the death of the father, she is the sole monarch of all these rights. She is not an encumbrance on anybody and lives as a free, chaste member of the society. She is entitled to a second marriage if she so desires. In the eyes of religion, she is as good as any other modest woman. She can exercise her rights personally either in law or by religious observances. She has ample social rights also and has a well-marked position in society. Widowhood, according to Islam, does not cast any ominous shade over her destiny. In this sense she is as pure and dignified as any married or unmarried woman.

The influence of Hindu culture is clearly visible on the social status of Shia widows, because it is due to Hindu influence that widows do not enjoy the same unqualified respect and good humour of society, although the Islamic view is otherwise, so far as their status is concerned.

WIDOW REMARRIAGE IN ISLAM

The verse of the Holy Quran which makes it obligatory for girls to marry applies equally to virgins as well as to widows. It runs as follows :

“Marry your children, as well as the virtuous among your slaves, whether male or female ; if they are poor, God will turn them into rich by His generosity, and God has an extensive knowledge (of every thing).”²

This verse which composes a duty is binding generally on all Muslims and especially on guardians and masters (of slaves). It applies equally well to the unmarried, whether virgin or widow. There is also a promise that people should not be deterred from discharging this duty from any apprehension of their poverty, for God takes the responsibility upon Himself of making them rich.

Marriage in reality is a means of procreation and multiplication of the species and hence is naturally incumbent. To keep away any sex from procreation is biologically wrong and that is why the marriage of widows should be as desirable as that of virgins. In a sense, the marriage of a widow is considered more necessary for she has enjoyed life, and would therefore remain miserable all the more. A widow is either childless or has children. If she is childless she must be encouraged, according to Islamic principles, so that she may have a flourishing family of her own. If she has children, she will be able to support them better after remarriage. Thus, widows can be classified according to their age into three categories :

1. Those of very young age, victims of early marriage, who, if not remarried, would have their whole life wasted by remaining either celibate or by becoming a blot on the honour of the family, if they are tempted to behave undesirably and succumb to it.

2. Those of middle age, who are healthy and are experienced housewives, who will prove an asset to any family they join and who may be childless or with children.

2. Ibid Para 18, Surah 24, Verse 32.

3. Those who are of old age, and possibly unfit to bear children, may be allowed to remain as a part of their maternal family, if they so desire and could be easily maintained. In their cases also, a remarriage is desirable from two considerations. Firstly, for their own support and maintenance and secondly, for the support of the household of the new husband. They would be part and parcel of the family and look after domestic affairs with greater sincerity and diligence than servants.

So far as the traditions of the time of the Holy Prophet are concerned, there was no check on widow remarriage. Such marriages were considered as desirable as a fresh marriage. The majority of the Prophet's wives were widows. The same procedure was current among the family relations of the Holy Prophet as well as his companions. It is a saying of the Prophet that "Wedding is my tradition and he who refuses it refuses my tradition and therefore he is not amongst those who are mine." Another tradition says, "Marry and increase your progeny, so that I may be proud of your numerosity." These injunctions apply equally to widow remarriage, for the main point is procreation by means of marriage and this purpose is served by widow remarriage.

Widow remarriage also helps in better education and rearing of children. Widows would otherwise contribute to the disorganisation of society as well as of the community because there would be none to control and support them. By remarriage they will be able to become better and worthier members of society. It would also reduce financial pressure on her supporters and guardians and would be a check on her turning to wrong ways. It is known from figures collected on prostitution that a number of them belonging to all castes and creeds are from the ranks of widows. Even though the number may be small, yet had widow remarriage taken place extensively a large number of the prostitutes may not have taken to that trade.

It may be said therefore that in present-day society, widow remarriage is a necessity and any conservative ideas ingrained by force of custom should be dispelled. The conservatism of custom, however, still hold the ground in various *qaums* of

Muslims and specially among the Syeds, who have always valued pride of family honour. But in other *qaums* and even in some Syed families the spell is breaking in the face of economic difficulties. Changes in the social environment and outlook of Hindu have also taken place. Among new influence may be cited the expansion of modern scientific education and critical estimates and judgment of sociological principles which are the basic foundations of all social customs. Among Hindus as well as among Muslims, widow remarriage associations have been formed and are working actively. In this order of ideas, Muslims could revert to their original position as far as widow remarriage is concerned.

SOCIAL ACCEPTANCE OF WIDOW REMARRIAGE

Widow remarriage has been one of the most important and burning questions which Indian as well as Shia society have been facing for a long time. Widow remarriage in India was regarded undesirable by Hindu India and the impact of Hindu culture on Muslims had influenced the Muslims also. It was a cumbrous blessing. Considered a dishonour for the family as well as for the woman concerned, and a blot on the house where she was married, no one cared to marry a widow. Though Islam, which recommends procreation, is against celibacy; the social element has been more powerful than the religious in the light of the Indian concept that a woman can love only one person and only once and for all. In a sense it was an example of the elevation of their moral and social standards.

The custom of sacrifice of the widow at the funeral of her husband (*Sati*) was common since ancient times. "The custom began to become gradually popular from 400 A.D."³ There were, however, social thinkers who were opposed altogether to this custom during that time. However, owing to the social recognition which the custom had received they were ineffective. The custom was most popular among the fighting classes Rajputs, Marhatas, etc. During the period

3. Altekar A.S., *The position of women in Hindu civilization*, Motilal Banarsidass, p. 123, Varanasi, 1956.

ranging from 700-1100 A.D. it was quite common in north India and more in Kashmir. "Muslim rulers as a general rule did not like the custom. In the 22nd year of his reign Akbar translated his opposition to the custom into action by appointing inspectors to see that no force was used to compel widows to burn themselves against their will. Many Muslim administrators had made it a rule that no widow should be allowed to mount the funeral pyre without the permission of the local government officer."⁴

Though the custom was prohibited in British India in 1829 A.D. it continued upto 1861 A.D. in the princely states of Rajputana.

A most significant factor which helped in increasing the number of widows was the practice of child marriage. Generally women with children did not prefer to marry again. Many widows had a genuine love for the departed soul and therefore were not in favour of remarriage. It was only with the advent of Western education during the second quarter of the last century that some social workers raised their voice against the then existing social evil of perpetuation of widowhood. Ishwarchandra Vidyasagar was most prominent and was responsible for the passing of the Widow Remarriage Act of 1856. Many social thinkers have now come forward in support of this noble cause.

Thus, the Hindu Widow Remarriage Act of 1856 was the first step towards widow remarriage in India. As stated earlier, widow remarriage was not prohibited but, on the contrary, encouraged by Islam. But in the atmosphere that prevailed an Indian society, widow remarriage among Muslims had also begun to recede and was looked down upon. However, the change of outlook in Hindu society evidenced by the passing of the Widow Remarriage Act had its influence on Muslims also. In the second place, the economic condition of the Muslims was changing and the maintenance of daughters and the daughters' issues raised economic problems. After the change in Hindu outlook, the Muslims also began to alter

4. Ibid.

their opinion and widow remarriage, though still not considered desirable, was not altogether considered a social evil, but a sort of blessing. The Syeds, like the Hindu Brahmins continued to hold the ground staunchly against remarriage, though other *qaums* began to relax their opinion and a favourable marriage for a young widow was not deferred. This opened the door to the social emancipation of the widow, who ceased to be an inauspicious member of society.

The present Shia society has to consider this problem against its changing economic conditions. The number of guardians who can afford to maintain their daughters in their widowhood is decreasing as the number of widowed daughters increases. A natural solution to this problem is not only marriage of the marriageable girls but also marriage of widows who would prove a blessing to both families. In this way the daughter would lessen the burdens on their families and become useful and experienced members of other families. The effect of modern education and Western civilization has also done a great deal in giving girls a reasonable outlook on life and such girls are not generally opposed to remarriage. They are now free of old conservatism and full of new freedom of thought and liberal views.

The statistical data collected in this connection show that the question of widow remarriage is becoming more and more important. The previous position is changing and the economic factor is playing a major part. Similarly, social awakening is directing an enquiring mind into the foundation of customs which have become traditions, and creating a move in favour of the new change towards widow remarriage.

The respondent's *qaum*, education and occupation regarding widow remarriage which have taken place in their families during the last twenty-five years have been examined in this connection.

Table LVII reveals that widow remarriage took place in the families of 125 (25%) respondents in the last twenty five years. Among them there were 60 (18.4%), 23 (33.8%), 20 (40%) and 22 (40%) Syeds, Sheikhs, Moghuls and Pathan families respectively. The table further shows that widow remarriages were comparatively common among Moghuls and Pathans,

while the majority of the Syeds were not in favour of widow remarriage.

Table LVII

Qaum of the Respondents and Widow Remarriage in His Family During the Last 25 Years

Qaum of the Respondents	Widow Remarriage				Total	
	Yes		No			
	No.	%	No.	%	No.	%
Syed	60	12.0	267	53.4	327	65.4
Sheikh	23	4.6	45	9.0	68	13.6
Moghul	20	4.0	30	6.0	50	10.0
Pathan	22	4.4	33	6.6	55	11.0
Total :	125	25.0	375	75.0	500	100

Table LVIII

Education of the Respondents and Widow Remarriage in his Family During the Last 25 Years

Education of the Respondents	No.	Widow Marriage				Total	
		Yes %	No No.	No %	No No.	%	
Illiterate	2	0.4	22	4.4	24	4.8	
Literate, below High School	60	12.0	216	43.2	276	55.2	
High School & below B.A.	35	7.0	90	18.0	125	25.0	
B.A. & above	28	5.6	47	9.4	75	15.0	
Total :	125	25.0	375	75.0	500	100	

Table LVII reveals that out of 500 respondents 125 (25%) respondents stated that widow remarriage took place in their families during the last twenty five years, 2 (8.3%), 60 (21.7%) 35 (28%) and 29 (36%) belonging to the categories of 'illiterate', 'literate, below High School', 'High School and below B.A.',

and 'B.A. and above, respectively. The table further indicates that the percentage of widow remarriage increased with education of the respondents.

Table LIX

Occupation of the Respondents and Widow Remarriage in His Family During the Last 25 Years

Occupation of the Respondents		Widow remarriage				Total	
		Yes		No.			
		No	%	No.	%	No.	%
Service class	{ Public	40	8.0	74	15.4	114	22.8
	{ Private	18	3.6	32	6.4	50	10.0
Businessmen		22	4.4	68	13.6	90	18.0
Agriculturists		4	.8	12	2.4	16	3.2
Landlords & Ex-Zamindars		—	—	36	7.2	36	7.2
Professional Doctors							
Teachers & Lawyers		35	7.0	73	14.0	108	21.6
Housewives		5	1.0	45	9.0	50	10.0
Pensioners		1	.2	35	7.0	36	7.2
Total :		125	25	375	75.0	503	100

Table LIX shows that in the case of 125 respondents in whose families widow remarriage had taken place in the last 25 years, 18 (36%), 40 (35%), 35 (32.4%) and 22 (24.4%) belonged to the private and public services, professions and business classes respectively. The table further indicates that amongst landlords and Ex-Zamindars, Pensioners and Agriculturist widow remarriage was not prevalent.

Thus, widow remarriage took place only in the 25% of the families of the respondents. This clearly shows that the majority of the families here still in the grip of old traditions. They acknowledged the necessity of widow remarriage but were not bold enough to throw aside old conservatism.

That widow remarriage continues to be an outstanding social problem is revealed by many instances of hardships caused to widows. Though widows may not be opposed to remarriage,

considering the financial difficulties of their parents, there are many obstacles which come in the way of remarriage. At some places it is observed that widows are still regarded as inauspicious; they cannot present themselves at marriage ceremonies and society does not show sympathy towards them. Widows of independent means who want to be married again find their widowhood a disqualification as generally men of even comparatively higher ages prefer virgin girls. In some cases where the parents or guardians are willing, the widows themselves refuse the second marriage. Though the prejudice against remarriage had begun to disappear rapidly in towns and cities, it still lingers among orthodox families and in rural areas.

The views of people are also changing in recent years and now a large section of the educated and enlightened classes of society frankly recognizes that the cause of widow remarriage is a just one, deserving the sympathy and support of the general public. It is still a big task for the social workers of modern India.

Mutaa Marriage

Shias present a classic example of cultural adaptability in the shape of temporary marriage, called *Mutaa*. this was evolved as a decent outlet for sexual passions and for the regulation of sexual alliances to protect society from the foul means of quenching the thirst for one of the basic needs of mankind.

SHIA LAW OF MUTAA

Temporary marriage follows a practice said to have been common in Arabia ever before Islam, when a special class of women was kept for this purpose. It received the name *Mutaa*, meaning 'Pittance', because the man gave the woman a gift "either in cash or kind." Before the *Hijart* (migration of the Holy Prophet from Mecca to Medina) it was not countenanced by the Holy Prophet or his companions. But conditions changed with life at Medina, where there were frequent military expeditions when men left their wives at home, writes Abdulla Ibn Masud (A companion of the Holy Prophet).

"We represented (to the Holy Prophet) whether we should emasculate ourselves. He prevented us from this (course) and then premitted us to resort to *Mutaa*....Some of us used to

marry a woman for a specified time by giving her a piece of cloth.”¹

This type of marriage is sanctioned by the Quran in verse 24, Surah IV, Para V reading “...and all (women) besides these are made lawful for you, provided that you seek (them) with your property, marrying (them) without committing fornication there as to thereby (marrying) whom you profit, give them their statutory gifts, and there is no blame on you about what you mutually agree after that which is stipulated.”²

Thus *Mutaa* is a temporary form of marriage in which the man stipulates that he would keep the woman as his wife for a stated period only, after which the marriage is dissolved *ipso facto*. The parties do not inherit anything from each other. This is in force among the Shias. The Sunnis hold it to be unlawful, largely on account of Caliph Umar’s prohibition, excepting the small sect called Malkis. *Mutaa* is not compulsory; it is only a provision in case of necessity.

“In the technical language of Islamic Law, *Mutaa* is a contract of *Nikah* for an agreed period in consideration of an agreed dower (*Maher*) payable by the husband to the wife. It is not *Safah* (the mere satisfaction of the sex urge) but a form of *Ihsan* which literally means fortification in the sense that the women thus married to a particular man cannot legally (for the time) enter into sexual relationship with any other man; the children are entitled to the same rights of inheritance and social status as the children of a *Nikah*.”³

Hence it may be affirmed that *Mutaa* resembles *Nikah* in all the essential features except that it is of a temporary nature.

The Shia law recognizes two kinds of marriage namely (1) *Nikah* (Permanent) and (2) *Mutaa* (temporary).

A Shia male may contract a *Mutaa* marriage with a woman professing the Mohammadan, Christian, or Jewish religion, or even with a woman who is a fire-worshipper, but not with a

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1. Quoted by Husain, Badshah A.F. English Translation of Holy Quran, Lucknow 1930.
 2. Holy Quran, Para V, Surah IV, Verse 24.
 3. Amir Haider Khan Mohammad—*Mutta—Sociological Problems*, Madrasatul Waizeen, Lucknow, p. 4, 1958.

women following any other religion. A Shia woman cannot contract a *Mutaa* marriage with a non-Shias.

It is essential for the validity of a *Mutaa* marriage that (1) the period of cohabitation be fixed and this may be a day, a month, a year or a term of years, and (2) that some dower should be specified and if the amount of the dower has been fixed, the contract is valid. If the term is fixed but the dower is not specified the contract is void. But if the dower is signified and the term is not fixed the contract, though void, may even operate as a permanent marriage.

The *Mutaa* marriage is subject to four essential conditions which are :

1. (a) The oral offer and acceptance.
- (b) The eligibility of the partners to marry one another.
- (c) The fixation of a definite period for conjugal relationship.
- (d) The specification and payment of the *Maher* (i. e. dower, payable from the man to the woman for such a union).

2. The offer and acceptance should be preferably in Arabic but may be in any other language which the parties can pronounce and understand without difficulty.

The Form of the Offer and Acceptance

The woman shall say :

"I give myself in marriage to thee for...days, months, or years, in consideration of...*Maher* (i.e. dower).

The man shall say :

"I accept the marriage for...days, months or years, in consideration of...*Maher* (i.e. dower payable by me).

This offer and acceptance shall be willingly and clearly repeated thrice by both the parties.

The contract may then be written down, if so desired.

Witnesses may be present, if so desired, but are not essential:

At the end of the stipulated period, the contract shall automatically cease to be operative, unless the parties agree to renew it for a further period or enter into a contract of

Nikah. The husband has the right to terminate the marriage at any time, by remitting the remainder of the period.

3. A man and woman shall be deemed eligible for *Mutaa* if :

(a) Both of them are true believers or the wife is one of the "people of the Book" (Jews, Christians and Magians), provided she abstains from repugnant practices e.g. idolatry, immodesty eating flesh of swine, drinking alcoholic beverages, etc.

(b) The woman should not be married to another man or observe *iddat*.

(c) The woman should not be within the prohibited degrees of relationship as prescribed by law in the case of *Nikah*.

4. There is no minimum or maximum limit to the period.

5. There is no minimum or maximum limit to the dower.

6. The parties may, by mutual consent, make any further conditions, terms or restrictions provided they do not contravene the commands of Islam, e.g. the parties may agree to inherit from each other, in the event of death, for normally under a *Mutaa* the husband and wife are not entitled to inheritance and only their children are entitled to inheritance and cannot be deprived thereof. The parties may restrict themselves not to perform actual intercourse.

7. On the termination of the period the wife shall have to observe a waiting period of 45 days or two menstrual courses, whichever is longer.

8. If the husband dies before the end of the stipulated period the wife shall have to observe the waiting period (*iddat*) for four months and ten days.

9. During the currency of the marriage and during the waiting period the husband shall be liable to provide maintenance for the wife.

10. If the wife is discovered to be pregnant, she shall not be eligible for marriage to another man until the child is born and the husband shall be liable to maintain her upto the end of her confinement.

11. The children shall be under the guardianship of the father, just like those of *Nikah*.

12. The children of a *Mutaa* marriage shall have the same rights of inheritance as the children of a *Nikah* marriage.

13. It is not forbidden but is undesirable to marry a virgin without her father's consent.

14. It is not forbidden but undesirable to marry a woman of loose character or of unchaste way of life. But if a person marries such a woman, he shall have to prevent her from cohabiting with any other man, and he shall not marry her until she has abstained from adultery and repented.

BELIEF IN MUTAA MARRIAGE AND ITS PREVALENCE

Mutaa is a bonafide, lawful and regular form of marriage permitted by the Holy Prophet. The only difference between it and *Nikah* being that the latter is a permanent relationship, while the former is a limited or temporary one, based on temporary necessity. Otherwise, all precautions of *Iddat* and other necessary factors, to keep the lineage pure and definite, are incumbent in *Mutaa* also. The children begotten in this way are as lawful as those begotten from *Nikah*. In *Mutaa* a definite period is fixed and there is therefore no need for divorce at the expiry of the time. That the Holy Prophet allowed it during his lifetime, without any restriction or condition, is indubitable.

The principles of Islam were declared by God as complete before the death of the Holy Prophet. From the theological point of view, admitted by all Muslims, no change is tenable in any Islamic Law after the Holy Prophet by any one. Those who do not admit the authenticity of this temporary marriage allege that it was a periodical order. But the fact that it was in vogue throughout the life of the Holy Prophet and the first Caliphate and part of the second Caliphate cannot be denied even by them.

So far as the belief in *Mutaa* marriage is concerned there is no doubt about its historical existence during the time of the Holy Prophet and even afterwards, as upheld by many of his prominent companions down to Imam Malik. We are not concerned with the difference of opinion in various sects for and against *Mutaa* but only with the fact that this belief did exist. It had its theological as well as legal aspects. Its origin is to be found in the verses of the Holy Quran and the traditions of the Holy Prophet and its practical application is also un-

questionable. It is also suggested by many of the enlightened legal heads of modern times, strengthening its natural and scientific background alongwith its compatibility with human nature and the demands of the times. Even those who do not believe in Islam believe at least in the reasonableness of *Mutaa* marriage, although they term it companionate marriage. There is a vast difference between these tentative modern suggestions and the principles laid down in Islam, which places it on an equal status with a legal wedding. The only difference is the period of validity. The belief had continued through the centuries, undergoing social modifications and limitations in the Indian environment. Hindu (ideas) had a great deal to do with limiting its application. But in spite of all these influences, the belief has prevailed through all times in the purity of principles.

So far as the Islamic ideal is concerned, no one who admits it can in any way go against it. The limitations may be due to social influences which, to a great extent, controlled its practice but the belief as such is there and even those who refrain from its practice on account of social reasons admit the belief to be supreme. The distinctive features of *Mutaa* and *Nikah* are more or less alike. Both in *Nikah* and *Mutaa*, a woman can couple with one man alone. *Iddat* is common to both and the children both of such wedlock are legitimate. The offer and acceptance also exist in both the cases.

Mutaa should not be confused with prostitution, which is a lawless and unholy connection between a man and woman. Prostitution is sexual debauchery, while *Mutaa* is not. Thus belief in it is a reasonable doctrine.

Its Prevalence

It was prevalent during the time of the Holy Prophet and was declared lawful on the occasion of the temporary needs during wars. But it continued even during peace times as stated on the basis of its practical application by the prominent companions of the Holy Prophet. It has even today continued to be a legally accepted form in the Shia community. So long as the economic condition of Muslims in general, and Shias in particular, was prosperous, those who could afford it used

to keep females by *Mutaa* marriage, but as general economic conditions have changed, people can hardly afford to continue this practice.

Respondent's *qaum*, occupation and age regarding the *Mutaa* marriages contracted by them have been examined in this connection.

Table LX

Qaum of the Respondents Who Contracted Mutaa Marriage

Qaum of the Respondents	Yes		No		Total	
	No.	%	No.	%	No	%
Syed	26	5.2	301	60.2	327	65.4
Sheikh	9	1.8	59	11.8	68	13.6
Moghul	4	0.8	46	9.2	50	10.0
Pathan	6	1.2	49	9.8	55	11.0
Total :	45	9	455	91	500	100

Table LXI

Occupation of the Respondents Who Contract Mutaa Marriage

Occupation of the Respondents	Mutaa Marriage				Total	
	Yes		No		No.	%
	No.	%	No.	%	No.	%
Service class { Public	—	—	114	22.8	114	22.8
{ Private	—	—	50	10.0	50	10.0
Businessmen	5	1.0	85	17.0	90	18.0
Agriculturists	4	0.8	12	2.4	16	3.2
Ex-Zamindars & Landlords	25	5.0	11	2.2	36	7.2
Professionals	5	1.0	103	20.6	108	21.6
Housewives	—	—	50	10.0	50	10.0
Pensioners	6	1.2	30	6.0	36	7.2
Total :	45	9	455	91.0	500	100

Table XL shows that only 45 (9%) respondents contracted *Mutaa* marriages. Out of these are 26 (8%), 9 (13.2%), 4

(8%) and 6 (10.9%) were Syeds, Sheikhs, Moghuls and Pathans respectively. The table further reveals that *Mutaa* marriage is to be found more among the Sheikhs and Pathans.

Table LXI indicates that out 45(9%) respondents who contracted *Mutaa* marriage, 25 (5%), 6 (1.2%), 5 (1%) and 5 (1%) and 4 (4.8%) were ex-Zamindars and landlords, pensioners, professionals, businessmen and agriculturists respectively. The table further reveals that no other respondent belonging to other occupations had contracted *Mutaa* marriage. Thus it is evident from the findings of the above table that a *Mutaa* marriage is contracted generally by wealthy people.

Table LXII

Age of the Respondents Who Contracted Mutaa Marriage

Age of the Respondents	Yes		No		Total	
	No.	%	No.	%	No.	%
20-39 Years	—	—	144	28.8	144	28.8
40-59 Years	22	4.4	205	41.0	227	45.4
60 and above	23	4.6	106	21.2	129	25.8
Total :	45	9	455	91	500	100

The above table reveals that out of 45 (9%) respondents who contracted *Mutaa* marriage, 22 (4.4%) and 23 (4.6%) belonged to the age groups of 40-59 and 60 and above years, and not a single respondent was to be found in the age group 20-39 years. To sum up, it is clear that Sheikhs and Moghuls contract the *Mutaa* marriage more than others because they are financially more prosperous and also because they are not so particular about lineage considerations which receive great attention amongst the Syeds. The percentage of *Mutaa* marriage is 9 only. The economic stress and strain and prevailing customs act as a check. On the other hand, only the wealthy classes were in favour of contracting *Mutaa* marriages as they had money and ample leisures. The young, however, did not contract such marriages probably because they were not financially independent and because they lived in

a comparatively modern atmosphere, which is not in favour of such marriages.

Respondent's *Qaum* and age in regard to giving equal social status to the *Mutai* children like those of *Nikah* have been examined in this connection.

Table LXIII

Qaum of the Respondents and Social Status of the Children Born of Mutai Marriage

<i>Qaum</i> of the Respondents	Equal social Status		Lower social Status		Total	
	No.	%	No.	%	No.	%
Syed	107	21.4	220	44.0	327	65.4
Sheikh	28	5.6	40	8.0	68	13.6
Moghul	22	4.4	28	5.6	50	10.0
Pathan	15	3.0	40	8.0	55	11.0
Total :	172	34.4	328	65.6	500	100

Table LXIV

Age of the Respondents and Social Status of the Children Born of Mutai Marriage

Age of the Respondents	Equal social Status		Lower social Status		Total	
	No.	%	No.	%	No.	%
20-39 years	27	5.4	117	23.4	144	28.8
40-59 years	94	18.8	133	26.6	227	45.4
60 & above	51	10.2	78	15.6	129	25.8
Total :	172	34.4	328	65.6	500	100

Table LXIII indicates that 172 (34.4%) respondents were of the opinion that children born of a *Mutai* marriage are of a social status equal to that of the children born of the *Nikah*. Amongst these respondents 107 (32.7%), 28 (41.2%) and 22 (44%) were Syeds, Sheikhs and Moghuls respectively.

The table further shows that Moghuls were comparatively more in favour of this view, while amongst the Pathans only 21.3% shared this view.

Table LXIV reveals that out of 172 (34.4%) respondents in favour of giving equal social status to *Mutaai* children, 27 (18.7%), 94 (41.4%) and 51 (39.5%) belonged to the age groups 20-39, 40-59 and 60 years and above respectively. The table further indicates that elder people were more in favour of giving equal social status to *Mutaai* children than the younger ones.

Lastly, why *Mutaa* is not so common now as before has to be pointed out. Society is a dynamic force and social conditions do not remain the same in all ages. They change from generation to generation under changing conditions of society. *Mutaa* is not only an enjoyment but also brings certain responsibilities. The greatest responsibility is to maintain the *Mutaai* woman and in these hard days even well-to-do classes sometimes find themselves unable to do so. On the other hand, the *Mutaai* woman herself feels that her social status is lower, than that of a *Nikahi* wife, and this feeling of inferiority generally deters a woman from contracting a *Mutaa*. Another restraint is the impact of Hindu culture on Muslim culture in India, which prevents a Shia woman from contracting *Mutaa* marriage.

Table LXV

Reasons why Mutaa Marriage is not Common Among Shias in Uttar Pradesh

Reasons	Number	Percentage
Non-availability of such women	152	30.4
Poor economic conditions	222	44.4
Society's disapproval	100	20.0
Physically unfit	26	5.2
Total :	500	100

The above table reveals the reasons why *Mutaa* marriage is not common among the Shias in Uttar Pradesh. 44.4%, 30.4%

and 20% respondents were of the view that poor economic conditions, non-availability of women agreeing to *Mutaa* and society's disapproval are the main reasons in this respect.

The main justification for the institution of *Mutaa* rests mainly on religious grounds. The Holy Prophet had declared it and it has continued since then. The main reasons, however, advocated by respondents are that it checks corruption, increases the population, satisfies the excessive sexual urge in a legalised manner and sets at rest the problem of illegitimate children.

Table LXVI

Justifications for the Permission of Mutaa Marriage

Justification for Mutaa	Number	Percentage
To avoid corruption in the Society	333	66.6
In the event of necessity, such as wife's illness, absence from house, etc.	18	3.6
To increase the population of the community	75	15.0
When the population of women is higher in a community	4	0.8
To avoid the problem of illegitimate children	20	4.0
In case a person is not financially capable of a permanent marriage	10	2.0
To satisfy excessive sexual urges in a legal manner	25	6.0
To have variety	15	3.0
Total :	500	100

Table presents the attitudes of respondents regarding the justification for a *Mutaa* marriage. The majority of the respondents, 333 (66.6%), were of the opinion that the main justification for *Mutaa* is to avoid corruption in society, while 75 (15%) respondents were of the view that it is permitted so as to increase the population of the community. Only 25 (5%)

respondents considered a *Mutaa* marriage to be a means for satisfying excessive sexual urges in a religious or legal manner. Similarly, 20 (4%) and 18 (3.6%) respondents considered that it avoids the complicated problem of the legitimacy of children and in the event of necessity i.e., wife's continuous illness, and absence from house for a long period due to business engagements or wars.

Thus, the main aim of a *Mutaa* marriage is to avoid corruption in society and fulfilment of sexual urges in keeping with law and religion.

MUTAA MARRIAGE—A UNIQUE INSTITUTION

So far as the legal aspect is concerned *Mutaa* seems to be a unique institution, suggested and ratified only by the Holy Prophet of Islam. It is unique in the sense that it allows a contract for a period and for automatic dissolution which is found in no other religion. Although it is not different from permanent marriage in any other sense, the precautions about lineage and sexual fidelity are the same in *Mutaa* as in *Nikah*. In *Nikah*, separation requires divorce but in *Mutaa* the termination of the stipulated span of time or gifting of the period are sufficient. *Mutaa* is not an unrestrained connection without its legalised aspect. In *Mutaa* a woman has to devote herself wholly and solely to the man for the stipulated period and she is not free during the period to have sexual relation with any other man. She cannot enter into the next *Mutaa* or *Nikah* without completing the period known as *Iddat*, which decides the parentage of the child if any, in the women. The issues born of *Mutaa* have the same right of inheritance as those of *Nikah*.

Temporary marriage has not only been recognized by Islam but has also historically existed in various societies, even in pre-Islamic days and afterwards. "In Japan a girl may be hired for a temporary union, the duration of which is fixed by contract. This union often exists between Europeans and Japanese girls."³ "In Tibet, temporary marriages are

3. Lotourneau, *La Femme* p. 232, Kreitmer, In Fernem Osten Vienna, 1881, p. 235,

contracted for six months, one month or a week, perhaps a form of polyandry. Traders form temporary connexions with women—a common custom wherever the caravan halts or markets are held.”⁴ These are not so different from the *Mutaa* except that it is not known whether the other obligations such as legitimacy and inheritance for the children are observed in such marriages or not. So *Mutaa* had not been so methodically legalised in any society as it is under the Shia law. In every country the problem of illicit relations of young people is becoming common. This fact is supported by Bertrand Russell, who says, “In recent years, however, even clergymen have become aware that neither men nor women invariably wait for marriage before experiencing sexual intercourse. Nevertheless, in America, in England, in Germany, in Scandinavia a great change has taken place since the war. Very many girls of respectable families have ceased to think it worth while to preserve their virginity, and young men, instead of finding an outlet with prostitutes have had affairs with girls of the kind whom, if they were richer, they would wish to marry.”⁵

Modern statistics reveal that there is a large percentage of illegitimate births due to unrestrained relations between young men and women. These figures of illegitimate children clearly show that there is a good percentage of illegal sexual union prevailing everywhere. These fatherless children create a social problem in every country, for they are not considered eligible for the same status as that of children born of a legal marriage. Such mothers also do not retain an honourable position in society. If such connections were to take place under the legalised form of *Mutaa* the issues would have also been quite legal and the mothers would have retained their status.

Again the system of modern education stretches over such a long period of life that the young people, although becoming mature, cannot be in a position to contract a permanent marriage. This period is crucial, for during this time biological urges begin to operate and young people are very often led to

4. Rockhill, *Land of the Lamas*, London 1891, p. 212.

5. Russell, B, op. cit., p. 106.

immoral relations, or if they keep themselves celibate, have to suffer in health. In the same way the economic position of some people may not allow them to enter into a permanent marriage. There is also the rush of business travel in the modern age and people have to live away from their homes for long periods. For such people a temporary marriage becomes inevitable.

From the statistics of various countries it is found that in some regions women exceed men in number and if each one is allowed only a single marriage a large percentage of women would remain unmarried. Hence this temporary marriage system would distribute those surplus women to get support and satisfaction through temporary marriages. In some countries the number of women is less than that of men and in such a case also the temporary marriage system will give a chance for married life to every male.

According to the findings of Judge Ben B. Lindsey, who was for many years in charge of the Juvenile Court for Denver U.S.A., and thus had unrivalled opportunity for going deep into the facts, a new institution which he calls "companionate marriage" was proposed. His view was that "young people should be able to enter upon a new kind of marriage, distinguished from ordinary marriage by three characteristics. Firstly, that there should be for the time being no intention of having children and that, accordingly, the best available birth control information should be given to the young couple; secondly, that so long as there are no children and the wife is not pregnant a divorce should be possible by mutual consent and, thirdly, that in the event of a divorce the wife should not be entitled to alimony."⁶

So the Islamic position is more reasonable than Judge Lindsey, who, under the stress of the circumstances and realities of modern life, was led to suggest companionate marriage in the 20th century, while Islam had suggested and legalised it thirteen hundred years earlier.

Thus, *Mutaa* is a unique institution, as proved by the suggestion of the learned judge and further supported by

6. Ibid , p. 110-111,

Bertrand Russell, who says, "I have not the faintest doubt that Judge Lindsey's proposal, if embodied in the law, would have a very beneficent influence, and that this influence would be such as all might agree to be a gain from a moral point of view."⁷ In fact, the unique idea of a *Mutaa* marriage was present in his mind in the solution of present day social evils. It is this uniqueness of the *Mutaa* marriage which appears desirable to both great thinkers, one of whom has suggested and the other supported a similar system.

The greatest merit of *Mutaa* lies, in fact, in saving the temporary nature of marital ties from the evils of promiscuity in the interest of the progeny by placing paternity beyond dispute. Thus, *Mutaa* is a unique institution in the Shia religion as it has not been as yet legally recommended and accepted by the world at large, although the sociologists, moralists, philosophers and jurists of today feel the efficacy and thus the necessity of the same as a solution for social disorganization arising out of the sexual urges of man.

7. Ibid., p. 111.



Marriage in Shia Society—Findings and Conclusion

Marriage in the Shia Society of Uttar Pradesh—A Resume

The marriages solemnized by the Shia Muslims in the major cities of Uttar Pradesh, Lucknow, Allahabad, Jaunpur, Faizabad and Meerut, have been studied mainly with a view to finding out the main factors and problems in connection with the institution of marriage and the effect of social change on its patterns.

It is an undeniable fact that when the winds of social change sweep a community or population every institution in it undergoes some changes. The institution of marriage is no exception. The trends of modernisation and change are quite visible in the marriage practices of the Shia community and here an attempt is being made to demonstrate the smooth cultural transformation of a minority in transition.

Traditional Pattern of Marriage

Significantly, the traditional pattern of marriage is still

prevalent among the Shias. The chief characteristics of such a marriage may be summed up as follows :

- (1) The conservative pattern of marriage
- (2) The prevailing concept of marriage as a socio-religious obligation, and its universality
- (3) The parent planned marriages
- (4) The early age marriage
- (5) Restricted social recognition to widow re-marriage, and
- (6) Lavishness and extravagance in marriage.

In view of the above, the progressive element of Shia society would like to have a change in the social attitudes to marriage.

Marriage is a sacred duty in Islam, imposed upon everyone who can afford it. It is a permanent civil contract made between two persons of opposite sex, with a view to mutual enjoyment, procreation and legalizing of children. The contract of marriage also confers some rights and duties on both the parties, which they are expected to observe faithfully for a happy and prosperous life.

The numerous customs and ceremonies involved in a Shia marriage have evolved from the Indian environment. During the early and middle ages of Islam in Arabia as well as in other countries very few customs or ceremonies were observed in connection with marriage celebrations. The only important ceremony besides *Nikah* was the *Walima* feast. Muslims in India have, however, taken many customs and rites from their countrymen (the Hindus) owing to the prevalent political, social, moral, economic, cultural and ecological conditions. In an Indian State, where Hindus are in an overwhelming majority, a greater number of customs and ceremonies are observed in a Muslim marriage than in the other parts of the country; e.g., in Orissa, Madhya Pradesh and Rajasthan. This is a clear proof that a number of ceremonies and rites, which the Muslims are performing now during a marriage celebration, has been adopted from the Hindus. Another fact in support of the above is that in many parts of the world Muslims observe very few ceremonies at the time of marriage, specially in Iraq, Iran, Turkey, Afghanistan, Egypt,

etc. The ceremonies and customs followed by Indian Muslims bear resemblance to Hindu customs and ceremonies. Many of the customs which Muslims observe are the result of the assimilation and mutual interacting of the two great cultures in this country, that is Hindu and Muslim cultures, giving birth to a new culture, 'Indian Muslim Culture' entirely different from the cultures of the Muslims of other countries. This fact is supported by our empirical observations.

Main Problems Confronting the Shias of Uttar Pradesh

Indians always preferred marriage at an early age, that is, within a few years after the attainment of the puberty by the girls. Most of the Shias are also prone to early marriage, particularly in the case of girls, although some of the educated and enlightened members of the community do not prefer a teenage marriage in the case of sons as well as daughters. The practice of an early marriage is condemned by some Shia social reformers, but is still prevalent in some quarters. At present, the marriage of daughters has become a problem with the Shias—due mostly to non-availability of suitable youngmen. The Shias, like their Hindu brethren, seem to be very particular about the chastity of women. The older generation is always inclined to get their daughters married at an early age after puberty. The above fact is also confirmed by Table No. VII of our study, which reveals that 191(38.2%) and 152 (30.4%) and 113 (22.6%) of the urban population of the Shia Muslims considered the age group of 18-20, 15-17 and 12-14, respectively, as the most desirable age for marriage. Thus, 94 per cent parents favoured the marriage of their daughters before they crossed their twentieth year.

Unemployment among Shia youths, poor economic conditions and migration of a fairly large number of promising educated Shia youths to foreign countries, specially to Pakistan have contributed to the problems of non-availability of suitable matches. Thus, we find that only 27.8 per cent of the Shias consider that sons should be married before they reach the age of twenty. It is, however, interesting to observe in this connection that 180 (36%) and 128 (25.6%) respondents were

in favour of the marriage of their sons in the age groups of 24-26 and 21-23, respectively.

Generally, a boy is married when he completes his education and settles in life. This indicates that the main considerations are education and employment for the boy, while in the case of a girl, age is the main consideration. The other tables concerning details of desirable age of marriage for boys and girls indicate that while in the case of a girl, good looks, age, *Qaum*, character, behaviour and household training are the main considerations, in the case of a boy, they are education, employment health and *Qaum*.

Regarding the criteria for the selection of the mates, the majority of the Shias prefer to marry their sons and daughters first in their own *Kuf* (equal in social and family status). A Shia Syed will always prefer to marry his children first in his own family (cousins) and if it is not possible, among the Syeds of the equal social and family status. The above facts are also confirmed by Table No. XIV of this study, which reveals that all 500 respondents gave first preference to the family or *Kuf* of the girl, while 71% and 29% respondents gave second preference to household education of the girl and economic status of her family. In the case of girls also, all 500 respondents gave first consideration to the family of the boy, while 43.8%, 54.8% and 1.4% gave second preference to the education and employment of the boy and the economic status of the boy's family.

In marriage, social status plays a very important role, affecting its ultimate success or failure. It may be of three types; both may be of equal status or there may be disparity. This disparity is again of two types, either the husband or the wife is of a higher status. So far as the equal or higher status of the husband is concerned, the marriage may prove to be desirable but generally the wife of a higher status proves intolerable to the husband because such wives, being proud of their superior status, do not acknowledge the supremacy of their husbands and are not generally obedient. The above view is confirmed by Table No. XVI, which reveals that in the case of a son, 38.8%, 59% and 2.2% respondents preferred girls of families having lower, equal and higher social status

respectively, while in the case of daughters, 69% and 31% respondents preferred sons of families having equal and higher social status, respectively.

It has been observed that generally Shias do not consider it proper to have marital relations with non-Shias. They are of the opinion that they can accept the daughters of other Muslims (including converts) as wives, provided they are prepared to act according to their husband's wishes after marriage. But they are not at all willing to give their daughters to the above categories at any cost. This fact is confirmed from our findings, which reveals that only five marriages took place between Sunnis and Shias during the last twenty-five years. All these marriages were love marriages. Similarly, Shias do not contract marriages with the followers of other religions. This is confirmed by the findings of Table No. XXI, which indicates that not a single Shia is prepared to establish matrimonial relations with Sunnis, Qadiyanis, Hindus, Parsis, Christians, Jews and converted Muslims. Only a few respondents were prepared to contract marriages with Shia girls converted from other religions, if they are ready to act according to the wishes of their husbands in religious matters.

In the process of selection of mates, however, even now when modern education has widened the outlook of the Shias, parents and elders always play an important role. It is mainly the duty of the old ladies of the family to be on the look out for and to search for a suitable mate. The guardians go into minutest details of the opposite party and after they are fully satisfied, the proposal is sent by the guardian of the bridegroom to the guardian of the bride. No doubt, the consent of the mates is also kept in view and their opinion is indirectly taken, but the principle of voluntary choice of the mates is still absent. The consent of the mates is, however, being given more and more importance and the number of such marriages is increasing. It is thus, obvious that parents and guardians still play a vital role in the settlement of the marriages of their wards, although sometimes the consent of the parties is taken. According to the dictates of Islam, the consent of the mates is a necessary prerequisite for marriage, but in practice it had receded into

the background and was not adhered to by the parents of the mates in pressing circumstances. But now, due to the impact of Western education, people have begun to realise the importance of the consent of the mates, particularly of a son. Another important reason as to why the consent of the parties is now taken is that in its absence divorce and family disorganization often take place.

Table No. 22 indicates that 2 (8.3%), 72 (26.1%), 60 (48%) and 40 (53%) of the respondents under the categories of 'illiterate', 'literate, below High School', 'High School and below B.A.' and 'B.A. and above', respectively were in favour of taking the consent of the mates before marriage. This clearly shows that education is playing an important role in this connection.

It is, however, not difficult to obtain the consent of the boy. It is easily obtained through some intimate friend or *Bhabhi* (sister-in-law) and in some cases the guardian personally takes the consent, but in the case of a girl, it is very difficult to obtain her consent because of her shyness. In such cases also, the sister-in-law or an intimate girl friend tries to obtain her consent. This fact is also confirmed by our findings. Table No. XXIV indicates that 220 (44%), 125 (25%) and 84 (16.8%) respondents were in favour of taking the consent of the boys through intimate friends, parents and *bhabhis*, respectively. In the case of girls, 202 (40.4%), 172 (34.4%) and 108 (21.6%) respondents favoured getting consent through intimate friends, *Bhabhis* and sisters, respectively.

As regards the initiation of the marriage proposal, Islam has not prescribed any hard and fast rule as to who should do it, but it has become customary, it is taken up from the boy's side. It is very difficult to find even a few cases where the guardians of the girl had initiated the marriage proposal. When the marriage proposal is initiated, the guardian of the girl makes inquiries and if they prove satisfactory, calls the party concerned for further talks. If he is not satisfied, he rejects the proposal. A proposal initiated by the girl's side is looked upon as humiliating and disgraceful, and, therefore, is generally avoided. The persons who negotiate marriages are generally the parents, relations and *Nai* or *Nayan* (barber or

his wife). Table No. XXVII illustrates that in 70%, 15% and 7% cases, relations, parents and *Nai* or *Nayan* respectively negotiated marriages. This clearly shows that relatives and parents are the main agencies in the negotiations for marriage.

The ceremonies of *Istekhara*, *Imam Zamin* or *Mangni* and *Nikah* are the major ones when a marriage proposal is supposed to be finally settled. Table No. XXVIII reveals that 54%, 9.2% and 36.8% respondents considered that the final settlement of marriage reached completion at the ceremonies of *Istekhara*, *Imam Zamin* or *Mangni* and *Nikah* respectively.

Religion also permits Muslim men to have a *Jhalak* (glimpse) of the women they intend to marry, but due to social disapproval this practice is not common, except in some of the most fashionable or advanced families where the *pardah* system is on the decline. In families where the system is still prevalent, there is no question of a glimpse because the girl observes strict *pardah*. Moreover, due to prevailing social customs, it is considered immodest and even disgraceful for the bride's family to allow a glimpse of the bride even to the female members of the bridegroom's family. However, a social change is clearly evident in this sphere also. In some advanced families, photographs are also exchanged.

Education is the most important factor changing the outlook of the people to granting the right of full liberty to a boy or girl in the selection of the marriage partner. Table No. XXXIX clearly indicates that none amongst the illiterates but 5, 15 and 15 of the respondents in the categories of 'literate, below High School,' 'High School and below B.A.' and 'B.A. and above', respectively, were in favour of giving full liberty to their sons. Similarly, 2, 3 and 5 of the respondents under the categories of 'literate, below High School', 'High School and below B.A.' and 'B.A. and above', respectively, were in favour of giving their daughters the right to select their life partners. The education of the guardians, is thus, an important factor in granting such a right.

Among the Shias, some months are considered auspicious for the performance of marriages. *Rajab*, *Shaban*, *Baqrid* (after 9 days) and the later half portion of *Rabi-ul-awwal* are considered auspicious for marriage purposes, while the

months of Moharrum, Safar and the first eight days of the month of *Rabi-ul-awwal* are regarded as inauspicious, due to the period of mourning connected with the tragedy of Karbala. Marriages are also not generally celebrated during the month of Ramzan, nor on the death anniversaries of their Imams.

The venue of the marriage ceremony (*Nikah*) is generally the house of the bride. The presence of two *Mujtahids*, one for each side, relatives, guardians and friends of both the parties are expected to attend, though their presence is not essential. Amongst the Shias, the *Nikah* can take place without a third party and there is no need for even witness or religious heads. In a Shia marriage, an offer from bride's side and an acceptance on the part of the bridegroom will suffice. Before the recitation of *Sigha-i-Nikah*, there is the custom of reciting the *Khutba* or 'Address' by the religious head. The *Khutba* signifies the importance of a marriage, and it also deals with the rights and duties of the married couple.

Generally, the *Walima* feast follows the very next day after the *Nikah* at the place of the bridegroom. The *Walima* feast is traditionally considered essential after marriage, though obligatory from a purely religious point of view. Some Shias are, however, unable to celebrate this feast owing to poverty or other hardship. Table No. XXXI reveals that 72.8% Shias consider it to be a compulsory feast and this is generally followed in their families after the *Nikah* ceremony. Among the Shias, the legal or religious marriage is completed without the extra ceremonies of *Mangni*, *Manjha*, *Salami*, *Chauthi* and *Chalas*, etc., as these ceremonies have only a social backing and not a religious one.

These observations lead us to believe that many of the customs ceremonies in a Shia marriage are the product of the assimilation of the two cultures and a third culture which may be termed as the 'Indian Muslim Culture' has gradually emerged.

The Shia Dynasty of Oudh played an important role in the expansion of numerous ceremonies in Shia marriage. During this period, the Shias were prosperous and flourishing. Most of the superfluous and extravagant ceremonies and

customs observed in a Shia marriage are the relics of that period. At present, many Shia families are impoverished and cannot afford to continue these elaborate customs and ceremonies observed by their forefathers.

It has been observed that due to the heavy expenses incurred in a Shia marriage, the economic condition of the majority of persons has suffered a serious set back and they are forced to run into heavy debts. This is particularly true of the poor and middle classes. Due to the extravagant customs and ceremonies (which have no religious sanction) a marriage now-a-days becomes a source of economic burden even to the wealthy. Similarly, the relations of both parties are also affected, as they have to spend considerably on marriage presents, *Salami*, *Ru-Numai* (face showing), *Nichhawar*, *Sadqa*, etc.

The institution of *Maher* is also of prime importance in Islam, because it is an essential and fundamental feature of Muslim marriage. If the husband has the slightest intention of not paying it, the marriage is null and void. *Maher* is of two types, (1) *Sharai*, which is the identical amount to that demanded by the Holy Prophet for his daughter's marriage, and which is equal to Rs. 1,100 in the present Indian currency, and (2) Customary, which was established during the prosperous days of the Shia and is now a fabulous sum, disproportionate to the circumstances of either party. It can be any amount, even running upto thousands and lakhs. As far as its significance is concerned, it is to be noted that a marriage is not complete without the fixation of the amount. If the husband is unable to pay it at marriage, it is his foremost duty to pay as soon as possible. The wife can claim it at any time and her claim is always a first charge on the property of the husband.

Table No. XXXV of the study clearly indicates that 46%, 25%, 27% and 2% respondents consider it the price of a wife's *Nafs* (self), *Hukm-e-Shariyat* (Religious order), security for the wife, and a sort of help to the bride's party for the marriage expenses of the girl, respectively. The amount should be such as could be paid easily either at the time of marriage or afterwards, but in practice, it is just the reverse. Among the Shias,

it is generally fixed out of all proportion to the means of the husband. This is evident from Table No. XXXVIII, which indicates that in the families of 22.4%, 62.8%, 13.2% and 1.6% respondents the amount is fixed in categories ranging between Rs. 1,100 (*Sharai Maher*) Rs. 1,101 to Rs. 50,000, Rs. 50,001 to Rs. 1,00,000 and Rs. 1,00,001 and above, respectively. The findings of the above table clearly indicate that even now, when the financial condition of the Shias of Uttar Pradesh is deteriorating day by day, it is the general practice to fix huge amount in the shape of *Maher*.

The consent of the couple who are to be married is technically taken only after the settlement of the *Maher* by the respective guardians. This practice is totally against the teachings of Islam, because it is ordained that the mates' consent should be taken before the settlement of the amount. Usually, it is settled before *Nikah*, but in some Shia families, it also is settled at the time of *Nikah*. Table XXXXIII shows that in 94% and 6% families, it is settled before *Nikah* and at the time of *Nikah*, respectively.

Islam has made provisions for the dissolution of marriage also, but at the same time, as stated earlier, it recognises divorce only as a necessary evil. The Shias are not at all in favour of divorce even as a last resort. More than 98 per cent respondents stated that there had never been a divorce in their families and they considered death better than divorce, even if their daughters had serious marital problems. The infrequency of divorce among Shias is due to these traditional ideals. This is also evident from our data, which reveal that 48.2% 34.2% and 8.8% respondents are of the opinion that religious restrictions, society's disapproval, and moralistic outlook, respectively, were the main causes of infrequent divorces.

As in other communities, no doubt there are an appreciable number of cases in Shia society, as well, where the relations between the wife and husband are strained, but even in such cases, divorce does not take place. Some of the main reasons for strained relations between husband and wife are economic demands, modern education and freedom of the girls. This is verified by the findings which indicate that 36.4%, 22.8% and 18.4% of the respondents were of the view that economic

conditions, modern education, girl's freedom and new fashions were the main reasons for strained relations between husband and wife. In spite of the above, the percentage of divorce is much less among the Shias. Table XXXIV clearly indicates that only 35 (7%) cases of divorce occurred in the last ten years in the families of 500 respondents under study. The rate of divorce is possibly increasing gradually in the Shia community also. The main reason seems to be the modern materialistic social structure. In many families, the girls are highly educated and it becomes difficult to find a suitable match for them. The growing tendency of the guardians of girls to keep them at their own houses is also, in some cases, responsible for the divorces.

As regards widow remarriage, Islam allows widows to remarry without any reservation. The status of widows in Islam is the same as that of any other woman. Widowhood is no blot on the character of the woman. The social acceptance of widow remarriage is still generally wanting due to the influence of Hindu culture. However, the percentage of widow remarriage is rising among the Shias and has come upto 25%, which is a favourable sign and is expected to rise higher.

The institution of *Mutaa* marriage is a unique feature of the Shia faith. This type of marriage was prevalent during the time of the Holy Prophet and was declared lawful. The Shias consider it as a legally accepted form of marriage. At present, however, it is not very common among the Shias. This fact has been confirmed by the findings of the Table LX, which indicate that only nine per cent of the respondents contracted *Mutaa* marriages. Most of the respondents who contracted it belonged to the class of landlords and ex-Zamindars. This shows that it is common among groups with enough wealth and leisure.

The legal status of the children born of the *Mutaa* marriage is the same as that of the children by *Nikah*. But as far as the social status of *Mutaa* children is concerned, 65.6 per cent respondents are of the view that it is lower than the *Nikahi* children. This clearly shows that society's recognition has not been fully accorded to such children. Lastly, it can be safely stated that the impact of Hindu culture is mainly responsible

for the low percentage of *Mutaa* marriage among the Shias in Uttar Pradesh.

Resume

The marriage customs and ceremonies differ in rural and urban areas. In the former, they are in keeping with their dress, their fashions and their way of living. In urban areas, they conform to the city way of life and the feasts are, therefore, more sumptuous. With growing industrialisation and the rural exodus, the effect on the institution of marriage is also visible. Industrialisation, along with the expansion of the education, is broadening the outlook of the people and, hence, it is affecting the institution of marriage amongst the Shias. Old traditions are proving too cumbersome and expensive. Hence a modification is also necessary from the economic point of view. A tradition holds good so long as it works well, but in the changing circumstances, the same practice which was once good becomes evil in the new context and, therefore, it is no folly to abandon it. Traditions are ever changing they spring up, continue and die, they are never permanent. They come into existence with the demands of the time and die out with changing times. Owing to their position the Shias in the past could afford such prolonged entertainments, but now, under the present economic stress and strain, it is difficult to continue the old practices.

Now, the age factor plays a great role in marriages. Early marriages are avoided during the learning age of boys and girls, which generally continues till the time they achieve maturity.

The process of selection is also undergoing modification. In most cases, the young men would like to get acquainted with the girls before marriage in at least some form, if not through direct contact. Again, liberal and educated guardians have begun paying more and more attention to the opinion of their children in the matter of selection of the spouse.

Selection now-a-days is based more on educational considerations and economic resources of both the families, specially those of the girl. The families who can be helpful in securing employment for the boys or those who can assist

in the progress and promotion of those already employed, are generally given preference.

In negotiations, parents or guardians no doubt still play a prominent role but they are helped by the suggestions of friends and companions of the boy also. Thus, the role of parents is as supreme as before.

The success or failure of marriage negotiations depends on how far the other party is capable of fulfilling the expectations of the other party. If they are expected to be fulfilled the contract is made; otherwise the proposal is dropped.

The process of marriage customs and ceremonies is also being modified under the stress of necessity. In some cases, it has already been seen that people prefer only tea and light refreshments or only cold drinks at a feast.

The idea of heavy and fabulous *Maher* is also changing because it is no longer a safeguard against divorce, for the law recognises only a minimum limit payable by the husband.

Divorces are now gradually increasing as a solution of the problems and complications which generally arise in absence of mutual adjustment. Widow re-marriage is also increasing on account of the economic problems facing present Shia society.

The *Mutaa* system is also declining due to various reasons, such as non-availability of suitable women and deteriorating financial position of the males.

The old order is changing, yielding way to the new. Old traditions, customs and ceremonies are becoming obsolete and changes are taking place with the evolution of a new society in free and industrialised India. Changes are visible in every community and the Shia community is no exception. Increase in knowledge, as a whole, is also responsible for modification and changes in customs, etc. It should not be taken as a surprise if Shias too have shaken off their conservatism in respect of these old marriage customs, which have only social recognition and lack religious sanction. They, however, cling and shall continue to cling to the religiously acknowledged ceremonies attached to marriage.

Appendix

SELECTED CASE STUDIES

The cases elucidated here present several situations significant from the viewpoint of present research. The following case studies have been prepared on the basis of the information gathered through the Interview Schedule, and the information referred to here, in connection with the personal social lives of the cases, was collected in addition to the information solicited through the schedule. For obvious reasons it is not possible to discuss all the cases here. Therefore, only ten selected cases, out of those which were individually studied in detail, are presented in this Chapter. These cases are typical in the sense that they represent some of the prominent features of the study.

Case 1

The case of a 96-year-old Syed Hakeem (Medical Practitioner) who contracted 16 Mutaa Marriages

Mr. A, aged 96 years, was born in an orthodox Syed family

in an urban community. His father was a Hakeem by profession, having considerable ancestral property and wealth. His father contracted three marriages. His mother, the youngest wife of his father gave birth to three children—two sons and one daughter. He was the youngest son, and therefore, it was but natural that he was liked most by the parents. The other two wives of his father were issueless. Within their family the relationship was generally good, the mother being more affectionate than the father; the other two step-mothers, as they were issueless, were also very affectionate to these children. Being the youngest child of a wealthy aristocratic family and due to the fondness of the parents his early education could not be conducted. After the death of his father he became a Hakeem by heritage without any proper training in the profession.

It is significant to mention in this case that he was much interested in girls and sexual indulgence from his very childhood. He was first married at the age of 16 and after a few years of happy married life, he again contracted another marriage at the age of 20. Both wives remained together in the same ancestral home.

At the age of 26 he contracted the first *Mutaa* marriage with a Sunni Pathan woman for six months at a *Maher* of Rs. 300, which he paid at the time of the *Mutaa* marriage. In all, he contracted two *Nikah* marriages and sixteen *Mutaa* marriages during his lifetime. One of his *Nikah* wives and two of the *Mutaa* wives are still alive. As he has to maintain 12 children in all, 4 sons and 8 daughters, born of these marriages, permanent and temporary, his financial condition is now very poor. It is very difficult for him to pull on during these hard times. He is a famous personality in many a social circle of the town and specially in his community by virtue of these marriages. He is also supposed to be an authority on *Mutaa* Marriages. It was suggested to the present investigator by at least 50 respondents in that town that he should contact Mr. A and consult him in connection with the discussion on *Mutaa* marriages. It took at least six hours to interview Mr. A, who was found to possess full knowledge about marriage customs as well as of *Mutaa* marriages.

To the question why he contracted so many marriages, Mr. A replied, "My father also had many *Mutaa* marriages. I have contracted more marriages because our religion sanctions it and, of course, for sexual pleasure by variety." The duration of the period of the *Mutaa* marriages contracted by him varied from 3 months to 50 years. The [last *Mutaa* marriage he contracted was at the age of 60. One of his *Mutaa* marriages was a love marriage. At the age of 40 years he fell in love with a Pathan Sunni woman, who was his patient. After treatment he contracted a *Mutaa* marriage with her for 10 years.

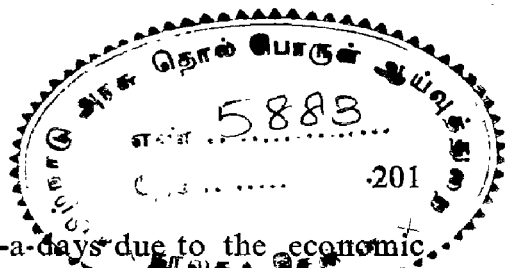
Sick of old age and having now spent all his wealth, property and youth, he is now living a hard life, with meagre resources for livelihood.

Case 2

The case of a 60-year-old Moghul Nawab (ex-Zamindar and Landlord) who is in search of a 'Ghar Damadoo'* (Son-in-Law)

Mr. B, aged 60, was born in a wealthy Nawab family in an urban community. His father was also a Nawab, ex-Zamindar and owner of a large ancestral property. His father contracted two permanent marriages and two *Mutaa* marriages but he was the only son of his father. He has one sister, 10 years younger than him. His mother was the youngest *Nikahi* wife. All the three step-mothers, one *Nikahi* and two *Mutai*, were issueless. His sister was married at the age of 15. His childhood was full of luxuries and pleasure due to affluence. At the age of 18, Mr. B was married in a wealthy Nawab family. Afterwards, he contracted 2 *Mutaa* marriages for short periods without any issue. At present, he is the father of a 20-year old daughter, his only child. The marriage of the girl is a problem for the father. He is in search of a *Ghar Damadoo* who may stay at his place with his daughter. The main intention of the father is to keep his daughter at his own place, i.e., he does not want his daughter to go to her father-in-law's place. To get a *Ghar Damadoo* for a wealthy

* A *Ghar Damadoo* is a son-in-law who lives at his wife's place.



APPENDIX

family is not at all a problem now-a-days due to the economic difficulties facing the young generation in India, but the father wants a boy, handsome, educated, employed and of a respectable family of the Shia community. It is hard to get a son-in-law with these qualifications these days. Mr. B said that he was in search of such a boy for several-years. He is still confident of getting a *Ghar Damadoo* of his choice. When asked the reason for needing such a son-in-law, Mr. B replied that he did not want to let his only daughter go away from him, and as he had enough money he could easily afford to provide for the living expenses of the son-in-law who will marry his daughter. The investigator observed that this tendency has been noticed among the wealthy people of the Shia community in urban societies, and especially in the city of Lucknow. It may be because of the fact that the Shia population of the city is comparatively wealthier than in other cities.

Case 3

The marriage of a middle-class professional with the daughter of highly aristocratic parents which resulted in a divorce

Mr. C is a 35 year-old Syed lawyer by profession. His parents, both of the same *Qaum* (Syed) are educated. His father is also a lawyer, a good-natured, simple and sympathetic gentleman. They have seven children, and the difference in age is only 15 years between the first and the seventh child, the average being one child every second year. Two of the children died. Mr. C is their third child. The eldest sister is 5 years older to him and three brothers are younger to him. Mr. C is an educated young man having graduated in law. His average income at the time of marriage was only Rs. 300 per month. He was 20 when he was compelled by his parents to marry a girl who was many times wealthier than the husband, coming from a highly aristocratic and wealthy family. She also was a graduate and was educated from her childhood in the missionary Schools at Nainital and Lucknow. The reason as to why the father of the girl preferred to marry her into a middle class family was that the boy was handsome, educated, good-natured,

cultured and belonged to the Syed *Qaum*, whereas he himself was a Pathan.

The father of the boy agreed to this marriage only for financial gains. He took a loan of Rs. 25,000 from a money lender at a high rate of interest for meeting the marriage expenditure, with a view to pay back the amount after the marriage by getting a huge sum in the shape of dowry or *Jahez*.

At the time of the *Rukhsati* (departure of the bride from her father's place), her father gave her Rs. 50,000 cash and other articles such as ornaments, clothes, etc. The cash was deposited in a bank in the name of his daughter and the ornaments were kept in a bank locker. This action of the father of the bride came as a surprise to the other party. After a few days, the father of the bridegroom suffered a heart attack due to anxiety over payment of the debt which he had contracted in connection with the marriage of his son. Six month later he was compelled to sell his ancestral house to pay back the loan.

A year after this marriage Mr. C was able to get a government job through the help of his father-in-law and was posted to a small town. There was very little to attract the highly educated, fashionable and aristocratic girl in this small town. Major differences of opinions began from this point. His wife could not continue her relations with him any longer, there was a basic difference in the ways of their living. The husband was a little conservative while the wife preferred a very modern style of living, loved to go to clubs and to make friends there. The wife could not tolerate the strictness and restrictions imposed on her by her husband and she demanded a divorce and the marriage resulted in it.

Case 4

The case of a wealthy 50-year-old Syed ex-Zamindar, whose 3 wives have migrated to Pakistan with their children

Mr. D belongs to an orthodox Syed ex-Zamindar family of an urban community. His father was also a wealthy Zamindar of his district. His mother was a religious lady. His father was educated and was an Honorary Magistrate. Both were conservative, but kind and sympathetic. They had six children

but only two are alive. The eldest, a daughter, and the sixth, who is Mr. D. Mr. D was 20 years old at the time of his first marriage which was contracted by his parents. Being the son of a wealthy and educated father, his early education was well-planned but when he reached the intermediate, his father expired suddenly due to a heart attack. After the death of his father, when he was only 22 years, he was surrounded by many selfish persons and could not continue his studies. At the age of 25 he contracted a second marriage because his first wife was not able to produce a child for him upto that time. Both wives were living in the same house and life was happy, but due to the bad company of his friends, he used to visit prostitutes and fell in love with a pretty prostitute. After some time he contracted a third marriage with her. This wife was the first to produce a child. Therefore, he was more inclined towards her than other two. He kept the third wife in a separate house. After ten years of his first marriage, his first wife gave birth to a daughter and, similarly, the second wife was also able to produce a daughter after six years of marriage.

In all, there were 10 issues (3 from the first wife—one son and two daughters, 2 from the second wife—one son and one daughter, and 4 from the third wife—three sons and one daughter) at the time of the partition of India and the creation of Pakistan in 1947. In October, 1947, his first wife migrated to Pakistan with her children. Again in December, 1947, his second wife also migrated to Pakistan, the reason given by Mr. D being that all her relatives had already left for Pakistan. In August 1961, due to communal riots in the city, he himself left for Pakistan with his third wife on a temporary passport and returned to India after three months, as he did not feel satisfied with the conditions prevailing in that country. He came back to his native place, leaving the third wife and her children over there.

He is now staying at his home with a *Mutaai* wife. His monthly income is about Rs. 1,000 per month, in the form of house rents. He occasionally goes to Pakistan to see his three wives and ten children. He is now a man with several problems. He finds himself unable to join his wives and children in Pakistan and there too he cannot remain totally unconcerned about

them. He is thus emotionally disturbed owing to the aforesaid reasons and naturally such a state of affairs is making his mental health bad.

Case 5

The case of an 80 year-old Moghul Nawab whose wife's *Maher* was fixed at Rs. 5 lakhs in marriage

Mr. E, aged 80 years, was born in an aristocratic Moghul Nawab family in an urban community. His father was one of the richest Nawabs of the city of his time and contracted two marriages and several *Mutaa* marriages with different ladies of different *Qaums* and sects of Islam.

Mr. E is the youngest amongst his brothers and has three sisters from different mothers. His mother was more affectionate than the father, who all the time spent money lavishly on various comforts and luxuries. At the time of the marriage of Mr. E, his father, was almost bankrupt due to his licentious nature, and other habits such as gambling, races, etc. A high amount for the fixation of the *Maher* was customary in his family and, therefore, in the marriage of Mr. E also, a sum of Rs. 5 lakhs was decided as *Maher* by both the parties. The scripture regarding *Maher* is very strict in Islam. It is to some extent necessary to pay the amount of *Maher* at the time of *Nikah* and the amount of the *Maher* should be such which is easily payable by the husband, whenever, demanded by the wife, but in the case of Mr. E, it was a huge sum of Rs. 5 lakhs, which he was unable to pay at any time. But the guardians of the wife insisted on such a large sum. They told him that it was customary in their family. Moreover, the *Maher* of her mother and grand-mother had also been fixed at this level. Therefore, it could not be reduced. The investigator inquired from Mr. E about the payment of the *Maher*. He replied that it was not possible for him to pay the *Maher* in his lifetime, as it was difficult even to meet the expenses of the family. The effect of the custom of *Maher* is evident from the facts of this case. The main purpose of fixing a huge sum is to reduce the chances of a divorce by the husband, since payment of *Maher* by the husband is implied. Generally, however, persons

find themselves unable to pay such a large debt to the wife as it is beyond their capacity.

In accordance with the scriptures, a wife can excuse the payment of *Maher* and generally this happens. Thus, evidently *Maher* remains a traditional formality.

Case 6

The case of a 45-year-old wife whose husband migrated to Pakistan in 1947 and has not taken any care upto this time

Mrs. F comes from an orthodox Sheikh middle-class family. Her parents were dead at the time of her marriage. Her uncle, who was alive at that time, was the guardian of Mrs. F.

Both Mrs. F and her uncle were religious-minded and educated. Mrs. F reported that her uncle was sympathetic by nature and that she was passing her life smoothly.

Mr. F comes from an orthodox Moghul family in an urban community. The ancestral profession of Mr. F's family was embroidery work. Mr. F's income was about Rs. 5 per day. Mr. F had become an orphan at a very tender age; his education was only upto the primary standard. He often changed jobs but has held his present job (embroidery and needlework) until he migrated to Pakistan in 1947.

The marriage of Mr. F and Mrs. F was solemnised in 1942. The husband's age was 30 years and the girl's 22 years at the time of the marriage. In 1947, when Pakistan was founded, the husband left country without the wife and the four children (one son and three daughters) on a temporary visa and told the wife that he would return soon, after making necessary arrangements there. But twenty years have passed and the poor wife is still waiting for her husband. In the beginning the husband used to send letters occasionally, but for the past 5 years, he has not written even a single letter. It is reported that he has contracted another marriage in Pakistan, but the first wife is still not willing for a divorce or re-marriage. Mrs. F told the investigator that she had passed through great financial distress and hardship in connection with the education and bringing up of the children in the last 20 years, Her uncle,

her only near relative had died in 1950. It is difficult even to get two meals a day owing to their poverty. Now her son is able to get three rupees daily from embroidery work, but in the rainy season, when there is a lull in the embroidery market, it is impossible for them to make both ends meet. The daughters are still unmarried although the mother is very anxious and worried about their marriage.

All her troubles and difficulties could probably have been solved if she had re-married. It reflects the moral values of a Shia woman who has passed twenty years in great misery without demanding a divorce from her husband.

Case 7

The case of a 40-year-old Moghul Prince (Shahzada), by profession an auctioneer who has 4 Nikahi wives and two Mutaai wives at present

Mr. G, aged 40, was born in a well-to-do Moghul family in an urban community. His father is a public servant drawing about Rs. 400 per month; his mother is an orthodox lady. Mr. G has three brothers and three sisters. The two eldest sisters were married to respectable families. Mr. G is the third child of his parents. He is only a matriculate. He was not very much interested in education in his early life. His main hobby was poetry from the very beginning. He is always surrounded by admirers, sycophants and persons who are benefited by him in the shape of money or the like. His first marriage was contracted by his parents against his will because the wife was 10 years older than him, though she was a *Wasiqadar* (political pensioner), getting Rs. 100 per month. The first few years were anyhow spent happily with her but due to the dissatisfaction with the first wife he contracted a love marriage with the sister of his next door neighbour. She was also in love with him. This, however, proved to be a great shock to the first wife. Therefore, she did not permit the second wife to live with her. It is to be mentioned here that Mr. G. was unemployed upto that time. Now it was a problem for Mr. G where to keep his second wife. Anyhow, he managed a separate house for the second wife and started

the professional career of an auctioneer. Soon, he was earning a fairly good amount from this profession and paid visits to other important cities in connection with his job. After three years, he again contracted another marriage with a pretty, beautiful girl of about 16 years. The story of how he was able to marry his third wife is very interesting. The grandmother of the third wife contacted Mr. G in connection with the auction of one of her houses. She and her grand daughter were the only two members of her family. Mr. G began to visit her house occasionally in this connection and within three months he was able to persuade her grand mother to give her grand daughter to him in marriage. She is also wealthy having an income of Rs. 300 per month and is living with her grand mother even after marriage. Meanwhile, Mr. G's business kept flourishing and his monthly income exceeded Rs. 3,000. Being only a matriculate, he could not conduct his business correspondence in English. An idea struck him and he advertised for a lady private secretary aged not more than 20 years and well-versed in office correspondence, etc. Within a few days many applications from young girls were pouring into his office. Finally he engaged a charming girl after interviewing at least 25 candidates. But his intention from the very beginning was to marry a girl who could discharge the duties of a house wife and a business secretary. Within three months of her employment he was able to persuade the young girl to marry him. After these marriages, he contracted two *Mutaa* marriages also as the religion does not permit more than four *Nikahi* wives at a time. In this way, Mr. G is the husband of four *Nikahi* wives and two *Mutaa* wives. There are 14 children born to his different wives, the eldest being only 16 years old. The case is interesting in view of his intelligence in using the institution of marriage as a means of livelihood.

Case 8

The case of a 35-year-old Pathan businessman who has contracted a *Mutaa* marriage with a Sunni girl without any *Nikahi* wife

Mr. H is the eldest of three children of middle class Pathan

parents of an urban community. He has one sister who is second to him in age. Between him and his youngest brother there is a difference of 6 years only, which means that every second year there had been a child in the family. Mr. H is most attached to his younger brother.

Mr. H is tall, has good health, fair complexion and attractive features. He was born in the city and spent his early age and adolescence in an urban area. Due to the poor financial conditions of the family, he could not pass the matriculation examination and was compelled to take to some business from an early age. In this way he was able to earn about Rs. 200 per month at the time of his *Mutaa* marriage.

Mrs. H is the second among four children of an average Sunni Pathan family of the same locality. She has 2 sisters, of whom one is elder to her by 3 years, and one brother who is 7 years younger to her. The age difference between the first and the last child is 11 years, which means that on an average, the family had a child after every $2\frac{1}{4}$ years. Mrs. H's father died two years before her *Mutaa* marriage. She was 18 at the time of her marriage. She had been born and brought up in the same locality where Mr. H was residing. She is literate and can read and write Urdu.

Mrs. H's estimate of their parents is as follows : Father is very religious, but not orthodox; mother is religious as well as orthodox. Mr. H's mother was a Sunni lady at the time of her marriage and afterwards was converted to the Shia sect. His father is a matriculate in the tailoring business.

An important feature in this case is the several common factors which husband and wife shared. Both were unmarried, both were Pathan (of course the husband was a Shia Pathan and the wife a Sunni Pathan), the parents of both the parties belonged to the business community, both were almost equally liberal, both were a little religious but unorthodox and sympathetic, and both of them were not extravagant. In their attitudes to marriage, they were even more liberal. Both considered marriage as a necessity and believed that matches should not be arranged by parents. They were of the view that marriages of romantic love were more successful than other, as in their own case. They fell in love with each other

three years before their *Mutaa*. The main hindrance to their marriage was that the girl belonged to the Sunni community and the boy to the Shia community.

Mrs. H's mother had not been willing. Mr. H used to go to the house of Mrs. H, being the son of a neighbour. In due course Mr. H persuaded Mrs. H to agree to a *Mutaa* marriage and one day when the other members of Mrs. H's family were out, Mr. H contracted the *Mutaa* marriage with Mrs. H and they became husband and wife. The fact was not known to anybody till several months later, but they used to meet each other whenever they got the opportunity to do so. After a few months when Mrs. H became pregnant, she was compelled to disclose her secret to her mother. Her mother lost her temper on hearing this news, but was helpless. In this way, Mrs. H came to Mr. H's place. She is still a *Mutaa* wife, having four children—3 sons and 1 daughter. The *Mutaa* has been contracted for 50 years.

When the Investigator asked Mr. H why he was not converting it into a *Nikah* marriage, Mr. H replied, "There is no need at the present. The *Mutaa* is for 50 years and as such it makes hardly any sense incurring additional expenditure on marriage ceremonies at present." Both are leading a happy life. Mr. H is earning about Rs. 300 per month from his business and the wife is the complete mistress of the house.

"A *Mutaa* marriage is better than a *Nikah* marriage", Mr. H said, "as it is cheaper, convenient and provides free choice."

Both Mr. H and Mrs. H are of the view that the joint family system is not good for modern times, as it takes away a couple's freedom.

The case is significant in view of the circumstances that it illustrates the use of the *Mutaa* marriage when a *Nikah* marriage was not possible at first though situation has now changed. Mr. H does not feel the necessity for a *Nikah* as he finds that the *Mutaa* marriage equally sound from the religious point of view too.

Case 9

The case of a 25-year-old Moghul wife, who converted her husband from a Sunni to a Shia

Mr. I is the youngest son of an orthodox Sunni Syed family.

The father is literate and the mother illiterate, as well as orthodox. They have three sons and three daughters, and the the average difference in the ages of these six is 29 months.

Mr. I was 20 years old at the time of his marriage. This was his first marriage and he says that he did not marry earlier because he was not self-supporting and was dependent upon family members. He is a tall, handsome young man of 25 years of age. He could not pass his High School examination due to bad company. He is the son of an ex-Zamindar residing in an urban community.

Mrs. I is the daughter of a Shia Moghul. She is the third among four sisters in order of birth, having no brother and the eldest sister being 11 years older than her. Her father died when she was only 15 years old, having no source of livelihood. They were passing their life with great difficulty. The other two married sisters were helping the mother. Mrs. I and one younger sister and her mother were earning some money by tailoring and embroidery work, but the financial conditions of Mrs. I were not in the least satisfactory at the time of her marriage. Mrs. I and her mother were religious-minded as well as orthodox. She had only primary education in Urdu.

Mr. and Mrs. I first met at the house of a common friend some three years before the marriage. After that they met very often and talked generally at the house of Mrs. I, finding some pretext. They found that they shared their ideas, interests, and habits and began to fall in love. They had known and loved each other for more than three years when they decided to marry, but the greatest obstacle to this connection was that Mr. I was Sunni and Mrs. I was an orthodox Shia girl. She was neither prepared to be a Sunni nor to marry one.

In the beginning Mr. I was also firm about his religion and was not prepared to be a Shia as his family members, and specially his eldest widowed sister living with them, was a staunch Sunni and totally against Shia religion as well as Shias. Their families were opposed to the marriage proposal. It was a problem for Mr. I, and Mrs. I was forcing that he should be a Shia first and then she would marry. The matter was finally settled by Mr. I converting himself to the Shia sect secretly. The marriage between

them was then solemnised privately. However, their marriage was not a very expensive affair.

Mr. I's father was not very much annoyed when he heard about the marriage. One sister of Mrs. I, third in order and an elder brother, also did not oppose the marriage. Mr. I told the investigator that there were still some family members who were not sure that he had become a Shia, though the fact is "I am a staunch Shia now attending Majlis (religious gatherings) and observing Shia customs and rites."

Mr. I is now an employee of the Indian Railways as a mechanic, and stays with his second sister, who is very affectionate towards the couple. She herself is very much interested in the Shia faith, though she has contracted a Civil Marriage with a wealthy Hindu ex-Zamindar. Mr. I is the father of two children (one son and one daughter) and is very happy with his family life.

It is worth noting that Shia-Sunni marriages are not very common, but still some exceptional cases may be found.

Case 10

The case of 40-year-old widow whose husband died before the ceremony of Rukhsati to her husband's house

Mrs. J, aged 40 years, was born in an orthodox Syed family in an urban community. Her father was a college lecturer and his financial condition was sound. Her mother was a religious lady and was more conservative than the father. Mrs. J had two sisters and two brothers. Mrs. J is the fourth child of her parents. Her elder sister is 2 years older and her younger brother 4 years younger.

Mrs. J was 13 years old at the time of her *Nikah*. Due to her tender age, it was decided that her *Rukhsati* ceremony (first departure from father's house to husband's place) would take place after one year. Within six months of the *Nikah* tragedy befell in the shape of a motor accident in which her husband died. She became a widow, at the age of 13 years and six months, before conjugal relations were established and before she arrived at her husband's place.

Mr. J was the second son of Syed *Molvi* (Religious Head). His father, being a religious head, was respected by the people of the city and specially in the Shia community. Mr. J was an educated young man of 20 years at the time of his *Nikah* ceremony.

After the death of her husband, Mrs. J was not at all ready for a second marriage although her parents as well as her other near relations tried their best to persuade her to remarry. Mrs. J is a pious, affectionate and sympathetic lady living with her brother. She does not want to be a burden to her family and, therefore, she is earning about Rs. 2/- per day in tailoring and embroidery work, etc. She is a widely respected lady in her family as well as in the Shia community of the town. When asked by the Investigator why she had not married, she cried bitterly and her reply was very tragic. She replied, "as a Shia lady, it is my faith that every action in this world is from the Almighty, I am destined to this misfortune, I must console myself that it was the will of God. A girl of a respectable and Syed family cannot be married again. Although I had not seen my husband, he is always in my heart and he will remain as such upto the last moment till I am here in this temporary world."

Glossary

1. *Aaron* Name of the Prophet Haroon, executive of Prophet Moses (Moosa).
2. *Aadil* Reliable and just.
3. *Ahadiths* Traditions.
4. *Ahle Bait* Includes Prophet of Islam, Janabe Fatima, Hazrat Ali and his descendants.
5. *Allaha* God.
6. *Amirul Momeneen* Religious head of the true Muslims—A title of Hazrat Ali according to Shia belief.
7. *Arsi Mushaf* A ceremony observed during the marriage in which the bridegroom sees the face of his bride for the first time in a mirror and the Holy Quran is also placed open before the couple.
8. *Biradari* fellow Members of the same social status.
9. *Baraat* Marriage procession.
10. *Bhands* A class of people whose profession is to amuse audience by their music, mimicry and jesting.
11. *Brahmo Samaj* A Sect within the folds of Hinduism founded by Raja Ram Mohan Roy, a social reformer

of the 19th Century. This Sect views religion in its rational aspect and discards rituals, conservatism and superstitions.

The Spiritual and Civil head of a Muslim State. The successors of Prophet Mohammad were known as Caliphs.

Feasts given to the newly married couple by near relatives.

The amount of *Maher* generally prevalent in a society or family.

A Holy Shrine associated with the name of Hazrat Abbas—the standard bearer and younger step brother of Imam Husain. He achieved (martyrdom at the battlefield of Karbala (Iraq).

Wife according to Hindu religious mandates.

Drum.

Household dancing girls.

A sheet of fine cloth about two yards in length used as wrapper.

Archangel—A special messenger of God. The Holy Quran was revealed on Prophet Mohammad through him.

Not seen or known, state of concealment or obscurity.

Household life according to Hindus.

Molasses and rice.

Eunuchs.

Orders or judgement according to the principles of Islam

It is a period of celibacy covering 4 months and 10 days after the

12. *Caliph*

13. *Chalas*

14. *Customary Maher*

15. *Dargah Hazrat Abbas*

16. *Dharam Patni*

17. *Dholak*

18. *Dominies*

19. *Dupatta*

20. *Gabriel*

21. *Ghaibat*

22. *Grihastha Ashram*

23. *Gur, Chawal*

24. *Hijras—Hijdas*

25. *Hukme-Shariyat*

26. *Iddat*

27. *Id-e-Ghadir* death of the husband and 3 months and 10 days after divorce. A day of rejoicing observed by the Shias. Prophet Mohammad declared Hazrat Ali as his successor (Caliph) by the side of a tank named Ghadir.
28. *Ijmaul-Ummat* Agreement of the entire community.
29. *Imam* Spiritual Head. According to Shias Imam is the divinely appointed successor of the Prophet.
30. *Imamat* The office of Imam
31. *Imambara* A building chiefly constructed for holding Majlis (mourning meetings in connection with the tragedy of Karbala) during Moharrum and after.
32. *Imam Malik* One of the four Imams of Sunnis—Imam of Maliki Sect.
33. *Imam-e-Zaman* A title used for the twelfth Imam—Imam Mahdi.
34. *Istikhara* A device to find out the will of God.
35. *Itrat* The family of the Prophet Mohammad.
36. *Jagir* Landed property bestowed by King.
37. *Jahez* Dowry.
38. *Jannat* State of eternal salvation (paradise).
39. *Jhalak* Glimpse.
40. *Kaaba* The Holy shrine of Muslims. It is situated in Mecca (Saudi Arabia) where the Muslims go for pilgrimage—popularly known as Haj. It is known as the first

41. *Kauthar* 'House of God' founded by Prophet Abraham.
A tank in heaven, full of divine water.
42. *Kharjis* Members of a Sect, who revolted both against Hazrat Ali and Muawiya after the battle of Nahrwan.
43. *Khawan's* Big wooden trays.
44. *Kheer Chatai* The bridegroom and the bride each other taste milk pudding prepared with rice after Nikah.
45. *Khula* Redemption.
46. *Khutba* Address (religious)
47. *Kuf* Equal in Social and family status.
48. *Kalmey-ki-Unglee* Fore finger of right hand.
49. *Mehdi* Myrtle.
50. *Mohalla* people People living in the same locality
51. *Muajjal Maher* Prompt Dower.
52. *Mubarat* Separation between couple with mutual consent without give and take.
53. *Mushatta* A woman whose profession is to negotiate betrothal ceremony.
54. *Mujtahid* A religious head and scholar who is deemed to have enough of theological knowledge to form and give independent opinion and judgement.
55. *Muwajjal Maher* Deferred Dower.
56. *Nafs* Self.
57. *Namaz Shukrana* Thanks giving prayer.
58. *Nasibis* A sect of Muslims against Hazrat Ali and his descendants.
59. *Neg* Money given by the elders of the bridegroom to the brothers and sisters of the bride.
60. *Nichawar* The money given to the needy and poor people with a view to

61. *Nikahnama* ward off future calamities and misfortunes.
Marriage deed.
62. *Nuqal* Sugar balls.
63. *Pandaan* Betel case.
64. *Pindis* Sweet-meat balls containing dry fruits.
65. *Parjas* Sweepers, barbers, washermen, gardeners.
66. *Qiyas* Judgement based on speculation
67. *Qyamat* The day of judgement.
68. *Rakat* Technical name given to part of Namaz or prayer.
69. *Rukhsati* First departure of the bride from her fathers house after marriage.
70. *Ru-Numai* Face showing ceremony of the bride.
71. *Salami* Money received by the bridegroom after Nikah, when he pays respects to the elder of the bride's family.
72. *Sali* Sister-in-law.
73. *Sati* Consigning overself to fire with the dead body of the husband.
74. *Samdhans* Female near relatives of bride and bridegroom particularly their mothers and aunts.
75. *Sigha-i-Nikah* A set of phrases and sentences recited at the time of Nikah to give religious and legal cognizance to the contract.
76. *Sigha of Divorce* A set of phrases in Arabic to be recited at the time of divorce.
77. *Shara* Precepts of religion.
78. *Sohag Pura* Toilet material.
79. *Surai Ikhlas* A verse of Holy Quran regarding one-ness of God, recited for the sake of mutual love between the couple.

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| 80. <i>Tafsir</i> | Exegesis. |
| 81. <i>Talaknama</i> | Deed of divorce. |
| 82. <i>Talak-ul-Rajai</i> | Revocable divorce. |
| 83. <i>Talak-ul-Bain</i> | Irrevocable divorce. |
| 84. <i>Tasbih</i> | Rosary. |
| 85. <i>Tauret</i> | The Holy book of Jews, revealed on Hazrat Moosa (Prophet Moses). |
| 86. <i>Tika</i> | Forehead ornament. |
| 87. <i>Tubu</i> | Period between menstruation. |
| 88. <i>Uhad</i> | A mountain in Arabia near which the famous battle of Uhad was fought. |
| 89. <i>Wajib</i> | Super affirmative. |
| 90. <i>Wasi</i> | Executive. |
| 91. <i>Wasiqedar</i> | Royal pensioner. |
| 92. <i>Zanankhana</i> | Woman apartment. |
| 93. <i>Zil Hija</i> | Islamic calendar month. |
| 94. <i>Zuhoo</i> | The word is used for the appearance of the 12th Imam Mehdi from his concealment. |
| 95. <i>Zulfiqar</i> | Divinely blessed sword of Hazrat Ali. |

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ERRATA

Page no.	Line no.	Wrong	Correct
33	8	Syedna Tahid	Syedna Tahir
55	14	largely	large
105	14	observed	observed none
119	2	short of consolation	right
164	17	Hindu India	Hindus
164	19	cumbrous	cumbersome
174	10	Holy Prophet	Holy Quran

Dr. Abrar Husain (b. 1931) obtained his Masters and Doctorate degrees in Sociology from the University of Lucknow. He is the author of *Social System and Social Disorganisation*, and also writes for the newspapers. He is actively associated with a number of social and welfare organisations.

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