

- Habib, I. 1963. *Agrarian Systems of Mughal India*. Mumbai: Asia Publishing House.
- Hazari, R.K. 1964. *Report on the Committee for Distribution of Income and Levels of Living*. New Delhi: Government of India.
- Hazari, R.K. 1966. *Structure of the Corporate Private Sector*. Mumbai: Asia Publishing House.
- Jaffe, A.J. and K. Azumi. 1960. 'The Birth Rate of Cottage Industries in Underdeveloped Countries', *Economic Development and Culture Change*, Vol. 9, No.1, Part 1, pp. 52-63.
- Mandelbaum, David. 1970. *Society in India: Continuity and Change*. Mumbai: Popular Prakashan.
- Marriott, M. 1968. 'The Feast of Love', in Milton Singer (ed.), *Krishna: Myths, Rites, Attitudes*. Chicago: Chicago University Press.
- Poojary, M. Chandra. 1996. 'Small-Scale Sector: Myth and Reality', *Economic and Political Weekly*, Vol. 31, No.21, 25 May 1996.

## NOTES



---

## UNIT 4 MARRIAGE AND FAMILY

---

### Structure

- 4.0 Introduction
- 4.1 Unit Objectives
- 4.2 Meaning of Marriage
- 4.3 Forms of Marriage
  - 4.3.1 On the Basis of Number of Spouses
  - 4.3.2 Levirate; 4.3.3 Sororate
- 4.4 Hindu Marriage as a Religious Sacrament in India
- 4.5 Forms of Hindu Marriage
- 4.6 Rules of Mate Selection
- 4.7 Tribal Marriage in India
  - 4.7.1 Preference in Mate Selection
  - 4.7.2 Marriage among Different Ethnic Groups
  - 4.7.3 Divorce among Hindus
- 4.8 Marriage among Muslims
- 4.9 Divorce among Muslims
- 4.10 Marriage among Christians
- 4.11 Recent Changes in the Institution of Marriage
- 4.12 The Structural and Functional Aspects of Joint Family
  - 4.12.1 Structural Aspects of Joint Family
  - 4.12.2 Functional Aspects of Joint Family
- 4.13 Recent Changes in Joint Family
- 4.14 Summary
- 4.15 Key Terms
- 4.16 Answers to 'Check Your Progress'
- 4.17 Questions and Exercises
- 4.18 Further Reading/References

### NOTES

---

### 4.0 INTRODUCTION

---

In this unit, you will learn about the institutions of marriage and family, as prevalent in Indian society. This unit is divided into two sections; the first section deals with an important institution of society called marriage which is one of the social institutions that in its various types and forms, is prevalent throughout the globe. This unit will help you understand the sociological aspects of marriage in general, and the importance of this universal institution. In the process you will also learn about marriage in India, particularly the Hindu marriage. Marriage among Hindus is considered a religious sacrament. Various rituals related to Hindu marriage and aims of Hindu marriage are also analysed in this unit. The section on marriage also deals with marriage among various ethnic groups and minorities. Keeping in mind the secular nature of Indian society it is imperative to understand the nature of this institution among several religious and cultural groups.

## NOTES

The second section of this unit addresses another important aspect of the Indian social structure which is the institution of family. This social group is found in every known human society. In this unit you will learn about the forms and functions of family in general. An attempt is also made to understand the typical Indian family, i.e., the joint family. The nature of joint family as well as its structural and functional aspects are explained. Focus is made on the recent changes associated with joint families. The dynamics of joint families and their relevance in contemporary times are dealt with in detail as well.

---

### 4.1 UNIT OBJECTIVES

---

After going through this unit, you will be able to:

- Understand the meaning and nature of marriage
- Explore the various forms of marriage
- Analyse the nature of Hindu marriage and understand its sacramental character
- Explain the various rules of mate selection, as well as the aims and rituals of Hindu marriage
- Understand the nature of marriage among other religious communities such as the Muslims and the Christians
- Examine the possibilities and characteristics of divorce among various religious communities
- Explain the meaning of family in general and joint family in particular
- Understand the features of joint family and the recent changes associated with joint family

---

### 4.2 MEANING OF MARRIAGE

---

Marriage is an important social institution which has been in existence for time immemorial. It is a relationship which is socially approved and has helped to maintain order and discipline in human society. Sociology is the subject which deals extensively with the institution of marriage. In the ordinary meaning of the term, marriage is the social recognition of the practice wherein men and women live together as husband and wife to raise a family. According to Horton and Hunt it is the approved social pattern whereby two or more persons establish a family. Children born of marriage are considered the legitimate offspring of the married couple. This legitimacy is important in the matter of inheritance and succession.

Murdock (1949) correctly states that it will be a serious error to regard marriage only as an institution where sexual relations between husband and wife are permitted. Actually its function is not only related to sex but it is also economic, social, psychological and cultural. Hence, besides being a means of sexual

gratification, marriage also comprises of a set of cultural norms to ensure the carrying on of the family. Marriage is a socially acceptable agreement between two individuals and their families. It is a very common custom in India, and has been studied in great detail by many sociologists as well as social anthropologists.

The institution of marriage also includes the responsibility of rearing a child or children within the institution itself. The institution of marriage prescribes that sexual activity be confined to married partners and it does not approve of illegitimacy, i.e., birth of a child outside the union. Moreover, this institution enables society to assign this responsibility of socializing a child to parents of the child. The problems of socializing an illegitimate child, as per Goode (1964): 'The child whose parents are not married does not belong to the father's family, neither the father nor his family needs to meet more than minimal legal obligations to the child. The child's position is ambiguous and its socialization experience is likely to be inadequate.'

Moreover, to maintain social stability it becomes necessary to assign a social status to a child during childhood itself. This enables the child to become clear about his role and obligations and his relationship with other members of society. Assignment of a social status provides a degree of security which is derived from his having duly married parents. Malinowski had the following remarks on legitimacy:

No child should be brought into the world without a man — and one man at that — assuming the role of sociological father, that is, guardian and protector, the male link between the child and the rest of the community. The rule of legitimacy which is universal and fundamental as the familial institution itself ordains that a father is indispensable for the full status of the child and its mother. Otherwise the child is illegitimate and the mother disesteemed. The principle of legitimacy implies obviously the control of sex relations. If there is any case of conception outside marriage, it is likely to be eliminated through infanticide.

(Davis, 1949)

Malinowski further observed that marriage cannot be defined as licensing of sexual intercourse, but rather licensing of parenthood.

In a kinship system, marriage is regarded not just as a relationship between two individuals, but a relationship between two kin groups. The wedding ceremony involves gift-giving between the two parties and, in some societies, the system of dowry is also prevalent. Some other primitive societies as well as a few modern societies have a custom of paying bride-price, which involves payment by the bridegroom's family to the bride's family. Hence, it can be said that though the system of marriage is universal, it involves variations in rituals, rites and practices among societies.

---

### 4.3 FORMS OF MARRIAGE

---

The institution of marriage has different forms in different societies. There are various rules with regard to preferences, prescriptions and proscriptions while

## NOTES

## NOTES

deciding the form of marriage. A cross-cultural study of various societies reflects on the different rules with regard to preference and prohibition in selecting mates. However, one common criteria for classifying marriage is on the basis of number of spouses. Such a classification divides marriage into two types: monogamy and polygamy.

### 4.3.1 On the Basis of Number of Spouses

#### Monogamy

Monogamy is the union of one man with one woman. This is the most popular and widespread form of marriage found in most societies across the world. Indian society is the best example of the widespread prevalence of monogamous marriages. Every society considers monogamy to be an ideal form of marriage as it exhibits immense loyalty towards one's spouse. Even the British Anthropologist Malinowski remarked 'Monogamy, is, has been, and will remain, the only true type of marriage. The permanence of relationship that it guarantees, generates mutuality and oneness, loyalty and affection.' (Davis, 1949)

Monogamy is considered the ideal form of marriage among the majority of the Indian population. However, the Muslim social structure is excluded from this. The Hindu Marriage Act 1955 also considers monogamy as the ideal form and a Hindu man or woman is not allowed to have more than one spouse without divorcing the previous spouse. Some other religious communities who come under the Hindu Marriage Act are Buddhists, Sikhs and Jains. Monogamy is also practiced in Christian and Parsi communities.

#### Polygamy

Polygamy is a practice wherein a person has more than one spouse at the same time. It is hence just the opposite of monogamy. As far as its etymological meaning is concerned, polygamy has come from the word *poly* (many) and *gamos* (marriage). Polygamy literally means 'often married' in late Greek. It is practiced worldwide, is cross-cultural in scope, and is found among all continents and adherents of many religions in the world. Polygamy is a term covering both *polygyny* and *polyandry*. *Polygyny* is the marriage of one male with more than one female or 'plurality of wives'. Polygynous marriages may be restricted or conditional. Polygyny is found among Eskimo tribes, Crow of North America and African Negroes. The Nawabs of Oudh in India, during Mughal times, are said to have had a large number of wives. For many societies, polygamy used to be an integral part of their kinship systems, but modern times have brought about a streamlining of marriage patterns in societies around the world. The spread of Christianity and European-based legal codes through colonialism, and the imposition of state laws on aboriginal people (who are living within the borders of modern nation-states), have spelt the end of polygamy for many people. The Arctic Inuit (Eskimo) for example, practiced polygamy in the recent past, as described in older ethnographic literature; however, if this is still practiced, it is being done in clandestine or irregular

ways. This is the case with numerous populations that used to practice polygamy, but have now become integrated in the global community which is dominated by monogamy. (Zeitzen, 2008)

Today, polygyny is legally prohibited. Mumbai enacted a law in 1946, Chennai in 1949 and Saurashtra in 1950 prescribing punishment for polygyny. Polyandry on the other hand, is the marriage of one woman with many men, i.e., it is a practice involving plurality of husbands. Polyandry exists among the Todas of Malabar, the Tibetans and with the Polynesians.

Polygamy is common among the Muslims. The Indian Muslims, under the influence of Turko-Mughal rulers, had adopted this practice which gained popularity during that period. However, due to the changing contemporary socio-economic conditions, it is losing its popularity and acceptance in society. The two forms of polygamy are discussed as follows.

**Polygyny:** Polygyny is a form of marriage where a man is permitted to have two or more wives. In a situation where two wives (co-wives) are sisters it is termed *sororal polygyny*. The other typical form is non-sororal polygyny in which the wives are not related. Polygyny enables a man to have more children, providing him with broader production base, or workforce, as he controls the work habits of his wives and children to a large extent. Polygyny may have different causes in different societies. Westermarck attributes it to enforced celibacy, earlier aging of women, social prestige, need to have more children, economic necessity and also due to one's desire for a woman other than the one he is married to. In India, polygynous marriages are not common among most castes, but are known to be practiced among Muslims.

**Polyandry:** Polyandry is also a form of plural marriage, where a woman is permitted to marry more than one man. Polyandrous marriages are relatively rare and are more concentrated in the Himalayan ranges of South Asia. Polyandry exists among Tibetans, Polynesians, Kaligang tribals of Brazil, tribals of Samoa, Bahama of Africa and among the primitive tribes of the Malaya Peninsula. It is sporadically found in Africa, Oceania, America and the Arctic. In India, it is found among Todas and Kotas of Nilgiri Hills in South India, the Nayars of Kerala and the Khasas of Jaunsar Bawar in western UP (now in Dehradun district of Uttaranchal).

There are two forms of polyandry: *fraternal polyandry* and *non-fraternal polyandry*.

**Fraternal polyandry:** This is also called *adelphic polyandry*, where a group of brothers share a common wife i.e., joint husbands are brothers. For instance, Nyinba brothers (ethnic Tibetans now living in Nepal) live together in large households sharing a common estate and domestic responsibilities, as well as a common wife with whom each maintains a sexual relationship. Generally, each child of the marriage is acknowledged by and develops a special relationship with one of the possible fathers, even where biological paternity cannot be

## NOTES

## NOTES

determined. (Levine, 1988). The children are treated as the offspring of the eldest brother, e.g., Todas.

*Non-fraternal polyandry:* In this type of polyandry, the woman's husbands are not related to each other. The woman has several husbands with whom she cohabits in turn. In the interest of the children, one among the husbands is chosen as their social father. The Nayars of India practiced a form of non-fraternal polyandry in which several men were 'husbands' of one wife. Usually only the first husband underwent a ritual marriage with the woman before she entered puberty. He was then given a special position as the 'ritual' father of all the woman's subsequent children, who like their mother, had to observe the customs connected with his death. Any of the men with whom a Nayar woman engaged in sexual relations could be called upon to acknowledge (potential) paternity; however, this was usually done by giving a gift to the woman and paying midwives' expenses. The central Nayar domestic unit consisted of a mother, her daughters and their children; husbands and wives did not set up house together. Descent was established exclusively through women, and children derived their group affiliations and claimed their inheritance through their mothers. (Lienhardt, 1964)

### 4.3.2 Levirate

Some marriages may take place in peculiar circumstances. For instance, when a man marries the childless widow of his deceased brother, it is called *levirate*. If a man marries the sister of his deceased wife, particularly when she has died childless, it is called *sororate*. Concubinage is a state of living together as husband and wife without being married; it is cohabitation with one or more women who are distinct from wife or wives.

Levirate is a form of marriage wherein the heir of a deceased male inherits his assets and liabilities, including his wife or wives. It specifies that when a man dies, his widow should marry a kinsman of her husband, typically his brother. The levirate thus provides social and economic security to widows and their children. It also represents a way for the husband's family to maintain their rights over the wife's sexuality and her future children, as well as keeping the dead man's children and his wealth within his family.

### 4.3.3 Sororate

Sororate specifies that a widower should marry a sister of his deceased wife. Sororate is akin to levirate in that it fulfills the same function of maintaining relations between two families even after the spouse's death. In essence, the family provides for another spouse to take the place of the member who died, and both families usually encourage this remarriage because it continues the bond between them. Among the Tonga of Zambia, for example, sororatic marriage is only allowed with classificatory sisters. (Colson, 1958). The sororate may also function without death being involved, i.e., if a wife is barren among the South African Zulu, her family may provide a sister to bear children in her name. The children are socially the



children of the barren woman, just as children are socially the children of the dead husband in the levirate. (Radcliffe Brown, 1950)

### CHECK YOUR PROGRESS

1. What functions does marriage serve?
2. What is bride price?
3. Which is a common criteria for classifying marriage?
4. What are the two types of marriages?
5. Which religious communities come under the Hindu Marriage Act?
6. What does polygamy literally mean?
7. Differentiate between polygyny and polyandry.
8. What are three causes of polygyny?
9. What are the two forms of polyandry?
10. What is another name for fraternal polyandry?

### NOTES

#### 4.4 HINDU MARRIAGE AS A RELIGIOUS SACRAMENT IN INDIA

Hindu marriage is considered a sacrament, or a sacred bond. Its aim is not only to secure sexual gratification but also to advance spiritual development. According to K.M. Kapadia, 'Hindu marriage is a socially approved union of men and women aiming at dharma, procreation, sexual pleasure and observance of certain obligations.' Ancient Hindu texts point out three main aims of marriage. These are *Dharma*, (fulfillment of religious duties, which was the highest aim of marriage), *Praja* (progeny) and *Rati* (sexual pleasure). Several reasons are given for considering a Hindu marriage as sacred:

- (i) *Dharma*.
- (ii) Performance of the religious ceremony includes certain rites like *havan*, *kanyadan*, *panigrahan* and *saptapadi*.
- (iii) The rites are performed before *agni* by reciting mantras from the Vedas by a Brahmin.
- (iv) The union is considered inviolable and irrevocable and husband and wife are bound to each other not only until death but even after death.
- (v) Though a man performs several sacraments during the course of his life, a woman performs only one sacrament of marriage in her life, hence it carries great importance for her.

- (vi) Marriage is considered to be a social duty towards the family and the community and there is little scope for individual interest and aspiration.

## NOTES

### 4.5 FORMS OF HINDU MARRIAGE

Hindu scriptures described eight forms of Hindu marriage. These are:

1. **Brahma vivah:** This is the ideal form of Hindu marriage. It is settled by parents, a Brahmin is called to preside over the marriage rites and the daughter is given by her father to the groom (this is called *kanyadan*), along with some dowry of ornaments and clothes.
2. **Daiva vivah:** The father of the bride offers his daughter in the hand of the priest as *dakshina*. It was considered as an ideal form of marriage in ancient times but has become irrelevant today.
3. **Arsha vivah:** In this form of marriage the bride's father gets something from the groom, like a pair of cattle, in exchange for his daughter.
4. **Parjapatya vivah:** In this form of marriage, the consent of the parents is essential but no ceremony is performed.
5. **Asura vivah:** The bride price is given by the groom to the bride's father. This is a sort of an economic contract and there is no limit or stipulation on the amount given.
6. **Gandharva vivah:** This was the traditional form of love marriage. Here neither is the consent of parents necessary nor are the rites or dowry essential.
7. **Rakshasa vivah:** This type of marriage is by capture or abduction without obtaining the consent of the girl or her parents. This was practised in times when group conflicts and tribal wars were very common. The victorious groups used to carry away the girls of the conquered group.
8. **Paisacha vivah:** This is the least acceptable form of marriage. A woman who is seduced when asleep or unconscious or when incapable of protecting herself is given the status of the wife.

Of these eight forms of marriage, Brahma vivaha is considered to be the best marriage where a girl is given to a boy of merit in the same caste or in a caste of equal status. Both bride and groom are competent enough to give consent.

### 4.6 RULES OF MATE SELECTION

In order to ensure the purity and maintain the distinctive identity of different groups in society, Hindu law-makers have stipulated detailed rules and regulations governing the choice of a partner for the union of marriage. These laws are based on two rules:

- (i) **Endogamic rule:** Endogamy is a social rule that requires a person to select a spouse from within certain groups. These endogamous groups specifically

refer to varna, caste and sub-caste. Thus, a Brahmin boy has not only to marry a Brahmin girl but a *kanyakubja* boy has to marry a *kanyakubja* girl, a *saryupari* boy has to marry a *saryupari* girl and a *gaur* boy has to marry a *gaur* girl. Although endogamy is restricted to a tribe or a caste, there are exceptions in some cases. The Anuloma, or Hypergamy, allows the alliance of lower caste women to higher caste men. This practice occurs mainly among different sub-sections of a caste or sub-caste rather than between castes. In Pratiloma marriage based on the rule of Hypogamy, an upper caste woman can enter into an alliance with a man of a lower caste.

## NOTES

(ii) **Exogamic rule:** Exogamy is a social rule which forbids selection of a spouse from certain groups. The two types of exogamy practiced by Hindus are gotra exogamy and sapinda exogamy. In a few cases, besides gotra and sapinda, the village is also treated as an exogamous group. McLennan in his book *Studies in Indian History* writes that the custom of exogamy arose owing to the paucity of women in early times.

(a) **Sagotra exogamy:** A *gotra* is a group whose members are believed to have descended from a common mythical ancestor of a rishi. Initially there were only eight gotras but gradually their number increased to thousands. The *gotra* exogamy prohibits marriage between members of the same *gotra*. The four-clan rule or four *gotra* exogamous rule prevails among Hindu castes in North India. In accordance with this four-clan rule, a man cannot marry a girl from: (i) his father's *gotra* or clan (ii) his mother's *gotra* or clan (iii) his father's mother's *gotra* and (iv) mother's mother's *gotra*. In almost all castes in the northern zone, according to Karve (1953) the marriage between cousins is prohibited. It was Manu who imposed restrictions on *gotra* marriage. However the restrictions on *gotra* marriage were removed in 1946 by the Hindu Marriage Disabilities Removal Act.

(b) **Sapinda exogamy:** The word Sapinda has two meanings: those who can offer rice balls to the deceased, and those who share the particles of the same body. Sapinda are those who are related to one another in ascending or descending order, by five generations through the mother's side and seven generations through father's side. Marriage with such a person is prohibited. Gautam has recommended avoiding seven generations from the father's side and five from the mother's side. The Hindu Marriage Act 1955 prohibits *sapinda* marriage in general, but allows this in the form of cross cousin marriages as a peculiar custom of South India. Among Christians and Muslims, the elementary nuclear family is the exogamous unit. Today, even though this rule is followed by and large by all Hindus, some cases of cousin marriages are known to happen.

---

## 4.7 TRIBAL MARRIAGE IN INDIA

---

### NOTES

The institution of marriage is another issue on which tribal people throughout the world have been much maligned. Indian tribes, like their counterparts in other parts of the world, practice several forms of marriage as a matter of convenience and social acclimatization in their respective cultural and ecological settings. Most tribes are monogamous with few exceptions, such as on some festive occasions. Even among the most primitive tribes like the Toda, the Andamanese, the Kadar, and the Chenchu, where sexual morals are lax, there still exist strict marriage rules. Marital fidelity is practiced and enforced in most tribes. Proscriptions, prescriptions and preferences that determine the choice of spouses or partners in tribal societies, are based on very strict rules.

#### 4.7.1 Preference in Mate Selection

The tribes of India differ from each other in the manner in which mate selection is carried out. On one hand, society prohibits sexual liaisons or matrimonial alliances between particular kin or in the same clan or gotra, but on the other hand it encourages matrimonial alliances between certain other kins. The following are some of the popular types of preferential marriages prevalent among the Indian tribes:

**Cousin marriage:** Both types of cousin marriages, i.e., cross cousin and parallel cousin, are quite popular among the Indian tribes. The Gond, Kharia, Khasi and Kadar are some of the important Indian tribes practicing cousin marriage. When the children of a brother and a sister marry it is a cross cousin marriage. On the other hand, it is parallel cousin marriage when the children of two sisters or two brothers get married. The Gonds of Madhya Pradesh call this form of marriage 'doodh lautawa' (return of milk). Levirate and sororate are two other types of preferential marriages which are also said to promote 'inter-familial cordiality' by making certain linkages imperative.

#### 4.7.2 Marriage among Different Ethnic Groups

**Ways of acquiring mates:** There are nine important ways of acquiring mates among tribes:

- (i) **Marriage by capture:** When a man snatches a woman away from her village and marries her, it is called marriage by capture. Many tribal societies give social sanction to this type of marriage which symbolizes valour and chivalry. It is popular among the Naga tribes of the North Eastern region, where Naga tribals of one village used to invade the enemy's village and capture grown up girls. Among the Ho it is called *oportipi* and among the Gond it is called *posiothur*. It is of two types: physical capture and ceremonial capture. In the case of physical capture, the man carries away the woman forcefully, and marries her. However, in ceremonial capture, the man adopts a procedure wherein he surprises the woman by smearing vermilion on her forehead.

- (ii) **Marriage by exchange:** This method has evolved primarily to avoid the payment of a high bride price. According to such a marriage, two households exchange women with each other and thus avoid the payment of bride price. The Uralis of Kerala, the Muria Gonds and Baiga of Bastar and the Koya and the Saora of Andhra Pradesh practice this.
- (iii) **Marriage by purchase:** It is a common mode of matrimony throughout India. In this form of tribal marriage the parents of the bridegroom pay in cash or kind to the bride's parents. This money or material goods is the bride price. It is prevalent among Munda, Oraon, the Santhal, Rengma Naga, etc. The worst financial consequence is seen among the Ho tribals of Chota Nagpur, Bihar, Their poor economic condition has been made worse by the increasing amount of bride price.
- (iv) **Marriage by elopement:** This takes place when a couple love each other and want to marry against the wishes of their parents who are against this marriage. In this situation, both of them run away from the village for a certain period of time after which they come back and are then acknowledged as husband and wife. This is called *raji khusi* marriage among the Ho tribes of Jharkhand. The tribes of Chotanagpur also practice this.
- (v) **Marriage by service:** This is another way of avoiding the payment of bride price altogether (or minimizing it considerably) through services rendered by the prospective groom at the bride's residence for a particular period. If the girl's father is satisfied with the work done, then he gives his daughter's hand to him at the end of the period. If he is dissatisfied, then the man is asked to leave the house and never come back. This is practised among the Gonds, Baigas, Birhor, etc.
- (vi) **Marriage by intrusion:** In this kind of marriage, the girl is desirous of getting married to the young man, but he is unwilling. The girl thrusts herself on the unwilling groom and his parents. She does this in order to serve the would-be man in her life but is humiliated and tortured in return. If she persists in her efforts and endures her torment for a considerable period of time, she is finally accepted as the daughter-in-law. Among the Oraons it is known as *nirbolok* and among the Ho as *anader*.
- (vii) **Marriage by trial:** This is the recognition of personal courage and bravery as highly desirable traits in a young man. It is most popular among the Bhils during the Holi festival. Young men and women perform a folk dance around a pole or a tree, to the top of which coconut or *gur* are tied. The women make an inner ring of dancers around the tree. When a young man attempts to break through the cordon to climb the tree to eat the *gur* and break open the coconut, the girls resist his attempt. If, in spite of this, the man succeeds then he has the right to demand any of the surrounding girls as his wife.
- (viii) **Marriage by mutual consent:** This is a result of the contact that the tribals have had with Hindus over a period of time. This practice is similar and

## NOTES

## NOTES

prevalent among Muslims, Hindus, Christians, etc., in which all the formalities of marriage are arranged by the parties concerned through the process of mutual consultation and consent.

(ix) **Probationary marriage:** As per this practice, the husband and wife are permitted to live together for some time in the bride's house. If they like each other and decide to marry, the elders arrange their early marriage. In case the couple do not find each other's temperament to be suitable and compatible, they separate, and the man has to pay cash compensation to the girl's parents. It is prevalent among the Kuki of Arunachal Pradesh.

### CHECK YOUR PROGRESS

11. Name two forms of Hindu marriage.
12. What is the difference between *anuloma* and *pratiloma* marriages?
13. What are the two types of exogamy practiced by Hindus?
14. As per Gautam, who should marriage be avoided with?
15. Name three ways of acquiring mates prevalent among Indian tribes.
16. What is marriage by capture called by the Gond tribe?

#### 4.7.3 Divorce among Hindus

Marriage in the traditional Hindu society, regarded essentially as *dharmic*, is gradually becoming secularized in the modern era. Desertion, separation and divorce, though not clearly sanctified by Hindu law except in very unusual circumstances, have received significant attention in the Hindu Marriage Act 1955. This code also eliminated the discriminatory status of previous customs by which a man exerted more power, enjoyed a superior position, and had the right to seek a divorce or abandon a wife on his own. The Marriage Law Amendment Act 1976 widened the basis for seeking divorce by providing divorce through mutual consent, and on the grounds of desertion and cruelty.

---

### 4.8 MARRIAGE AMONG MUSLIMS

---

In marriage among Muslims, a man and woman enter into a solemn pact for life. There is a popular conception that in Islamic law, marriage is not considered to be sacrament but rests entirely on a contractual basis. Muslim marriage is called *Nikah* and is both an act of *ibadat* (devotion to God) and *maumalat* (dealings among men). Witnesses are a necessary condition for a valid marriage. There are two main sects of the Muslim community in India, Shias and Sunnis. Inter marriages among these groups are discouraged. There are two types of Muslim marriages, regular (*shahi*) and irregular (*fasid*).

**Muta marriage**

Muslims also have a system of temporary marriage, called *muta marriage*. This is a marriage settled by a man and a woman by mutual consent and without the intervention of kin. A man is permitted to contract *muta marriage* with a Muslim, a Jew or a Christian girl but a woman cannot contract such a marriage with a non-Muslim. A wife secured through *muta marriage* is known as *sigha*. In this form of marriage, the period of cohabitation must be stipulated and the amount of dowry should be predetermined. Where the duration of the marriage has not been fixed, the marriage remains illegitimate.

**Dower (Mehr)**

Dower comprises of money or property which the wife gets from her husband when she marries him. As per Muslim law, dower is the obligation which is imposed on the husband as a mark of respect to his wife. The amount of the *mehr* is determined either before, or after, or at the time of the marriage. Though it cannot then be reduced, it may be increased at the husband's will. It can either be prompt (*muajjal*) or deferred (*muwajjal*).

---

## 4.9 DIVORCE AMONG MUSLIMS

---

Under Muslim law, the contract of marriage can be dissolved either with or without the intervention of the court. The divorce can be obtained either on the basis of Muslim law by judicial decree, or the marriage can be broken without the court's intervention, by the husband at his will (called *talaq*) or by the mutual consent of husband and wife called (*khula* or *kohl* and *mubarat*). The difference between *khula* and *mubarat* is that, in the former the divorce is initiated at the instance of wife, whereas in the latter, since both the parties desire separation, the initiative can be taken by either wife or husband. Divorce or *talaq*, can be carried out in any one of the following three ways:

- (i) **Talaq-e-ahasan:** This consists of a single pronouncement made during a *tuhr* (period of maturation) and followed by abstinence from sexual relations throughout the period of *iddat*.
- (ii) **Talq-e-hasan:** This consists of three pronouncements made during three successive *tuhrs* and no intercourse taking place during any of these three *tuhrs*.
- (iii) **Talaq-ul-bidat:** This is a disapproved form of divorce which includes two types of triple declaration and a single irrevocable declaration. The triple declaration comprises three pronouncements made in a single *tuhr*, either in one sentence or in three sentences. This form of *talaq* is irrevocable. It is the most common mode of *talaq* in the country.

In addition to these three types of *talaq*, the Shariat Act of 1937 makes a mention of three other kinds of divorce as well:

**NOTES**

## NOTES

- (i) **Ilta:** In this, the husband swears by god promising not to enter into sexual relationships with his wife for four months or more. If the husband follows his promise, the marriage is considered dissolved.
- (ii) **Lian:** If the husband imposes a false charge of adultery on the wife, the wife prays to the court that the husband be ordered to take back his charge.
- (iii) **Zihar:** In this, the husband compares his wife with some near relative whom he cannot marry. For instance, if the husband compares his wife with his mother, he cannot enter into sexual relationship with her unless he repents for this comparison. If he fails to do so, the wife can divorce him.

### CHECK YOUR PROGRESS

17. What is a muslim *nikah* a combination of?
18. What are the types of Muslim marriages?
19. Who is a *sigha*?
20. What is the difference between *khula* and *mubarat*?

## 4.10 MARRIAGE AMONG CHRISTIANS

The Christian society is stratified into Protestants and Catholics. The Catholics are further divided into Latin Catholics and Syrian Catholics. These groups are generally endogamous and do not marry intra-group. In Christianity, religion plays a predominant role in marital unions. Christians believe that marriages are made in heaven and decided by God. The Christians usually practice monogamy and there are strict restrictions on polygamy. Divorce is not appreciated by the Church. The Christian marriage system is quite different from the Hindu marriage system. The Indian Christians follow the Western marriage system of the British.

The Christian Marriage Act 1872 is the law that regulates solemnization of marriages among Christians. It extends throughout India except the territories, which immediately after 1 Nov. 1956 comprised of the states of Travancore, Cochin, Manipur, and Jammu and Kashmir. Christian marriage focuses on certain important aims like procreation, prohibition of sexual relations without marriage, and mutual help and comfort. Hence, it is correct to state that Christian marriage is a bond between man and woman, normally intended to be binding for life, for sexual union, mutual respect and companionship, and establishment of a family. In a true marriage, each partner seeks the fulfilment of the other. By complementing each other the union between husband and wife is enhanced. In their love for one another, through their faithfulness to one another and in their fruitfulness, husband and wife reflect God's image in a mysterious and wonderful way. Their union is the fruit of more than companionship or partnership; it is the deepest intimacy. (Arnold, 2007). As Friedrich Nietzsche writes, 'It is brought about by the resolve of two to



create a unity which is more than those who created it. It is reverence for one another and for the fulfilment of such a resolve.' (Arnold, 2007).

### Marital unions

The Syrian Christians remained as endogamous groups and marriage between Latin and Syrian Christians were rare. In the Kerala Church, denominational divisions grew. The Syrian Christians are ethnic groups who differ from others in terms of their doctrinal beliefs and religious principles. Marriages between different denominations are possible only if they belong to a single origin of Syrian Christians, rather than being converts. While selecting a marriage partner, it is ensured that the partners are not related by blood. The Christian wedding takes place in a church in the presence of a priest. However, Christian marriage takes place with the consent of both the bride and the groom. The Christians practice divorce as well, and grounds like adultery and cruelty can lead to the dissolution of marriage. Among the Christians, widow remarriage is accepted and also encouraged.

### NOTES

#### CHECK YOUR PROGRESS

21. What is Christian society divided into?

### 4.11 RECENT CHANGES IN THE INSTITUTION OF MARRIAGE

The onset of globalization has brought about innumerable changes in the institution of marriage. For instance, in the case of India, the majority of citizens, even those who have formal education, practice arranged marriage. However, commitment towards the union of marriage is disappearing as a result of modernization in India these days (*India Today*, Aug. 1, 1998). In urban India, youngsters are more inclined to choose their own partners, though arranged marriages still continue to dominate. The cultural values of upper and middle class Indians, as well as urban Indians have changed considerably due to the influence of media and the evolving trends of a cosmopolitan, Western culture.

Even though the traditional nature of marriage has changed considerably, the belief in marriage remains intact and marriage continues to be an important institution in Indian society. At this point in time, India is undergoing rapid changes on the basis of strong economic growth, which is leading to high consumption patterns, newer professional and economic opportunities and upward mobility. Marriage and family are pre-eminent institutions that govern and impact the lives of people on a personal level. These connect very closely with economic growth and its related benefits. Demographic trends, intra and inter-country migration, economic shifts and political and gender struggles are rapidly changing the marriage scenario in societies across the globe. The questions then arise, are these fundamental shifts in the importance, types and nature of marriage actually challenging the sanctity

## NOTES

of marriage per se? Are the younger generations ignoring parental matchmaking criteria and basing marriages on romance and love (or choosing their own partners)? Which sections of youth (class, caste, occupation, location, and region) are embodying these changes the most? Where and how do meetings, matchmaking and courtship take place? How are marital preferences being discussed and negotiated within the wider circles of the family, community and caste nexus? These are some of the important questions which should be addressed.

In a far-reaching recommendation to the Ministry of Women and Child Development, the National Commission for Women has sought a change in the definition of 'wife' — as described in Section 125 of CRPC, which deals with maintenance — and suggested that it include women involved in live-in relationships as well. The move aims to harmonize other sections of the law with the Protection of Women from Domestic Violence Act that treats a live-in couple's relationship at par with that of a legally married husband and wife.

Despite the changing rules of marriage, divorce and live-in relationships, the institution of marriage still occupies an important place in the hearts and minds of people in India.

---

### 4.12 THE STRUCTURAL AND FUNCTIONAL ASPECTS OF JOINT FAMILY

---

The institution of a joint family is of ancient but of unknown origins. Its existence or non-existence in pre-Vedic times is a matter of surmise. Since Vedic times, it has been an institutional part of the Indian way of life. Family in India is not just nuclear in character, but also an extended one. The term joint family was coined by Sir Henry Maine to describe the patrilineal type of extended family where all the male members hold joint ownership rights in the family property. According to Irawati Karve, 'A joint family is a group of people who live under one roof, eat food cooked at one hearth, hold property in common, who participate in common worship and are related to each other as some particular type of kindred.' According to Henry Maine, 'The Hindu joint family is a group consisting of known ancestors and adopted sons and relations related to these sons through marriage.' The word 'common' or joint property here, according to the Hindu Succession Act 1956, means that all living male and female members upto three generations, have a share in the paternal property and, without the co-partner's consent, the property cannot be sold or disposed off. Further the degree of jointness also varies from family to family.

#### 4.12.1 Structural Aspects of Joint Family

In the joint family structure, the husband's relatives — his wife, unmarried sister and children, each have specific positions. A joint family includes members who are related lineally, collaterally, or both. Couples may be related lineally (such as a father-son relationship, or sometimes, a father-daughter relationship) or collaterally

(a brother-brother relationship or, sometimes a brother-sister relationship). Pauline Kolenda presents the following types of joint family on the basis of the relationships of its members.

- (i) **Collateral joint family:** Comprises of two or more married couples between whom there is a sibling bond.
- (ii) **Supplemented collateral joint family:** This is a collateral joint family which also comprises unmarried, divorced or widowed relatives. The supplemental relatives are generally the widowed or divorced persons.
- (iii) **Lineal joint family:** Two couples between whom there is a lineal link living together, i.e., between parents and their married son, or sometimes between parents and their married daughter.
- (iv) **Supplemented lineal joint family:** It is a lineal joint family together with unmarried, divorced or widowed relatives who do not belong to either of the lineally linked nuclear families, e.g., the father's widower brother.
- (v) **Lineal collateral joint family:** In this type of joint family, three or more couples are linked lineally and collaterally. For instance, there can be a family consisting of parents and their two (or more) married sons, together with the unmarried children of the couples.
- (vi) **Supplemented lineal collateral joint family:** In this type, there is a lineal collateral joint family plus unmarried, widowed, separated relatives who belong to neither of the nuclear families.

The traditional joint family has several structural features.

- (i) **It has an authoritarian structure:** The fact that the male plays a major role in the occupational system automatically makes him the symbol of power and authority in the family system as well. In a democratic family, the authority is vested in one or more individuals on the basis of competence and ability. However, in an authoritarian family, the power is traditionally given only to the eldest male of the family because of his age and seniority. The head allows little individual freedom to other family members and may or may not consult them in decision making. In a democratic family, however, it is obligatory for the head to consult other members, and consider their opinions before making any decisions.
- (ii) **It has a familistic organization:** This refers to the subordination of individual interests to the interests of the family as a whole, which means that the goals of the family are more important than the goals of the individual members.
- (iii) **Status of members is determined by their age and relationships:** The status of man is higher than that of his wife. When members are from different generations, the status of a person in the higher generation is higher. The status of a person of higher age is higher than the status of a younger person, and the status of a woman is determined by the status of her husband in the family.

## NOTES

## NOTES

- (iv) **Conjugal relationship:** In the joint family, the conjugal relationship is important but is always subordinated to the consanguineal bond to suit the requirements of the larger system. It would tend to destroy the stability of the joint family if the conjugal relationship gained relative primacy.
- (v) **Filial bond:** The cultural values of joint family system emphasize the filial and fraternal bonds. However, the father–child relationship is more of an ‘avoidance’ type while mother–child relations are characterized by strong emotional intimacy. The father is the symbol of authority and interaction with the father is generally limited. Here again, the avoidance relation between father and son helps in the solidarity of joint family. A close relation between father and children may threaten the solidarity of fraternal relationship.
- (vi) **The sibling relationship:** The sibling relationship is usually a close one but there are sources of constraint that may influence it. The structural source of constraint, for instance, may rise from the all important age issue which creates status differentiation among brothers.
- (vii) **Principle of seniority:** The eldest male (or female) may delegate the authority to someone else, but even this delegation is based on the principle of seniority, which limits the scope for the development of an individual. The principle of seniority is generally supported by the cultural system characteristic of peasant societies. While seniority is the basis for general determination of authority, this authority cannot be used arbitrarily. The eldest male must conform to specific family and caste traditions in defining appropriate ends and in judging the action of all members of the family.
- (viii) **Division of labour in the joint family:** The pattern of work distribution follows a generally well-defined sex–based division. Men are entrusted the responsibility of managing the occupational sphere while women are allocated the household responsibilities.

### 4.12.2 Functional Aspects of Joint Family

For thousands of years, many Indians have been living in a joint family system. The institution has not only withstood the challenge of time but has adjusted to the changing social requirements. Its functional aspect is felt on all aspects of social life. For this, it has been described as a microcosm of the profoundly pluralistic nature of Indian culture in all its manifestations. Common rituals and ceremonies followed by joint families have come down the generations and help integrate the family. The joint family also serves the function of both primary and secondary socialization. Children have been initiated into the joint family culture through legends and folklore. Members of the joint family share a bond of mutual obligations, understanding amongst each other, love, reciprocal relationships and a cooperative spirit. Additionally the joint family is a functional unit which is based on socialistic norms. The rights and privileges are divided equally amongst its members.

**CHECK YOUR PROGRESS**

22. Name two types of joint families.
23. Name two structural features of the traditional joint family.

**NOTES****4.13 RECENT CHANGES IN JOINT FAMILY**

There is no doubt that the joint family is undergoing significant change and this reorganization is bound to create sociological problems. The impact of industrialization and urbanization has also led to erosion of some of the family bonds. Generally, the factors that result in change in the family are studied as the cause of the erosion of the joint family.

- (i) **Economic factors:** Industrialization and rapid economic development have hastened the process of social change due to the increased mobility of individuals towards newer opportunities for employment in varied spheres. This has had an effect on the joint family system in India as well. Since independence, diversification of occupational opportunities has increased with a judicial commitment to encourage equality between the sexes and to provide a boost to bring women into the development process.
- (ii) **Educational factors:** The colonial rule created significant opportunities for higher education. All castes and communities were provided with opportunities to educate themselves. English language education made the people aware of individualistic, liberal and humanitarian ideas which did not agree with the existing Hindu customs and practices and brought to the forefront issues concerning child marriage, equal property rights to women, etc., which were strongly followed by the joint family system.
- (iii) **Legal factors:** Legislations pertaining to employment, education, marriage and property have impacted the joint family system in several ways. Labour laws which were designed to protect the interest of employees, such as the Indian Workers Compensation Act (1923) and The Minimum Wages Act (1948) reduced the financial dependability of members on the joint family. In 1930 the Hindu Gains of Learning Act was passed, which stated that property acquired by a Hindu as a result of his education became his personal property even if his education was paid for by the joint family. Post-Independence, the Hindu Succession Act (1956) was passed which provided daughters and sons with equal rights to property rights. These legislations challenged the long established inheritance patterns and also the subordinate and dependent position of women within the family.
- (iv) **Urbanization:** Rapid urbanization has impacted family patterns and family dynamics in India. It has resulted in a large-scale shift from rural to urban

## NOTES

areas. This separation of family members due to mobility, has affected the size and composition of families.

Though the joint family system is gradually disintegrating, it would still be a mistake to conclude that the traditional joint family is breaking down and the parent's or patriarch's domination is disappearing. There is a definite trend towards the nuclear family in urbanized areas; however, the rural community is totally unaffected by the conjugal system. Hence, it is unlikely that the traditional joint family in India is going to disappear anytime soon. K.M. Kapadia (1972) is of the opinion that families which have migrated to cities still retain bonds with their joint family back in the village or town. Even after they residentially separate themselves, they do not function as an isolated or completely independent unit as they retain their kinship and joint family ethics. In his study, 'The Indian Joint Family in Modern Industry' Milton Singer (1968) points out that the joint family continues to be the norm among industrial entrepreneurs despite changes in their material conditions of living. He observed that changes have taken place within three generation in the residential, occupational and educational sphere. Though social mobility increased, yet these alterations have not transformed the joint family into isolated nuclear families. On the contrary, a modified joint family organization is emerging in the urban industrial setting where even members from the ancestral homes or villages are moving to urban areas. Thus, according to Singer, the industrial centre simply became a new area for the working of the joint family system. Pauline Kolenda in her study 'Regional Differences in the Family Structure of India' (1987) observes that industrialization serves to strengthen the joint family as an economic base has been provided to support it or because more hands are needed in a renewed family enterprise or as kin can help one another in the striving for upward mobility.

By analysing all these factors of change in the family system, it can be said that though the traditional type of jointness (i.e., togetherness in residence, functioning and property) in Indian family is yielding to nuclear residences, however since the functional jointness persists both in rural and urban areas, in coming decades, jointness as a sentiment and as a cultural objective will continue to exist. The present Indian family is not structurally isolated because it forms an integral part of a wider system of kinship relationship. The social relationship between members of families is based on binding obligations and emotional support. The conjugal, filial and fraternal bonds continue to remain strong in our society.

### CHECK YOUR PROGRESS

24. Which three factors have brought about changes in the joint family?

#### 4.14 SUMMARY

- Marriage is an important social institution which has been in existence since time immemorial. It is a relationship which is socially approved wherein men and women live together as husband and wife to raise a family. Its function is not only related to sex but it is also economic, social, psychological and cultural. The institution of marriage also includes the responsibility of rearing a child or children within the institution itself.
- The institution of marriage has different forms in different societies. There are various rules while deciding the form of marriage. The main classification is on the basis of number of spouses. Monogamy is the union of one man and one woman. Polygamy is the union of either one man and many women or one woman and many men. Indian tribals practice different forms of marriage than those seen in urban India.
- In marriage among Muslims, a man and woman enter into a solemn pact for life. There is a popular conception that in Islamic law, marriage is not considered to be sacrament but rests entirely on a contractual basis. Muslim marriage is called *Nikah* and is both an act of *ibadat* (devotion to God) and *maumalat* (dealings among men). Witnesses are a necessary condition for a valid marriage. There are two main sects of the Muslim community in India, Shias and Sunnis. Inter marriages among these groups are discouraged. There are two types of Muslim marriages, regular (*shahi*) and irregular (*fasid*).
- Under Muslim law, the contract of marriage can be dissolved either with or without the intervention of the court. The divorce can be obtained either on the basis of Muslim law by judicial decree, or the marriage can be broken without the court's intervention, by the husband at his will (called *talaq*) or by the mutual consent of husband and wife called (*khula* or *kohl* and *mubarat*). The difference between *khula* and *mubarat* is that, in the former the divorce is initiated at the instance of wife, whereas in the latter, since both the parties desire separation, the initiative can be taken by either wife or husband.
- The Christian society is stratified into Protestants and Catholics. The Catholics are further divided into Latin Catholics and Syrian Catholics. These groups are generally endogamous and do not marry intra-group. In Christianity, religion plays a predominant role in marital unions. Christians believe that marriages are made in heaven and decided by God. The Christians usually practice monogamy and there are strict restrictions on polygamy. Divorce is not appreciated by the Church. The Christian marriage system is quite different from the Hindu marriage system. The Indian Christians follow the Western marriage system of the British.

#### NOTES

NOTES

- The discussion on marriage leads to the topic of joint families and how they were so prominent in Indian society, and how due to economic and other factors the system is disintegrating. However, it would still be a mistake to conclude that the family is breaking and the role of the patriarch is diminishing as India is still tightly bound by ties of kith.

---

#### 4.15 KEY TERMS

---

- **Marriage:** The social recognition of the practice wherein men and women live together as husband and wife to raise a family
- **Bride price:** Payment by the bridegroom's family to the bride's family
- **Monogamy:** The union of one man with one woman
- **Polygamy:** A practice wherein a person has more than one spouse at the same time.
- **Polygyny:** The marriage of one male with more than one female
- **Polyandry:** The marriage of one woman with many men
- **Sororal polygyny:** Marriage when two wives are sisters
- **Levirate:** When a man marries the childless widow of his deceased brother
- **Sororate:** When a man marries the sister of his deceased wife, particularly when she has died childless
- **Concubinage:** A state of living together as husband and wife without being married
- **Gotra:** A group whose members have are believed to have descended from a common mythical ancestor
- **Nikah:** Muslim marriage
- **Muta marriage:** Muslim system of temporary marriage

---

#### 4.16 ANSWERS TO 'CHECK YOUR PROGRESS'

---

1. Marriage serves the following functions: economic, social, fulfilling sexual relations and psychological.
2. The payment by the bridegroom's family to the bride's family is known as bride price.
3. Marriages are classified on the basis of the number of spouses.
4. Monogamy and polygamy are the two types of marriages.
5. Buddhists, Sikhs, Jains come under the Hindu Marriage Act.
6. It means often married.



7. Polygyny is the marriage of one male with more than one female or 'plurality of wives'. Polyandry on the other hand, is the marriage of one woman with many men.
8. Enforced celibacy, earlier ageing of women, and social prestige are the three causes of polygyny.
9. Fraternal and non-fraternal polyandry are the two types of polyandry.
10. Adelphic polyandry is the other name for fraternal polyandry.
11. Brahma Vivah and Arsha Vivah are the two forms of Hindu marriage.
12. *Anuloma* marriage allows the alliance of a lower caste woman to a higher caste man whereas in a *pratiloma* marriage an upper caste woman can enter into an alliance with a lower caste man.
13. *Gotra* and *Sapinda* exogamy are the two types of exogamy.
14. According to Gautam, marriage should be avoided seven generations from the father's side and five from the mother's side.
15. Marriage by capture, marriage by trial, marriage by mutual consent are the three approved ways of selecting a mate.
16. *Posiothur* is the term used for 'marriage by capture' in the Gond tribe.
17. A Muslim *nikah* is a combination of *Ibadat* (devotion to God) and *Maumalat* (dealings among men).
18. *Shahi* and *fasid* are the two types of Muslim marriage.
19. A wife procured through the Muslim *muta* type of marriage is known as a *Sigha*.
20. The difference between *khula* and *mubarat* is that, in the former the divorce is initiated at the instance of wife, whereas in the latter, since both the parties desire separation the initiative can be taken by either one.
21. Protestants and Catholics are the two divisions of Christianity.
22. Collateral joint family and lineal joint family are the two types of joint family.
23. The traditional structural features are: the authoritarian structure, and the familistic organization.
24. Economic factors, educational factors and legal are the three factors that have brought about changes in the traditional joint family.

## NOTES

### 4.17 QUESTIONS AND EXERCISES

#### Short-Answer Questions

1. What are the different categories of polygamy?
2. Discuss the advantages of levirate.