

Various Forms of Matrimony in Himachal Pradesh

Circa 1890s-1920s

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Abstract: The paper studies the whole spectrum of matrimonial alliances that existed during Himachal Pradesh between circa 1890s-1920s. It not only examines the existing forms such as Reet, Jhanjhara Karewa and Polyandry since all of these were present in the society of Himachal Pradesh but also views the transition in the marriage practices from bride price to dowry. The paper seeks to unravel the change, in the social status and mobility of women in the light of the above-mentioned forms of matrimony. The paper also analyses how with the coming into contact of the hill people with the colonialists and the reformers, inheritance rights, social status and social rituals were altered and affected in Himachal Pradesh

Key words: Marriage, Reet, Jhanjhara, Karewa, Polyandry and Sexuality

The structural basis of marriage is defined as a “personal association between a man and a woman and a biological relationship for mating and reproduction”.¹ The moral aspect of marriage was different from its social functions. As such “marriage may be an institution of the most definite and highly organised kind”, but may also be “an institution of very lax and imperfect order”.² Marriage fixes not only the duties of the couple but also their rights concerning both progeny and property. It is socially approved, culturally and customarily defined and legally binding. The permanent, indissoluble, sacramental union of the orthodox differs from the free easily severed, and often not even officially registered marriages. Nonetheless, they have some aspects in common. In both instances, the couple assumes the freedom and privilege of a sexual relationship, and their ultimate aim is the establishment of a family.³

¹N A Wimalsena, An Analytical Study of Definitions of the Term “Marriage”, International Journal of Humanities and Social science, Vol.6, No. 1; January 2016, p.1.

² W. H. R. Rivers, Kinship and Social Organisations, London, London Constable, 1914, p.38.

There is perhaps no definition that singularly covers all the nuances of marriage and in the case of Himachal Pradesh, perhaps the definition ‘ a socially sanctioned sex relationship involving two or more people of the opposite sex, whose relationship is expected to endure beyond the time required for gestation and the birth of children’⁴ fits most approximately.

The time period of c1890s -1920s, according to me, is germane because it spans some interesting watersheds – the creation of census and revenue records, the commencement of registration of births, deaths and marriages, the state ownership of forests, the change in inheritance rights, a spurt in the number of child marriages and an urgency at attempting to reform the *Pahari* culture, both by the Colonial Government and the Nationalist Movement.

Himachal Pradesh by its very nature of being isolated on both sides by high jagged ridges and valleys evolved as unique crucibles of cultural and social attributes. There is an extreme variation of elevation and state is dotted by numerous valleys and peaks. Therefore, despite its modest size, we see a wide variety of customs and practices. Since the natural frontiers act like geographical boundaries, the plethora of cultural sub-types is both interesting and confounding, as are their differences, mostly subtle but often stark, and in many cases perhaps inexplicable.

In the areas that border the present-day Punjab and Haryana, regardless of whether it was under British or princely control, the prevalent culture was predominantly Brahmanical, accorded greater primacy to men and viewed matrimonial alliances as unquestionably sacred and indissoluble. Women were restricted to performing domestic chores, enjoyed lesser sexual freedom and mobility and were expected to conduct themselves in a pious and chaste manner. Marriage was considered a sacrament and the most common form was the *kanyadan*⁵ which was often accompanied by payment of dowry. In the upper reaches of the Himalayas, societal norms were more relaxed, the primal distance between man and woman lesser and matrimony more contractual. The most common form of marriage was brideprice. Polyandry, particularly adelphic,⁶ was very common in the areas that are now part of Kinnaur (Part of erstwhile Bushahr) and Lahaul and Spiti (Part of Kangra district of Colonial Punjab), both in the trans-Himalayas. Himachal Pradesh, during the period under study, comprised of two kinds of geopolitical units. One, the British administered Districts of Kangra, the town of Simla and the cantonments like Subathu, Dagshai, Alhilal, Dalhousie, Jatogh; the second

⁴ Duncan Mitchell : A dictionary of Sociology ,New Brunswick, Transaction Publishers, (1968)

⁵ Kanyadan form required the gifting of the daughter as a virgin.

⁶Polyandry meant a relationship within which several men hold universal sexual rights in a single woman, and if such men were brothers, the term ‘adelphic polyandry’ was used.

were the semi-autonomous princely states of Chamba, Mandi, Suket, Sirmaur and the twenty-eight princely states of the Shimla Hills.⁷ All these units, with perhaps the exception of the cantonments, were socially and culturally homogenous, despite its potpourri of geography, dialects and customs. The regions under the British Government were administered through colonial legal procedures. Native princely states also adhered to these legal procedures, but their instrumentality was incidental to inter-state disputes. They had their own set of customary laws guided by the customs of the *Praja* and the authority of the *Raja*. The Superintendent of Hill states who was also the Deputy Commissioner of Simla town was the link between the rulers of the Shimla hill states and the British government.⁸

With the establishment of the British rule in India, new interpretations of the Hindu tradition led to the subjugation of India by the colonial State. This also “accelerated the process of the institutionalisation of a single form of marriage system”. It also displaced several customary forms of marriage by not considering them as totally illegal but judging them from the colonial perspective as deviant patterns of the newly established and recognised form.⁹

Himachal Pradesh, which was primarily an agro-pastoralist society during the period of research, witnessed the shift from the bridewealth to dowry. However, there were certain areas (higher hills) that continued to practice bridewealth despite the coming of the colonial administration. The higher reaches of Himachal Pradesh were scarce in resources, and women, as an important labour force were considered to be an asset in difficult terrain. The areas that bordered Punjab and present-day Haryana and which were under the control of the colonial rule (since 1849) witnessed a remarkable shift from bride price to dowry as a result of the reforming zeal of not only the colonial administration but also the Hindu reformers. The colonialists viewed the inhabitants of the hills as

⁷ Pamela Kanwar, 'Himachal Society through Imperial Eyes : An Inquiry'; in Laxman S Thakur (ed) 'Where Mortals and Mountain Gods Meet : Society and Culture in Himachal Pradesh Shimla, Indian Institute of Advanced Studies, 2002, p.117, in which she writes “Politically, during the Raj, erstwhile Himachal appears like a patchwork quilt of thirty-one large, small and tiny hill states and mainly, two direct administered districts of Shimla and Kangra.”

⁸ C L Dutta, *Raj and The Shimla Hill States*, , Socio-economic Problems, Agrarian Disturbances and Para mountacy, ABS Publications, Jalandhar, 1997, p.18

Also see, Yogesh Snehi, *Diversity as Counter-hegemony: Reet and Gender Relations in Himachal Pradesh in Recognizing Diversity: Society and Culture in the Himalaya*, Publisher: Delhi: Oxford University Press, Editors: Chetan Singh, pp.75-97

⁹ Ranjana sheel, 'Institutionalisation and Expansion of Dowry system in Colonial North India' *Economic and Political Weekly*, Vol.32.No.28(July12-18, 1979), pp.1709-1718. <http://www.jstor.org/stable/4405621> Accessed 22-08-2017 7:03 UTC.p.1709.

‘noble savages’ set apart by the people of the plains.¹⁰

Marriage, assumed both administrative and political significance for the British, although the proper attention given to registration was missing¹¹ since the definition of what constituted a marriage was not very clear.¹² However, the colonial economy did intervene in the legal- juridical matters related to marriage because it assumed different forms in different areas within Himachal Pradesh. According to the British, the rules governing marriages were ‘extremely lax’ and that ‘sacerdotal notions of marriage,’ (Brahmanical) hardly existed and in many cases, such as widow re-marriage or secondary marriage (by way of ‘reet’) even the formalities of rituals were not performed.¹³

As a result of the ‘traditionalisation of the nineteenth century,’ Brahmanic religious values and religious texts were dispersed throughout Hindu society, which was earlier considered a model for exclusiveness and respectability now became acceptable in the broader circles of upper and middle-class peasant castes, artisans and small tradespeople. Both the state and the Indian elite sought to locate her (women) as an object of governance, particularly in the legal construction of the family and to define the conjugal bond. While the British used, the issue as part of their civilising mission for the political subjugation, the Hindu revivalists advocated the sexual morality to their ancient texts (based on an Aryan past). Laws were made not only on the subject of property and education but also on issues such as marriage, motherhood, conjugal rights and sexuality.

Women as such were re-situated within the caste and the caste hierarchies became more rigid, and their boundaries less flexible and permeable.¹⁴ This further led to the emulation of the manners associated with high castes. The surreptitious interference on the question of marriage and infanticide

¹⁰ Dane Kennedy, *The Magic Mountains Hill Stations and British Raj*, Delhi, 1989.

¹¹ A letter from the Office Registrar General of Births, Deaths and Marriages, R M Dane Registrar General to All Deputy Commissioners in the Punjab, dated 18th October 1890.

A letter from Q Q Henriques, Deputy Commissioner Kangra District, to the P J Pagan, Commissioner Jullundar Division dated 2nd July, 1914.

¹² A letter from J. F Connolly Deputy Commissioner, Simla to the Commissioner, Ambala Division dated the 25th June 1914. ‘In reply to your circular endorsement No. 237, I have the honour to say that there is no system of registration of marriages among Indians in this district’.

¹³ Prem Chowdhury, *Contentious Marriages, Eloping Couples, ‘Gender Caste’, and Patriarchy in Northern India*, New Delhi, Oxford University Press, 2007, p.30.

¹⁴ Rosalind O’Hanlon, *A Comparison Between Women And Men, Tarabai Shinde and the Critique of Gender Relations in Colonial India*, Madras, Oxford University Press, p.10. Also see, Yogesh Snehi, *Female Infanticide and Gender in Punjab: Imperial Claims and Contemporary Discourse*, Source: *Economic and Political Weekly*, Vol. 38, No. 41 (Oct. 11-17, 2003), pp. 4302-4305 Published by: *Economic and Political Weekly* Stable URL: <http://www.jstor.org/stable/4414126> Accessed: 17-07-2017 14:37 UT, p. Anshu Malhotra, *Gender Caste and Religious Identity, Restructuring class in Colonial Punjab*, New Delhi, Oxford university Press, 2002, p.3

by the colonial government brought to the centre stage the question of social reform, and also the ideal upper-caste behaviour as seen in the marriage practices of the areas under the colonial government.

As a result of the dominant Brahmanical ideology, importance was attached to ritual of *kanyadan, pativrata dharm* and consequently chastity.¹⁵ Dowry form of marriage emerged as a counterpoint to the sale of daughters, and this led to an interesting change, the conversion of a bride-price to marriage expense, which was understood as dowry. The focus was on marriage becoming a sacrament which was different from the earlier understanding of it as a contract. The predominant understanding was that divorce and widow remarriage deviated from the notion of marriage as a sacrament.¹⁶

Moreover, related to the above issues were the questions of caste, 'custom' and family, which from the initial days of the company, were treated as private and changeless matters that were outside the purview of the State. The Company's strategy of control was greatly influenced by the social theory of nineteenth-century with its division of social life into the 'domestic' sphere and the public sphere. Pax Britannica in India cut the links between caste identity and political power which had earlier kept such identities more flexible. 'Caste' as a private and non-variable domain of tradition and custom, family and religion were used to disguise many of the political functions performed by the East India Company where it had no role to play.¹⁷

With the establishment of British rule in India, new legal interpretations of Hindu tradition, "accelerated the process of the institutionalisation of a single form of marriage system". It also interrogated several customary forms of marriage and considered them as deviant patterns of established and recognised Brahmanical form. This led to two kinds of development in Himalayan

¹⁵ Anshu Malhotra, *Gender Caste and Religious Identity, Restructuring class in Colonial Punjab*, New Delhi, Oxford university Press, 2002, p.76.

Yogesh snehi, *Female Infanticide and Gender in Punjab: Imperial Claims and Contemporary Discourse* Author(s): Yogesh Snehi Source: *Economic and Political Weekly*, Vol. 38, No. 41 (Oct. 11-17, 2003), pp. 4302-4305 Published by: Economic and Political Weekly Stable URL: <http://www.jstor.org/stable/4414126> Accessed: 17-07-2017 14:37 UTCp.4304

¹⁶ Law, Women and Family in Kumaun Author(s): VASUDHA PANDE Source: *India International Centre Quarterly*, Vol. 23, No. 3/4, *Second Nature: Women and the Family* (WINTER 1996), pp. 106-120 Published by: India International Centre Stable URL: <https://www.jstor.org/stable/23004614> Accessed: 19-01-2019 15:26 UTCp.118.

The British, who were mostly being advised by Brahmins on matters of customary laws, ended up creating a caste hierarchy heavily influenced by the values of the *Shastras* and *Manusmriti*. Castes that practiced bride-price marriages, levirate-marriages and widow re-marriages were almost never considered 'high caste'.

¹⁷ Rosalind O'Hanlon, *A Comparison Between Women And Men, Tarabai Shinde and the Critique of Gender Relations in Colonial India*, Madras, Oxford University Press, p.11.

societies. Firstly, the institutionalisation of a form of marriage which was linked to dowry and secondly the universalisation of this form and its emulation by nearly all upwardly mobile castes who chose to restructure their traditions and customs. “What it led to was not more fluidity but a newer rigidity”. Such customs were affected by “the colonial process of propagating values of orthodox Hinduism and “Hinduising castes and tribes on the fringes of Hinduism. (Caroll 1989:2; see also Caroll 1978:233-50)”¹⁸ .

As a result of the interaction between the colonialists and the hill people, an intense debate started questioning the marriage practices followed by the hill people. Customs like ‘*reet*’,¹⁹ ‘*karewa*’²⁰ and polyandry came to be actively debated. Viewing it from the Victorian morals²¹ and Brahmanical filter of the plains, these customs seemed to be quite rudimentary and abominable. Marriage became contentious since forms of re-marriage, widow re-marriage, elopements and runaway bride all came to be challenged and gave rise to a great deal of litigation.

According to the dominant Brahmanical ideology, importance was attached to ritual of *kanyadan*, *pativrata dharm* and consequently chastity.²² Dowry form of marriage emerged as a counterpoint to the sale of daughters, and this led to an interesting change, the conversion of a bride-price to marriage expense, which was understood as dowry. The focus was on marriage becoming a sacrament which was different from the earlier understanding of it as a contract. The predominant understanding was that divorce and widow remarriage deviated from the notion of marriage as a sacrament.²³

¹⁸Rosalind O’Hanlon, A Comparison Between Women And Men, Tarabai Shinde and the Critique of Gender Relations in Colonial India, Madras, Oxford University Press,p.10. Also, Ranjana sheel, ‘Institutionalisation and Expansion of Dowry system in Colonial North India’ Economic and Political Weekly, Vol.32. No.28(July12-18, 19790, pp.1709-1718. <http://www.jstor.org/stable/4405621> Accessed 22-08-2017 7:03 UTC.p.1709.

¹⁹ Reet was a form of divorce , followed by remarriage.

²⁰ Karewa was widow remarriage.

²¹ Yogesh snehi p.77. “Victorian prudishness was harnessed on the natives and their dress codes, conduct, and practices became sites of contestations”.

²² Anshu Malhotra, Gender Caste and Religious Identity, Restructuring class in Colonial Punjab,New Delhi, Oxford university Press,2002,p.76.

Yogesh snehi, Female Infanticide and Gender in Punjab: Imperial Claims and Contemporary Discourse Author(s): Yogesh Snehi Source: Economic and Political Weekly, Vol. 38, No. 41 (Oct. 11-17, 2003), pp. 4302-4305 Published by: Economic and Political Weekly Stable URL: <http://www.jstor.org/stable/4414126> Accessed: 17-07-2017 14:37 UTCp.4304

²³Law, Women and Family in Kumaun Author(s): VASUDHA PANDE Source: India International Centre Quarterly, Vol. 23, No. 3/4, Second Nature: Women and the Family (WINTER 1996), pp. 106-120 Published by: India International Centre Stable URL: <https://www.jstor.org/stable/23004614> Accessed: 19-01-2019 15:26 UTCp.118.

In areas that border the present-day Punjab and Haryana, the prevalent culture was predominantly *Brahmanical* and feudal among the upper castes. The upper castes almost never touched the plough and were mostly the *Brahmans* and the higher *biradari* of *Rajputs*. They accorded greater primacy to men and viewed matrimonial alliances as unquestionably sacred and irreversible. Women were restricted to performing domestic chores. They enjoyed lesser mobility and freedom and were expected to conduct themselves in a pious and chaste manner. These *Rajputs* and *Brahmans* followed the *Byah*²⁴ in Chamba State and *Dharam-Pun (or Lagan Ved)* in Kangra²⁵, Mandi and Suket. In Sirmaur and Shimla it was simply referred to as *Bed-Lagan* or *Phera*. The most common type of marriage was monogamy with instances of polygyny among the ruler and the rich classes. ‘Polyandry, occasionally common in the Hill tracts, was believed to be non-existent in Chamba²⁶. In the other areas, polyandry and polygynandry were not uncommon and were practiced by a few castes lower in the caste hierarchy.²⁷ In Kinnaur and Lahaul however, polyandry was also practiced by the higher caste *Khashas*.²⁸

In the upper reaches of the Himalayas, societal norms were more relaxed, and matrimony more contractual. Women enjoyed greater social and physical mobility, contributed significantly to agriculture, collected fodder and fuel, and had greater economic worth, and were perhaps also permitted greater moral latitude and therefore ‘in order to illustrate her importance in the society we have to question the condition from two standpoints: her utility in the domestic circle and her contributions to field and other outdoor operations.’²⁹ Marriages were easy to annul in the higher reaches of the Himalayas but a bride compensation called *Reet* had to be paid to the first husband by the one taking away the bride. *Reet* had both – social and legal sanction. The Victorian morals of the British and the *samskara* of the *brahmanical* Hindus though did frown upon it and actively attempted to curb it. The first marriage of a girl always happened via *Pheras* (circumambulation around fire) but all subsequent marriages happened via *Jhanjhra* (also called *Gaddar* in some areas), a simpler ceremony which omitted the *Pheras* and was limited to the bride being presented with a *Nath* or a

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²⁴ Gazetteer of the Chamba State 1904, p.126.

²⁵ Customary Law of the Kangra District (excluding Kulu) Volume XXVIII

²⁶ Gazetteer of Chamba State, 1904, p.127.

²⁷ Gazetteer of the Kangra District (Parts II to IV) Kullu, Lahul and Spiti 1897. Also see, Y S Parmar - Polyandry in the Himalayas, Delhi, Vikas Publishing House, 1975.p.35

²⁸ Y S Parmar - Polyandry in the Himalayas, Delhi, Vikas Publishing House, 1975.p.54

²⁹ Ibid.

nose-ring, the symbol of marriage, and distribution of *Gur*. Sometimes, if the groom could afford it, a feast was also given. It is important to note that while a girl could only marry once via *Pheras*, and subsequently only via *Jhanjhra*, the same didn't apply to men unless they were marrying a girl for whom it wasn't her first marriage.

The *Rajputs* however, especially in the Kangra area (and Kangra in the late 19th century equals four and a half districts today)³⁰ practised a sort of hypergamy³¹. Simply explained hypergamy means 'marrying up' into a higher status of caste or *biradari*. According to Parry "The hypergamous hierarchy divides between those clans that insist that only the children of a *Bihoti* (or *Bihoyu* – the primary, legitimate wife) who had married according to *Lagan-Ved* rites are legitimate and those that recognise the legitimacy of a *Rikhohar*" (a widow or a divorcee who had contracted a second union via a *Jhanjhra* marriage). There was also a third category of the *Sarit* – concubines with whom a legal marriage would not be possible on grounds of caste.³²

There was a hierarchy of sorts among the *Rajputs* of Kangra, and the district Gazetteer (1926) notes that "It is not easy to indicate the line that separates the *Rajput* from the class immediately below him, known to the hills by the appellation *Thakur* and *Rathi*. The *Mian* (the highest *biradari* of the Kangra *Rajputs*) would restrict the term *Rajput* to those of royal descent, while the *Rathi* naturally seeks a broader definition, so as to include his own pretensions."³³ The marriages among the *Mians*, *Thakurs* and *Rathis* (from the highest *biradari* to the lowest) were governed by "the ideology of *Kanyadan* or 'gift of the virgin'. The doctrine specifically calls for the gift of a virgin bride to a superior and forbids the acceptance of anything in return"³⁴. The notion of *Kanyadan* requires that "daughters must be given up (*Anuloma*) rather than down (*Pratiloma*)"³⁵. The *Mians* accepted daughters of *Thakurs* but did not give them their own. The *Thakurs*, in turn, accepted the daughters of *Rathis* but did not give them their own.

The *Mians* were able to accept dowries via polygyny but their own daughters often remained unmarried, 'while at the same time infanticide ensured that there were fewer wife takers to drain their

³⁰ The present-day districts would be Kangra, Hamirpur, Kullu, Lahaul Spiti and half of the Una district.

³¹ Jonathan P Parry: Caste and kinship in Kangra, New Delhi Vikas Publishing House, 1979, p.233.

³² Ibid, p. 234.

³³ Ibid, p. 233.

³⁴ Murray Milner. Jr – Status relations in South Asian marriage alliances: Towards a general theory, p.149 (available at sociology.virginia.edu)

³⁵ Murray Milner. Jr – Status relations in South Asian marriage alliances: Towards a general theory, p.149 (available at sociology.virginia.edu)

resources.³⁶ The *Rathis* in the third *biradari* mostly accepted a bride-price. “The division was clearly closely related to the demand for royal grooms at the top and shortages of brides at the bottom.”³⁷

The *Thakurs* had to pay dowries to get their daughters married to the *Mians* and pay the bride-price to the *Rathis*. The rates of bride price were ‘up to Rs 400 or more, at this time when a soldier in the Army was getting Rs 5.’³⁸ So the *Rajputs* of Kangra could move up the *biradari* if they could afford the *daj* or the groom price, or they could move down the *biradari* if they were forced to pay a bride-price.

So summarily the various forms of marriage that existed in Himachal Pradesh can firstly be classified on the basis of the number of male or female partners – and monogamy, polygyny, polyandry, polygynandry and hypergamy all existed, as did a system of concubinage.³⁹ They can be classified also on the basis of rituals which differed from one area to another but the one common thread was that only the first marriage of a girl was ritually complete and elaborate. Subsequent marriages of women were performed via a less elaborate ritual like the *Jhanjhra*. The rituals also differed according to religion (the trans-Himalayas mostly practised Buddhism) and Caste. The hierarchy of castes in Himachal Pradesh was fairly complex and examples of exogamy were not uncommon.

Polyandry

Polyandry is a term that refers to a marriage that consists of one woman and multiple husbands. The word ‘polyandry’ is derived from the Greek word ‘polyandria’ which means a woman who has many husbands (i.e., poly means many and Andres, means man).⁴⁰ The term polyandry can also be used to describe a situation wherein a woman has committed relationships with multiple male partners that she may or may not be married to (i.e., polykoity). Polyandry thus is different from *polygyny*, which is a situation wherein a man is married to multiple wives at the same time. (Polyandry can be defined as that form of marriage in which a woman has more than one husband at a time 1955; Gough 1959; Prince Peter 1963).⁴¹

³⁶ Jonathan P Parry, p. 238

³⁷ Ibid. page 242

³⁸ E O’Brien: Assessment report of Taluka Rajgiri in the Palampur Tehsil of the Kangra District, (1891)

³⁹ Jonathan P Parry, p.234

⁴⁰ Manis Kumar Raha, ‘Introduction’, ed. Manis Kumar Raha and Palash Chandra Coomar: Polyandry in India (Delhi: Gian Publishing House, 2016), p.3.

⁴¹ Ibid. p. 3.

The reasons cited for the practice of polyandry might be the scarcity of land and extreme poverty. This form of marriage existed in areas where there was a scarcity of land which posed a significant problem for maintaining a large population, and therefore to prevent the fragmentation of land such a practice might have existed. Excess of male over female population could be another reason for its prevalence. However, whatever might have been the cause for its existence, there is evidence to prove that the State supported it. The Gazetteer of the Shimla Hill States (1910), stated that as per the Government orders if the brothers divided, movable property one-half share of the whole was taken over by the State and also the division of immovable property was not recognised. “Himachal Pradesh situated in the Western Himalayas had several areas where polyandry was a custom until relatively recent times. These included large parts of Sirmaur, Shimla, Kullu, and Lahaul. In most such areas, however, different forms of family organisations were discernible. Polyandry was one of the arrangements frequently followed; it was not a necessary social prescription”.⁴² Even though nearly all forms of polygamy existed in Himachal Pradesh, the one that has received the most attention is Polyandry.

Although Polyandry existed all across Himachal, there appeared to be two different types. The Kinnaur type (the Lahaul version was similar, and Spiti was by and large monogamous) and the Sirmaur type (with similar versions elsewhere except Chamba). The Kinnaur form was the adelphic fraternal type. It was meant to conserve the resource, make labour optimal and was driven by “the inseparableness of the family lands from the family.”⁴³ The polyandry practised in *Sirmaur, Shimla, Mandi, Suket, Bilaspur* and *Kullu*, however, was not essentially Adelphic, and *Dharam Bhai*s could also marry a common bride.⁴⁴ Also, unlike the *Kinnaur system*, where all *Khasha* brothers were equal, in the *Sirmaur system* “the eldest brother usually occupied a position of greater importance than all others. Because it differed from the simple polyandrous system – where there was one common wife

⁴² Chetan Singh, Polyandry and the Customary Rights of Landownership in Western Himalaya, Session 26, XIV International Economic History Congress, Helsinki, 2006, p.2.

⁴³ L D Joshi, The Khasa family Law in the Himalayan Districts of the United Provinces Government Press, Allahabad, 1929, pp. 195-6.

⁴⁴ From the Sirmur State Revenue-Settlement Report of 1938, (BK)-1881 A.D-it is seen that not only cousins but even strangers shared a common wife. To associate a cousin in the arrangement arguably could be an extension of the law of succession. A cousin as the nearest collateral could succeed to the estate when a brother died in the estate. By deduction being a member of the same fraternity, he had a rightful claim in the family estate including the wife. But to include a stranger, often of a different caste and certainly not a blood relation, into the union was an altogether a different proposition. To tide over the situation, the society seems to have condescended to accept him as *dharm bhai* the term ordinarily used to denote a brother artificially created as opposed to a natural brother. Though recognized co-sharer of wife, he, however, remained ineligible to succeed to the family estate. Further the latitude was shown only to the low-born communities such as Kolis, Dumnas, Chanals etc.

– the lower Himalayan kind of family organisation had been more often categorised as polygynandrous”.⁴⁵ – A term first used by D N Majumdar. However, both the *Kinnaur system* and the *Sirmaur system* formed a “domestic unit, with patrilocal residence, patrilineal descent, patronymic designation, and patriarchal authority.”⁴⁶ Although Majumdar made these observations about *Jaunsar-Bawar*, it was equally valid for the fraternal adelphic polyandry of both the *Kinnaur* and the *Sirmaur-type*.⁴⁷

In non-fraternal polyandry, however, the commitments were diverse and were spread across not only different clans or sibs but also across disparate social standings. Two or more males, not brothers, from different strata, would first commit to *bhaichara* (brotherhood) and then enter into a matrimonial alliance.

Polyandry had different hues in different parts of Himachal Pradesh, while it was practised by the landed aristocracy in Kinnaur and Lahaul it was practised by the intermediate (Kanets) classes of Kullu, Sirmur and the Shimla Hill States. However, there has been no evidence of polyandric unions amongst the ruling elite. Therefore, to find a copybook example of an omnibus explanation for such polyandry may not be possible as every polyandrous union was a function of traditions, economics, labour sharing and societal norms. The policies of the state also weighed in significantly – *begar* and taxes on land fragmentation being cases in point.

This interesting institution studied by so many anthropologists and social scientists vanished due to its contact with the non-polyandrous society of the plains. Parmar found that “the attitude to polyandry also underwent a change, and it was no longer held in that esteem which it enjoyed two decades backThey (the polyandrous people of the Himalayas) now realised that they should discard it ...where circumstances permitted the custom was given up, and its place was gradually taken up by monandry,”(1975: 170). Majumdar observed in the *Jaunsar Bawar* areas that the people who were educated and well informed had started disliking polyandry and polygynandry (1963: 134). In *Kinnaur* also polyandry had been disintegrating as was the case amongst so many south Indian

⁴⁵ Chetan Singh: Polyandry and Customary rights of Landownership in the Western Himalaya, Session 26, XIV International Economic History Congress, Helsinki, 2006, p. 6.

⁴⁶ D N Majumdar, Himalayan Polyandry, Structure, Functioning, and Culture Change A Field-Study of Jaunsar-Bawar, Bombay, Asia Publishing House, 1963, p.71.

⁴⁷ Y S Parmar, Polyandry in the Himalayas, Delhi, Vikas publishing House, 1975, p.86. Jaunsar-Bawar where polyandry is still practiced on a wide scale, was till lately included in Sirmur. “It originally formed part of the territories of the Rajas of Sirmur or Nahan. ...Thus, the people of Jaunsar -Bawar are in culture the same as those of Sirmur. They have the same customs, manners ceremonies, religion and habits. Inter-marriage between the people of the two areas is still popular and that is probably why Jaunsar-Bawar has still retained polyandry which is dying out in other parts of the tehsil”.

castes. The *Nayars* had almost become monogamous (Fuller, 1976).⁴⁸ As such, it was observed that as society advances such rudimentary practices as polyandry tends to die down. It was a product of the harsh Himalayan environment and an attempt at resource conservation. Women in polyandrous setups had considerable self-esteem as not only did they contribute economically but also had a say in all decision making.

The various forms of marriage that existed in Himachal Pradesh could be classified based on the number of male or female partners-and monogamy, polygyny, polyandry, polygynandry and hypergamy all existed, as did a system of concubinage. They could also be classified based on rituals which differed from one area to another, but the one common thread was, that only the first marriage of the girl was elaborate. Subsequent marriages were performed via a less elaborate ritual like the *jhanjhara*. The hierarchy of caste was reasonably complex, and examples of exogamy were fairly common.

Jhanjhara and Karewa

There was a saying in the higher hills that a ‘woman is never a widow, and she indeed was not without a partner. If she so wished, she had little difficulty in finding a new husband’, for her value as a worker in the fields made her a profitable match. As a matter of convention, the widow married any of the brothers of her deceased husband, so that the land remained the property of the family.

The words for ‘marriage’ were always different from the words for ‘widow-marriage’. The second marriage of a woman needed no rituals or vows. It was merely considered to be living together of a man and woman. The word for marriage generally used was ‘byah’ (Sanskrit vivah), and those for widow-remarriage are *Sagai* or *Karao* or *Karewa* or *Sanga*. The name for widow remarriage had regional variation such as *topilani*, *gudani*, *jhanjhara* and also *choli-dori*.⁴⁹

Karao or *Karewa* was the remarriage of a widow a deserted wife, who had been previously married by the full ceremonial of a caste marriage (*Shadi*) and therefore was disqualified from being again married by that form. The only ceremony performed at a *Karao* was that before the assembled kindred she and her new husband announced their intention of living together as man and wife. A red

⁴⁸ Manis Kumar Raha, ‘Introduction’, ed. Manis Kumar Raha and Palash Chandra Coomar: Polyandry in India (Delhi: Gian Publishing House, 2016), p.12.

⁴⁹ Gazetteer of the Chamba State 1904, Punjab State Gazetteer Volume XXII A, Indus Publishing Company, 1996 New Delhi, p.147,158

sheet (*chadar*),⁵⁰ was put on her, and she had bangles (*churi*) put on her wrist, and after that, she lived with her new husband, but sometimes even this ceremony was not necessary.⁵¹

The *Balu* or the *Jhanjhara* ceremony⁵² was performed when a widow was to be re-married. This ceremony required the woman to wear her nose-ring again, which she had discarded at the death of her previous husband. Very little outward ceremony was used in the case of a *Jhinjhraramarriage*.⁵³ The ceremony was very simple, and the priest and the barber were generally required to attend who need not always be present. The customary law of Kangra mentions the fact “that earlier the ceremony used to be very simple, but was losing its original simplicity”. Playing on musical instruments and beating of drums which was seldom witnessed on such occasion had become quite common. Some castes tried to have as much display as an ordinary marriage to the extent that the castes that permitted widow re-marriage, there was no difference between a *Balu* marriage and a marriage of the ordinary kind.⁵⁴

In the majority of the cases, it usually took the form of a woman cohabiting with a brother or a near relative of the deceased husband.⁵⁵ When a widow married her husband’s brother, consent and cohabitation were all that was required, and the outer world got to know of the widow re-marriage by seeing her in red sheet (*chadar*) or bangles (*churis*) which otherwise she would not wear.⁵⁶ In the

⁵⁰ Paul Hershman, *Punjabi Kinship and Marriage*, (Edited) by Hillary Standing, Hindustan Publishing Company Delhi, 1981, p.174. ‘By veiling the woman it was clearly demonstrated that sexual rights over the women are in the hands of the husband alone’.

⁵¹ C. L. Tupper, *Statements of Customary Law in different districts, Volume II, Extracted Chiefly from The Settlement Reports*, p.131.

⁵² L. Middleton, pp.48-49. In P. R. 25 of 1888 (Criminal) the Chief Court agreed with the District Magistrate of Kangra in the view that the *Jhanjhrara* ceremony did not by custom constitute a valid marriage within the meaning of Section 494 of the Indian Penal Code. The Judges however did not, however, go into the matter in detail. In P.R.98 of 1890 the Chief Court held that though *Jhanjhrara* marriage was not recognized as valid amongst the highest class of pure Rajputs it was recognized as valid amongst the lower or impure sub-divisions such as Sartoras. In Appeal No. 443 of 1918, decided on 30th October, 1918, The Chief Court has held that *Jhanjhrara* marriage amongst the *Rathis* is valid.

⁵³ Punjab Customary law p.184.

⁵⁴ L Middleton, *Customary law of the Kangra District (Excluding Kulu)*, Revised Settlement 1914-1918, Printed by the Superintendent, Government Printing, Punjab, Lahore, 1919, p.46.

⁵⁵ Codification, reconciliation and official publication Nabha State Hidayats on “*Karewa* Marriage”, Judicial Branch, File no.586-J/38, Hidayat dated 27th Kartik, 1967. Portion marked “A “in this Hidayat reads” *karewa* marriage should only be sanctioned with a real younger brother or elder brother of the husband”. Section 2 of the Hidayat allowed *Karewa* with the relatives of the deceased husband, the word “relations” obviously admit of kith and kin of the husband other than his younger or elder brother. Also, Paul Hershman, *Punjabi Kinship and Marriage*, (Edited) by Hillary Standing, Hindustan Publishing Company, Delhi, 1981, p.175. ‘Should the elder brother die, the younger brother may inherit his widow’.

⁵⁶ C. L. Tupper, *Statements of Customary Law in different districts, Volume II, Extracted Chiefly from The Settlement Reports*, p.131.

former case, this relation was called as *dharewa karewa*⁵⁷ (an offshoot of levirate-consent to marry the younger brother or in his absence the cousin of her late husband) and in the latter as *jhanjhrara*. At times a widow also had the liberty to choose a husband outside the family. In such cases also the marriage was called *Jhanjarara*. Some times the widow left her husband's house and moved in with someone. This was known as (taking another house). Among the lower castes, often a woman could make four to five such changes of spouse in her lifetime. In such cases, the new husband had to undertake the responsibility for all the children born of previous marriages.⁵⁸ In certain areas widow remarriage was called '*bhanda lana*', i.e., to put on the *bhanda* the ornament which distinguishes a married woman.⁵⁹ In both Karewa and Jhanjhrara, even the children of the widow were the responsibility of the second husband. Amongst the Pangwals (a tribe in Chamba) an inferior type of marriage custom was prevalently known as, *topi lani*. It was practised only in the case of widow remarriage. The brothers of the late husband of a widow could marry her, but if a stranger wished to marry her, he was bound to obtain the consent of her parents who may demand some money as bride price. The ceremony was called *Randi Rakh lai*.⁶⁰

The British reason to promote such a custom was linked to their own concerns and their attitudes regarding female inheritance. Widow remarriage was applauded by the British administrators because it prevented fragmentation and subdivision of land (which was an additional burden for the colonialists), safeguarded the land and kept it within the family clan and community and also maintained existing rural economy and society. As opposed to this attitude, which was their intervention in Bengal where they tried to 'liberate' the widow from self-immolation. This could have been due to the castes involved in 'direct agricultural production, which in turn could or could not be disciplined'.⁶¹

The Arya Samaj made its contribution to the practice of Karewa, drawing its justification from the ancient Hindu texts. Though widow remarriage was not the programme, they actually adopted, they tried to promote it in this region based on the Vedic *niyog*, i.e. the levirate. One of the reasons for the popularity of Arya Samaj in this region was its emphasis on widow remarriage, which was

⁵⁷ Gazetteer of the Suket State, 1927, Compiled by B. R. Beotra, New Delhi, Indus Publishing Company, p.58.

⁵⁸ Gautam Sharma 'Vyathit', translated by Mrinal Pande, Folklore of Himachal Pradesh, National Book Trust, India p.62

⁵⁹ M R Thakur, Folklore of Himachal Pradesh, Indus Publishing company, Shimla, pp110-111.

⁶⁰ S S Shashi, Himachal Nature's Peaceful Paradise, ISSD Publication, Delhi, 1971, p.123. Amongst Pangwals of Chamba and Lahulis.

⁶¹ Prem Chowdhry, The Veiled Women, Shifting Gender equations in Rural Haryana, New Delhi, Oxford University Press, 1994, pp.99-100.

otherwise condemned by the higher castes and was severely restricted. The legitimisation of *niyog* was done by emphasising the reproductive role of women and re- harnessing her sexuality for biological reproduction since motherhood was the sole rationale of a woman's existence.⁶² The main agenda of Arya Samaj in this area was to legitimise *Karewa* in this region because of the practice followed by the dominant landowning peasantry of this region. This practice was in sharp contrast to the Brahmanical code, which forbade remarriage of the widows and instead followed a very repressive system for the widows. The Widow Remarriage Act of 1856, had no significance for regions like Punjab Haryana and Himachal Pradesh as the *Karewa* was not only being observed but legally recognised by the customary law of the land.⁶³ However, like the leviratic marriage of the peasant culture, which keep the property intact in the family and within the patrilineal clan, the Widow Remarriage Act also successfully retained the patrilineal control over the property by taking away from the widow her limited right over it in case of marriage.⁶⁴

Widow re-marriage and freedom to marry outside husband's family was usually practised amongst *Kanets, Rathis* and low castes. Some accounts also mention that it was practised even among *Suds, Baniyas, Bhoras* and some inferior Rajputs. The Gazetteer of the Shimla Hill States mentions that in the upper hills it was practised by all castes except the Rajputs and Brahmans. Below Simla, no Brahmin would admit it, and the Rajputs were reluctant to do so. The Customary law of Kangra states that *Karewa* was not recognised as a valid form of marriage amongst the highest class of pure Rajputs,⁶⁵ it was only recognised as valid amongst the lower or impure subdivisions as *sartoras*.⁶⁶ It was also observed that "the involvement of women from cultivating groups with men of low castes

⁶² For details, see Kenneth W Jones, *Arya Dharma: Hindu Consciousness in 19th Century Punjab*, Delhi, Manohar Publications, 1970, pp.218-219.

⁶³ Prem Chowdhry, *The Veiled Women, Shifting Gender equations in Rural Haryana*, New Delhi, Oxford University Press, 1994, pp.101-102.

⁶⁴ Lucy Carroll, 'Law, custom and Statutory social Reform': the Hindu Widow's Remarriage Act of 1856, *The Indian economic and Social History review*, 1983, vol.20, issue 4, pp368-89.

⁶⁵ Prem Chowdhry, *The Veiled Women, Shifting Gender equations in Rural Haryana*, Oxford University press, 1994, p.76. Even in Haryana *Karewa* was practised amongst the agricultural castes (except the Rajputs).

⁶⁶ L Middleton, *Customary law of the Kangra District (Excluding Kulu)*, Revised Settlement 1914-1918, Printed by the Superintendent, Government Printing, Punjab, Lahore, 1919, pp.48-49. "in P.R. 25 of 1888(Criminal) the Chief court agreed with the District Magistrate of Kangra in the view that the *Jhanjhara* ceremony did not by custom constitute a valid marriage within the meaning of Section 494 of the Indian Penal Code. The judge however did not go into the matter in detail. In P. R 98 of 1890 the Chief court held that though *jhanjhara* marriage was not recognized as valid amongst the highest class of pure Rajputs." Later in appeal No 443 of 1918, decided that *Jhanjhara* marriage amongst the Rathis as valid. "In Civil appeal No. 500 of 1891, the parties to which *Rathis* of Dehra Tahsil, the Chief court allowed the widow of Naudha, married to him by *Jhanjhara*, to succeed to his property although she was expelled wife of Ruldu before she re-married Naudha."

was not uncommon in the 1920s and 1930s”.⁶⁷

The *Balu or Jhanjhrara* ceremony⁶⁸(especially in case of remarriage) seemed to be an essential ritual to validate the remarriage, however often the customary law through the courts gave their verdict in favour of mere cohabitation with either the brother of the deceased husband or person from outside the family. The customary law well defined the rights of inheritance in case of Himachali women and chastity (except for the upper castes) was not an issue. The freedom given to women of Himachal Pradesh to get into a successive marriage alliance indicates that there was not too much emphasis on the chastity of women.

Moreover, women, in Himachal Pradesh, did not necessarily have to be a widow to get remarried. They could do so by getting a divorce (by paying ‘*reet money*’ to the former husband) and get into successive marriage alliance to which there was no limit (it seemed like serial monogamy). The ritual performed at the time of remarriage was known as *balu* or *Jhanjhrara*, and if a widow was to get remarried the ceremony performed was the same but, the custom was known as *Karewa*. As such remarriage in Himachal Pradesh did not only, take place in case of a widow, but the women had sexual freedom to get into marriage alliance even after divorce, which was not a taboo here.

Reet

‘*Rit*’ or ‘*Reet*’, a form of marriage, was prevalent in the entire hill country, (more specifically in the Shimla hill States and the areas adjoining it such as Kangra, Kullu and Mandi) since time immemorial. ‘*Reet*’ was considered as a form of matrimony, too delicate to last long, by some, but for some, it was the price that was usually made at the time of the marriage. “The Hindu Shastras definitely did not recognise it even as one of the four unapproved or debased forms of marriage. It was a native custom; patently an innovation of local origin. Under the system, a woman could desert the company of her living husband and forge a new alliance with another man to live as a legally wedded husband and wife. A letter written to the Superintendent hill states, Shimla, in 1925 noted that ‘*Reet*’ “invariably takes place when a woman had actually run away from the husband’s home. The man with whom the woman goes to live paid for her, to the previous husband, and if he was not alive, to the heir.

The Himachal State Archives mentions an official definition for ‘*Reet*’ as published in Shimla

⁶⁷ Patricia Uberoi, Edited Social reform, Sexuality and the State, Prem Chowdhry, Contesting Claims and Counter-Claims: Questions of the inheritance and sexuality of widows in a colonial state, Sage Publications, New Delhi 1996.p.76.

⁶⁸ L P Singh, Polyandry in Himachal Pradesh: A Socio Cultural Analysis and Reflection, p171.

dak as: "Reet is a form of marriage without any ceremony contracted by paying her price, varying according to beauty generally from Rs. 100 to Rs. 500. There is no limit to such marriage and can be easily dissolved."⁶⁹ The amount thus paid was known as the 'Reet' money, and this amount could go up to as high as Rs. 2,000 by the parents or other guardians in the case of unmarried girls and by husbands in the case of all married ones.

"After the payment of this money (*rit tarana*), the first marriage was, ipso facto annulled and concubinage with the second man became a marriage. There was no limit to the number of women that one might get under 'Reet' nor any restrictions as to leave any of them again, and in this way, they might change hands any number of times.⁷⁰ 'Reet' almost always co-existed with the practice of bride-price, since a woman was acquired to not only to produce children but also to help with household and agricultural chores. She was a valuable economic asset and provided the much-needed labour to the rural household. In such a case if a suitor wished to marry someone else's wife, he was expected to pay '*reet*' to the former husband by way of compensation.⁷¹

The reasons cited for the prevalence of this custom could have been varied, which included skewed sex ratio, or the inability of men to bear the expenses of a regular marriage due to poverty,⁷² or to introduce a system of divorce in a society where marriage was considered indissoluble in a scare ridden society where the women were considered as a valuable resource (in terms of labour provided by her).⁷³ Last but not the least it may have been a relic of polyandrous unions.⁷⁴

⁶⁹ Shimla Dak, Registered 1924, Himachal State Archives, Volume.2, Issue: April,2012

⁷⁰ C L Datta, The Raj and the Shimla Hill States, Socio-economic Problems, Agrarian Disturbances and Para mountacy, ABS Publications, Jalandhar,1997, P.128 also Y S Parmar, Polyandry in the Himalayas, p.77. Parmar mentions that "Shini of Naini dhar, Sirmur Pachchad tehsil, married as many as 16 times." Also, V Verma, Shimla Hill States in 19th century, p.295. "From Dr. Parmar's Himalayan Polyandry one learns that a woman of barely 26 years of age had already had as many as eight husbands."

⁷¹ Y S Parmar, Polyandry in the Himalayas, p.50. "We may thus surmise that the need of women as partners in agriculture and their services at home, and the necessity of training them in discipline and and loyalty to their mother-in law might have led to early betrothals and marriages. The evils associated with infant marriage are probably responsible for the introduction of the custom of Reet by which a woman may escape the hard lot to which otherwise she would have been permanently bound.

⁷² The Hindustan Times, Delhi, Thursday, May 28, 1925, HVPS comments by the Newspapers, etc. on the Abolition of the Custom Known as "REET" in the Himalayas, 1925, Shimla.p.8

⁷³ Abstracts from Gazetteer of the Simla District-1888-89, The Deputy Commissioner wrote in his Census Report for the District. In its trail have come into consequence

⁷⁴ Gazetteer of India, Thornton, vol. II,1854, Bussahir (Simla District), " Fraser has given the poverty of the population as the cause of polyandry, so universal in this. "The difficulty of raising this sum, and the alleged expense of maintaining women, may in account for, may in part account for, if it cannot excuse, a most disgusting usage which universal over the country. Three or four or more brothers marry and cohabit with one woman who is the wife of all. They are unable to raise the requisite sum individually, and thus club their store and buy this one common spouse. The surplus female population left unmarried from this abominable system in the northern part of the country, take refuge in the Lamaic convents

'Reet' became a victim of the success of reform and revivalism, and the zeal to reform the 'noble savages' since their customs and traditions were considered as backward by the colonial administration. The British considered the people of the hills as 'noble savages' whose simple ways and innocence was different from the people of the plains, 'Reet' was problematic to the British eye because it neither conformed to the idea of giving gifts at the time of the marriage (as in Victorian Britain), nor did it conform to the notions of dowry in the Indian plains. It was problematised because it tried to restrict the sexuality of women who were otherwise a valuable source of labour for hill people. The colonial administration perhaps would not have interfered in the local customary practice followed by the hill people if it was not for the HVPS and other reform organisation.⁷⁵ They equated 'reet' to *bardafaroshi* because by doing so, the British administration could legislate on the issue which otherwise was not possible because it was a customary practice.⁷⁶

The two essentials needed for the validity of 'reet' were (i) the husband's consent to the wife's release, and (ii) the payment to him of consideration. The woman was free to live with the new partner as soon as the previous husband received the sum of money agreed upon. Ijlas-i-Khas also established the consent of the husband for the dissolution of the marriage. However, the two considerations for a marriage to dissolve it, through 'rit' somehow gave the control in the hands of the husband who became the authority, whether it was about the decision to dissolve the marriage, or regarding the payment of the consideration.⁷⁷ 'The first husband could not refuse to accept the payment, and divorce his wife, though he may haggle over the amount'.⁷⁸

Colonialism led to the emergence of debate relating to 'social reform'. It entailed a negative cultural-moral construction of the local population, which the colonial authorities perceived as being in dire need of reform.⁷⁹ The colonialists felt that the 'native' was indulging in such sexual activities

becoming nuns: in the southern part they are frequently to the best bidders, who convey them to the plains and there dispose of them as slaves"

⁷⁵ Abstract Translation of the Rajput Gazette, Lahore, dated 13th June 1925, The "Reet" or *Bardafaroshi*; Absolute Necessity of its Eradication.

⁷⁶ Custom forms a dominant feature of the Civil litigation in Punjab. Section 5 of the Punjab Laws Act, 1872, lays down that in all questions regarding successions, special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be custom, when there is any custom applicable to the parties, provided the custom is not contrary to justice, equity, or good conscience and has not been altered or abolished by any statute or declared void by any competent authority.

⁷⁷ V Verma, Shimla hill States in 19th Century, p.295.

"Evidently it was immaterial whether or not the wife was a consenting party"

⁷⁸ The Hindustan Times, Delhi, Thursday May 28, 1925. An Ugly Fossil.

⁷⁹ Bannerji, Inventing Subjects, p.74 in Yogesh Snehi, Conjugality, sexuality and shastras : Debate on the abolition of reet

which ‘saps national vigour, and national morality’ and spelt the degeneration of Indian race. Both “the state and the Indian elite sought to locate her (women) as an object of governance, particularly in the legal construction of the family and definition of the conjugal bond”.⁸⁰ While the British used, the issue as one of their civilising mission for the political subjugation of the country, the Hindu revivalists tried to unearth the principle of sexuality and sexual morality to their ancient texts based on their Aryan past and armed with the Orientalist approach.⁸¹ Laws were made not only on the subject of property and education but also on more private issues of life such as marriage, motherhood, sex and sexuality.⁸² The essential elements of a conservative society such as caste distinction and patriarchal form of authority in the family and acceptance of the sanctity of shastras were discernible in the reform movements of the early and mid-nineteenth century especially in defining conjugality and reorganisation of the gender relations.⁸³

The nationalists in their effort to construct a distinct sphere of authority, by defining love as the basis of Hindu marriage, in which the chastity of a wife became a sign of superiority. Love was fused into sacrament and marriage once performed, could not be dissolved. As contrary to the western view, which was based on a contractual arrangement and influenced by the utilitarian materialist view.⁸⁴ These issues became further a cause of concern after the codification of the Hindu personal laws and customary practices since William Jones believed that its basis was its antiquity and ‘sacredness’.⁸⁵

Conjugal relations became a site for contestation, and the reformists tried to counter it through shastric invalidation. “Reformers by the end of the 19th century came to style marriages involving bridewealth as ‘selling of girls’.” *Pun* wedding was considered as the only honourable form of marriage, and the idea was obviously to promote dowry. On the one hand, female sexuality was used

in colonial Himachal Pradesh, *Indian Economic Social History Review*, 2006 43: 163, Published by: <http://www.sagepublications.com>, p.164.

⁸⁰ Radhika Singha, ‘Ethnicity and Empowerment of women’, p.90. in Yogesh Snehi, “Conjugalities, sexuality and shastras : Debate on the abolition of reet in colonial Himachal Pradesh “, *Indian Economic Social History Review*, 2006 43: 163, Published by: <http://www.sagepublications.com>, p.163.

⁸¹ Flavia Agnes, *Law and gender Inequality: The Politics of Women’s of Rights in India*, New Delhi, 1999, p.64.

⁸² Yogesh Snehi, *Conjugalities, sexuality and shastras : Debate on the abolition of reet in colonial Himachal Pradesh*, *Indian Economic Social History Review*, 2006 43: 163, Published by: <http://www.sagepublications.com>, pp.163-164.

⁸³ Bannerji, *Inventing subjects*, p.73 and Chatterjee, *The Nation and its Fragments*, p.117; in Yogesh Snehi, *Conjugalities, sexuality and shastras : Debate on the abolition of reet in colonial Himachal Pradesh*, *Indian Economic Social History Review*, 2006 43: 163, Published by: <http://www.sagepublications.com>, p.164.

⁸⁴ Tanika Sarkar, *Hindu wife Hindu nation: Community, Religion and Cultural Nationalism*, New Delhi, 200, p.39.

⁸⁵ Bernard Cohn, *An Anthropologist among the Historians and Other Essays*, *Colonialism and its Forms of knowledge: the British in India*, Princeton 1996, pp71-72.

to subordinate and control women, and at the same time, the idea of 'pativrata'(the sacred vow to have one husband) was put forward.⁸⁶ Marriage, according to Hindu shastric tradition, was considered as a sacrament and not treated as contract as in the case of English law.⁸⁷ These debates closely affected the societal notions of colonial Himachal Pradesh, more since Shimla became the capital of British India in 1865, which led to the migration of both British officials and Indians from the plains and also led to British administrative presence in Shimla. This shift in the capital gave rise to a complex socio-political relationship between the natives and the immigrants. The Pahari areas of colonial Punjab was quite different from the Punjab plains where female sexuality had negative meanings (such as most of the then erstwhile Kangra). Thus when people (mostly belonging to the upper castes) of neighbouring Punjab plains came to the hill areas, they viewed these customary practices such as '*reet*' as a degeneration of the society and paved the way for its contestations.⁸⁸

As a result '*reet*' as a native form of marriage, remarriage and divorce received critical responses from reformers who campaigned for its abolition it included both bride-price and sexual immorality which was against shastric tradition(based on ancient Hindu text). This evil custom according to some social reformers and socio-religious organizations (such as HVPS which worked in erstwhile Shimla Hill Staes) not only bred poverty but also resulted in depletion of the population mostly because of large scale spread of venereal diseases caused by promiscuity.

'In order to abolish this custom some states levied a tax on '*reet*' marriage, but this remained as a tool to enhance the income of the states,⁸⁹ this tax was opposed by the subjects of the states as it

⁸⁶ Yogesh Snehi, Female Infanticide and Gender in Punjab: Imperial Claims and Contemporary Discourse, Source: Economic and Political Weekly, Vol. 38, No. 41 (Oct. 11-17, 2003), pp. 4302-4305 Published by: Economic and Political Weekly Stable URL: <http://www.jstor.org/stable/4414126> Accessed: 17-07-2017 14:37 UT, p.4304. Yogesh Snehi in this article has used Anshu Malhotra's observation of decline in the status of women in Punjab as result of colonial intervention which led to increase in female infanticide.

⁸⁷ See, Monmayee Basu, Hindu women and Marriage Law: From sacrament to contract, New Delhi's 2001,

⁸⁸ Yogesh Snehi, Conjugal, sexuality and shastras : Debate on the abolition of reet in colonial Himachal Pradesh, Indian Economic Social History Review, 2006 43: 163, Published by: <http://www.sagepublications.com> ,p169. Also, for an interesting discussion on female sexuality in colonial Haryana, which was the southeast part of the greater Punjab, see Chowdhary, The Veiled Women. For an interesting discussion on female sexuality in colonial Haryana, which was the southeast part of the greater Punjab, see Chowdhry, The Veiled Women. Expressions of female autonomy was considered as *bad chalani* (unchaste) in Haryana.

⁸⁹ Marriage Reform, Quaint Custom Among Simla Hill Tribes, The Statesman, dated 24th May, 1925.

Also, Abstract translation of an article in the Grihlaxmi, dated Baisakh, 1982, (samat), sale of women in the Shimla Hills. "the hill chiefs with a view to extract much money, to fill their depleted treasures, have, without being guided either by consideration of the welfare and well-being of their subjects, or by those of the taxing capacity of such hapless, financially and economically dwarfed people levied heavy exacting extortionate taxes."

was not considered as immoral or unlawful by majority of the subjects of the states (mostly the Kanets the Khashas and the Kolis who also performed innumerable services to their respective states under the *begar* and the *beth* system) and the chiefs could not afford to annoy them'.⁹⁰

It seemed that the British Administration was not very keen to legislate on this issue; therefore, tried to link it to child marriage. They were also perhaps viewing this curious custom through their moral filter and tried to find out the reason for this kind of freedom in terms of their sexual behaviour.

Customs like '*reet*' in the hilly region may have come into existence because they realized the importance of women, as an important source of labour. So even when they were seeking a divorce, the intention was to make them stay in the same village or community and therefore the clause of marriage within the castes and states was added to the proposed legislation on the abolition of '*reet*'.

It may have appeared obnoxious to the Britishers,⁹¹ but the truth was that there was no limit for a woman to enter into any number of alliance one after the other as long as she was willing and able to attract suitors ready to pay demanded '*reet*'.⁹² "Most probably it was the convergence of two distinct institutions, that is marriage and divorce, that led Dr Parmar to conclude that the institution of '*reet*' signified marriage simultaneously, to a party and divorce from the other or simply a marriage or remarriage to the woman and divorce on the part of the husband."⁹³

Conclusion

The shift from brideprice to dowry form of marriage which was somewhat linked to the position of women especially in the prevalence of Kanyadan form of marriage and dowry. "The

also, Traffic in Girls, The tribune, Lahore, Tuesday, June 9th, 1925." "The worst feature of the traffic is that it is not merely tolerated by the States, but is one to which they are themselves in away a party, because they make revenue out of the traffic by claiming a percentage of the sale money".

⁹⁰ Reet: A Paradigm of Marriage in Shimla Hill States, http://www.ijiras.com/2015/Vol_2-Issue_4/paper_5.pdf (accessed May 18, 2019).

⁹¹ A Pernicious Custom, The Bombay chronicle, Bombay, Wednesday the 10th, June 1925. The British considered it obnoxious because '*reet*' was compared to the dowry form of marriage where the sale of bridegrooms and brides was present among many other civilised Hindu castes all over India. It is What is objectionable to the Britishers is the easy dissolution of marriage and separation from the former husband 'which is really an extremely obnoxious demoralising custom'.

⁹² Parmar has mentioned that there was a woman in Kullu who married as many as 26 times by way of '*reet*'. also, Traffic in Girls, The Tribune, Lahore, Tuesday, June 9th, 1925." "there is no limit to the number of women that one might purchase, nor any restriction as to selling any of them again, and in this way, they may change hands any number of times".

A Letter written by Chief of Koti State to E.G.F. Abraham dated 19th February 1925.

⁹³ V Verma, Shimla hill States in 19th Century, p.295.

diminishing role of women in the process of production and the acculturation of other castes through Brahmanic influence”.⁹⁴ However, this was true of those regions in Himachal Pradesh which was bordering Punjab and Haryana or was under the colonial administration. Areas such as higher reaches of Shimla Hill states, Kinnaur and Lahaul -Spiti continued to practice all forms of marriage which were otherwise frowned upon or considered inferior or immoral by the reformers and the colonialists who tried to view it from the Brahmanic and Victorian moral filter. Also, it could be said that in some parts of Himachal Pradesh the remnants of the ‘primitive’ tribal culture was still there because as Jack Goody has explained that there is an evolutionary cycle or a learning curve of matrimony. All proto societies perhaps began with bride capture, then transitioned to bride purchase and eventually settled with the dower system.⁹⁵

So summarily, we can suggest that practically every form of matrimonial alliance known to humankind was to be found in the region that now forms the state of Himachal Pradesh. Under the customary law, it was noted: “that all forms of marriage are equally legitimate, and there can be no question of one being more or less legitimate than the other”.⁹⁶ There were instances of monogamy, polygyny, polygynandry, polyandry and hypergamy. There were marriages that were absolute sacraments and could not be annulled and marriages that could be annulled with simple ceremonies. There was a kind of trade in women where they were sold as brides and concubines but there were also instances where the brides went on to change their partners at will. There were Buddhist monastic influences and those of the Hindu *shastras* as well, with perhaps everything in between. Himachal was a melange of matrimonial customs and sexual alliances and exhibited not just feudal patriarchy but also sexual freedom. All in all, it had a tremendous diversity of customs and was a society that was not just diverse but also perhaps on the cusp of rapid social change.

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⁹⁵ Jack Goody, The development of the family and marriage in Europe, Appendix 2. From Bride price to Dowry? Great Britain, University Press Cambridge, 1983, p.240.

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