



Widow Remarriage: Its implications and effects on colonial Punjabi women

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Abstract

This paper analyses the dominant peasant cultural philosophy sanctifying customs and attitudes in relation to women in rural Punjab in the colonial period. The study also highlights the role of the colonial administration in retaining and reinforcing the emergent dominant social ethos of the Punjabi peasantry. In the agrarian society of the Punjab the socio-cultural ethos were determined by the land owning classes especially by the Jats which emerged as the dominant caste in social, economic and numerical terms. The domination by a single caste set the tone and shaped the custom of levirate marriages was followed by other agriculturists' castes except the Rajputs in Punjab. The underlying logic of retaining the widow within the family ranging from control of her property, labour, her sexuality and reproductive capacity, to control of her options regarding marriage partners. Keeping in view the different socio-economic factors of the region, the present study in an attempt to explore various dimensions of the widow remarriage in Punjab which is called Karewa in the present context. The paper analysis the reasons of Karewa, its acceptability, impact of Karewa on life of a woman through gender perspective. Efforts have also been made to understand status of the women who are bound to accept Karewa as a social stigma which is influenced by the patriarchal structure of the society. The study is both qualitative and quantitative in nature.

Keywords: karewa, widow remarriagee, chaddarpana, heri-hui, jhanjarana

Introduction

The Paper deals with the practice of widow remarriage in Punjab which was prevalent in Punjab in various forms such as *karewa*, *chadarandazi*, *heri-hui*. Customs related to this practice differed from region to region and tribe to tribe. After annexation British administrators adopted the policy of status-quo in Punjab and adopted Customary Law as the Rule of law and *Riwaj-i-am* were prepared. The decisions related to marriage, remarriage, inheritance, succession of property and adoption were regulated by local or tribal customs not by religious law. Thus the subject matter of Paper is related to custom of remarriage with special reference of *Karewa* and ceremonies related to it. Paper analyses the effects of adoption of this custom on society as well as on gender relation.

Material and Method

The Paper is based on *Customary Laws* of Various districts under the British regime. Denzil Ibbetson's *Punjab Caste and Tribes* and C.L. Tupper's *Punjab Customary Laws* in three volumes also provides valuable information of various customs that were prevailing in various districts of Punjab. In this paper interdisciplinary approach have been used.

Result and Discussion

Widowhood is a universal phenomenon, but the proportion of widowhood is said to be highest in India. ^[1] This situation is due to historical reasons. Traditionally in the Brahmanical system at least over last millennium, a widow was regarded as a non-individual who was physically alive but socially dead. The young widow who chose not to become *sati*, an acrimonious (stringent) code of dress, food and behavior was

imposed on her. She was deprived, despised, excluded and exploited in various ways ^[2]. However the lower caste and lower class widows probably were free from the gruffness of their social codes. Variations in the widow's position by religious, tribal and regional matrices have also been noticed ^[3].

No doubt the pattern of widowhood is more or less on similar lines but differences also exist. While comparing the position of widows in India with that of Punjab, the position of widows of Punjab could be considered more favorable due to local customs, as widow remarriage was a common custom among the dominant agriculturists groups ^[4]. In the pre-colonial and colonial Punjab the system of remarriage of widows and rules related to it were based on customs and modified according to needs, interests and biases of different groups or tribes ^[5]. The question of marriage, remarriage, inheritance and succession were regulated by local or tribal customs not by religious laws. The imperial government had, right from the beginning, adopted the "preservation of village community" as a settled policy for Punjab. To this end they advocated "cohering tribes" rather than "their break up" ^[6]. The general argument of British administrators was that the mass of the agricultural population in this province did not follow either the Hindu or the Muslim law. Therefore a general code of tribal custom was prepared by the settlement officers, who at the each settlement compiled the *Riwaj-i-am* or the record of customs and rights in consultation with the village headman of each landowning tribe in the districts. Consequently the customs of the landowning class in regard to civil matters like succession, alienation, marriage, tenure of land, adoption and like same came to be settled primarily by the Punjab customary law

which then became the first rule of decisions ^[7]. There is no evidence that the women of the locality were ever consulted about these issues to be missing from the early records of rights prepared by the British ^[8]. Through the Land Revenue Act, however, a widow without any male lineal descendants succeeded for life to her deceased husband's property as a trustee responsible for the payment of the revenues ^[9].

In the Punjab several words were used to denote widow remarriage such as '*karewa*' '*karao*' '*chadarandazi*' '*chaddarpana*' '*heri-hui*' '*jhanjarana*' '*rikhorar*' and '*rakhewa*' ^[10]. In fact these terms appeared to denote all forms of marriage not celebrated with full religious rights. In this custom often the dead husband's younger brother married a widow; failing him his younger brother; failing him his other relatives; failing him outsiders. Usually marriage could not take place till one year had elapsed from the death of the husband. This custom was not fixed for whole Punjab but as the name or the term used for remarriage changed from tribe to tribe, caste to caste and region to region so was with the ceremonies related to it.

Karewa and *Karao* perhaps were two names of the same form of remarriage. Difference of name may be due to region, tribe or *boli* (language or vocabulary). It was very simple form of remarriage, not followed by engagement ceremony. It seemed sufficient that the parties should consent to cohabit with each other. The custom of *Karewa* was prevalent in most parts of the province, except amongst a few castes such as Brahmans and certain divisions of Rajputs ^[11]. It was rare among high caste Hindus who did not recognize it. Among Hindus for *Karao* no formalities were required. The ceremony was public and without *Phera*. But among Sikhs there were references of *Anand Karaj* system in presence of *Guru Granth Sahib* like first marriage ^[12]. But some remarriages amongst Jat Sikhs also took place without the *Anand Karaj* ceremony and only by simple consent ^[13]. The high caste people of hill areas believed that there was little to choose between the sinfulness of a union with either variety of sister-in-law because they considered younger brother's wife as kind of daughter-in-law and elder brother's wife 'just like a mother'.

Another form of remarriage which was prevailing in Punjab was *chadarandazi* or *chaddardalana*. Usually the man went through some ceremony before the assembled relations of tying a rupee in the corner of a *chadar* (sheet) and throwing it on women's head. Among all Muslims, a widow remarried by the same form of *nikah*, as a virgin. The Muslim tribes of Dera Ghazi Khan district made no distinction between widow marriage and ordinary marriage except that there was less festivity and less expenditure than at a woman's first marriage. One other ceremony was that of '*tan bakshi*' which consisted of women stating presence of witness that she had given her person to her new husband. It was also well known that the Muslims of the western Punjab, who although of the Hindu origin did not marry by *phera* or circumambulation of the sacred fire forbidden as a rule in the remarriage of widow, while the foreign Muslims such as Saiyads and Pathans had no prohibition against it ^[14].

In Kangra district, the custom of remarriage was known as '*Jhanjarara*' ^[15]. Like *Karewa* and *Chadarandazi*, *Jhanjarara* rites were also simple, cheap and less prestigious ^[16]. The other term for remarriage of the widow was *heri-hui* in Karnal.

The prevailing view was that it was a lower form of widow remarriage. The Karnal settlement report recorded that in Karnal district, a Gujar might marry a Jat or a Ror widow, or even of menial caste, but the woman was then called *heri-hui* though it was still a real marriage ^[17].

In the beginning of the twentieth century, the acceptance of the society toward *Karewa* increased. Many Rajputs adopted the custom of *Karewa* as *chauhans* of Delhi, who had once ruled in India ^[18]. The Rathi Rajputs of Kangra also accepted this practice with a widow of another caste such as Jats or Jhinwar. However, they generally followed the practice of *rakhewa* to inherit the deceased elder brother's wife or compensation. This practice was also prevailing among Sikhs in Hoshiarpur and Mahton Rajputs ^[19]. As in 1885 in Ludhiana district, Rajputs had accepted this practice to some extent ^[20]. In 1893, the marriage of Khatri Kuka Sikh with a lower caste widow like Tarkhan or Jat widow was considered an appropriate step.

It is interesting to point out that in east and central parts of Punjab or the east of the Chenab, the custom of remarriage was universal among all in 1881. In 1885, Lalotras (Brahmas) of Kangra among whom all widow remarriage were denied; were reported to be accepting *Karewa* ^[21]. This was a major change in the context of widow remarriage among Brahmans in Ferozpur district. In 1900, a remarriage took place between a Jat and a Brahman by *Chadar-andazi* system. The census of India 1931 reported of high rate of remarriage of Brahman widow in comparison with other caste in 1914 and 1918 ^[22].

The Punjab region has always sanctioned the custom of widow remarriage. An apparently progressive practice, widow remarriage appears most desirable from the point of view of making widows *suhagan* (auspicious). Yet from the point of view of many widows this much celebrated custom has several possible repressive aspects, including forcible remarriage into mismatched and undesirable alliances; polygamy and the harsh reality of being a co-wife; and being deprived of her own inheritance rights ^[23]. The custom appears to be growing in popularity and acceptability, sanctioned through a combination of patriarchal needs and the force of popular culture, aided indirectly by current legislation, including inheritance laws and pension and award claims, as well as more directly by state administrative directives.

Remarriage of widows in Punjab customarily has been a levirate one (called *karewa*) in which the widow is accepted as wife by one of the younger brothers of the deceased husband; failing him the husband's elder brother; failing him his agnatic first cousin ^[24]. Therefore, a widow's right to determine who she would remarry was not only severely restricted, it could be settled only by her late husband's family. Although the widow could not be compelled to remarry, she was not free to marry without their consent. So complete was the control over the woman and the question of her remarriage that it was freely admitted that the widow was often forced to agree to their wishes ^[25]. In these levirate alliances, the *dewar* (younger brother-in-law) was in many instances a lot younger than the widow. Marriages in which the *dewar* was in fact a mere child are remembered by many in the rural areas to have taken place in their own families during the colonial period. Such a situation very often led to the cases of sexual exploitation of

the women at the hands of the male family members ^[26].

The adoption of this practice of *Karewa* or remarriage has various political, social and economic dimensions. In Punjab, the fundamental political interest of the British transcended their less well defined concern for social progress. This *Karewa* practice had to be retained because of British concern lay in strengthening the hold of the existing peasant society over land; its break up was inevitable if the widows were allowed to have her way ^[27]. The main reason behind the popularity of *karewa* culture was the need for retaining landed property within the family. Imperial administrators of India had realized the fact that acceptance of the widow's right to inheritance of property would not be economical for the prosperity of province because it would lead to the fragmentation and sub-divisions of holdings. In fact, the fast spreading problem of the fragmentation of land holding was serious enough for the Viceroy in June 1936. Therefore district officers were instructed: "Often a young widow will present a petition to the Deputy Commissioner for sanction to marry a man of her choice, but with such application he is wise to have nothing to do" ^[28]. There were two other political factors behind this practice: one was the emigration of men to seek work especially in the canal colonies and second was large number of recruitment in Indian Army. Both these factors meant that wives of these persons had to live without their husband for a long time. On such occasion a man handed over his wife to his brother till he returned. The continuation of this practice in the Punjab, where the widow may be older than her brother-in-law by anything between two and ten years, has kept this oral tradition alive. A lot of these cases concern those widows whose husbands died in India's extensive military engagements in the colonial period.

In western area *Karewa* word was used in another sense, among the Muslims lower castes of Hindus and Sikhs, when a wife was married without any ceremony, but usually payment of a sum of money. This only happened, when she carried on liaison with some other man. The husband then accepted a price for the wife and the man, who paid money, married the women by *Karewa*. Such acts treated her as a commodity which can be sold or purchased and denied her rights and emotions and was an example of high level of discrimination. Sometimes an entirely different situation was also being reported from the society. To put restraint on the widow's will, sexuality and property, she was forced to accept even her father-in-law as husband. In 1920, a *Karewa* was performed by a man with his nephew's wife. Though this form of marriage was prevailing in some tribes on the other hand among some tribes it was considered invalid because it was repugnant to good morals ^[29].

The dangers of women inheriting and controlling property were evidently clear to those brought up in the British cultural milieu; they wanted no repetition of it in Punjab. The fact that the custom of *Karewa* snatched away whatever little rights of possession women in Punjab had come to acquire as widow, was well known to them. They were fully aware of the nature and operation of this custom in relation to women. Widow-remarriage – a seemingly progressive feature – continued to be applauded by British administrators. The practice, however, as it was encouraged to exist merely reinforced the social ethos which safeguarded the land in the family, clan and

community. The British administrators own attitude regarding female inheritance was closely identified with the primary concern of the colonial government which did not want to disturb the existing rural society of Punjab.

Widow Remarriage Act XV of 1856 was passed by the imperial government which legalized widow remarriage. For rural Punjab this Act had no significance, as a form of widow remarriage was recognized not only being observed but was also legally recognized under the customary law of the land operable in the courts. As such this Act made no difference. However, like generally forced levirate marriage of the peasant culture which successfully kept landed property intact in the family and within the patrilineal clan, Widow Remarriage Act also successfully retained patrilineal hold over property by taking away from the widow her limited right over it in case of remarriage ^[30]. Interestingly, the social reformers, whether the Arya Samajists in the North, or the others in the east or south of India, were unanimous in emphasizing the remarriage of child widows or virgins and were also unanimous in keeping a studied silence where inheritance and property matters were concerned.

The agrarian milieu of Punjab which necessitated widow remarriage, with its own peculiar features, also imparted a somewhat flexible attitude and wide social acquiescence to certain emergent practices involving women. In the given geo-economic background the adverse female sex ratio, the prevalence of bride price with the wife as an agriculture – labour asset emerged the concept of the women being married to a family rather to an individual. Translated in terms of hard reality this concept meant two or three brothers would share a wife ^[31]. Thus began a systematic and extensive sexual exploitation of women.

Conclusion

From the above discussion some conclusions can be drawn. No doubt by the practice of remarriage widows got rid from the miserable condition on one side. But on the other side by remarriage she had to leave what a little she had achieved on the name of maintenance. No doubt colonial Punjabi women might go to court for her rights but she had to fight against the strong patrilineal system which was not possible for her. Therefore legally she had got some rights but practically her condition remained almost same.

References

1. Suryakumari, The institution of widowhood in historical perspective', P.K.B. Nayyar (ed.), Widowhood in Modern India, Delhi, 2006, 9.
2. Bharati Ray (ed.), From the seams of History: Essays on Indian Women, New Delhi, 1995, 4.
3. Nayyar PKB. (ed.), Widowhood in Modern India, 77.
4. Tupper CL. Punjab Customary Law, I, Calcutta, 1881, 47.
5. Rustomji KG. A Treatise on customary in the Punjab, 5th ed. Allahabad, 1947, 313.
6. Dushka Saiyid, Muslim Women of the British Punjab: From Seclusion to Politics, 3.
7. Rustomji KJ. A Treatise on Customary Law in Punjab, p. 313.
8. James M. Douie, Punjab settlement Manual, 4th edn. Lahore, 1930, 134.

9. Customary Law of the Attock District (compiled by A.J.W. Kitchin), rev. edn., Lahore, 1911, 46.
10. Rose HA. The Punjab, its feudatories and the North West Frontier province, Lahore, 1901, 218.
11. Emerson HW. Customary Law of Multan District, XIII, Lahore, 1924, 28.
12. Nawab Malik Mohammad Hayat Khan Noon, Customary Law of the Pakpattan and Dipalpur Tehsils of the Montgomery District, 14.
13. Ibid, 14.
14. Walkar TG. Customary Law of the Ludhiana district, Calcutta, 1885, 26.
15. Ellis TP. Notes on Punjab Custom, Lahore, 1917, 266.
16. Parry JP. Caste and Kingship in Kangra, New Delhi, 1979, 235.
17. Census of India: The Punjab, 1911-1912:14:282.
18. HA. Rose, 365.
19. Ibid, 288.
20. Wilson J. 1885, 26.
21. Ellis TP, 1917, 266.
22. Census of India: Punjab, 1931; 17(1):188.
23. Customary Law of the Lahore District, Vol. XIII, p.45; Nawab Malik Mohammed Hayat Khan Noon, Customary Law of the Pakpattan and Dipalpur Tehsils of the Montgomery District, p. 19; W.H. Rattigan, A Digest on Civil Law for the Punjab Chiefly based on customary Law, p. 116.
24. Gail Hinich Sutherland, Bija (seed) and Ksetra (field): Male Surrogacy or niyoga in the Mahabharata, Contributions to Indian Sociology (NS). 1990; 24(1):77-103.
25. Joseph E. Customary Law of the Rohtak District, 1910, Lahore, Govt. Printing, 1911, 45.
26. British officials meticulously noted down several such cases. See for example, Joseph, Customary Law Rohtak, 19.
27. Rohtak District Gazetteer, Lahore, 1910, 90.
28. Paras Diwan, Customary Law of Punjab and Harayana, Chandigarh, 1978, 76.
29. Prem Chowdhary, Socio-Economic Dimensions of Certain Customs and Attitudes, Economic and Political Weekly. 1987; 112(48):2060-66.
30. Lucy Carrol, Law, Custom and Statutory Social Reform: The Hindu Women's Remarriage Act of 1856", Indian Economic and Social History Review, 20, 4, Oct.-Dec, 1983, 363-89.
31. Darling ML. The Punjab Peasant in Prosperity and Debt, 2nd ed., New Delhi, 1925, 5.