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Sexuality, Unchastity and Fertility: Economy of Production and Reproduction in Colonial Haryana

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A fear of female sexuality and therefore, the need to control it have been felt in many societies and civilizations. This control has assumed different forms in different societies. In colonial Haryana, the custom of widow remarriage emerged as one of the most effective and socially valid forms of this control. The custom did not merely control the limited inheritance rights of the widow, an aspect which we have investigated extensively elsewhere, [1] it also controlled her sexuality, fertility and labour. In this chapter, the question of inheritance is explored in relation to these other aspects. This refocusing affords a wider dimension to the analysis by shifting the spotlight from the landowning class/caste to hitherto unexplored but significantly crucial aspects of the peasant economy which were being manipulated and controlled through the use of customs and 'traditions'. Not only were these traditions being constantly shaped, challenged and reshaped by patriarchy to fit the particular needs of a community, but in the given limited colonial space they were also open to negotiation by the widows themselves. Consequently, widow remarriage emerges as a complex custom, which shows contradictory facets in operation. On the other hand, it severely restricted a widow's right as to whom she could marry by enforcing upon her a levirate alliance and, on the other, it showed a rare flexible liberal sexual attitude which was willing to accommodate even her unchastity in it fold.

The present chapter attempts to explore the social dimensions of widow remarriage in colonial Haryana. It analyzes the reasons behind this ostensibly 'liberal attitude' towards women in the context of remarriage and sexuality. Such an analysis highlights the specific geo-economic and social needs of this region, which carved out a special productive and reproductive role for its women. This role sanctified certain cultural norms like widow remarriage which was--unlike in other areas of India--hailed as a progressive high status norm for women. Yet in the female consciousness and life experience it was perceived as a repressive custom. The repressive elements ranged from forcible cohabitation and remarriage, an unmatched and undesirable alliance, sexual exploitation, polygamy and the status of a co-wife, to the loss of inheritance. Male attitudes

emerge in sharp contrast to female attitudes showing an entirely different view of concepts such as morality, illegitimacy, and autonomy, both sexual and economic.

Certain patterns of defiance from the widows, against heavy odds and great opposition, were also noticeable including determined attempts to change the customary norms seen as repressive. These ranged from open defiance of levirate alliance and acceptance of charges of unchastity to runaway marriages and alliances. It showed the desire of widows to control and assert their relative autonomy, both economic and sexual, taking precedence over the social acceptability of their remarried status. Socially and ideologically, this defiance, stood strongly condemned as society equated the uncontrolled sexuality of a widow who refused to marry with that of a prostitute whose sexuality could not be controlled or a barren woman whose sexuality could not be channelized into reproduction. Not surprisingly, a culture which placed a high value on reproductive sexuality and willingly accommodated it by legitimizing unchastity through levirate, feared its opposite (i.e. wantonness and barrenness) and found it inexcusable and even inauspicious. The control of female sexuality by enforcing levirate remarriage of widows emerges in this region sanctified through a combination of factors: the essential productive and reproductive needs of the region, patriarchal concerns, custom, re-legitimization by the reformists, and blatant propulsion by the colonial administrative and judicial apparatus.

Popularity of Widow Remarriage: Custom of Karewa

The custom of widow remarriage in colonial Haryana was a widespread and popular practice. Defined as a 'low caste Sudra practice' by British administrators, [2] it not only existed among the low castes known as achut and kamin but also among the 'agricultural castes', so notified under the Punjab Alienation of Land Act, 1900. [3] Those were chiefly Jat, Rajput, Pathan, Sayyed, Gujar, Ahir, Biloch, Ror, Moghal and Mali. By subsequent notifications Taga, Saini, Chauhan, Arain, Brahmins known as Gaud-Brahmin in this region, and Qureshi were also included. Reports indicate that it was being followed even among the Brahmins. The Brahmins of this region were not a priestly class but were mostly landowners who followed the dominant social custom of this region in preference to the Sanskritic model of other Brahmins who brooked no remarriage at all but upheld sati (widow immolation) instead. [4] Among commercial Hindu castes, the 'low grade Khatris' also followed this practice but others like the Banias and the Kayasthas did not do so, and among the Muslims, nor did the Sayyads. [5] The Rajputs and other castes that did not admit remarriage were contemptuous of this practice and looked down upon those who practised it. [6] It is difficult statistically to calculate the number of people

who followed this practice, but it is clear that an overwhelming majority seem to have done so. [7]

The popular acceptance of widow remarriage was signified in a local proverb recorded in the nineteenth century, but which I found to be uniformly used all over Haryana even to this day. The well-quoted proverb maintained:

aja beti lele phere,

yoh margya to aur bhotere"

(Come daughter, get married,

If this one dies there are plenty more).

The vibrant oral tradition, which evolved around this custom, has remained alive because of the continuation and, in fact, strengthening of this custom in this region. [9] This tradition provides ample evidence of a widow celebrating her to-be-changed status in the near future as had been done a century earlier:

titar pankhi badli bidhwa kajal rekh

wuh barse yoe ghar kare ya main nahin bisekh [10]

(A dark-grey cloud is bound to burst

A widow using kohl is bound to remarry).

Widowhood in Haryana was considered a temporary phase. The widow got married again and the so-called stigma of her widowhood did not persist. That is why in a sort of temporary freedom from social restraints the widows were accepted as full participants in the public celebration of fun and revelry at the festival of Holi. The folk observation maintained:

Kachchi imli gadrai savanme

rand lugai mustai phagun me [11]

(A young innocent girl matures in rainy season

A widow frolics in early spring).

Clearly, the folk tradition symbolically accepted the sexuality of the widows, but only temporarily, as it sought to control it through remarriage.

Indeed, a widow who did not remarry became an object of suspicion. This deep distrust of a widow, even an old one, can be seen in the abuse *susri rand* (widowed mother-in-law). A clue to this distrust is provided in the close parallel of the two words *rand* and *randi* (a prostitute). A widow's sexuality became suspect and a source of menace once the controlling hand of her husband was removed. For, as a widow, she was autonomous, and in a position to make her own decisions about her sexual life, just like a prostitute. It was, therefore, considered only a small step from the position of a *rand* to that of a *randi*, both being commonly used as term of abuse.

Moreover, as a *rand* she was considered to become more demanding in her desire or passion. The remedy was to quickly put her under the control of a husband again in order to control her wayward and even destructive sexuality. The local term *basharm rand sai* (shameless widow), used for bold and aggressive females, emanated out of the fact that a widow was generally considered shameless in her sexual desires and appetite. In fact, the general rural belief equated *churel* (ghost of an unsatiated woman) with a *rand*. [12] Sexually unsatiated women, whether they were dead *suhagan* (married) or living *rand*, turned into *churel*. The *churel* and *rand* were both known as seducers of youth, particularly those who were good-looking. Both seemed to operate at night. Just as the *churel* was believed to carry the youth to her own twilight kingdom and keep him there till he lost his manly beauty and send him back as a withered old man, the *rand* was also considered to do the same (i.e. lure men for her physical needs). The abuse *randia* has its origin in this belief and is used for a man dominated by his wife: it means a widow's sexual slave. The myth of the sexual prowess and inherent dangers of a widow had the effect of limiting her freedom to protest against this stereotyping or to assert herself; it kept her necessarily confined to the dictates of the male of her family who advocated her control through remarriage.

Widow remarriage, as followed in this region, has special features of its own. Known as *karewa*, *karao*, or *chaddar andazi*, the custom is traceable to the old Rig-Vedic *niyog* (levirate marriage) which was prevalent in the geographical region of Punjab-Haryana and associated with the early Vedic Aryan settlements. [13] *Karewa*, a white sheet with coloured corners, was thrown by the man over the widow's head, signifying his acceptance of her as his wife. Symbolically, this gesture brought the widow once again under male protection by her being given his 'shelter' or 'roof', and with it, receiving colour in her life. With this gesture, the widow who had become relatively autonomous was again subordinated. This custom represented social consent for cohabitation. Significantly, this form of remarriage was not accompanied by any kind of

religious ceremony, as no woman could go through the full religious wedding ceremony (biah) twice. [14]

Remarriage, however, could take forms other than the one mentioned here. It could take the form of placing churis (glass bangles) on the widow's wrist in full assembly and sometimes even it gold nath (nose ring) in her nose and a red sheet over her head with a rupee tied in one of its corners. This could be followed by the distribution of gur (jaggery) or sweets. It was said that in Karnal district these ceremonies in karewa were performed only when the woman was the widow of a member of the family; in all other cases, no ceremony was performed and a man merely took the woman to his house. [15]

In other cases where widows remained within the family, even cohabitation was considered sufficient to legitimize the relationship which carried all the rights of a valid marriage. The riwaj-i-am (record of customs and rights) of the district and the records of cases decides judicially are full of instances where mere cohabitation as man and wife for a long period without any accepted matrimonial ceremony had been considered sufficient to validate the marriages. [16] However, for cohabitation to be accepted as remarriage it had to be cohabitation in the man's house. Mere visits to the woman were considered 'adulterous'. [17] Here it may noted that through cohabitation was taken as marriage, it could only be with a widow and not with an 'unmarried woman'. The British officials recorded a great deal of 'shame and reluctance' on the part of the rural populace in admitting '...the extent to which laxity in performance of marriage ceremonies in the case of union with widows has [had] become common. [18]

Widow's Perception of Karewa: Exploitative Custom

As a rule, remarriage of a widow had been and continues to be primarily a levirate marriage or karewa in which the widow was 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, and so on. The levirate union with the dewar, the younger brother-in-law, is amply reflected in the folklore; the jocularly cited amongst women of all ages and their younger brother-in-law in a way anticipates a levirate alliance. This also forms part of a ritual joking relationship between affines found all over India cutting across caste and class. [19] For example:

dewar bhabhi ka pyar ho sai

is me kai takrar ho sai

(The love between dewar and bhabhi is unquestioned,

There are no two ways about it).

A more telling but somewhat restrained voice is:

rand ke ghar me dewar maula [20]

(The dewar is a lord in a widow's house).

The oral tradition of this region is rich in such dewar-bhabhi songs. Their popularity is obviously reinforced by the continuing levirate form of widow remarriage. Many rural families can recall karewa marriages where the dewar was a mere child, as having taken place in their own families during colonist times. Ram Chander from village Bandh of Karnal district, for example, recalled that when his widowed grand-mother, who was 18 at that time, was remarried, his grandfather (her deceased husband's brother) was only three-year-old. She first brought him up and then raised her own family.[21]

Many similar cases may be cited from people's memories, all of which reinforce the perception of women as expressed in the following folk song regarding the karewa practice:

dhundha dhundha ri baignia se chota

paani ko jayum mere sath sath jave

rove rove ri veh to neju pakar kai

rovo mut bale sainyan, jhiko mut bale sainyan

dungi dungi ji tumhe phuliya mangaa kai

sone ko jaun, mere sath sath jave

rove rove ki amma amma ker kai

rovo mut bale sainyan, jhiko mut bale sainyan

dungi dungi ji gudiya mangaye kai [22]

(I am married to a mere child

He follows me when I go to fetch water,

Crying and clinging he follows,

Cry not my little beloved,

Don't be vexed my little beloved,

I'll get you sweets to eat

He follows me when I go to sleep,

Mother, mother, he cries

Don't cry my little beloved,

Don't be vexed my little beloved,

I'll get you a doll to play with).

The song shows the pathetic irony of the situation and the torment that a physically nature wife underwent with a child for a husband.

Moreover, such a situation made widows vulnerable to the sexual attention of and exploitation by the older family males. There are recorded instances of such cases. One such case, which came up for hearing in 1892, is illustrative. The father of one Kalu, Gujjar by caste, who belonged to Amritsar, used on behalf of his son, a 10-year-old minor, for the custody of his wife, Aisha, 30-year-old who lived in a village in Lahore tehsil. The wife had been a widow earlier and had married Kalu in 1886, when he was only four-year-old and when she was considered to be between 19 and 24 years of age. The first court as well as the divisional court dismissed the case. The father-in-law then took the case to the High Court which dismissed the appeal in 1892 citing the judgement of the divisional judge who had decreed:

The plaintiff manifestly can't as yet fulfil any of the duties incumbent on him as a 'husband' and therefore is not entitled to demand the assistance of the court to compel his wife to reside not under his protection (for he can afford none), but under the protection of the guardian. [23]

This aspect of sexual exploitation whereby the father-in-law claims control over the widow, also found its way into the oral tradition. An old talc highlights this:

A widowed daughter-in-law conceived from her susra (father-in-law), She was deeply embarrassed about what people were going to say about it. The father-in-law reacted to this by asking her to stitch him a quilt full of patches. This quilt he wrapped around himself down in the front courtyard of the house. All the men and women who saw him laughed at the old man and commented on his heavily patched-up quilt. After a few days they stopped, having got used to him and his quilt. It was then that the old man said: 'Look here, you woman, now it's all over. People take just a few days to get used to a thing.' [24]

The significance of this story lies not only in etching the repressiveness of social norms for women but also how traditions of repression and sexual exploitation were invented and gradually accepted so that people believed that they had existed from time immemorial. The dominant role of the male in deciding what was to be accepted or rejected also stood clearly revealed.

Yet, in all this the onus had always been on the young widow who turned even an old father-in-law lusty. This was signified in a proverb recorded in the nineteenth century:

Jawan rand, burhe sand [25]

(The young widow turns old men lusty).

This is interesting because the relationship of the father-in-law with the daughter-in-law as signified in the observance of purdah and other rules of behaviour and etiquette had always been and still remains one of strict avoidance. Yet repressive elements of the gender relationship and the power equation which operated behind such sexual liaisons help us to understand how and why the word susra came to be used as a term of abuse.[26]

In fact, from the sexual point of view, it may very well have been an already existing relationship which had possibly left the widowed bahu (daughter-in-law) pregnant, which lay behind instances of the father-in-law claiming even karewa marriage with the widowed bahu. Interestingly, in colonial times, the legality of such an alliance was disputed. The opinion of the courts regarding the validity of the remarriage of a widow to her father-in-law differed widely because it was derived from customary law which was not merely caste based but also status and region based, [27] For example, in 1934 in the Ambala district there was the case of a Jat who claimed validity of custom regarding karewa marriage with his widowed daughter-in-law. A number of 'important witnesses' deposed that such marriages were 'not uncommon' and cited several instances where the children of such marriages had also inherited the ancestral property. However, the case was lost by the father-in-law, who then appealed to the

Lahore High Court. The High Court also rejected it and maintained that the custom of karewa marriage between a Jat and his widowed daughter-in-law was invalid, being repugnant to the ideas of Jats.[28]

However, this judgement did not apparently lay down a general rule of custom applicable to the entire province. For instance, in another case decided shortly afterwards in 1936, the Hoshiarpur district judge took a totally opposite view and held, on the evidence, that such a remarriage was valid by custom. This case concerned one Joginder Singh, a Jat of the Garhshankar tehsil in Hoshiarpur district who challenged the sale of 20 kanals and 71/2 marlas (approximately 10 bighas or two acres) of ancestral land made by his father Dalip Singh. He held that the sale, which was 'without consideration and necessity', should not be allowed to affect his reversionary rights to his ancestral property. The father resisted the suit on the ground that the claimant did not possess reversionary rights as the land was not ancestral. His plea was based on the contention that he (Dalip Singh) and his two brothers were illegitimate sons having been born to Mehr Chand by his marriage with his widowed daughter-in-law which was invalid according to custom. The case therefore hinged on the issue of the validity or invalidity of the marriage of the father-in-law with his widowed daughter-in-law and whether children of such unions were illegitimate or not. The Lahore High Court upheld the lower district verdict in 1937 by maintaining "The evidence shows that such marriages were attended by the Biradari and the sons and daughters have been married with Jat families.... How can these marriages be repugnant to the community if the same community attends the marriage. [29] The judgement indicates the basis of British recognition of the customary institutionalization of certain practices. In their opinion the union of the father-in-law and the widowed daughter-in-law would be judged illegal under the customary law, if it did not get social recognition and if marriage alliances of children of such a union could not take place within the community.

Evidence of several similar cases having been affected was produced in the court. One such case related to the Rajput Mehtons of Hoshiarpur district, who had availed of the customary law prevailing in the district to validate such an alliance. Documentary evidence in the shape of mutations of property rights in the names of sons of the father-in-law with his widowed daughter-in-law were also shown where the objections of collaterals had been overruled. In view of this the judges ruled: 'It may be that such marriages are perhaps not now looked upon with approval and are therefore rare. But that does not necessarily mean that they are invalid.' Clearly, in the British opinion, it was a recognized practice even if it was going out of date. On the other hand, it is equally clear that the validity of such marriages was dubious. They were disputed and challenged among those very caste groups, which were showing their acceptance. The

judges went on firmly to observe that they found the custom of karewa to be repugnant to 'modern notions':

So far as mere repugnance to modern notions is concerned, a marriage with a deceased brother's widow can scarcely be considered to be less repugnant than a marriage with a son's widow. If the latter marriage is considered to be objectionable because a daughter-in-law stands on the same footing as a daughter, the marriage with a brother's widow would equally be repugnant as the latter stands on the same footing as a sister.

Significantly, it may be noticed that the customs could be and were sought to be manipulated by interested parties specially as they had come to have legal sanction. Yet, the father-in-law's claim presents far more complex a picture. This disputed practice emerges as status- and region-based among caste clusters, for example, the regions of Ambala and Hoshiarpur remained two of the most economically backward regions of Punjab where even bride-price was not uncommon. [30] Similarly, the practice of karewa, in the absence of dewar, to jeth (older brother-in-law) who held a reverential position similar to that of the father-in-law and in the absence of both dewar and jeth to father-in-law seems to suggest that the ideology of a blood bond shared by all the male members of a family had at one time even accommodated the father of the deceased husband as a claimant of his daughter-in-law in sexual partnership and marriage. It also present, as we show later, an underlying logic of retaining the widow within the family for a variety of reasons ranging from control of her property, labour, her sexuality and reproductive capacity, to control of her options regarding marriage partners. The reigning ideology behind this control, recorded by E. Joseph, significantly laid down:

A female, minor or adult, is always under guardianship. While single she is under the guardianship of her father; if he is dead, of other relatives, in the order given (all male members). So too when married until her muklawa, when she comes under the guardianship of her husband; on his death until remarriage she is under the guardianship of his family, whether she be minor or major.[31]

Therefore, the widow's right as to whom she could marry was not only severely restricted, but could be settled only by her late husband's family. Though the widow could not be compelled to remarry, she was not free to marry without their consent. If a widow married a stranger against the will of her former husband's family, a caste panchayat would compel him either to give her up or to pay the former husband's family a reasonable price for the woman to underline their ownership and to discourage anything but levirate marriage.[32] So complete was the control of the husband's family over the woman and the

question of her remarriage that it was freely admitted that in practice she was often forced to yield to their wishes.[33]

The British officials also favoured the legal regulation of widow remarriage in its levirate form alone. They sought to give it validity awarding damages in favour of the former husband's family against the stranger who entices the widow away'.[34] Such a move was seen to be consistent with the demands of 'equity' and with the 'custom of many tribes and the idea of the people generally'. However, it was soon discovered that the Widow Remarriage Act XV of 1856 would invalidate such a claim if made through the courts: Section Y of the Act took into account the consent of a Hindu widow of full age for remarriage if her marriage was to be construed as lawful and valid under the Act.[35] This move to favour levirate marriage alone had therefore to be dropped. The officials regretfully recorded that the law had given validity to such marriages which would have been 'illegal according to native custom' as 'the tribal feeling' was very strongly in favour of maintaining the power of the husband's family over the action of the widow in this matter.[36] Therefore, in keeping with these sentiments and their own attitudes, British officials wherever possible, also forced karewa on unwilling widows. In one of the more revealing accounts, George Campbell, a British official serving in Punjab in the 1870s delineated his own role in such marriages as follows:

My trouble was quite the other way, to decide adverse claims to women. A special source of dispute was the obligation of widows (under the law, as understood by the men at least), to marry their deceased husband's brothers. They had a contrary way of asserting their independence by refusing to do so. I am afraid the law that I administered was rather a judge-made law; my doctrine was that if they refuse they must show reasonable cause. The parties used to come before me with much vociferation on the female side, and I decided whether the excuse was reasonable. But if the man seemed a decent man, and the woman could give no better reason than to say "I don't like him," I said, "Stuff and nonsense, I don't listen to that-the law must be respected," and I sometimes married them there are then by throwing a sheet over them after the native fashion for second marriages. So far as I could hear those marriages generally lived out very happily.[37]

Rejection of Karewa: Acceptance of the Charge of Unchastity

Despite the use of force, both patriarchal and state, widows did not always give in easily to levirate marriages. Some resisted the culture of remarriage which was designed to retain them within the family of the deceased husbands. But the resistance of widows to the peasant culture of remarriage was not allowed to surface. The district officials under the colonial administration saw a lot of

petitions from young widows seeking sanction to marry men of their own choice but they were firmly instructed not to entertain them in the following words: 'Often a young widow will present a petition to the Deputy Commissioner for sanction to marry a man of her choice, but with such applications he is wise to have nothing to do'.[38]

Petitions nevertheless continued to be made by widows, and even courts were moved not only for purposes of marriage but also to deny that karewa had taken place. So common was this resistance that British officials noted in 1921 that criminal proceedings were most frequently resorted to by the deceased husband's brother by lodging a complaint under section 498 of the Indian Penal Code to counter the widow's attempt to escape by asserting that a marriage by karewa or chaddar andazi had taken place whereas it was firmly denied and challenged by the widow in question.[39] In these efforts whether women's success in reaching and making use of this new public space was prompted by interested males, natal or others, cannot be ascertained as there are no reference points to check it out. On the face of it, society would hardly afford them the autonomy to checkmate the male counter claims. It was also very difficult for widows to prove the contrary for, as pointed out earlier, even cohabitation could be and was recognized as karewa. Yet the situation remained ambiguous as widows were denying karewa even at the cost of accepting the charge of badchalni (unchastity). Commenting upon the influx of such cases C.C. Garbett, writing about the Karnal district in 1910, maintained.

When the reversioners seek mutation on the ground that the widow had forfeited her estate by remarriage they are opposed by the widow, who denying that she was married again, asserts that she is merely living in illicit union with her paramour, and that unchastity is no bar to her holding her life estate. These cases are rendered difficult by the fact that formal karewa is a ceremony so brief and simple that it is difficult to produce convincing proof, that in some cases ceremonies are not observed at all, and that in the case of karewa with the nearest male relative of the deceased proprietor mere cohabitation is generally sufficient proof of marriage. It is therefore difficult for the revenue officer to decide the exact status of a widow who admits cohabitation but denies marriage.[40]

Consequently, in innumerable court cases, the widows chose openly to deny karewa, accept the charge of unchastity, and, in British eyes, the notoriety of bearing illegitimate children, rather than forfeit their inheritance by admitting to remarriage.[41] Summing up this phenomenon, R. Humphreys recorded in 1914:

Widows constantly come forward and admit they have had illegitimate children, but deny marriage with the father of the children in order not to lose their estates

in their deceased husband's property propertied ... as propertied widows (though cohabiting or remarried) they still had a lot of say in property matters.[42]

Indeed a widow who was successful in denying a remarried status stood to gain enormously. She assumed full control of her limited estate with the right to get it cultivate through someone else (as she was customarily not allowed to undertake full agricultural operations herself). Moreover, she was also entitled to the enjoyment of its entire income without accounting for her expenditure to the possible reversioners. She could also alienate the property though not sell it.

However, despite the advantages accruing from the status of being single, the behaviour of the widows was prompted by far more complex reasons than were understood by British officials. This behaviour would become comprehensible to us if we keep in mind the implications, for a woman, of admitting to 'unchastity'. Badchalni has to be equated with freedom from control-both economic and sexual-which its acceptance afforded to women. It not only assured her the inheritance, as understood by British administrators, and consequent relative economic autonomy but also sexual autonomy, by allowing her to retain her chosen partner instead of the imposed one, who was in all possibility already married. The presence of a co-wife and the probability of an ongoing conflict with her and the husband for various reasons, ranging from his sexual attention to allocation of food, clothes, etc. were serious problems, which understandably the widow wanted to avoid.[43] Moreover, polygamy, as argued by Lynn Bennett, minimizes the manipulative power of sex used by the wife to gain influence over her husband.[44] This argument can be extended to indicate that instead, polygamy endows the husband with the manipulative power of sex to control his wives. Being intrinsically connected with reproduction, sex (except in the case of a barren wife), is used by the husband to decide on whom to bestow his 'favours' or who to deprive. Ultimately, this favour determines the household power-hierarchy, which operates crucially in spheres extending from prestige to resource entitlement.

Pressurized to cohabit both by the local patriarchy and the state's judicial and administrative apparatus, the self-assertion of widows recorded by the British, clearly emerges as a form of protest against the already married status of the man. The widow shows extreme reluctance to become a co-wife. 'Unchastity' therefore had a different meaning for her than the patriarchal construction. [45]

Specially revealing is the fact that even if a woman was acknowledged as 'unchaste', the brother-in-law was willing to take her as his karewa wife because of the benefits of the possession of land and the additional labour. There are recorded instances of brothers-in-law among the Gujjars of Sandholi and the Jats

of Karnal taking over the widows as wives and their 'illicit' children as their own; or instances of pregnant women being married off to the brother-in-law, though pregnancy was openly known not to be due to him.[46] At this historical point the hardening of sexual gender norms was partially stemmed. Property had scored above notions of chastity and badchalni even within the given societal constraints. Wider issues at stake had stretched the concepts of legitimacy and morality.

The general customary usage as recognized in Punjab which was observed in the courts was against forfeiture of the life estate of a widow by reason of her unchastity; and the onus was on those who asserted such a special custom to the contrary.[47] Hindu Rajputs, Brahmins and Mahajans, bracketed unchastity with remarriage; either of these resulted in the losing of all rights by women. But all other agricultural caste groups differentiated between remarriage and unchastity; on remarriage alone the widow lost her rights.[48] This resulted in widows retaining the life possession of the property of their deceased husbands, though they were found to be unchaste.[49] In some cases where forfeiture occurred, the special custom was proved by entries in the riwaj-i-am.[50]

The land-owning male opinion of Punjab was 'unanimous' in wanting to exclude the unchaste widow.[51] The judges also observed 'the universal feelings of the people in favour of forfeiture in case of unchastity of the widow'.[52] The British officials, worried about the court rulings which unhelp this 'pernicious custom' to be 'subversive of morality in putting a premium on illicit union', specially when remarriage entailed forfeiture, put across a strong case to include badchalni as grounds for forfeiting the widow's right to her husband's estate.[53] Many of them requested the judiciary to attach the same penalty to unchastity as to remarriage and not to dismiss the charges for lack of precedent, for they felt that it was 'almost impossible that instances should be openly quoted in a matter so intimately affecting the family honour of the people by which the custom is attested'.[54]

And so, interestingly enough, the British found their hands tied. The only solution thought fit was to remove the burden of proof as acknowledged in the customary law, so that the clauses regarding unchastity could become operative.[55] This, however, could not be done due to the overwhelming 'proof' to the contrary; for under the rules the judges had to ask the plaintiff to prove the custom of forfeiture due to unchastity which could not be done. So notwithstanding the repeated requests of the land-owning male populace in consonance with British officials own predilections the custom remained, with many women availing of it. The judiciary regretfully felt its hands to be tied as signified by the divisional judge who observed in the Dhan Ram vs Musammat Rani case in 1889 in which the acknowledged 'unchaste widow' retained full

enjoyment of her inheritance rights: 'Much as my sympathy is with the plaintiff (Dhani Ram), I regret I can do nothing'.[56]

One apparent result of this practical impotence was to emphasize these cases as cases of *karewa* which if accepted would lead to the forfeiture of the woman's estate. British officials assumed that the widow forfeited her right to property after remarriage. Anyone asserting to the contrary had to prove the existence of a special custom. It is not surprising therefore that cohabitation was repeatedly underlined as *karewa* and the rural 'laxity' in matters of *karewa* came to be emphasized and highlighted by the British because once marriage or remarriage status was acknowledged, on no account could a Hindu woman claim release from it.[57] As against this, there was no limit to the number of wives a man could have either through *shadi* (wedding accompanied by religious rites) or by *karewa*. Interestingly, here unchastity committed with a brother-in-law or one of the collaterals seemed reassuring, as *karewa* was, and could be, easily claimed. But what perhaps caused heartburning was the mere 'ordinary unchastity'[58] in which neither could the charge of *karewa* be imposed nor could such an act therefore cause forfeiture.

The British acceptance of forfeiture on remarriage and not unchastity was also tied up with their anxiety about sustaining the stability of rural society in the region, which the latter did not seem to disturb. In a judgement delivered in 1888 in a case of cohabitation, *Partaba vs Musammatt Phango*, this became clear:

A remarriage causes the widow to pass into another family, where she acquires other rights and ceases to require her husband's share for her support; she cannot take that share with her for the benefit of her second husband, or introduce new male members into her first husband's family, to whom she would no doubt make over the management of her share, and thus cause a contention which would end in the breaking up of the family. That remarriage would cause a forfeiture is therefore a most reasonable and a very general custom. But ordinary unchastity is a mere personal act of the widow, disgracing herself, but not *prima-facie* causing material injury to anyone else.[59]

The severe moral reservations about the 'premium on unchastity' were therefore ignored. For British purposes, remarriage therefore remained 'an entirely different act' from 'unchastity'. Therefore unchastity, although denounced vehemently both by the land-owning male opinion and the colonial masters came to be condoned by them for reasons of their own. The case cited earlier was decided in favour of the 'unchaste widow' who was self-confessedly 'unchaste' with an illegitimate child of eight months.[60] The property at stake was considerable, i.e. 83 *ghumaos*, 5 *kanals* and 9 *marlas* of land (now together equivalent to about 37 acres of land), certain houses as well as movable property.

For a widow, therefore, her amorous liaison outside the family, however difficult, was safe, despite her open acknowledgement of her status of unchastity: the charge of cohabitation and consequent *karewa* could not be laid against her to deprive her of her relative economic and sexual autonomy. Hence the pressure on the courts to equate cohabitation whether within the family or with a stranger-with remarriage, so that these dual rights were forfeited.[61] Yet, it is quite clear that pressure to conform to the custom was enormous. A widow's last resort to seek release from this system was to make a runaway marriage or alliance. Although there are no sources in the colonial period which can be cited as instances, this phenomenon is reflected in the popular association of running away with a *rand*. [62] '*Rand bhaj gai*' (the widow has run away), a phrase which emanated out of the widow's self-assertion, though commonly used for any female, found expression in local proverbs. One of them, for example, maintained:

Ughlatiyan nai kise kasar[63]

(A runaway woman gets no traditional farewell)

This local expression perhaps best expresses the fact that those widows who opted for a non-levirate alliance in remarriage stood deprived of even the limited right to land which they had come to possess after their husband's deaths.[64]

If despite all the 'accommodation' made by the rural patriarchy the widow still opted to run away, the traditional folk wisdom maintained:

ghar tiriya sai lekho mange

bhoo sukrai sowe

keh Ghaghaji teen chutiya

ghal gai nai rove[65]

(Fools are they, says Ghaghaji,

who ask the wife for an account,

who sleep on the floor,

who mourn a runaway woman).

Economy of Production and Reproduction: Strengthening of Karewa

This highly 'accommodative' patriarchy, even though repressive from a widow's point of view, with its 'liberal sexual climate', underlines the importance of women for the agrarian economy, both in its productive and reproductive aspects.[66] It was a particularly backward and deficient geo-economy, characterized by subsistence and below subsistence level living and chronic famine conditions. Three allied factors determined the nature and extent to which this 'liberal sexual climate' was accommodated by the rural patriarchy: (i) the emigration of men; (ii) the large-scale recruitment to the British Indian army; and (iii) the generally low population growth of this region.

In the colonial period there was an enormous out-migration of men from this region in search of work. They moved to more prosperous regions of Punjab and specially to the canal colonies as owners, tenants, or even as labourers, because these colonies offered better agricultural opportunities.[67] Table 2.1 shows that an overwhelming 53.11 percent of the male population of Haryana during the 1920s migrated for one reason or the other and the increase in population during that decade was a mere 6.84 percent.

Table 2.1: Number of Migrants from Different Districts of Haryana during 1920-1930 (Males Only)

District	To Other Colonies	To Different Regions of Punjab
Hissar	3,057	446,000
Rohtak	3,264	408,000
Gurgaon	2,877	373,000
Karnal	1,142	433,000
Ambala	2,449	360,000

Total Population of these districts in 1921: 3,781,742

1931: 4,040,779

Source: Census of India, Punjab, 1931, vol. XVII, part I, Report, pp 117, 120; and part II, Table, p.6.

The migration factor was greatly compounded by the vast recruitment in the British Indian Army. The backward economy of this region needed a powerful source of alternative income since the danger of permanently alienating the agriculturist population was very real. This was provided by the recruitment policy of the British. With their experience of fighting with regular European-

style armies gained in the pre-British annexation period, Punjabis had come to form the bulk of soldier recruits in the British Indian Army. After the 1857 uprising the British embarked upon a calculated policy of recruiting soldiers from the Punjab peasantry. At the outbreak of World War I, Punjab was supplying about half the Indian soldiers in the army and the proportion increased in the next two years. [68] The Haryana region of Punjab, however, contributed only a small share to this recruiting system; but the requirements of World War I made the British look afresh at this 'little known area' which so far had been looked down upon as being 'comparatively unimportant'. [69] It was found that this region contained 50 to 60 percent of 'martial castes' with marked 'martial instincts', who could be recruited. [70] Consequently, special efforts were made towards their recruitment which proved highly successful, so much so that in certain areas of Haryana, agriculture became secondary to the army. In World War I, this region contributed one-fifth of the total recruitment from Punjab. [71] There were a large number of villages in Haryana which contributed 50 percent of their total male population to the army. [72] In village Kalanaur, a Muslim Rajput village in Rohtak district, 90 percent of the males of military age had enlisted by 1939. [73] This region as a whole showed an astounding increase of recruits between the First and Second World Wars, as can be ascertained from the number of pensioners in one of its districts. In Rohtak district, for example, the number of pensioners in 1910 was 866 which rose to 6,238 in 1936--an increase of 620 percent. [74] A large number of families boasted of having provided more than three recruits each to the army during the two World Wars. Significantly, it was the eco-nomically insecure and backward tracts of Punjab, which provided the best recruits and the maximum number of recruits to the British Indian army, and not the irrigated and comparatively more prosperous ones. [75] In the former, fewer human resources and labour were needed to tend the cattle and the rest could be made available for recruitment. Not for nothing was this region kept agriculturally backward by the colonial government leading to the quantum of recruitment desired. [76]

A combination of the two factors (i.e. large-scale recruitment and migration) was to have far-reaching effects. As it involved the periodic or semi-permanent migration of primary able-bodied men, it meant so many less men available for the already low ratio of women in this region (given later). This factor, apart from other reasons which we have investigated elsewhere, not only reinforced the pivotal role which women played in this region's subsistence economy, both agriculture and animal husbandry, [77] but also the so-called sexual liberation and widow remarriage, both of which are in a way interlinked. The effect of the army recruitment in promoting a 'liberal attitude' was commented upon by E. Joseph, deputy commissioner and settlement officer, Rohtak district from 1905 to 1910, who in citing a case, placed the onus of desiring sexual favours squarely on women: 'A most respectable Jat of my acquaintance procured his son's

resignation from the army because his wife could not be trusted alone, as he explained. All his younger sons were too small to assist in dealing with the difficulty.' [78] It was also considered a 'common practice' to beget children from a dewar or jeth while the husband was away serving in the army. [79] An old proverb was explicit about this:

Jeth ke bharose pet [80]

(Pregnant from her husband's elder brother).

This fact, a logical corollary of this sexually exploitative custom, had to be accepted in the rural society of the time. A popular local story dating back to colonial days illustrated this acceptance. The dialogue proceeds as follows:

First man: After how many years have you come home?

Second man: After three years.

First man: And how old is your child?

Second man: two years.

First man: How come ...?

Second man (mildly): Well I had sent home my dhoti.[81]

At that time this sexual liberty was sought to be explained by giving the example of Draupadi: 'panch Paduon ke bhi to ek thi Draupadi' [82] (the five Pandavas only one Draupadi). In fact, the folk tradition shows the sharing of women among brothers to be a common phenomenon in colonial Haryana. [83] Several cases were recalled by the older generation of Haryanavis regarding different villages, where if there was only one married brother, the other unmarried brothers had free access to his wife.[84] Even earlier in the eleventh century, the Muslim scholar traveller Al-beruni and later historians such as Ghulam Basit and Mohammad Qasim Ferishta also referred to a similar practice in Punjab, spurred on perhaps by the repeated invasions of this region and the consequent prolonged absence of men serving in the military.[85] By the mid-nineteenth century a number of British observers had started to comment on this practice specially in relation to the Jats, Gujjars, Ahirs and Lohars.[86] Darling, writing about the prevalence of this custom identified it as 'polyandry'. [87] The practice was clearly a prelude to the remarriage of the widow in its levirate form. It also explains why despite severe war casualties among the pick of the population and the absence of such a large proportion of able-bodied men from their homes,

the birth rate was not so severely affected. The children so conceived were considered to have been sired by the husband.

Interestingly, this attitude was reflected even in the folk and narrative literature of the time. For example, the *Betal Pacheesee*, a compilation of stories of a demon and Raja Vikramaditya of Ujjain based on the moral principle of what is right and just, widely published in the mid-nineteenth century in Hindi, Gurmukhi and Urdu, has one such story dealing with this theme.[88] In the story the 'true father' was declared by Vikramaditya to be the husband and not the lover of the princess by whom she had actually conceived. Elaborating on this verdict the Raja declared that no one knew who had given her the child; but everyone knew whom she had married. The child therefore belonged to the socially recognized husband rather than to an elusive lover. It is significant that this story no longer features in any version of the *Betal Pacheesee* now available.

A third factor had been the need to harness the reproductive power of the females for biological, physical and social purposes.[89] This reproductive aspect assumed an urgency due to the demography of the region, signified by the low growth rate of the population. The very nature of the geo-economy of this region helped to swell the death rate: the harsh climate, the paucity of rains and the frequency of flooding; the subsistence and below-subsistence level living; and the frequent famines lasting for anything from one to three years, followed by epidemics of plague, cholera, influenza, smallpox, or just mere 'fever' in official parlance. Added to this was the general lack of health facilities and 'the dirty condition of the villages and impurity of the water supply'[90] as well as casualties on active service, specially during the world wars, which spelt disaster for the population by compounding the death rate. For years, the birth was either negated or neutralized by the death rate in the region. Table 2.2 provides the population trend for the Ambala Division (1881-1941) as an illustration of the demography of the region.

Table 2.2: Population of Ambala Division, 1881-1941

Year	Total Population	Years	Increase or Decrease	Percentage of Increase or Decrease
1881	3,897,604	1881-1891	+181,762	+4.66
1882	4,079,366	1891-1901	+120,162	+2.94
1901	4,199,528	1901-1911	-419,201	-9.98
1911	3,780,327	1911-1921	+46,742	+1.23
1921	3,827,069	1921-1931	+250,496	+6.54
1931	4,077,565	1931-1941	+696,888	+17.09
1941	4,774,453			

Source: 1881-1931 from Census of India, Punjab, 1931, vol. XVII, part II, Tables, p.6; 1941 from Census of India-Punjab, Pepsu, Himachal Pradesh, Bilaspur and Delhi, vol. VIII, p. 12. There is some discrepancy of figures given for 1901-31 between the 1941 census and the 1931 census.

The decade 1901-11 was characterized by an epidemic of plague and fever of a specially fatal kind which contributed to a death rate which exceeded the birth rate. In fact, the population level fell so much that it was more than 40 years before it again reached the 1901 population figures. A special reason for this was the low female-to-male ratio, which kept the crude birth rate below what could be expected (see Table 2.3).

Table 2.3: Sex Ratio (Females per Thousand Males) in Haryana, 1881-1941

Year	Females
1881-85	866
1886-90	868
1891-95	898
1896-1900	914
1901	867
1911	835
1921	844
1931	844
1941	869

Source: Figures for 1881-1900 are for the undivided Punjab. Census of India, Punjab, 1931, vol. XVII, part I, Report, p. 152; figures for 1901-41 are taken from Census of India, 1991, Series, India-I, Paper I of 1991, Provisional Population Tables.

The low figures for females despite extensive migration of males from this region as well as the large numbers serving away from home in the army is accounted for by the procedure adopted by the census authorities which overlooked the physical absence of men for enumeration purposes. Moreover, the reproductive potential of women, who were often the first casualties of disease and drought, also remained incomplete, and was never fully utilized. All this added to the uncertain survival rates of children and provided every incentive to produce as many children as possible. The demographic determinants therefore put so great a pressure on the reproductive role of women in this region, that the incomplete reproductive potential of the widows could not be allowed to go waste.[91]

Legitimization of Karewa: Reproduction and Its Failure

Significantly, the legitimization of the demographic-cum-socio-economic factors which would not allow the reproductive potential of a widow to be wasted came from the Arya Samaj. The Arya Samaj was a significant socio-religious reform movement of the nineteenth century which acquired its principal base in northern India (Punjab and western Uttar Pradesh). It campaigned against many social ills including the extremely repressive system of the high caste Hindus which condemned widows to a sub-human life. However, in advocating widow remarriage in this region, the Arya Samaj made its own contribution to the practice of karewa. It provided a justification drawn from the most ancient Hindu texts and offered protection to those who accepted it. In actual practice, the Arya Samaj upadeshiks and bhajniks (preachers and singers) emphasized that the Vedas sanctioned levirate which they called *niyog*, whereas widow remarriage per se hardly formed a part of the programme they actually adopted. In fact, one of the major reasons for the popularity and acceptability of the Arya Samaj in this region was the legitimacy that it provided to this custom, which was regarded with great contempt, and even horror, by the upper caste Hindus, especially by the commercial castes. In fact, the widow-remarriage programme of the Arya Samaj remained extremely restricted elsewhere in Punjab.[92] Among the followers of the Arya Samaj in Punjab, which were predominantly the commercial castes, a distinction was drawn between virgin widows and those widows who had lived with their husbands or had children. The remarriage of the latter evoked very strong opposition, and remained socially unacceptable to many of the Arya Samajists themselves. The accent was obviously on the reproductive role of women. For Dayanand, the founder of Arya Samaj, himself, motherhood was the sole rationale of a woman's existence[93] and if the fulfillment of this role was cut short, she had to be assisted towards fulfilling her destined goal. Her sexuality had to be re-harnessed for biological reproduction. The legitimization of *niyog* was therefore an attempt toward this. In Haryana which had never allowed this reproductive potential to be wasted there was total agreement with the emphasis given by the Arya Samaj to the woman in her mother role and to the practice of *niyog*. The Arya Samaj's main agenda regarding women seems to have been built upon the social ethos and practice of the dominant land-owning peasantry of this region which, like the lower castes, needed both her productive and reproductive labour. Therefore, the Arya Samaj's legitimization of the peculiar form of widow remarriage called karewa can be called a success in Haryana alone and, there too, among the peasant castes.

Among the high caste Hindus, neither the labour power of a widow nor her reproductive power was needed; the latter, in fact, had to be severely contained and controlled as it would only strain the existing patriarchal resources.[94] The

Brahmanical code which accepted a woman's sexual and social death after her husband's demise and saw no reason to give it a fresh lease of life therefore prohibited widow remarriage and considered the children of such a marriage as illegitimate. Instead they had adopted an extremely repressive system for widows which condemned them to a life of living hell.[95] Yet, wherever Brahmins were agriculturists, as in this region, and allowed their women to work, sexuality came to be controlled in a different way and fertility was promoted. Clearly attitudes towards female fertility and labour made the crucial difference. Hence, although the form of exercising control over the widows was different in the Brahminical and peasant societies, the end result in both was the same in terms of control of her property and sexuality.

This control of female sexuality and reproductive powers which operated behind the widespread practice of widow remarriage posited such a high value on a women's reproductive functions that its failure was considered inexcusable. Regarding this Malcolm Darling, in 1930, recorded in his diary the following comment by a Rohtak man: 'Who will keeps barren woman, who then will keep a barren cow,' which was followed by laughter.[96] Women echoed the sentiments of their men by questioning: 'A barren field and a sterile woman, who will take them'; and also by observing: 'Without children how can we have men.' In fact, in rural areas, it was a barren woman rather than a widow who was considered most inauspicious. This reflected the onus put on her reproductive powers. The proverb maintained:

Niputi ke munh dekhle, sat upas[97]

(See a barren woman 's face, go without food for a week).

To meet a barren woman in the morning was believed to invite disaster during the day.[98] Another old superstition forbade a married man taking food from the hands of a barren woman as it would prevent him from having sons. An antidote to such a happening also existed. In fact, the innumerable, charms, mantras (ritual chants) and amulets to prevent barrenness which were recorded in colonial times continue even now to be popularly used.[99] The superstitions regarding barren women and a fear of them are echoed in rural Maharashtra, where the woman's sexual energy is not considered to have been exhausted by begetting several children and she continues to remain 'uncontrollable and a dreadful force'.[100] As such, a sterile woman presented a permanent menace to the society. In rural Haryana a barren women (like the widow) was equated with a prostitute:

*Janne janne ka rakhle
Besva rah jai banjh*[101]

(Trying to please every man
the harlot has grown barren).

The allusion was to the widespread belief that harlots do not as a rule bear children; the barren woman was therefore looked down upon as a prostitute.

Barrenness invariably led to polygamy, which was of course another means of increasing the amount of female labour available to the family. This emphasis on labour also meant that in certain ways a sonless wife was also considered to be barren, and almost invariably a second marriage followed. The failure to bear sons was considered a serious misfortune, equated with barrenness, because without sons there were no daughters-in-law to reproduce and provide labour. Barrenness, therefore, could never be condoned or even overlooked, when the productive powers of the female needed to be harnessed so urgently. It was clearly not only the productive role but also the reproductive role of the Haryanavi peasant woman in the labour intensive economy of the colonial period which was so important to the peculiar socio-economic needs of this region. In this connection, the control of female sexuality through a 'liberal sexual climate' or through a system of widespread widows-remarriage, remained as socially valid as the control of property and sexuality under the rigid Brahmanical Hindu code.

Notes

1. See Chowdhry (1993), p. 116.
2. This was repeatedly mentioned in a large number of civil judgements. See e.g. Indian Cases (1937), *Joginder vs Kartara*, pp 719-33.
3. See Alienation of Land Bill (1900), part V.
4. Census of India, Punjab and Delhi (1991), vol. .5, 17, part I, Report, p. 219, See also Kolenda (1982), pp 172-220. Pauline Kolendo argues that widow remarriage in its levirate form is not non-Sanskritic. According to her, it appears to be an ancient north Indian practice, shared by all varnas which higher castes gave up, rather than a 'tribal custom' that has not yet been Sanskritized. Over the years the Hindu law books began to advocate the preferability of celibacy and even sati or self-immolation for the widows from the twice-born communities, while widow remarriage was appropriate for servants, the varna of sudras and other lower castes. This practice, therefore, has to be looked at as an alternative norm within a north Indian kinship system.

5. Census of India, Punjab and Delhi (1991), vol. V, 17, part I, Report, p. 219.
6. Rohtak District Gazetteer (1910), vol. III-A, p. 85.
7. These castes which did not allow widow remarriage, namely Bania, Rajput, Kayastha, Khattris and Sayyads, add up to only 605,177 out of a total population of 3,623,743 in this region in 1931, i.e. less than 20 percent. See Census of India, Punjab (1931), vol. 17, part II. Tables, pp 281-302.
8. Purser and Fanshawe (1880), p. 53.
9. A great deal of oral tradition used in this chapter is based upon extensive interviews and fieldwork in Haryana. The fact that the custom of widow remarriage has not only remained but has been strengthened in this region makes the roots of this oral tradition perhaps as old as the custom itself. Some part of this tradition has also been recorded in the nineteenth century and has been indicated as such; other parts of it are recalled by the people as either having existed in the past but having lost relevance now or having remained in popular usage because of continued social relevance. Wherever these shades of oral opinion exists, they have been pointed out in the work.
10. Maconachie (1870), p. 116. This remains a commonly cited proverb in Haryana, both among men and women.
11. A very common proverb used both by men and women in Haryana and said to have been handed down over the centuries. Also recorded in Malik (1981), p. 52.
12. See Crooke (1894), pp 168-71. This belief still exists in rural areas.
13. In the Vedic period *niyog* was the practice whereby the widow was allowed to conceive a son by having sexual relations with an appointed male. Later, as during the Mahabharata times, *niyog* came to signify cohabitation by the wife with men other than her husband under certain specific conditions like impotency of the husband and the 'moral' and 'religious duty' to beget sons to continue the family line. See, for instance, the case of Kunti. Eventually, *niyog* was given up as being inconsistent with increasingly pristinized and Brahmanized standards for marital chastity and devotion. The increasing tendency in the later Dharmasutras was to proscribe such practices. See Sutherland (1990), pp 77-103.

14. For details, see Tupper (1881), pp 93, 123; see also Joseph (1911), p. 45.
15. Douie (1892), p. 6.
16. Punjab Records (1897), vol. 32, Chanda Singh vs Musammat Kuri, pp 334-38; Punjab Records (1890), vol. 35, Chet Ram vs Musammat Asu, pp 197-98; Punjab Record (1911), vol. 46, pp 249-56; Indian Law Reports (1929), vol. 166, Joginder Singh vs Kartara, pp 719-23.
17. Joseph (1911), p. 46.
18. Humphreys (1914), p. 40.
19. See Kolenda (1990), pp 116-53.
20. Heard in the village of Asodha Todran of Rohtak district, but mainly among men. Also recorded by Shanker Lal Yadav. See Yadav (1960), p. 263.
21. Interview with Ram Chander, village Bandh, district Karnal, 20-21 August 1988. Born in 1940, he and his two brothers own 33 brighas (11 bighas each) of land in the village.
22. The folk song, said to be an old one but popular even now, was almost exclusive to women. Narrated by women of the village of Bandh, district of Karnal. Also see Yadav (1960), p. 331.
23. See Punjab Record (1892), vol. 27, Kalu vs Musammat Aisha, pp 429-30.
24. Narrated by Vidya Vati, Delhi, 24 December 1987, Born in 1913, married to Hardwari Lal, Lok Sabha member from Rohtak (1984-89), she has kept in very close touch with rural life despite having lived in different urban centres from the age of 16.
25. Fallon (1886), p. 15. This proverb is still popular, but is generally used for lecherous old men.
26. In this context, susra refers to the husband's father but even when the word refers to the wife's father, it is similarly a curse word and has connotations of a low person deserving a derogatory term, who has given his daughter in marriage to be used by another man sexually. The connotation is that the father-in-law (wife's father) is a pimp. In a way,

- therefore, it further substantiated and denigrating appellation that the word *susra* has come to signify. See Kolenda (1990), pp 116-53.
27. Rattigan (1960), pp 77-100.
 28. Indian Law Reports (1934), vol. 15, Jogahar Singh and Chattar Singh vs Sadhu Ram, pp 688-93. Also see Rattigan (1960), p. 82.
 29. Indian Cases (1937), vol. 166, Joginder Singh vs Kartara, pp 719-23.
 30. See for instance, Darling (1925), pp 48-53.
 31. See Joseph (1911), pp 54-55. Until puberty a child bride stayed on with her natal family; *muklawā*, which customarily took place several years after the wedding ceremony, was the entry and establishment of the wife in her husband's house when the marriage was consummated.
 32. See India Office Records: MSS. Eur. D. 188 for Wilson (1879). This form of widow remarriage has now been identified as *punar vivah*, which literally means 'remarriage'. The first choice in remarriage even now remains *karewa* in its levirate form and only 'where none of the brothers accept their widowed sister-in-law as wife, *punar vivah* is performed anywhere in their caste'. See also Haryana District Gazetteer, Bhiwani district (1982), p. 67.
 33. Joseph (1911), p. 45.
 34. See Indian Office Records: MSS. Eur. D. 188 for Wilson (1879).
 35. Ibid
 36. Walker (1885), pp 39-51.
 37. Campbell (1893), p. 84. Interestingly, his observation about having played this role was: 'In my business with people my habits were those of extreme patriarchal familiarity'.
 38. Rohtak District Gazetteer (1910). P. 90.
 39. Census of India: Punjab and Delhi (1921), vol. 15, part I, Report, p. 244.
 40. Garbett (1910), p. 38.

41. See for example, *Indian Cases* (1931), vol. 29, *Parji vs Mangta*, pp 767-68; *Punjab Record* (1912), vol. 13, *Kari vs Des Raj*, pp 315-16; *Punjab Law Reporter* (1910), vol. 11, *Malan vs Ruia*, pp 275-77; *Punjab Record* (1893), vol. 28, *Hira Singh vs Rani*, pp 317-21; *Punjab Record* (1883), vol. 18, *Prema vd Pradhan*, pp 414-19. Also see *Humphreys* (1914), pp 113-18, Which gives a large number of cases belonging to different agricultural caste groups.
42. See *Humphreys* (1914), p. 113.
43. An understanding of women's reactions may perhaps be arrived at from Lynn Bennett's work dealing with polygamy among the high caste women of Nepal. See *Bennett* (1983), pp 187-200.
44. *Ibid.*
45. An interesting parallel can be found in ancient Rome where high-class women who were found to be adulterous had to undergo severe punishment inflicted by the State. Some of them were known to protest against this curtailment of freedom and reacted by registering themselves as prostitutes even if it meant foregoing their property. The value put on chastity by females obviously had a different meaning from that placed by males. For details see *Pomeroy* (1975), p. 160.
46. *Garbett* (1910), pp 7-8.
47. *Rattigan* (1960), p. 201.
48. *Townsend* (1913), p. 35.
49. See *Beadon* (1911), p. 33.
50. See cases given in 1885, *Ahirs of Delhi district*, 1910; *Samal Jats of Jullundur district*, 1912; *Jats of Panipat tehsil*; *Rattigan* (1960), p. 201.
51. See *Garbett* (1910), p. 24; *Beadon* (1911), p. 33; *Kensington* (1893), pp 17-18.
52. See court cases cited in *Kensington* (1893), pp 17-18.
53. *Ibid*, pp 17-18; pp 38-39. Also for the same opinion see *Humphreys* (1914), p. 113.
54. *Kensington* (1893), pp 17-18.

55. See Garbett (1910), p. 38.
56. Case cited in *ibid.*, pp 38-39.
57. See Joseph (1911), p. 58.
58. See Punjab Record (1888), vol. 23, Fateh Singh vs Kalu, pp 306-7; also Partaba vs Musammat Phango, pp 241-42.
59. Punjab Record (1888), vol. 23, Partaba vs Musammat Phango, pp 241-42.
60. The judges even speculated in the judgement whether the defendant himself was the father or (one) Shera Teli or someone unknown (*ibid.*).
61. Punjab Record (1891), vol. 26, Sobti vs Bhana, pp 144-47.
62. Personal interview with Ram Singh, an Arya Samaj Updeshik (preacher), village Bhaproda, district Rohtak, 12 August 1988. The general opinion of both men and women was that such cases have always existed in the past and are still confidentially talked about.
63. Narrated by Ram Mcher Hooda, Rohtak, 1 June 1986. Hooda, born in 1938, of village Makrauli-Kalan, Rohtak district, B.A., LL.B., Jat College, Rohtak, practising law since 1962 at the district level, has ancestral land in the village. The quoted saying was confined mostly to men and recalled as being voiced by their forefathers. Also see Verma (1972), p. 96.
64. A widow had only a life-time interest with a claim to partition of the property on certain grounds. In case she could not secure the required maintenance from the husband's heirs, she had the right to seek partition of the undivided land through the court, which gave her a greater control. She also had the right to alienate the property, but not sell it, for her own maintenance, for her daughter's wedding or for payment of revenue, i.e. reasons dubbed as 'strict necessity' by the colonial administration. For details see Joseph (1911), pp 136-37; Townsend (1913), pp 30-40; also Beadon (1911), p. 32. See also note 14.
65. Narrated by Khem Chand Rathi, who remembers it as an old proverb which is still in use, New Delhi, 1986. Born in 1912, of village Rajlugarhi, Sonapat district, he and his wife, Khazani Devi, have kept in close contact with their village and with other family members living in different villages of Haryana. Also see Yadav (1960), p. 446.

66. For details see Chowdhry (1986), pp 236-88.
67. Census of India, Punjab (1931), vol. 17, part I, Report, pp 117, 120; and part II, Table, p.6.
68. Leigh (1922), p. 7.
69. War History of the Rohtak District (1920), p. 1.
70. Ibid. For the concept of 'martial caste' as applicable to the Punjab-Haryana region, see Cohen (1990), pp 46-54.
71. Leigh (1922), pp 61-62.
72. War Services of the Karnal District, August 1914 - March 1919 (1940), p. 17.
73. The Board of Economic Inquiry (1940), p. 3.
74. Rohtak District (1952), p. 18.
75. Five-Year Plan in Post-War Development Scheme (1945), pp 1-2. Also see Leigh (1922), pp 61-62. An interesting disclosure was made by the Secretary of the District Soldiers' Board, Montgomery, who wrote that during 1934 and 1938, the 60,000 military grantees in Montgomery district returned less than 60 men for recruitment. Board of Economic Inquiry (1940), pp 4, 7.
76. For details of British policy which deliberately kept this region agriculturally backward, see Chowdhry (1986), pp 236-88.
77. For the crucially important role of women in the rural economy of Haryana, see Chowdhry (1989), pp 302-36.
78. Rohtak District Gazetteer (1910); see note 88.
79. Interview with Shanti Devi, Delhi, 9 June 1986. Born in 1921, Sonapat, Shanti Devi married a soldier who rose to the rank of a colonel in the Indian army.
80. Fallon (1886), p. 114. Although known, this proverb is no longer considered worthy of citation in this region.

81. Shanti Devi, Delhi, 9 June 1986. A dhoti is a length of cloth worn as a lower garment by men.
82. Khem Lal Rathi, Delhi, 24 May 1986.
83. For details see Chowdhry (1990), pp 259-74.
84. Interview with Khem Lal Rathi, New Delhi, 24 May 1986.
85. Singh (1988).
86. Among the British were Denzil Ibbetson, H.A. Rose, W. Crooke, C.S. Kirkpatrick and J.M. Douie. Nearly all of them cited from earlier accounts as well as their own observations.
87. Darling (1925), p. 51.
88. See Betal Pacheesee.
89. In short, the threefold aspects of reproduction mean the following: `biological' reproduction comprises child-birth and lactation; `physical' reproduction involves the daily regeneration of the labour force, domestic and non-domestic ; `social' reproduction, an all embracing category, refers to the maintenance of ideological conditions which reproduce class-relations and upholds the social and economic status quo. For a summary of various aspects of reproduction, see Brydon and Chant (1989), pp 10-11, 47-68, 118-19, 188-212, 240-43.
90. Rohtak District Gazetteer (1910), p. 55.
91. This correlation between remarriage and demographic pressure involving high mortality rates has already been well established for a pre-industrial society by western scholars. For a comprehensive discussion of these studies, see Boulton (1990), pp 323-56.
92. For details, see Jones (1976), pp 218-19.
93. Chakravarti (1989), pp 27-87.
94. For a widow's position in Brahmanical patriarchy see Uma Chakarvarti's article in this volume.

95. Such a state, specially among the child-widows, had led to wide scale social reform movements in Bengal, Maharashtra and south India as a response to which the Widow Remarriage Act of 1856 was passed by the imperial government legalizing widow-remarriage. For rural Punjab-Haryana this Act had no significance as the Karewa form of widow remarriage was 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, beyond reinforcing the custom of Karewa.
96. Darling Papers, pp 215, 238.
97. Fallon (1886), p. 174.
98. Ibid. This is a very common belief in the village voiced by both men and women.
99. These can be found in the William Crooke Collection, Museum of Mankind, London, MS. 132. See miscellaneous notes on Indian folklore (n.d.) notes by Pandit Ram Garib Chaube. Haryana shared this with western and eastern Uttar Pradesh.
100. Poitevin (1988), pp 65-72.
101. A common proverb also recorded in Fallon (1886), p. 113.

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