

**CHANGING DIMENSIONS OF MARRIAGE AND  
FAMILY AMONG MUSLIMS IN NORTH INDIA**

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**NADIYA HASHMI**



**CENTRE FOR THE STUDY OF SOCIAL SYSTEMS  
SCHOOL OF SOCIAL SCIENCES  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI - 110067  
INDIA**

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*Dedicated to*

*My Dear Parents*

## Contents

*Acknowledgement*

**Chapter 1:** Introduction 1-13

**Chapter 2:** Muslim Culture in India 14-35

**Chapter 3:** Family and Marriage among Muslim in India 36-67

**Chapter 4:** Changing Dimensions of Marriage and Family among  
Muslims in North India. 68-92

**Chapter 5:** Conclusion 93-97

*Bibliography* 89-105

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*CHAPTER 1*  
*INTRODUCTION*

This study attempts to understand the concepts of 'Maher', 'Inheritance' and 'Purdah system' in Islam as practised by Muslims in India. The study focuses on the changing dimensions in the Muslim society in India, and attempts to identify the trends of changing patterns in relation to marriage and family. This study will highlight the impact of modernization to the traditional practices and will focus on the changes that modernization has brought about among the Indian Muslims.

World came into existence by creations of God mountain, sea, earth and mankind. The God to live and enjoy the creations of God comprising men and women, a family evolved which continued its survival by giving birth to generations after generations. Society describes the amalgam between people living and their surroundings. Survival within the surroundings comprises of the very existence of Men and Women and their family which reform their cultural and traditional values. Society as whole is not merely comprised of a single culture or tradition, the periodic changes by each era and the governing body makes its impact in the society. The first people that evolved were like the nomads, in India the earliest mention of civilization has been in the Harappa and Mohenjo-Daro civilizations, and then came the Aryans and their Vedic culture in society, the Dravidians and other forms of Hinduism. Islam came into existence in India, in 1200-1500 B.C. with the emergence and invasion of Mughal period.

Society as a whole changes with the periodic life cycle of mankind. The Men and Women accomplish themselves with the changing dimensions of the society. Change is brought by the newer forms of life. The old age period had its own remarks on the mankind. The ongoing modern era has its own marked existence surrounding people in the society. Their life reforms under changing surroundings in which the survival of the fetus is dependent to give birth to mankind.

Depicting here that 'change is the unchanging factor of the life and if morals have dwelled now, they have dwindled in the past too, and risen once again. dwindled now, they have dwindled in the past too, and risen once again.

Change is a constant phenomenon, which takes place and which can form and reform anything according to its will in the surroundings of a society. According to Shariat in a society Men are the dominating socio-creatures of this world and Women are the submissive creatures. The relation between Men and Women was evolved by God as Husband and Wife which gave birth to generations. The Husband-Wife relation accepted by society according to the laws governing all forms of religion is marriage. Marriage between a men and women is made in accordance with the religion, family comprises, their generation and the impact of the society they live in. Women are the vulnerable creature made by God with submissive nature and compromising with the negative aspects in their life made by the people in their surrounding, and have been subjected to very much changing hemispheres of the society in all parts of world. Coming to Indian society where, Marriage is given the regard of respectable lawful relation with the consent of parents mostly has gone through beyond its binding in a society. The difference and the gap of generations between old era and modern era have led to a new existence of concepts among Men and Women and the marriage. Most of the people take society in account of the newer hemispheres; some do believe that the degradation of the values and basic human beliefs has reformed the newer socio-economic forms.

One constantly hears about how today's 'emancipated' woman has caused divorce rates to rise in India, how their financial independence threatens the stability in marriage. This brings us to question the religious fundamental laws governing marriage among Muslims, particularly in the conservative North Indian Society. This study would address the issue, elaborating in this context how marriage has undergone changes thereby affecting the socio-cultural practices, the impact generating its newer existence within dimensions of people and the surroundings.

“In order to understand the Indian Muslim and his pace in Indian history one must remember that two factors have contributed to his mental evolution and make-up. On the one hand, there has been the influence of Islam and the philosophy of life represented by it. On the other hand, there were the pervasive influence of Hindu culture and civilization. These two factors have acted steadily throughout the

centuries. If the Indian Muslim is distinct from his counterparts in other parts of the world, this is due to the interaction of these two factors at many levels. The fact that the Muslims came to India not in one solid and compact block, but dribblets spread through centuries has further helped this process of assimilation.”(Madani, 1993: 122).

“The impact of Hindu culture on the Muslim in Bihar did not remain confined to any one aspect of the socio culture life; rather it influenced the various aspects of their community life. For example, in respect of family life and marriage the traditional culture of the Hindus by anthropologists and Indian produced a significant impact and various elements of this culture were incorporated in the cultural life of the Muslims. Some of these were even contrary to the preaching’s of Islam. For example, Islam allows four wives at a time. In the Muslim societies of the Arabic region it was a common practice. Rather the attitude and values also changed and taking of a second wife was not appreciated. This outlook obviously is one of the reasons developed in the Muslim society under the impact of Hindu way of life and modern too in India. The other factor which drifts Muslim men to marry four women at a time is the modernization and the growth in technology and its affect on the surroundings. The competitive world has brought its own changes in society. There is less time spend with family, travel is more, job security and satisfaction to keep pace with the developing countries. In this modern era, one cannot take care of four women at a time and to pay equal rights, look after the children and maintenance of their daily means is not a easy task. There are changes brought up in Muslim society for their betterment as well to keep pace with the world.

The purdah is one of the major aspects which identifies a Muslim women in the society, In pre Islamic times, purdah wasn’t practiced well and with the preaching’s of Islam it was the identification of women during Prophet time and was practiced very strictly which was for the befit of the woman only to safeguard her chastity and a symbol of modesty was established. It was believed to prevent any evil eye, to protect her from strangers and to safeguard her purdah was one of the important and dominant factor in Islamic time and accepted widely by women.



With the modernization mostly in northern India, purdah system has been practiced for good sense, and because of conservative society, it was practiced for working women and college going girls. The modern era has brought a revolutionary change in the purdah system of women, women today no longer necessarily remain in purdah and the women who are highly educated, are abolishing purdah system. The college girls feel ashamed and there is a sense of insecurity, as the people from other religions do not understand and consider women in purdah as a friend or as educated and modern as they are or as they perceive modernity. The stereotypes with regard to the purdah system are such that even teachers (who are educated) may indulge in partial discrimination against Muslim girl students. One may also see that in public spaces, for instance while travelling in buses, one is looked upon as a suspicious character. All these factors make a college going girl who is not yet mature enough lose their teachings and practice of religion. The beliefs have to be made strong and parents and the society need to work and change their approach towards the women in purdah. A time in the conflict places, women in purdah are assumed to be carrying guns and other things, be it Indian airport or any travel port and at the international airport are common for the security check up particularly to the women in purdah. There are looked down at each point and always with suspicion.

In the same way, under the section of Islam, widow remarriage has not only been permitted but rather emphasized. This was a common practice in the early days of Islam. Later also religious sections did not stand in the way of widow remarriage in the Muslim society but in actual practice it was regarded as social evils.

All these changes in the Muslim social life and keeping in with the elements of Hindu culture in Muslim society there have been due to two basic facts; they accepted the preaching's of Islam but did not give up their own culture, with their old culture they have remained tradition oriented and, consequently, their rituals and practices were incorporated and instrumental in the adaptation of the elements of Hindu society by Muslim community not only in respect of family and marriage or the status of male

and female but also in respect of social stratification and social hierarchy. The Muslims influenced with their religion greatly on Hindu culture and society. The dowry system, widow remarriage, abolished sati system, equal rights to women in education and status of women in society and at home both in parents home and in laws is highly regarded and respected. Women have a say with regard to laws and in all the important discussions and tasks of home. They are involved in household matters and given right in property, yet the property rights are still on its way to be equalized as in case of Muslim women.

Sociologists, suggests that the twentieth century recorded certain changes of far reaching importance in the family system under the influence of westernization, industrialization, and greater population mobility across the sub-continent. Ever since then the Indian family has progressively confronted and combated various kinds of problems and challenges, and yet India does not have any family policy per se so far; albeit the Government of India has indeed taken several useful legislative measures relating to widow remarriage, women's' right to property, practice of child marriage, succession, adoption and maintenance, dowry, dissolution of marriage affecting different communities and most recently domestic violence, which have impacted the Indian family system in more ways than one. These changes have been more in Hindu society and have been influenced by Muslim culture and the Muslim community as well in terms of domestic violence and the right to education of women majorly.

It would be noticed from the subsequent discussion that the magnitude of changes that the Indian family has experienced over a period of a century appears to be far greater than the expectations of Indian sociologists and anthropologists.

### **Review of Literature:**

Marriage is generally understood in sociology as a social institution. Marriage in Islam maybe understood as a relation of one or more men to one or more women who

is recognized by custom or law and involves a certain rights and duties both in the case of parties entailing the union and in the case of the children born of it. These right and duties vary among different people, and cannot therefore all be included in a general definition; but there must, of course be something which they have in common. Marriage always implies the right of sexual intercourse: society holds such intercourse as acceptable in the case of a husband and wife, and generally speaking, even regards it as their duty to gratify in some measure the other partner's desire. But the right to sexual intercourse is not necessarily exclusive. It can hardly be said to be so, from the legal point of view, unless adultery is regarded as an offence which entitles the other partner of dissolve the marriage union, and this, as we know, is by no means always the case. (Westernmark, 1972, p.26)

At the same time, marriage is something more than a regulated sexual relation. It is also an economic institution, which may in various ways affect the property rights of the parties. It is the husband's duty, so far as it is possible and necessary; to support his wife and children, but it may also be their duty to work for him. As a general rule he has some power over them, although though his power over the children is generally of limited duration. Very often marriage determine the place which a newly-born individual is to take in the social structure of the community to which he or she belongs; but this cannot, as has been maintained regarded as the chief and primary function of marriage, considering how frequently illegitimate once are born with regard to descent, inheritance and succession.(Ibid,p.27)

It is finally, necessary that the union, to be recognized as a Marriage. Marriage should be concluded in accordance with the rules laid down by custom or law. Whatever this rules may be. They may require the consent the parties themselves or of their parents, or of the parties as well as their parents. They may compel the man to pays price for his bride, or the parents of the latter to provide her with a dowry. And they may prescribe the performance of a particular marriage ceremony of one kind or other. And no man and woman are regarded as husband and unless the condition stipulated by custom or law are complied. (ibid, pp.26-37).

Westernmark observed that the origin of the institution of Marriage has developed out of primeval habit. He believed that even in primitive times, it is the habit for a man and woman (or several women) to live together, to have sexual relations with one another, and to rear their offspring in common, the man bring the protector and supporter of his family and the woman being his helpmate and the nurse of their children. This habit was sanctioned by custom, and afterwards by law, and was thus transformed by law into a social institution. In a few exceptional cases it is said to be the custom for the husband not to live with his wife at all, but merely to pay her visit in the place where she dwells with her maternal relatives; and the children she bears then remain with her. Among the Orang Mamaq in Sumitra, who are divided into a number of exogamous matrilineal clans, we are told that a man and his wife generally continue to live each with his or her own clan, though it sometimes happens that the husband and father are not considered to belong to it at all. Yet there marriages are said to be not only monogamous but indissoluble save by death. (Ibid,pp.26-37).

Among the kindred Malays of the Padang Highlands in the same island is a similar institution. Married life, we are told, reveals itself merely in the form of visits which the husband pays to his wife; In the beginning, at least he comes by day, help her in her work in the rice field and takes his midday meals with her, but latter he generally come privately in the evening of his wife's house and stay there, if he be a faithful husband, until the following morning. As a rule, he does not sufficiently provide for his wife and children; here too, it is the maternal uncle (mamaq) of the latter that is their father, so for as duties and rights are concerned, and the head of the family in the narrower sense of the term, the *sa-mandai*. Among the Syentangs of the Jaintai Hills in Assam, the husband likewise only visit his wife and her mother house; "in Jowai" says Major Gurdon, "some people admitted that the husband comes to his mother in law's house only after dark, and that he did not eat, smoke, or even partake of betel nut there, the idea being that because of none of his earning go to support house, therefore it is not appropriate for him to partake of food or other refreshment there". (ibid, p.38)

Among the Nayars of Malabar, who practiced a sort of polyandry the woman lived apart from her husbands or lovers, who co-habit with her by agreement among themselves. They contributed to maintain her, and according to several authorities the children as well; but in some accounts all paternal duties are said to be ignored, the children being broad up by their maternal uncle. Even to this day, when polyandry has almost entirely cease to exit among the Nayars, it frequently *happened* that the wife remains in *hetarawadr* (*the common residence of the children of the same maternal ancestor*), and that the husband only visit her in her house in the night and goes home the next morning ; may from the strictly legal point of view and children possess no privilege of clamming maintenance from the husband and father. (Westrnmark, op.cit,pp.38-39)

From what has been said above, it appears that marriage and family is most intimate and male and female continue to live together, we may therefore say that marriage is rooted in the family therefore the family is based on marriage-indeed, among the many people's married life does not begin for person who are formally married to betrothed, or a marriage life does not become definite until a child is born or there are singe of pregnancy; whilst in other cases, sexual relations which happen to lead to pregnancy or the birth of a child are, as a rule, followed by marriage o make marriage compulsory (Ibid,p.70)

Thus among the fugiaans and the eastern Greenlanders marriage is not regarded as complete until the woman has become a mother, among the lengua Indians of the Paraguayan choice, they say that there is only a marriage an approval, corresponding to their engagement, although the couple lives together, no marriage is considered bindings by native law until a child is born and if this does take place within a reasonable time they are justified is separating. But where once a child is born to them, even should the child die, or be put to death, they are consider to be bound to each other for life, among the Bororo, of central Brazil. A man after his marriage stays in the house of his bride until he has a family of his own, when he builds a house for himself, in some Canadian tribes a married man was obliged to go to him father-in-law's house to find him wife when he had mind to company, until she brought forth

a child; then only she went live with her husband.

Among the Alent the wife stays at her father's home for a certain time at until the birth of a child; the husband is at liberty to visit her. But not to remove her to his own village until the expirations of the customary period, unless a child be born meanwhile, (Westernmark,op,.p.72)

Among the Atkha Alnet, a husband does not pay the purchases sum before he has becomes a father. Among the Badagen of the nilgiris n Southern India, the marriage bond is not really sealed until the fifth month of the first pregnancy, when the relatives are invited to be present at the ceremony of tying the marriage emblem round the neck of the women, In many countries, including various parts of the Europe, the occurrence of pregnancy or a child-birth is a usual preliminary to, or as a general rule leads to marriage, we are often told that a seducer or lover is compelled to marry a girl if she becomes with child; but he may also home the alternative of paying a fine. There is almost unrestricted intercourse between the young people of both sexes, but pregnancy ensues marriage is considered necessary, Dr Rivers states that in Tikopia, "When the illicit intercourse of a youth and girl of the ordinary people results in offspring, the pair usually marries and if they do so there would be no slur on the child, should the man refuse to many in such case, the child would be killed as soon as possible. (Ibid,op,.p.72-77)

Van Gannep sets out to develop a classification of rights are ceremony's which accompanied an individual's 'life crises' and he called it the 'Rights of passage' he wrote that the life of an individual in many societies is a series of passage from one stage to another, the primary transition of birth, puberty, marriage and death are accompanied by elaborate rights and contribute rights and contributes an important aspect of culture life. He emphasized that these ceremonies should be studied in their integrity and in the social selling which were formed. He said "our interest lies not in the particular right in there essential significances and there relative position within ceremonial wholes" he analyzed these rights in terms of these order and context and

arrived at three major phases: separation, transition, and incorporation. Any life event ceremony will have all three phases but they are not developed to the same extent in every set of ceremonies (Gannep, 1956: 116).

In funeral ceremonies, rights of separation are prominent, in marriages, rights of incorporation are prominent. Transition rights are prominent in pregnancy, betrothal and initiation. Marriage constitute the most important of the transition from one social category to another, because for at least one of the spouses it involves a change of family, clan, village or tribes and sometimes the newly married couple even establishes residence in a new house, the change of residence is marked in the ceremonies by rights of separation. Always primarily focused on the territorial passage, (ibid, p.116).

Furthermore, because of the member of importance of group effected by the social union of two of their member, it is natural that the period of transition should take on considerable importance, this is the period commonly called "betrothal" among a great number of peoples it consists of a special and autonomous part of the marriage ceremonies including, rights of separation and transition and terminating in incorporation and transitioned terminating with rites which insure either a preliminary incorporation into the new environment or a separation from an autonomous transition period, then comes the rights of marriage which consists chiefly of rights of permanent incorporation in to the new environment union also, though the latter do not occur as frequently as one would at least expect, this the pattern of rites of passage is more complicated here than in the ceremonies previously discussed. (ibid: 116-117)

One should also remember that marriage always has an economic aspects of varying importance, and that acts of an economic nature (such as establishing an amount, payment return of the payment for the girl or the young man, the bride price, the price service by the young man etc.) becomes intertwined with the right proper. (ibid,pp.116-117).

If the family, the village, or the clan is to lose one of its productive member whether girl or boy, there should at least be some compensation, this explains the distributions of food, clothes, jewelry, and above all the marriage rites involving the “ransom ” of something especially free passage to of the residence.

Shrinivas characterize westernization as “the change brought about in Indian society and culture as a result of over 150 years of British rule and the term subsumes changes accruing at different levels-technology, institution, ideology values” (Srinivas 1966:47)

Dowry: coming to the issue of dowry, today it is one of the most serious social evil of the Indian Muslim community, practice in the Muslim society, however the Indian Muslims seem to have been influenced by the Hindu community, where they think that dowry is beneficial to the male and therefore the changing trend seems to be influencing the Indian Muslims to give up on the practice of Maher which is beneficial to Muslim women and rather adopt the practice of dowry which would be beneficial to the Muslim man.

Marriage and family is an important aspect in a women’s’ life, the life of a women depends on their life partner, household and in laws so marriage is considered to be sacred relation by the Indian society and Hindu culture the woman consider their husband as their god in a way in both Hindu and Muslim traditions the woman obey the command of their husband and at times often take it as an order to fulfill their duties, and responsibilities towards family.

The bringing of children under the influence of their father and grandfather becomes a way of learning for woman and their children. So the marriage in Indian society is a huge responsibility for both man and woman and parents and the in laws. Any change in this dimension has a great impact on woman’s life and the whole household. With the rise of modernization in northern India the Muslim marriage has been greatly influenced modernization has brought and revolutionary change among Muslim



woman in northern India. In order to keep pace with the modern technology it has greatly influenced their surrounding and all spheres of life, which needs to be discussed.

*CHAPTER 2*

*CONCEPT OF MUSLIM CULTURE IN  
ISLAM*

Islam is a .....Religion belonging to the Semitic family. It was promulgated by the prophet Muhammad in its present form from the Arabia. In the seventh century A.D. the Arabian term “Islam”, literally “surrender”, illuminates the fundamental religious idea of Islam, that the believer (called a Muslim, from the active practice of Islam) surrenders to the Allah (Arabic God). Allah is viewed as the sole God: Creator, Sustainer and restorer of the world. The will of Allah to which man must submit, is made known through the sacred scriptures, the Quran (Koran) which Allah revealed to his messenger, Muhammad. In Islam Muhammad is considered the last of series of prophets (including, Adam, Noah, Moses, Jesus, Abraham, David, Solomon and others) and his message simultaneously consummates and abrogates the “revelations” attributed to earlier prophets, who all are said to have preached Islam, Islam being a divine religion according to the precepts of Quran. (Holy Quran -3.3). retaining its emphasis on an uncompromising monotheism and strict adherence to certain essential religious practices, the religion taught by Muhammad to a small group of his followers spread rapidly through the middle east to Africa, Europe, the Indian sub-continent, the Malay peninsula and China. Although many sect movements have arisen within Islam, all Muslims are bound by common faith and a sense of belonging to a single community. (Madani, 1993:29).

### **The Quran**

The Quran is the first and most important source of Islamic law. Believe to the direct word of God as revealed to Muhammad. Through the angel Gabriel in Mecca and Madina, the scripture specifies the moral, philosophical, social, political and economic basis on which a society should be constructed. The verses revealed in Mecca deal with philosophical issues. Where those revealed are concerned with socio-economic law. Quran was written and preserved during the life of Muhammad and compiled soon after his death.

Islam jurists agree that the Quran in its entirety is not a legal code (use in modern terms), rather its purpose is to lay down a way of life which regards man's relationship with others and God. The verses of the Quran are categorized into three fields; ‘since of speculative theology’. Ethical principles” and “rules of human conduct”. This

category is directly concerned with Islamic legal matters which contain about five hundred verses or are thirteenth of it. The task of interpreting the Quran has led to various opinion of judgement. The interpretation of the verses by Muhammad, companion for Sunni and Islam's for Shias are considered the most orthotic 'since the new why, where and on what occasion each verse was revealed.

### **The foundation of Islam**

The prophet was sent in similar way as earlier ones, to establish a social way of living ones life in accordance with path of Allah In this world. With the exception of the monastic civilization, whether Islamic or un-Islamic, that views life from a universal standpoint and possesses a comprehensive system of administering the wordily affaires, can arsis the urea for power in order that it may change the social life of its subjects after its own patterns. Without the power of enforce, it is meaningless merely to believe in or present a doctrine or way of life. A monk his fact is no desire, whatever, to middle the worldly affairs. He feels content with his indevousces, away from the busy life of the world. Therefore power has no use for him. On the contrary, the one who rises with the sole purpose of administering the wordily affairs and reforming humanity at large, cannot help struggling to seize power. For unless one possesses necessary power and authority to enforce one's programme, the proposed system cannot possibly take root in the world of reality. In the absence of power it cannot even stick for long in the minds or stay on paper. As a matter of fact, a civilization in authority alone can force and world to follow its example in the daily routine of life, and accepts its lead in the séances and trends of thought, in arts, literature and morality, in education and character formation. In law and principals of civics, and in the all other aspects of life. Thus a civilization without power is retenders helpless and incapacitated so long as the using civilization remains in power. Consequently, even those people who favoured it before began dough ting a workability in the work of action. Not only that: it's so called leaders and representatives do not hesitate in effecting shameful compromise of any sort between two social systems heaving principles diametrically opposed in concept and sprit. Indeed, no social system worth its name can tolerate such a compromise. To view it as practible is to battery one's to view it as practible is to battery ones bankruptcy of

reason. And to show willingness for its acceptance is to reflect a serious lack of one's courage of conviction.

The ultimate aim of prophet's missions in the world has been to establish the kingdom of God on the earth and to enforce the system of life received from him. The prophets one and all, could very well concede the polytheisms' demand of sticking to their old beliefs and practices, in so far as their activities and influence were restricted to their own communal sphere, but could never agree, and rightly so, to their remaining in authority and yielding power for their own ends. With this objects before them all the prophets did endeavour to bring about political revolutions in their respective ages. Some of them were only able to prepare ground, as prophet Abraham; other succeeded in practically starting the revolutionary movement but there mission was terminated before they could establish the rule of god, as prophet Jesus. But there were others who led their movement to its natural goal, culminating in the establishment of the kingdom of God on the earth. In this latter category are included prophet Joseph, Prophet Moses and our holy prophet Muhammad.

### **Muhammad Prophet and his Message**

Muhammad (in full Abdul Qasim Muhammad Ibn Abdullah Ibn-al-Mutallib Ibn Hashim) was born in Mecca in 570 A.D. after the death of his father (Abdullah). Muhammad was at first under the care of his parental grandfather, Abdul mutalli. Because the climate of Mecca was considered to be unhealthy, he was given as an infant to a wet-nurse from a nomadic tribe and spent some time in a desert. At the age of six, he lost his mother, aminah of the clan of Zuhra and at eight, his grandfather. Though his grandfather had been head of prestigious Hashim clan and was prominent in Mecca politics, he was probably not the leading man in the Mecca, as some sources suggest. Muhammad come under the care of the new head of the clan, his uncle Abu Talib, and was reputed to have accompanied him on trading journeys to sharia about 959 A.D. on such a journey, he was in charge of the merchandise of a rich woman, Khadijah of the clan of Asad, and she was so impressed with his character and dealing that she offered herself in his marriage. She is said to have been about 40, but she

bore Muhammad daughter known as Fatima, the wife's of Muhammad cousin Ali who is regarded as Muhammad's divinely ordained successor by the Shia branch of Islam. Until Khadijah's death in 619 Muhammad took no other wife. The marriage was a turning point of a Muhammad life. By Arab custom, a minor did not inherit and, therefore, Muhammad had no share in the property of his father or grandfather, but by his marriage he obtained sufficient capital to engage in mercantile activity on a scale commensurate with his ability.

### **Natures of the Prophet's Mission**

Viewed all the while, the nature of the mission undertaken by the various prophets is seen to be as follows.

1. to revolutionise the intellectual and mental outlook of humanity and to instil the Islamic attitude towards life and morality to such an extent that their very way of thinking, ideal in life, and standards of values and behaviours become Islamic.
2. to regiment all such people who have accepted Islamic ideals and moulded their lives after Islamic patterns with a view to struggling for power and seizing it by the use of all valuable means and equipment.
3. to establish Islamic rule and organise the various aspects of social life on Islamic to adopt such means as will widen the sphere of Islamic influence in the world, and to arrange for the moral and intellectual training, by contact and example, of all those people who enter the fold of Islam from time to time.

### **Prophetic Call and Early Religious Activity**

Muhammad appears to have been of reflective turn of the mind and is said to have adopted the habit of occasionally spending nights in hill cave, near Mecca, known as Hira, the poverty and misfortunes of his early life, doubtless, inhabited by the tribe Quraysh, to which the Hashim clan belong was a mercantile centre, formed around a

sanctuary, the Kaaba, which assured the safety of those who come to trade at the fairs. In the latter six centuries, there was an extensive trade by camel caravans between Yemen and the Mediterranean regions (Gaza and Damascus). Bringing goods from India and Ethiopians' Mediterranean, and the great merchants of Mecca had obtained monopoly control of this trade. Mecca was prosperous, but most of the wealth was in a few hands. Tribal solidarity was breaking up, merchants pursued individual interests and disagreed their traditional duties. About 610, as he reflected on such matters, Muhammad had a vision of majestic being (later identified with the angel Gabriel) and heard a voice of saying to him, "you are the messenger of God". This marked the beginning of his career as a messenger (of apostle) of God (Rasul Allah) or prophet (Nabi). From this time, at frequent intervals until his death, he received "relations" that is, verbal messages that they believed come directly from God. Sometimes these were kept in memory by Muhammad and his followers and some time they were written down. About 650, they were collected and written in the Quran. (the sacred scriptures of Islam) in the form that has endured. (Rahman, 1979).

Muhammad (PBUH) first preached Islam in the world, on revelation from God to his relations and then to his clan's men became irritated and started all sorts of torture including social boycott but Muhammad did not rebut. So inimical they became that it was decided to do away with him but God through angel Gabriel informed him of the plot and he migrated to Medina, where he got an ovation, he Medinites having in sizeable number of followers of Islam due to his earlier teaching in Mecca. At Medina also the Quraysh and Jews waged a number of wars against Muhammad but were mostly losers and at the end Mecca was captured by Muhammad, who this time was not defensive. The action having become necessary to remove the obstacle by Quraysh performance of annual ritual of Hajj. (Muhammad died in 633 A.D.). (ibid, p.31).

## **Islamic Culture**

One of the most important aspects of Muslims' world is the Islamic culture today. Fewer Muslims display deeper knowledge about Islamic culture. Some Muslim countries have introduced deviations of their own to Muslim culture. For this reason

the Muslim culture differs from country to country. In this way a new Muslim cultures have cropped up, because of different schools of thought (Mazhab) in Islam in different Islamic countries. Mullahs and the religious leaders had to make a new rule to adjust all the different and few thoughts and culture in different and a new thought and cultures introduced in the Islamic culture in different Muslim and non-Muslims countries. One of the most important aspects of Islamic cultures is the Sunnat (tradition). These traditions are the basic deeds, Behaviour, saying and teaching of Prophet Muhammad.(ibid,p.32).

Prophet Muhammad at the time of his death had expressed his will to the Muslims. That he was living two most precious belonging of his: the Quran and his descendants (ah-le-bait), who were the best exponents of his traditions according to the Shias. But the Sunni sect says that the prophet meant only the Quran and his Sunnat (tradition). They thereby substitute ah-le-bait with Sunnat (tradition). Discarding ah-albeit. Prophet Muhammad himself put the important Islamic rules and regulations in the Sunnat which he emphasised should be followed by all Muslims in every generation. The reason of putting all the rules and regulations of Islam (laws of Islam) in the Sunnat is that by following the Sunnat, the people will understand the contents of the Quran easily. The Muslim believes that the Quran is not just for a period of time but it is universal and people can get the deepest of knowledge. To make the Quran more practicable, prophet Muhammad used every bit of the knowledge of Quran in his behaviour, deeds, saying and teaching for the people. So to make every Muslim knows the teachings of Quran, he brought it out in the form of his Sunnat. (his model lifestyle.). (ibid:p.32).

When prophet Muhammad was born. The culture of the Arabs of Arabia was only barbarian because they were staying in desert. These Arabian Arabs, buried alive the girl child after birth because they thought that girl were of no use in war instead. They could be misused to bring shame to the man of the tribe. (Holy Quran, 16, 58-9). Secondly, the girls were only doing the job of giving birth and not taking part in any kind of profession. Job or business to increase the family's economic status. The girl were sold or forced to become servant after a tribe was defeated by another tribe.



So as not to bear the shame caused by their girls they were buried alive. The girls were looked at as consumers of food and not productive economically because they were staying in the desert, where there is scarcity of food. But when a boy was born, he was given the best of food because the tribe rejoiced that one more fighter for the tribe was born. A boy was given importance and respect because he could fight as a lion in the battlefield and give social status to the tribe. Cruelty towards girls was poverty stricken. If all the tribes had displayed the barbaric behaviour towards girls, then there would be no Arab living today (Sharirti, 1980)

Then came prophets Muhammad with his teachings. It was very difficult for him to root out the prevailing practice of burying the girl child alive after birth and other barbaric practices by imposing the good teachings of Quran: that is why he made himself a model of good life based upon teaching of Quran. Asking people to follow the example of his way of life. Prophet Muhammad did not change all the prevailing customs of Arabs of that time, he changed only such practices as were against humanity. He also advised the people to follow teachings imparted to them by other prophets, who came before him such as Abraham who introduced the ceremony of Hadj and constricted the building Kaaba in Mecca city for Hadj circumcision (Khatna) and sacrifices of sheep and goat at the end of the Hadj programme. All these were Abrahamic injections which were modified a little by prophet Muhammad, only in Hadj ceremony. The Abrahamic rites have most important place in Islamic culture, which all Muslims in the world have to follow.

Prophet Muhammad tried to change the culture of the Arabs as long as she was alive and showed the new Islamic way of life. But after the death of Prophet Muhammad, the ways of Islam have also changed. Prophet Muhammad had called all the Muslims at "Ghadhir" near Mecca after his last Hadj and told them on revelation from God that Ali (son-in-law of prophet Muhammad) would be the leader (caliph) of the Muslim after him. People congratulated Ali and celebrated the appointment of their new leader. But prophet Muhammad's dictates, as per revelation from God in appointing

his successor and caliph of the Muslim were followed by vested interests, who probably did not like the teaching of prophet to be follow in toto. After the death of prophet Muhammad, the gathered at saqifat Bani-saidah and close another new leader (caliph), saying that the eldest man who was the friend and companion of prophet Muhammad, “Abu-Bakr”, should be the later of the Muslims and Ali due to age (he was Young at the time ) was deprived from the leadership. From this time onward the way of Islam changed completely. Those people, who become the followers of Ali and followed the verdict of Prophet Muhammad about Ali to be their leader, called themselves sonnies.(ibid,p.33).

After division of the Muslim into two groups, two schools of thought came into existence in Islam, viz. Shias and the Sunnis schools of thought. All the Muslims have followed and passed on the conduct, deeds saying and teaching of Prophet Muhammad, they have added more words and ways which have damaged some of the sunnat and have harmed the Islam.

### **Ahadith**

Plural of Hadith, saying of the prophet, Ahadith are another impotent feature of Islamic culture. The people wanted to keep these Ahadith fresh in their memory by practising them and also followed them for seeking solution to their problems. As the generations passed. Some parts were replaced by newly invented ideas which have caused some harm. The kings and rules of different generations started giving money in the form of bribe for the formation of new Ahadith and propagated them as original Ahadith of Prophet Muhammad, so that the people may not raise objections for these new Ahadith. This was all done for the convince of the kings and rules, who ruled at that time. These newly connoted according to the Islamic rules an culture but they have created problems are busy investigating which Ahdith are true which are false by finding out what was said about Ahadith for the first time: whether it was truthful and whether these Ahadith are in accordance with Quran. Sunnat and whether there is corroboration.

The rules and regulations of Islam are other distinctive features of Islam culture. Some of these rules are believed to have come directly from God to Prophet Muhammad which are enshrined in the Quran. Others are from the Sunnats (Tradition) of Prophet Muhammad and his descendents according to the Shias. The successors of prophet Muhammad are twelve in number according to the Shias, who are called imams. The Sunnies have developed their schools of thoughts from four imams. All the Sunnies have different countries do not believe in all the four imams. All this school thought are the oldest ideas of imams. So is Shias school of thoughts. But 200 years ago the new school of thought was introduced by the imperialism of British for dividing the Muslims in the same way as the Wahabites did in the Arabia. The Ahmadies and Bahhis have harmed Islam by their own ideologies (Quaderi.1979)

Another important thing in Islamic culture the adopted of Iranian and Greek culture by the people of Arabia. The Muslims of Arabia. The Muslims of Arabia had attacked Iran and Greek after they had advanced them as their own culture. After the death of Imam Ali, Moulviha who ruled over the Muslims in Sharia. Adopted the culture and civilization of Iran and culture because kinship has no place of Islam.

## **The Sunnah**

Sunnah is the traditions or known practices of the Prophet Muhammad, many of which have been recorded in the volumes of Hadith literature. The resources include many things that he said, did, or agreed to -- and he lived his life according to the Quran, putting the Quran into practice in his own life. During his lifetime, the Prophet's family and companions observed him and shared with others exactly what they had seen in his words and behaviours -- i.e. how he performed ablutions, how he prayed, and how he performed many other acts of worship. People also asked the Prophet directly for rulings on various matters, and he would pronounce his judgment. All of these details were passed on and recorded, to be referred to in future legal rulings. Many issues concerning personal conduct, community and family relations, political matters, etc. were addressed during the time of the Prophet, decided by him,

and recorded. The Sunnah can thus clarify details of what is stated generally in the Quran.

## **Muslim Law**

A Muslim is bound by religious regulations not only in the performance of his daily rituals, prayer, fast, pilgrimage regulation, and other religious rites. But also in the contraction and dissolution of his marriage, in commercial contracts and indeed, in all events of any importance in his domestic and indeed. In all these religious regulations together a code of conduct (Law), which in Arabia is called the Shariat or Shariah. The way (Viz.. that which faithful Muslims must follow according to Allah's will). Muslims believe that the regulation of the code depends not on human judgement, but entirely on Allah's inscrutable will. Originally, the only sources from which the knowledge of Allah's law could be gained, were the Quran and the Sunnah.

The Quran contains few regulations of legislative character. It is true that the certain verses instructions are given as to how a Muslim must generally distinguish himself from a non-believer, as one of his chief duties. And some sins which he must specially avoid. But these regulations do not form an accomplice system. From the beginning Prophet Muhammad's Sunnah was an indispensable supplement to the regulations of the Quran. In the Quran .e.g. it is joined that a Muslim must perform his Salat (Quran 2.82) (the daily ritual prayer, which consists principally of praise of Allah, prostration etc).but not how he must fulfil this religious duty. In such a case Sunnah of prophet Muhammad given an expectation of the Quran. All Muslims have always performed the Salat in the same way as the prophet had done before them, for prophet Muhammad's position as a preacher of the new religion and as the head of the Muslim community entailed that his follower should observe not only the regulations. Which he gave us Allah's will in the form of the Quran but also his personal commands and examples.

## **The fiqh (jurisprudence) and the Fiqh- school**

By the *lim-al-Fiqh* (since of the *fiqh* or jurisprudence) is meant the since of the regulations in the sacred texts. It was not enough to know only the literal contents of the Quran and the and how the commands ad prohibitions which they contained were to be applied in different circumstances. The schools who occupied themselves with this study of the *Fiqh*, viz., “*Faqiahs*”, have given an extraordinary extension to the original meaning of the regulation of the Quran and of the traditions. They could find answers in the sacred texts to all possible questions of law, and in this way, the study of *fiqh* has produced a vast system of legal knowledge worked out in every detail.

Since the opinion of scholars as regards the rules to be deduced from the Quran and the traditions disagreed in many respects, there grew up, in a short time, different *fiqh* schools, each having its own views as to questions of detail, such a school was called *Mazhab* (party). There were at first a great many of these schools, each *faqih* of any importance. The rise, development, and ultimate fate of the different *Mazhabs* were development to a great extent on the government often had a special influence on their reputation. If the judge and magistrates in a Muslim land were chosen by preference among the followers of a particular *Mazhab*, many people joined that *fiqh* school, until change in the government exercised fresh influence in an opposite direction. in an opposite direction. In the course of time most of the old schools lost their significance, until they finally had no followers at all. Only the five schools of *Jafari* (Shia), *Hanafi* (Abu Hanifah-767 A.D.), *Maliki* (Malik-ibn-Anas 759A.D.) and *Hanbali* (Ibn-Hanbal 855 A.D.) have retained adherents in the orthodox Muslim world, down to the present day.(*ibid*,p.36).

### **School of Shiites (Jafari)**

The historicist came to be known as Sunnites, their main opponents, as Shiites. These labels are what misleading, because they imply that only Sunnites tried to follow the *Sunnat* at prophet Muhammad. In fact, each group relied on the *Sunnat*, but emphasised on different elements, for the *Sunnat Val Jameat*, the principal of solidarity was essential to the *sunnat*. The shiits argued that the fundamental element of the *sunnat* which was wilfully overlooked by the *Ahle-Sunnat Val Jameat* was

Muhammad's devotion to his family and his wish that his family succeed him through Ali. The Shiah and Sunni labels provided basis for the social recognition that had been majority of the Muslims now become oppositional. The inherit inimitability of Muhammad's role had made it impossible for any form of successor ship to capture universal approval.

When the Abbasid's denied the special claims of the family of Ali, they prompted the Shiites to define themselves as a permanent opposition to the status quo. The crystallisation of shiism into a movement of protest, received its greatest impetus during and just after the lifetime of one of the most influential Shiites leaders of the early Abbasid Jafar-Ibn-Mohammad (also called Imam Jafar-ESadiq, 765). Jafar's visions and leadership allowed the Shiites to understand their chaotic history as a meaningful series of effects by truly pious and suffering Muslims, to right the wrong of the majority. The leaders of the minority had occupied the office of Imam, the central Shiits institution, which had been passed on from the first, imam ali, by designation down to Imam Jafar, the sixth, to protect his follower from increasing Sunnite hostility to the views of radical Shiites, known as the extremists who claimed prophet hood for imam Ali, imam jafar made a distinction that both protected the uniqueness of prophet hood and established the superiority of the role of imams. Since prophet hood had ended, its true intent would have died without the imams, whose protections from error allowed them to carry out their indispensable task (Goetz, 1989).

The Shiits majority followed imam Jafar's son imam Musa-Al-Kazim and imams in his line down to the twelfth Mohammad-Al-Montazar, mehdi who disappeared in 873. Those loyal to the twelfth Imamis or Ithna Ashariyah. They adopted a quintile stance towards the status quo government of the Abbasids and prepared to wait until the twelfth imam would return as the messiah to avenge injustice against Shiites and restore justice before the day of the last judgement.

This Mazhab is still dominant in Iran, Iraq and other Muslim countries.

### **School of Abu-Hanifah**

The Hanifa of abu Hanifa owed its great influence in later centuries especially over the Turkish Othman (Osmani) Sultans, who in the sixteenth century obtained authority over a major part of the orthodox Muslims. From the beginning this dynasty showed exceptional preference for the Hanafic system and this Mazhab is still dominant in Turkey and in other places where Turkish influence is left, it has also spread in central Asia, viz., Bukhara, Samarkand and in India, so far as the people are concerned they accepted Islam as the result of Muslim rulers preaching of Islam.

### **School of Shafi**

The school of Shafi was based especially on the authority and influence of the Abbasside caliphs, the Shafiites had obtained a considerable supremacy in the centre of the Muslim lands in the middle ages and their reputation still continued to increase until, in the sixteenth century. The Hanafic School came to the front under Turkish influence. Even after this time the Shafiite school continued to possess many adherents, even in sharia, Egypt and west Arabia where the Hanafic school was only accepted as the official one in public matters, e.g. the judges and ruling personages, who were sent from Turkey to these lands, were all Hanafis, but the original population still continued to lead its religious and domestic life according to the regulations of the Shafiite school and the study of the shafite fiqh-book continued to flourish. The Shafiite School has dominated in the strait settlement, the Malay border district of Siam and the whole Indian archipelago, as well as in south Arabia.

### **School of Malik- Ibn-Anas**

The school of Malik ib-Anas, known as Maliki flourished originally at Medina. Later on, it spread over the whole of the west of the Islamic world, not only in north-west of Africa (Tunis, Algiers, Morocco, formally also in Spain), but over the whole Africa, so far as it gradually accepted Islam. Even in Egypt, the Maliki school has many adherents, it has the same position in upper Egypt as the Shafiitic has in lower Egypt (Juynboll, 1959).

## **School of Ibn- Hanbal**

The school of Ibn hanbal has always been the least important, it never had many adherents, at present hanabalites are found in central Arabia, in the interior of Oman and on the Persian Gulf. Beside this, the followers of this schools are found sporadically in Bagdad, in some countries of centre Asia and in some district (among others in Syria), which do not lie on the grate trade-routes. It is worth noticing that the Wahabies are generally considered heretic and, preferred for Hanabalites. They often appeal to Ibn-Taimiyah, in order to defend their particular conceptions which are I conflict with the requirements of modern life, generally obtained in the orthodox Muslim world. This scholar, through in many respects quite independent, belonged to the Hanablite school.(ibid,p.39).

The differences of opinion between the Fiqh School did not arise on fundamental points. It has been alleged, indeed, that Abu Hanifah tried by preference to establish the rules of the fiqh, in agreements with his own opinion (qiyas) on morality and justice, while other Faqihs (specially ibn hanbal) kept strictly to the latter of the sacred texts, an unprejudiced look into various system of fiqh shows. However, that this view is exaggerated and that in general all Muslim scholars followed much the same methods of establishing the fiqh rules. Difference of opinion existed only on questions of detail.

Even the controversy among the earlier scholars on the questions, whether the Qiyas was permissible, raised no serious deep-seated difference of opinion. Qiyas literally means “measuring off”. What was intended was reasoning by analogy the application to similar cases of regulations, which in the Quran or in the tradition were given only with reference to special circumstances?

Those who rejected the Qiyas accused their opponents of misrepresenting and derogating the laws of Allah by following their own fallible human “insight”(ray).



The opponents of abu Hanifah charged him and his followers because of establishing the Fiqh rules solely on the basis of ray (suggestion) and Qiyas, and neglecting the study of the tradition. "Reference was made even of the prophet and it was maintained that he himself had already expressly forbidden the Qiyas and all such kind of reasoning, still, the Qiyas was In the end of generally recognised by all orthodox Faqih as permissible. As a matter of fact, it had most period themselves on keeping exclusively to the literal sense of the texts, such as the Zahirites" had been themselves compelled, in many cases, to draw conclusion from the holy texts by means of argument. They then used to maintain that their conclusion was already included (mafhum) in the text and therefore, had not to be deduced from to by means of arguments.

Fundamental departure from the doctrine of the five Fiqh schools are not found, even among the Shia and other heretical sects. Although each of these sects has its own doctrine in matter of Fiqh and this differs in many points from the opinion of the orthodox school, the point of difference are generally limited to the same kind of details, as those on which even the four orthodox fiqh school differ. The controversy, which was produced by the different schools in Islam's, was not concerned with the Fiqh, but rather with question of the Fiqh and with the political questions such as who should be the head of the Muslims community, as the direct successor of the prophet Muhammad.

Originally, each Faqih of any importance could consider him qualified to deduce the fiqh from the Quran and tradition, but after the rise of the Fiqh schools, independent criticism of the sacred texts gradually ceased and it became more and more usual to join the Mazhab, which was locally recognised as authoritative.

Later, it become the general conviction in the orthodox Muslims world that scholars as well as layman were bound to Taqlid (lit. to invest with authority, i.e.to acknowledge that the rules of authoritative manner). Such a person, for whom the rules of a Fiqh school had banding authority, was called Mukhalid (i.e. one who held

others in authority), the earlier scholars, on the contrary, who had themselves deduced the fiqh from the holy texts, were afterwards called Mujtahid (lit. people, who had toiled strenuously) and the search for the true sense of the courses, to which they had applied themselves, was called ijihad (i.e. to be zealous and take trouble, here in the special sense of exerting themselves in order to determine the rules of the fiqh). All later Faqih are, according to the general conviction of orthodox Muslims, only Muqallids, who are in all respects bound by the utterance of the former Mujtahids. Those who hold a different opinion on this point, such as the Wahabites, are regarded as heretics. The Wahabites condemn the taqlid, their scholars consider themselves still constantly bound by the duty of independent study of sacred texts. Among the shaias also, Mujtahids are still found who authority as did late imam Khomeini, leader of the Islamic republic of Iran and who gave death penalty to Salman rushdei. And ayatollah Syed Abdul Qasim-Al-Khui, (Ayathullah Khui) was the top most Mujtahid in the entire muslim world and the greatest exponent of Faqih. Usool-ul-fiqh. Usool-ul-fiqh, Ahadith, Tafsir, (commentary on quran) and Islamic knowledge. Today, majority of the Shias Muslims of the world look upon him as the sole point of reference. He is the architect of the golden era of nafaj-e-ashraf in Iraq (identical position is occupied by ayatollah gulpaigani in iran).

Every orthodox Muslim is, therefore, bound by the regulations of his Fiqh School and the Fiqh books have become the law books for later generations. The Quran and the collections of traditions are. It is true, always held in high honour as holy texts, but it is not possible to know what doctrine may be deduced from these sacred sources, except by means of the fiqh books. The Fiqh books are still studied in all Muslim lands. In the later times Mecca has, to a special degree, become the centre of the study of the Fiqh and in the great mosque of Mecca instructions are given in the Fiqh of Ahle Sunnat but in shia Fiqh, we have two important cities, one is Najaf-e-Ashraf in Iraq and Qum, city in Iran.

The great majority of Muslim cannot consult the Fiqh books for themselves, and must, therefore, use the explanation of a Fiqih, who is qualified to give a fatwa, when they wish to know the law prescribes in those cases which are not of daily occurrence.

A fatwa (decision) is a professional opinion on Faqih matters, generally couched in the form of question and answer. A scholar, who gives such fatwa's, is in consequence called mufti and anyone who is recognised as a competent Faqih, so that his legal advice is asked when occasion arises. He may be regarded as a mufti in the Sunni group but in shia group called faqih, or Ayatullah, besides this, there are in Muslim lands, official mutifs paid by the government itself, as to the law. In some places, where adherents of different fiqh schools are to be found, the government to advise the public, and motifs paid by the government to advise the public, and when necessary may also advise the government even appoints a separate mufti for each Mazhab. the contents of the fatwa's are obtained from the Fiqh books. Since the mutifs, like all other scholars are only muqallids. Sometimes, among the questions, which are new in Muslim society and subject which have become important for the Muslims only under the later influence of western civilization? In such cases the mufti or Faqih must decide how the old rules are to be applied in the changed circumstances. In the Fiqh books of later date consideration is given, so far as is necessary, to the fatwa which relate to new situations. The general conviction of orthodox Muslims nowadays is that the doctrine of each of the five Fiqh schools represents a correct view of the canon law. At first the scholars disputed totally on the fiqh and their adherents often showed sign of great intolerance. For a long time bitter animosity existed between the teachers in the holy towns in Arabia and the Faqihs, in the concurred territory. Those who lived at Mecca and Medina would have liked to keep the monopoly of the sacred science in their own hands. They tried in every possible way to throw ridicule and suspicion on their rivals, who were frequently not even of pure Arabian descent, both parties deluded each other with a flood of abusive names. Although the majority of the people were not entirely acquainted with the details of the problems. Nevertheless, in places, where the followers of different schools came into contact with each other, collision often took place, which gave rise to street fights and mutual persecutions.

In spite of this, the controversial questions concerning the Fiqh did not cause permanent division in Islam. On the contrary, the conviction gradually arose in orthodox circles that the difference of opinion between the Fiqh school must be

regarded not as a misfortune, but rather as a situation, willed by god himself. It is they who thought, apparently, possible and permissible to hold different opinion as to various Fiqh rules of secondary importance. Thus, if one school cherished a less rigorous opinion concerning a command or prohibition than the other schools, it was proper for the faithful to regard this as in some degree a blessing, since the less rigorous opinion could apparently also be defended, the difference of opinion in my community is a proof of god's mercy. (this traditions, however, is claimed to be concoction attributed to the prophet by many because it taken at its face value, it would mean that even bloodshed amongst the Muslims would be God's mercy.

Each Muslim has to give the preference to the observance of the regulations of his own fiqh school and only under exceptional circumstances is an appeal made, to the divergent doctrine of another Mazhab. This appeal is also called taqlid (in this case the recognition that the rules of another school are authoritative on a special point) and is held permissible under certain condition for laymen.

### **Usul-al-Fiqh**

The Usul Al-Fiqh (i.e. the principals, sources of foundations of the Fiqh). The Fiqh is based on four infallible foundations.

1 Allah's word: The Quran

2 The words and deeds of prophet Muhammad, Sunnat-al-nabi for Sunnis and for Shias the words and deeds of twelve imams, which are bequeathed to them as Sunnat-E-Alha bait.

3 The general agreement of feeling among orthodox scholars –imam.

4 The analogy – Qiyas (conjecture). Each of these foundations guarantees that the doctrine of fiqh schools is actually in agreement with will of Allah. They are called the usual-al-Fiqh (lit. Roots of the Fiqh). The name four based on these usual. The shiah school does not ecognise Qiyas on the other hand, the shia school resort to Adilla-e-aglia (appeal to reasoning). It different from Quiyas in the sense that in

Quias judgement is pronounced on the basis of the past, to be applied on the whole, while in Adila-e-aglia. It is the opposite, application of the whole on the past.

## **The Quran**

As has been stated above, the Quias, originally, was not generally recognised as a permissible method of establishing the fiqh. Nor has the infallibility of Sunnat and ijma been recognised from the beginning. But none could contact the authority of the Quran. This, according to Muslims opinion, contained, Allah's own words, nor was there later any doubt that prophet Muhammad had accurately delivered God's word.

## **The sunnat**

From the very beginning, the Sunnat of the prophet Muhammad passed, in general, as guide for all the Muslims. But prophet was not regarded by his contemporaries as infallible. He was often subjected to severe opposition, even from his most loyal adherents and, indeed, did not himself make any claim to infallibility. On the contrary, he often took pains to declare expressly that he was only a fallible man like everyone else. He could accomplish, he could achieve only one miracle, which none else could accomplish: the communication of Allah's revelation (Holy Quran 18. 109)

Even after the death of prophet Muhammad it occasionally happened that customs, which he had expressly permitted to his followers or of which he had himself given the example, were rejected as contrary to the true spirit of Islam.

The muttah marriage is an example. According to several traditions, the prophet had permitted some Muslims to contract temporary marriages, e.g. on the occasion of expeditions. But the second caliph, Umar, forbade these temporary marriages, he apparently regarded them as practically fornication. Sunni Muslims regarded muttah marriages as forbidden, the shia still continue to regard them as permissible. But later Muslims began to idealise the prophet. They could not admit that he had been subject to mistakes and weaknesses, just like other men and they could not allow that any

doubt existed on this point. It was necessary to have full assurance that men were not following an erroneous line, when they accepted the Sunnat of prophet. An attempt was made to find proofs for the infallibility (ismat)of the prophet and it was thought that this could be discovered in many verses of the Quran, e.g. in those, in which god enjoins obedience not only to himself, but also to prophet declare expressly, “My community shall not err when they hold fast in everything to Allah’s books and to my sunnat”

According to Muslims theory, the Sunnat of the prophet consist of these elements as follows:

1 his Qual (saying)

2 his Fail (conduct) and

3 his Taqrir (tacit approbation of the deeds of the words of others).

### **The Ijma (unanimity)**

It was declared to be impossible that rules as to which all Faqihs had the some opinion could be based on error thus the ijma (general agreement of opinion) of the scholars must be an incontrovertible proof of the correctness of their views. There could, so men though, no longer be any doubt, even as the subject on which there was originally a difference of opinion must for the future be revered by everyone as the true.

The doctrine of the infelicity of ijma, at first met with much opposition. Many refused to concede to the binding authority in religious markers, to the opinions of fallible men, even when they were agreed in their judgement

It was also thought possible to find arguments for this opinion in see verses of the Holy Quran, (IV-116) e.g., punishment is threatened to those who separate themselves from the prophet and do not follow the way of faithful. And this way of the faithful, it

was said, was obviously nothing else than that for which unanimity had been already obtained Islam. The later tradition is unanimously accepted by all Muslims.

The earlier Muslims had already attached great importance to ijma of the companions of the prophet (sahabah). It was thought that those. Who belonged to the generation which had been so extraordinarily favoured by the blessing of personal acquaintance with prophet Muhammad, must have been completely permitted by the true spirit of Islam and it was thus impossible that they could have been unanimous in error. Later on, malik ibn anas laid special emphasis on the general agreement of opinion of the scholars of medina. In that holy city, he could the sunnat of Islam must have, undoubtedly, has been preserved in its purest form. Thus, when all the scholars in the city of the prophet had agreed in their opinion, this could not be enormous; other applied the same reasoning to the ijma of the scholars, in both the holy towns of medina and Mecca. In the end, however, consideration had to be given also to the faqihs of others places. There was no sufficient reason for limiting the authority of the ijma exclusively,

*CHAPTER 3*

*FAMILY & MARRIAGE AMONG  
MUSLIM IN INDIA*



“Unlike Hinduism in India or Islam in Arabia, Islam in India was intrusive in character. It come over an already established civilization and could establishes itself only gradually and by slow degrees over the already an arrival in India, it had been diluted through conversion to its fold of large groups of local converts who were bound to bring there pre-conversion beliefs and practices it to the faith, thus, it was almost inevitable that the religious traditions of the Muslims in India should comprise two distinct elements: derive from the Islamic texts; the other proximate and local, validated by customs.”(Ahmad: 1981.P.15).

### **Muslim Hetropraxy in India**

The general impression is that Muslim in India (as in other parts of the globe) strictly adhere to Islamic tenants, i.e., the sharia laws, particularly when it involves marriage, family, divorce purdah, inheritance and religious rituals. However the impression does not bear testimony to sociological enquiry. Though there is no denying the fact that Muslims in India do have a “personal law” based on the sharia but it does not mean that in practice they adhere to it with utmost severity. Islamic law explicitly expounds specific prescription about the structure of family life, marriage, divorce, inheritance, purdah etc. and it is also possible that such prescriptions serve as fundamental determinants for the exclusions. “however, the essence of these institutions would seem to lie not so much in the presence of prescribed body of religious norms governing them as in the peculiar social conditions within these absolute Islamic tenants are translated in to practice”(Ahmad:1976,p.xi).

The apparent diversity of social conditions and the impact on the working of the marriage institutions is that there should be the real concern of the sociologist or for that matter the social anthropologist. “A sociological approach concentrates first and foremost on a theoretical understanding of institutions, and of their mutual inter-connexions, within the local setting and context”. (Singh, Uboiroi.1971:339) on the contrary the Islamite’s approach would proceed to separate law and customs, or the Islamic theory and its local applications in order to “investigate the effects of the

religious (and legal) system of Islam on the life and organization of the societies which acknowledge it”(levy,R.1957:V).,The sociological approach would rather emphasise the actual working of religious or kinship institutions in local practices and the impact of these folk traditions have headed in the implementations of the great culture in specific situation. As Uboirai notes: “according to the sociological method, we must first observe a number of particular Muslim communities in detail and its view to understand the inner structure and interconnectedness of Muslim institution in each particular case; only when we possess such a body of knowledge, in which concrete observation is married to analytic understanding, could we properly say what the system of Islam in India really is, and speculate as to what it might become”(Uberoi,p.399).

The sunnahs as quoted here by Ahmed (1978:32-46) which were practised by Prophet P.B.U.H himself, his own marriages, repeatedly to seven to eight women, his sunnahs supporting the Purdah (seclusion) of women. If they [, your woman,] obey you, seek not away against them. They [, the woman,] have rights similar to those [of man] ever them in kindness and man are a degree above them. Men are maintains of woman with what Allah has made some of them to excel others and with what they spend out of their wealth.To keep them [,the wives,] with kindness or separate [from them] with humanity.And if you fear that you cannot do justice to orphans, marry such woman as seem good you, two or three or four; but if you fear that you will not do justice, and then marry only one or that which your right hand possesses. This is more proper that you may not do injustice (surah 4-verse 130)

God instructs you, the Koran says, concerning your children: for a male the like of the portion of two females, and if there be women (i.e. daughters) above two, then let them have two third of what (the deceased) leaves. If there be one, then let her have a half. (Koran, V.12)

The prophet had intended divorce to be sought only under certain conditions and after guarantees that the husband or the wife is not acting from caprice or frivolity or on the

impulse of a momentary provocation. To meet these conditions the prophet had required a waiting period of at least three months before the spouse could remarry and also left open the option of reunion between the divorced spouses. But, as Ahmed (1978) observed that these principles and customs have changed time. The conception of law ignores the rights of women and strong condemnation and disapproval of divorce but the husbands have now taken advantage of this right and women is made helpless by the power of husband to divorce. This results in misery and unhappiness and helplessness of women in the Muslim community. And her position in the home and society changes as well. This is result of couple of changes in the society of Muslim community in the present day world which is due to certain factor and baselines of marriage and society.

### **The Muslim Laws of Marriage in the present day India:**

1. The major change in the Muslim law divorce in India was the dissolution marriages act in 1939 and the second the Muslim family laws ordinance enacted in 1961. the majority in Muslim in India apposed such attempts on the ground that these laws interfered in their religious freedom. Many countries with the majority of Muslim population such as turkey, Cyprus, Tunisia, Algeria, Iraq, and Iran unlike India, do not give a Muslim husband the right to divorce his wife unilaterally (Gani, 1978:115) so the result of 1939 and 1961 laws and there attempted implementation has been that legally some of the husbands power poor his wife have been curdled to some extent but in reality he continuous to be able to practice polygamy ditched the term of the dower as well as the dowry.

2. The family System: According to the Quran, “and marry not the idolatresses until they believe [in Islam]; and certainly a believing slave girl (Prophet Mohammad P.B.U.H is said to have married a slave [believing women] in marriages to idolaters until they believe, and certainly a believing slave is better than a idolater even though he please you” (Ahmad 1978:511). The insistence on religious endogamy has perhaps been instrumental in great prevalence of inter-cousin marriages among the Muslims

throughout the world. There are higher prevalence of inter-cousin marriages in Tehran(Iran) and Karachi (Pakistan)respectively (Touba,1979:202)

The family system, values and inter-cousin marriages prevailed in Muslim community. However the upper class Muslim families in urbanized places are predominantly extended, patriarchal and male dominant. The arranged marriages system exists in most of the Muslim families like in Kanpur with purdah system, dowry practices and low prevalence of family planning. But the abortion rates were less among Muslim communities rather than Hindu families, so the family system plays a vital role in the marriage practices.

3. Islam seems to have totally engulfed the realm of husband-wife relationships. The contractual aspects of marriage in Islam commence with the establishment of a dower by husband prior to the consummation of marriage. The wife's right to dower becomes complete by the consummation of marriage either in fact or what the law regards as such, namely by retirement or on the death either of the husband or the wife(Kapadia,1966:20) .However the actual amount being depended on several factors described before in this context. dower and Maher (gift) to the bride were meant to protect the woman from the imposition of husband power in pre-Islamic law which have been able to protect to woman from the miss treatment and exploitation in her social economic status however on the other hand the practice of obtaining dowry from the bride parents have been at an alarming rise in the Muslim community.....the pre-Islamic times, Islam and the prophet's sunnah would appear that, the status and power of woman by providing her legal and religious protection in reared to marriage, divorce, and property rights. On the other hand, it is evident that such power and protection did not go far enough as indicated by the rights of arranged marriages, polygamy, purdah and the right of divorce and property that are still heavily tilted in favour of men legally as well as practically,(Kapadia 1966) in modern era.

## **Shariat and its actual translation in into practice**

Truly, Muslims in India, as indeed the Muslims elsewhere in the Islamic world, believe in and adhere to the cardinal pillar of the faith. At the time, a number of sociological studies based on field research implicitly or explicitly draw attention to the fact that Islam as practiced in India is heavily underlined and influenced by which accretions are drawn from the local environment. These accretions often contradict the so-called fundamental views in the texts of the shariat or the Quran, the shariat has laid the foundations of Muslim life with dignity and respect to women. But in practice, it is found that shariat laws are rarely, if ever, followed strictly adherent to.

Theatrically speaking, in Pre-Arab and in present world marriage in Islam is a contract and gets dissolved with a simple divorce subject only to the payment of the “Maher” which obviously favours the man. But in actual practice a Muslim marriage is considered no less sanctimonious than a Hindu one and divorce is not as simple as it stands to be according to the law. A Muslim marriage, or for that matter a divorce, does not only come into play. Similarly Islam clearly about inheritance and provides for a share for the daughter being half of the brother share. But in actual practice, in majority of the cases the daughter/sister is not expected her share. Here, again the environment and local traditions have an important bearing in the application of the modality that often subtly undermines the great tradition. How this is done with family, marriage, purdah, inheritance impact of westernization in Muslim family from the basis of our study.

An overall macro view makes one realise the historical fact that before the coming of Islam in India, say for example the pre-Arab people, similarly the people of India had their beliefs and rituals that were deeply rooted in their culture. The sudden and “intrusive” arrival of Islam could not possibly uproot all these old-Islamic customs and traditions of the people who had now converted to Islam could not possibly uproot all these pre-Islamic culture was obviously gradual and in the process a large number of pre-Islamic cultural traits were assimilated with an apparently subtle Islamic garb into aggregate Islamic system in India. Very often

cultural practices approximate Hindu rituals rather than Islamic principles, though nowhere, are they at direct loggerheads with fundamentals of Islam.

The question of the status of woman in Islam and in the Muslim family of India is both complex and controversial. On the one hand, it would appear that, in comparison to the pre-Islamic, Islam and the prophet's Sunnah did elevate the status and power of woman by providing her legal and religious protections in regard to marriage, divorce, and property rights. On the other hand, it is evident that such powers and protections did not go far enough as indicated by the right of divorce and property that are still heavily tilted in favour of man legally as well as practically, (Kapadia, 1966.p.34).

Islam has improved the status of woman by restricting polygamy to four wives, by condemning female infanticide, by assigning a share of inheritance to woman, by declaring mahar as a gift to the bride and by reorienting the Arab law of marriage and divorce in favour of woman. It does not contemplate inequality between men and women; however Prophet P.B.U.H had laid down equality in legal laws and rules. But in present world, man and women are not subjected to equality, men are still considered to be at higher power than women. For that reason legality goes much in hands of men than women, which is due to the impact of social factors and surrounding and modern day world in Muslim era. The Islamic laws are not practised by Muslim Ummah in present day world, the lack of which leads to inequality among men and women.

## **The sociological approach**

The sociological debates on issues like family, marriage, inheritance, Dowry, purdah, impact on Hindu and western culture on Muslim marriage and westernization on a Muslim family in India would remain incomplete unless understood in the light of the fact that Islamic injunctions could not be translated into practice without heavy accretion of customs and tradition. “the integration of the local elements to a point that they should come to co-exist as complementary and integral parts of a single common religious system was presumably conditioned by the constraints of Islam own struggle for survival in an alien environment”(Ahmad I. 1981:p.15). In a similar vein Leela Dube points out “Islam had to accommodate to some extent at least the beliefs, customs, and traditions of the people who embraced it. (Dube L,1969.p.5). Islam had mentioned about the life of a human being in such a way that he will be accommodated with most of social reforms in the society. ” (ibid, p.15) to believe that the Islamic sharia will be followed uniformly throughout the world without adjustment and compromises with local traditions and contextual circumstances is sociologically untenable. Imtiaz Ahmad is quite right when he says that the “logical modus operandi whereby proselytism of Islam was eventually successful in establishing itself on the otherwise religiously clustered Indian scene”. (Ibid,p.15.).

There is no dearth of exegetical works based entirely on the sharia and the Hadith. Through nobody can deny their intrinsic merit in the canonical tradition, a study of these works based on the formal Islamic laws are actually translated into practice in different parts of the world. For this reason a sociological perspective is required and there the emphasis shifts from theory to practice. In the analysis of the Muslim social system in India, an attempt should be made to understand the process of compromise and accommodation between the sharia, which is the embodiment of the Islamic world view, and the pre-Islamic culture roots in India maintaining from the Hindu beliefs and practices. According to Leela Dube one should study the “resolution of conflicts and dovetailing of the two codes, taking off in the process the edges from the changing the slants in the prescriptions and injunctions of Islam, and thus resulting in changes in the complexion of institutions”. (ibid,p.7)

## **The (family) and marriage**

We all know that the Marriage is the distinguishable element of family culture In a Muslim family. The traditional marriages were characterised by an elaborateness of rituals, had abundant practices overtly of a rituals sort but of kinship and religious significance. Gift giving expressed an ideology of reciprocity and kin mutually like other rituals in marriage ceremony. The ideology of functionally to ritually involved in the marriage transcends of overlap the family culture through reciprocity in gift giving beyond the occasion of marriage. The 'Dowry' practices associated with marriage in the culturally diverse Indian society steam from an ideology which by itself influences norms of kinship affinity. The structural completely and perseveres through time have established it an institution, but the functional rationale identifies it as indelible part of the family culture.

The traditional marriage with its elaborates of rituals brings in an understanding of the concept of rituals. It is generally agreed that rituals are "Symbolic acts". But all symbolic acts are not rituals. One may wave one hand to call a person who is at distance. This is a symbolic act within conveys the purpose and therefore it's meaning to both the users. But it is not considered a ritual. The various acts are performing a worship are rituals"1 this is not to mean that rituals are only those associated with religious although they from a conspicuous component of any religion. The traditional Indian caste society with the nation of supposed "purity and pollution" by several of belonging to a community witch governed individual and social relations"2 coexisted with a lot of rituals in its preservation. Hence rituals are not symbolic acts of sheer "casual-functional" nature. They operate at supra-physical or rather "meta-physical" level.

This brings to picture the "functionality" of rituals. Here rituals have been distinguished to be of two types 1- The rational 2 the irrational. The rational or the "apparently functional" are those whose functions are those whose function are distinguishable, though only in terms of reasoning. The irrational or the "Obscure" are



those whose functions are not distinguishable. In both cases the functions were too often defined as socially significant in varying ways.

Thus attributing meaning to these widely shared symbolic acts or rituals. Through the diverse forms in all societies necessary act, as one which promotes group cohesiveness (Durkheim), or as one which sacralises tradition and cast as a guarantee of legitimate order (Waber), or again as one that allays anxiety, protest the social organization against the forces of instability and keep it in a state of balance (Malinowski and Redcliffe, Brown).

The root of these blanket interpretations seems to be the logic that traditional societies were religion bound with meticulous rituals carefully observed traditional society at the same time revealed a high degree of social cohesion. Hence rituals serve social cohesion.

Our definition is one that encompasses rituals both of apparently functional and the obscure, both of manifestly religious and not. It is defining that ‘Rituals’ are “symbolic physical acts operating at the Meta-physical level which creates a moral consensus”. This moral consensus is towards what is valued as appropriate. 1- Symbolic physical acts, 2

Metaphysical level and 3-moral consensus”. This moral consensus is consensus towards what is valued as appropriate. Three important points to be noted in the definition are- 1 symbolic physical acts, 2 metaphysical level and 3 moral consensus.

Taking the context of religion, all religions agree to the existence of a “supreme-being”. But the manner in which a reverence is paid to the supreme being, who is at a totally different level of human being, rather the metaphysical is different. These rituals are not simply symbolic acts, but symbolic physical acts whose reference is at the metaphysical level. They are transcendental.

The symbolic physical acts of respect or reverence to the being is not possible to be established through a function because ultimately there can be no proof as to whether this has been taken has a respect by the being to whom it is paid, as also whether this is or something else in the being. It rests on faith.<sup>5</sup> not just on an individual to which he may be prone to doubt or confidence. Not of a large number who share it. These rituals are considered to be appropriate because it is shared by a large number of people. that is why every individual do not have a religion of his own or rituals unique to his own or rituals unique to his own for his saluting the supreme being. This commonly shared faith is an agreement on what is valued as appropriate and hence a “Moral” consensus.<sup>7</sup> Rituals attempt an objectification of ideology through reutilized pattern of acts. It is untenable to hold that the purpose of any rituals is not known to the primitive man who practised it. From any point of classic formation of rituals, the gradual reduction can be understood as the failure to transmit or retain this “ideology”.

### **Islamic concept of marriage and family in India**

Marriage is the bringing together of individual of opposite sex for a permanent or semi-permanent life”. It lays the foundation of family. Married is demand to serve the following function-

- 1 Care and upbringing of children
- 2 Given the progeny legal recognition and social status
- 3 Division of work convenient, and
- 4 Sexual gratifications from the partner.

Careful observation reveals that family can exist without marriage; marriage may be conceded a religious sacrament or a legal contract. This only points to the quality of the relations intended through it. Marriage as such, then, is the “sum total of ceremonies and rituals”. “Which act as symbolic in providing social recognition to the relationship”.

## **Patterns and process of Marriage and the Family, Rights and customs**

### **Original custom**

The forms of marriage were a simple as in ancient Islamic period. After settlement of marriage by well-wishers of the boy and girl. Both mutually agreed to the marriage. A date was fixed by the bride party led by the bridegroom assembled at the house of the bride, where in the presence of the bride party and other guests of the bride and the bridegroom taken. Followed by the recitation from a holy scriptural and sermon appropriate for the occasion. The solemnization of marriage which was completed by the ceremony was known as nikah or aqd. Nikah was usually followed by a feast at the bride's place. After which the bride was taken to the husband's house. (Madani,p.120-121).

The bridegroom also gave a feast to the actual entente. The bride got gift from parents. Comprising of only those items necessary to start a family life.

This form of marriage was a simple. The same was followed by the Muslim in early days of their arrival in the country. But social intercourse ones have its own effects on the customs by the Muslim from the Hindus, some of which may be described below's-

### **Mangni.**

The custom did not exist in Islamic form but has come to the Muslim from the Hindus. Among whom the system of *chheka* is prevalent. The marriage is fixed at the time decided by the parents, and on a fixed date the family members of the boy go to the girl's house, where the girl is made to sit in the middle of the women of the boy's family. The girl puts a ring on her finger. A red headscarf or dupatta is on her head and a piece of sweet is in her mouth, the mangni is complete. Sweets brought by the boy's family are then distributed. There is, in many cases, a feast also on the occasion, given by the girl's family. Otherwise at least the refreshments are served. The same procedure is followed thereafter, in the case of the boy at his house by the male members of the girl's family, his head covered with a handkerchief instead of dupatta. This ceremony is an announcement of finalisation of marriage. (Madani, M.S. p.121).

In easy language we will say that before marriage an engagement process is between brides and grooms' intention to marry to each other. Some Islamic opinions on this matter are included in the Muslim engagement section.

### **Marriage**

The process by which a man and a woman become husband and wife. The short ceremony is usually conducted by an imam. A minimum of two witnesses are required to be present in the nikah. The bride must always be accompanied by a wali as guardian. During this ceremony the mahr (or marriage gift) that the groom gives to the bride is also decided. The imam delivers the "khudbah" of the nikah, which is the sermon with the Quranic verses and Islamic speech. The nikah process makes both the man and woman legal for each other as husband and wife. (ibid, p.122).

### **Dahez (jahez)**

Previously, only necessary articles of household used to be given by the parents to the daughter. In Arabia, the marriage of the daughter being an example on the point. Later on, this system changed and expensive articles were added. In India, there was a

system of giving all the necessities and luxuries to daughter by the parents. Because the daughter were deprived of inheritance. The Muslim also copied the same. They also started providing expansive article and even luxuries ornaments of diamond gold and silver, furniture crockery's, costly cloths, costly household articles, car and bike etc.; but in most cases this was done by those of higher status as a show of money power. The result is that who are poor have to borrow money and sell the property for the marriage of their daughters. The bridegroom's family provides a few dresses for the girl, since the girls family also provide for the boy, beside some jewelleryes. (Madani,M.S. p.122)

### **Feasts**

At the time of nikah, a simple feast was given by the bride's families. Provided verities, following the pattern of feast in the Hindu families, providing verities, the Muslim also now provide verities, of course different of types, viz., instead of the Hindu dishes, the Muslim dishes. A lot of money is sent over it the bridegroom's family gives the feast walima. In which too lavish spending is resorted too.(Madani,M.S.p.122).

### **Dower**

The Muslim law has provision for dower (mahar), a must for marriage. A Marriage cannot be valid without it. The bridegroom has to pay dower to the bride, agreed upon mutually. And in the Hindu laws there is tilak, a semblance of dower put paid by the bride's family to the bridegroom, which depends upon the states of the bride's family and greed or demand by the bridegroom's family. This system has entered in the Muslim families also. of course they do not name it tilak but call it salami.

### **Rituals**

The Muslim marriage originally consisted of nikah, feast and walima almost a ritual as asri mushaf is permitted, in which after nikah, before departing to the husband's house, the bride and the bridegroom are seated together with veils on the bride face a

silken muslin cloth is spread on the head of the both and mirror is put between them and both are required to recite the scripture of the Quran, know a sur-e-tawheed, with hands on the holy Quran and eyes closed, after that they see the face of the each other in the mirror by opening their eyes. This is system has no religious background only for the sake of good omen.

### **Shahana jora**

The bride is required to wear gorgeous clothes, so is the bridegroom. The bride's dress is made of silk especially satin, which is either printed is tabak (gold or silver paper) specially prepared or embroidery in gold or silver called zari. The bridegroom is also made to wear coloured and often gorgeous clothes. These can be made to silk to make him appear like to prince. In fact, Islamic marriage dress is simple, nothing is especially prescribed in any of the Islamic countries. It is India alone, where dress pattern has been fixed. For the bride it is ghagra, jumper, dupatta and the then silken muslin veil, while for the bridegroom it is kurta, payjama, sherwani safa (turban) and aba. Both are required to put sehra, flowers woven in chains on the face, to hide the face.

But some of the modernised families, however, resort to garlands only and the bridegroom wears suite tie, while the bride wears embroideries sari blouse.

### **Mehandi**

The mehandi ceremony is mainly held at the bring place on the eve of the wedding ceremony of a few days before the wedding, it is mainly a ladies function where the female friends, family member and relatives of the bride come together to apply turmeric paste to the bride to bring out the glow in her complexion. A beautician as relatives applies mehandi on the hands and feet of the bride, while she applies mehandi to the bride wear light colour cloths and dresses soberly. According to the custom the bride should not out of the house for the next few days till her marriage. On mehandi function the bride's curious applies a dot of the mehandi of the palm of

the groom. Other than the mehendi celebration there are some other ceremonies is both the bride and grooms house.

### **Haldi or mangha**

The prospective bride is selected on a small square table and oriented with haldi provided by the boy's family. Following this ceremony, a married friend will accompany the brie everywhere and at all times, the bride's whole body before she baths. For this ceremony the bride is supposed to wear yellow cloths and no jewellery there is again much celebration and singing.

### **Rokhsati**

At the time of departure of the bride for the bridegroom's house, the elder members of the bride on the right hand of the bride on the right hand of the bridegroom. This is an adoption of the Hindu custom which I have observed different state.

### **Ghar bharai**

When the bride reaches the bridegroom's house, her hands and feet are washed with water and this water and this water is collected in a bowl, which is then sprinkled in the house. Further, the husband is required to stand behind the bride, in whose hands rice is put and made to throw it behind, saying " I'm filling the house of my husband with happiness". This system, though not prevalent among all the Muslim families, is again an adoption of the local custom.(ibid,p.125).

### **Chouthi**

The concept is absent in Islam and has again seen adopted from the Hindu customs. On the fourth day after the marriage at the bridegroom's place, the girls are again dressed like a bride and make to sit among the woman and the young boys, including her husband.

### **Dassehera**

Then come the rituals dassehera. After chowthi, on which data walima is held, the brides return back to her father place along with the bridegroom, where the couple stay for a day or so. All care and comfort are provided, including delicious dishes. After the day or so the couple returns. On this occasion also, gift are provided to both, this is also an adoption of the Hindu custom.

### **Sindoor**

After the nikah, the bridegroom puts vermillion (sindoor) in the mang of the bride (among the portion of the head, where hair is parted on either side with comb, as a part of hairdo). A mark of acceptance of the bride, as his wife, has been copied with slight variation. The Muslim generally, does not use sindoor (vermillion) but sandalwood powder or a afshan a specially prepared golden powder. Through will see it's not a religious sanctity.

### **Godbharai**

This is another rituals godbharai, at the time of departure, after marriage, to the husband's house (rokhsati), the bride as given some rice and a few paces of turmeric, which is made to keep tied in a handkerchief or a corner of the dupatta. Pinned near her stomach. This is called godebharai or rituals of the god, godi mean lap and this rituals aims at procreation wish. This rituals is repeated with her, on her every visit to her parents' home.

Now we will see there are so many traditions and the custom and culture which are taken from the Hindus and the and the western culture like ring ceremony and feast etc. they all are the parts of the marriage and tradition of the of Indian Muslims marriage.



## **Muslim Marriage is a Contract**

Marriage in Islam is a contract and liable to be broken with a simple divorce in Real practice however marriage is not as earlier broken as it seems possible according to the shariat'. "Islam considers marriage' which is an important safeguard for chastity, to be incumbent on every Muslim man and woman unless they are physically and financially unable to lead conjugal life".(Espisito,1952:15). The role of marriage of Islam is avoidance of celibacy, thereby facilitating and continuous growth of the Muslim family. Marriage is he means for procreation. Marriage, therefore, is life affirming rather than the life denying. Through according to the shariat 'marriage is a mere contract, nevertheless "marriage in Islam is recognised as a highly religious sacred covenant. However, it is not religious in the sense of a sacrament, but rather in the sense of realizing the essence of Islam. Marriage reflecting the practical bent of Islam combines the nature of both "Ibadat" (worship) and "muamalat" (social relation).'"(Ibid.P.6).

## **Preferential Marriage**

A number of Muslim family in the sub-continent practice preferential cuisine marriages. Islam does not enjoin Marriage with causing but nowhere it have been emphasised in a as a preferential marriage in the Muslim family. Hamza A, Alawi observed with regard to his village study of west Punjab that Muslim, "although law does not prohibit exchanges of marriage outside the patrilineage (nor does it enjoin prefrontal marriage with FBD), the local custom and value system require that marriage be confined within the biraderi".(Hamza l Alawi,.p.5)

The Punjabi Muslim kinship system is structure in the principal of prefrontal parallel cousin marriage. Marriage with FBD is most proffered; where accident of demography does not make such a match convenient, preference is them given to FFBD or FFBSD etc. the question of biraderi prestige weighs more with the Punjabi Muslim then inheritance does. This is what has led to birderis endogamy. A marriage outside the biraderi is considered hypergamous or hypogenous depending on whether the boy or the girl marriage outside the biraderi.

J.P.S.Uberoi who tried “to see the world in a grain of sand” while studying the and arsebi Persian speakers, termed marriage with the FBD a parochial marriage., “because it looks within the smallest local segment, the agnatic local cluster, and acts to develop prior bonds rather than to shack out fresh ones”.(Ibid,p.409). Marriage with the FBD is cauterised by no or minimum bride wealth, and is negotiated straight forwardly without clamour and upset from rival suitors. All other match- making is a competitive undertaking, concerned with becoming well connected in the wider world. The most important factor behind such a preferred marriage is the question of inheritance and the resultant enhancement in the solidarity in the biradari.

Even when they have participated, by gradual stages, a set of brothers attempt to re-align themselves though one or more marriages among their children. Often the daughter of brother is committed in infancy to the son of another brother. “Fathers brothers daughter marriages, like marriage with the brother’s or father ‘s brother’s widow. Is an element of solidarity within the agnatic cluster. Owing them the near collateral agnates are also often non-agnatically allied; and the agnatic culture is a system of co-operation as well as competition.”(ibid, p.409)

Shibani Roy, who stresses that “neither the caste model nor the class model can be exclusively used for studying the Muslim of India, hold the view that preferential marriage with the Father Brother Daughter and other causing is primarily because of the inheritance problem. The second factor is purely of blood and khandan solidarity. The first preference among the Asna- Ashriya Muslims of up is given to the father’s brother’s daughter who is bint-e-um (first wife), or the paternal parallel cross cousin, or father’s sister’s daughter. The maternal cross cousin or the mother’s brother’s daughter is another popular type of preferential mate. Parallel cousin from the maternal side also come within the category of prescribed mates. Beside, one can also marry bilaterally parent’s cousins who are at least once removed.

The proud pathans of swat are too conscious of biraderi endogamy. A marriage outside the biraderi is considered a lowering of status of them. The question of prating , i.e. , hypergamy and hypogamy lead to cousin marriages. The caste factor is also quite vital. Among the mother rights moplas of Kerala, writes as victor D, Souza “marriage between member of the same taraved or interrelated taraveds are a taboo”. (D,souza,op.cit).

“Marriage between member of the same tharaved or interrelated tharaved is a taboo”. (ibid, 149). Marriage between the children the children of two sisters cannot take place. Taravad exogamy is the pre-Islamic local influence still strongly persisting whether marriages between the children of brother and a sister is a direct Islamic influence. “Thus .....The choice of marriage partner is rigidly limited by the kinship organization despite the influence of Islam”, (ibid, 149)

Contrary to the swat pathans, Asna-anshriya of Up, Muslim of west Punjab, the Muslim of Assam villages or the moes of Rajasthan consider cousin marriage nothing short of incest. Writes A.N.N. Irshad ali after a detailed case study that the Hindu influence is strong among assames village Muslims, who like their neighbours, observe village exogamy and do not practice cousin marriages.

Pratap c. Agrawal, studying the Meo-muslims of Rajasthan writes, “both cross-cousin and parallel cousin marriages are avoided by the Moes. There is no definite rule regarding the degree of removal of the cushion whom and must avoid marrying. Any person with whom a cousin relationship can be traced cannot be married”. (P.C.Agarwal,p.278). Owing to recent islamization upsurge, some orthodox outsiders attempt to make cousin marriage acceptable to the moes, for Islamic sharia allows such a right. “the moes in that village become so infuriated at this attempted ‘incest ‘that they beat the culprit and turned him out of the village”.(ibid,p.278).

## **Essential elements of Muslim marriage**

Essential to the marriage is the offer (ijab) of marriage one contracting party and the acceptance (qubul) by the other. At the same meeting between two witness. This completes the Nikah.....The actual marriage dower (Maher) is considered an essential factor in every marriage contract it is quatrain prescription, intended to safeguard the bride's economic position after marriage. It is paid to the woman and not her father and brother and hence can't be seen as a case of bride wealth'. It is also meant for purposes of controlling the husband's power since upon dissolution of the marriage he is required to pay back the amount of the dower (Maher) at once. "Maher's is usually payable in to stolements, the 'prompt' Maher being payable on the wife s demand at or any time after, the marriage and theiffered' Maher being payable at the time when the marriage is dissolved by death of divorce". (lucy carrol,vol.17,No,2). In a Muslim marriage Maher play a important role. It is a quranic prescription and without Maher a Muslim marriage is not possible. Dowry or Jahez is quite different for unlike 'Dower' (Maher) it is not an integral part of the marriage contract according to the 'Shari at'. Again bride price, though found among Muslim too. It is not an integral part of the Muslim marriage contract. "It bride wealth differ from dowry is that is moves in the opposite direction (i.e. from the husband's side to wife side) and from Maher (dower) n that goes the bride father or brother and not to the bride herself" (Ibid,P,218.).

A Muslim can marry anyone except a few closely related relations, apart from that, marriage of a male Muslim is possible with a woman of any of the other revelled faith like Christianity and Judaism. "He can't however many and idolaters or a fire – worshiper. A Muslim woman, again more controlled in the exercise of her option can marry only a Muslim man"(Esposito,op.cit.p.20). It is quite axiomatic; however, that marriage is a convert to Islam from previous faith is lawfully prescribed.

"The exogamous group is small ego- focused kindred. As determined by 'Muslim law'. for a person may not marry 1) a sibling (or step sibling ),2) a dissent or descendent of sibling, 3) a accident or sibling of ascent dent and, 4) a man may not marry his wife's mother during the life time of his wife's sister".(Hamza L Alavi,p.5).

a father sister, brother also come under the probative category to them the mother has given suck” the last category, is referred to as a ‘doodh-k- bachaw’ which the entire sib group blame prohibitive in case one of them had been given suck by the other mother”. (Roy,Shibani,1984.vol,64,No,4.p.383).

It is clear that Islam prohibits marriage to a very few closely related relations ad compared to other religious, particularly Hinduism t is relatively open. However, the conception of Muslim marriage as a civil contract has tended to create the immersion that marriage among Muslim group in India is a relatively simple affair .nonetheless, the apparently simple ceremony of nikah among the Muslim actually punctuated by elaborate rites and ceremonies which serve to underscore the social significance of the event both for the individual and his group. Muslim marriage practices are supposed to recognise few restrictions regarding whom one may marry beyond those explicitly prescribed by the Quran. “Even so, restrictions based on considerations of the kinship, caste and village do exist in practise. Kinship also inters the numerous rites and ceremonies that are traditionally an associated with the celebration of marriage”. (Ismaili a lambet,p.20).

There to look into the issue of marriage for instance, it is imperative to explore the whole aspect of marriage in a marriage and a number of Muslim communities in various parts of the sub-continent. It will be found that a few central motifs like the nikah and the fixation of the Maher’ are universal to all of them. But apart from those a large number of local customs and practices involving the questions of endogamy and exogamy, hypo gamy and hyper gamy, and sometimes the caste system too each play an important role in Islamic marriages.

### **Exogamy and endogamy**

A Muslim can enter in to a marriage contract with anyone except a few very clearly related kins. “the prohibitive categories include mothers , daughters, sisters ad maternal aunts, and daughters of sister to whom the mother had given such”.(shibony roy,op.cit.p.389). A Muslim man can marry a female, though he is forbidden to marry

an idolatress or a fire worshiper. A Muslim female, however, prohibited from marrying any male who is not a Muslim.

Apart from the above condition, according to tradition of Islam there is no other is no other restriction. But a number of case studies by sociologist and social anthropologist reveal that I the Indian subcontinent a number of factor's come into play in marriage considerations that have nothing to do with Islam.

Fredrick Barth, dealing primarily with social stratification, has existences of the caste consideration, almost leading to caste endogamy among the swat pathans of Pakistan. "The system of patriarchal family structure and exclusively patrilineal descent serves to make matrilineal and multilateral kinship irrelevant to status and authority ascription, and this obviates the need for caste endogamy".(ibid,132). All transmission of status or property takes place through the male line and therefore a tendency toward caste endogamy. But this endogamy does not arise from any need for a precise congruence between the alignment of individuals by kinship and caste. In the Pathan system, endogamy seemed rather to relate to the hierarchal aspects of castes and to the denial of identity between castes. It would be appropriate to add here that the caste consideration among the pathans cannot be quite congruent to the Hindu sense of caste. "The people of swat, as Sunni Muslims, fall for outside the Hindu fold, their system of social stratification may meaningfully be compared to that of Hindu caste system". (ibid, p.113)

The pathans assert that sister exchange can only take place between equals. But a pakthun can give his daughter to the saints who are higher in higher in caste status. But "saints say they receive wives from pakthun but will not give them daughter return". (ibid, p.135). As a rule "the tendency towards caste endogamy is quite explicit. Each caste is commonly regarded as constituting the wider order of kin group (nasab), that is to say it is through of as endogamous".(ibid,p.136)

Shibani roy finds that the asna-ashriya Muslims of Uttar Pradesh use the term 'khandan' and not biraderi. "Their understanding of khandan... can be defined as 'lineage of recognition', where the persons are traceable and recognised as a 'corporate group' in Weberian sense. Added to this is another character: it is obligatory for a man to marry a girl from his own khandan, thus making the khandan an absolutely self-reliant and independent group". (H I Alavi, op, cit.p.6). Even a high degree of urbanization and job opportunities have not changed this attitude based on the consideration of property and the concept of nasab or nasal which emphasised the purity of blood and its retention by close inbred marriages. Khandan endogamy not only guards khandan property by zealously protecting its women from being married outside the khandan since that would entail gradual loss of the landed property.

It is clear that Islamic sharia does not recognise any sorts of caste, village, gotra, pal, and biraderi or khandan endogamy or for that matter exogamy. Obedience to such norms is evidently the reflection of the local, pre-Islamic, folk tradition. It is precisely these neighbouring Hindu accretions that spouse with pure Islamic practices to form the 'local practices of Islam which may have very little to do with the great super-local tradition of Islam' which in this case emanate directly from Islamic injunctions embodied in the 'sharia'.

### **Polygamy and widow marriage**

"Polygamy is allowed by Islam; upto four wives, However, it is neither a requirement nor an ideology. In general polygamy is rarely practiced (Pastner, 1974:411; person, 1966:54; Shah, 1960:159)." (M S Das p.54.) Though Islam allows up to four wives at the time, the conditions prescribed are too difficult to maintain. The historical circumstances were such that it was looked upon as a social remedy. "Social circumstances during this period must be kept in mind: the widely accepted practice of polygamy and the existence of many widows and orphans left by men who had died in a battle who were in need of protection through marriage". (Espisito, op, cit, p.20).

Sociological case studies prove that people practice polygamy (or do not practice it) only on the demand of the social needs and circumstances. Not all the Muslim communities practice polygamy. For instance, the andarabi Persian speaker practice polygamy owing the practice of bride wealth and the desire to have large size of families in order to enlarge the scope of paterfamilias authority. As uberoi states, “men desire polygamy to establish affinel alliances, and to generate many sons and daughters, who will work for them and widen their influence in the local community, as did earlier their own brother ad sisters”. (j.p.uoirai, p.401).

Among the Gujar bakarwal of Jammu and Kashmir the negative sex ratio and caste endogamy and put their woman in exceptionally advantageous position. Therefore widow remarriage is practiced. “there is no taboo against widow remarriage among the gujar bakarwal, “there are no young widow among them as even widow them as even widow are in considerable demand as wives on account of the overall shortage of woman in gujar bakarwal society”.(r.p khatana,p.102). Usually an attempt is made to marry the widow with the younger brother of the deceased, though it is by no means a rule. Owing to the shortage of woman, polygamy is not a rule among the gujar-bakarwals. In fact, in many men do not find the opportunity to marry even once.

Among the moes of Rajasthan “there is no prohibition on widow or widower remarriage among the moes. As a matter of fact, all widows, unless they have many children, continue to remarry till they are too old to do so”. (p.c.agarwal, op, cit, p.275).

The majority of marriages among the moes are monogamous and polygamy is permissible. Since a high bride price has to be paid, there is little scope for a second wife. Occasionally, a Meo may marry his brother’s widow as his second wife if it is considered advantageous for the family.

The smaili Muslims of Gujarat rarely practice polygamy and avoid the remarriage of widows. “The child marriage quite common. Polygamy was and is rarely practiced,



more often in the priestly circles. Divorce were rare and widow re-marriage till very recently was largely avoided". (S T lokhandwala, op, cit.p.392).

Lela dubey writes that both polygamy and widow remarriage are quite common among the matrilineal people of locatives. "Through marriage is mostly monogamous, more than half the number of men and woman in the community are found to have married more than once and many even several times". (l dube,op,cit,p.69).

Through the Islam permits polygamy, we have found that its prevalence or non-prevalence depend more on local, environmental, demographic and certain other conditions ( for instance biradery of khandan endogamy). This is equally applicable to the question of widow remarriage too. The Moes, the gujar bakarwal, the andrabi Persian speakers practiced widow remarriage, whereas the Ismaili Muslims of gujar generally avoid widow remarriage. The Moes avoid cession marriage but accept widow remarriage. The influence of the local culture and tradition of Islam vary with under different situations and conditions.

### **Impact of other culture on Muslim**

It has been consistently found that marriage, among the Muslims on Indian community in India, is primarily considered to be executed through universal Islamic motif's "nikah" and the fixation of the dower (Maher). Whether it is the multilateral Muslims of loccadives of Kerala, Meo Muslim of Rajasthan or village Muslim of Assam, all observe these two conditional pillars of Islamic marriage requirement.

But a closer examination reveals that nowhere a marriage among the Indian Muslim is solemnised without being accompanied by a number of such other practices that have nothing to do with Islamic sharia or practices. These other practices are the result of local influence of the neighbouring non-Muslim, but may also be the outcome that could not be possibly discarded by the converts of Islam.

The village of Assam, apart from the essential Islamic requirement like the nikah and the fixation of the dower, observe ceremonies that are more similar to the practices of the local neighbouring non-Muslim in those villages. The ring-ceremony, fixation of the marriage date in consultation with a 'panjika', the ceremonial bath by the bridegroom and the bride together called 'noani' on the day of marriage and exchange of betel nuts and pan are custom that have no Islamic sanction an area localised in those villages only. These practices are equally observed by the non-Muslim observed by the non Muslim of those villages too. "In some parts of the assam, the custom of presentation (joran) is also prevalent. This custom is observed by the assumes Hindus . The groom's mother.... Blesses the bride by putting vermillion n her forehead and presents her with cloths, ornaments, a comb and a mirror. Among the assemese Muslim, however, only cloths, ornaments, the comb and the mirror are presented to the bride during the Joran"<sup>30</sup> an vermillion is omitted, for, it is a purely Hindu practise which provides identity to a Hindu married woman and Islam is strongly against it.

Writing on the Ismaili Muslims viz., the bohras and khojas of gujrat , S.TLokhandwalla observe that "in matters of marriage and other social affairs, the khojas had evolved an amalgam of Hindu and Muslim customs". Among the bohra several innocuous marriage customs of Hindu, which have no relevance to the legality of marriage, were always and are still to large extent observe as necessary to the completion of marriage. Attempt are also made at times of explain them in terms of tawil or ismaili esoteric interpretations. Child marriages were quite common. Polygamy and divorce are quite rare and widow remarriages is avoided vary strongly which is an oblivious Hindu practice. The widow, especially during the period of iddat, dresses like a Jain sadhavi in white, and is kept in seclusion.

The Khojas, especially in Kutch and Kathiawar a years ago, Ahmadabad Mona's would keep a Hindu top knot and would go through two marriage ceremonies; the first a Muslim one, performed by a Brahmin. The second one is the reflection n non-Muslim practices and remnant of the pre -Islamic practices, child marriages were frequent, re-marriage of widow strongly disapproved of. In marriage, a blend of

Hindu and Muslim custom can be discerned. The use of turmeric, coconut and rice in different marriage ceremony is very common and during happy occasions like marriages only suhagans (whose husbands are alive) could play the prime role. Existing them within an overwhelming Hindu environment ideational overwhelming Hindu environment with only a veneer of a different but an insignificant religious dogma, as far as the social affairs or structural organisation of the family was concerned; the khojas remained within a cultural framework of the larger community.

D'Souza points out that Kalyanam is by far a more important ceremony than the Nikah for sealing the marital union among the mophlas of Kerala. "although the central and the most important ceremony of a Muslim marriage is the ceremony of a Muslim Marriage is the ceremony of Muslim marriage contract called 'Nikah', for Moplahs, this ceremony is not sufficient to enable the bridal couple to live as man and wife. The consummation of marriages can take place only after holding another function. This latter function is called Kalyanam". Apart from Kalyanam, there are a number of other lesser important ceremonies that are nothing but local accretion which are still lingering on as a part of pre-Islamic practices. They are 'nischayani', mandakani', 'Kanhudi', ponnopiccal' etc.

### **Rural urban context**

The Muslim concentration, historically speaking was for greater in the town than the villagers and therefore the impact of the local tradition of Islam is more pronounced amongst town people, than the villages who remained almost outtritic and isolated, governed by local custom and panchayats, drawing direct inspiration from the great tradition of Hindus.

It is therefore axiomatic that the village Muslim are more influenced and Quidded by the local customs and folk tradition than the town people, "the marriage customs of the Assamese vary in detail not merely in the result urban attribute is reflected among the Assam Muslim in the avoidance of cousin marriage and other ceremonial practices.

The villagers Muslim and other ceremonial practices. The village Muslim of Assam considered cousin marriage in cestuous and like their neighbour observed village exogamy. But the guhati Muslim marry cousin and they do not observe any Mohalla exogamy”. (irshad ali,p.22).

The guhati Muslim contract even between kin. “But they observe he restricted degree directed by Islam”. (ibid,p.18). Even in the ceremonies and customs the town’s people loaded with Hindu influences. The Muslim of Assam’s town cleanly reflected grater conformity to the sharia than the village Muslim. It is evidently because of the grater conformity to the sharia than the village Muslims. It is evidently because of the grater permeability and percolation of Islamic influence in the town than in the villages. The contrast to the guhati Muslims who are mose influenced their relation according to the directors of the indigenou folk tradition by totally extending patrilineal marriages”.(ibid,p.22).

### **Matrilineal marriage**

Islam is a strongly patriarchal religious system where the position of the male is rather overemphasised. Matriniially is an anthema and a real paradox for Islam. “nowhere would a social system appear so incompatible with the ideology of Islam and demand so much adjustment and accommodation as in a patrilineal setting and subsequently spread to similarly organised communities in the period of its development and crystallization, Islam invariably assumed patriliney as the natural fro of social organization, emphasised a code of conduct and laying down a system of law in keeping with it”. (l dube,1969,p.6).

The central part of the marriages and family among the Muslims of loccadives is definitely the nikah’ and the fixation of ‘mahar’. Apparently marriages in the laccadives islands “are based on the sharia. But in reality the nature of these marriages is radically different from what Islam visualizes and emphasizes in marriage.”(ibid,p.80-81).

Though no matrilineal marriages are translated without the 'nikah' and the 'dower', it is noteworthy to mention that they do not complete the marriage. To enable the bridal couple to live as man and wife there are even more important ceremonies that are pre-Islamic and folk traditional. Among the mother-right moplas, ceremonies like 'Kalyanam' and 'Nischayam' are definitely crucial to sanction the bridal couple to consummate the marriage.

The husband has no authority over the wife and he is not expected to support the household and need not maintain and protect the wife. He has no obligation to support his children. Instead he supports and maintains the children of his sisters. As Leela Dubey writes: "the entire example of relationship is thus significantly different. Paternity is established through 'nikah', but the children do not belong to the father".(ibid,p.80-81). The marriage only enables the husband to co-habit with his wife.

"The traditional patterns of residence at marriage ordinarily exclude the possibility of husband, wife and children living together in one domestic unit. Neither the bridegroom nor the bride is required to leave his or her respective residence on marriage. The socially approved sexual relationship between the spouses, which the marriage establishes, is affected through the pattern of night visiting of the husband to his wife". (ibid,p.19).

It is clear that except for the Nikah and the dower, there is hardly Islamic these marriages. They "no doubt satisfy all these (Islamic) requirement, but their local marriages custom almost overshadow the importance to Islamic practices".(victor d souza,op.cit.p.166).

The 'Nikah' and 'Maher' distinguish these marriages from non-Muslim matrilineal neighbour marriages. This is obviously the impact of local Islamic tenants that provides them with the Muslim identity.

These central motifs distinguish and differentiate them as Muslims from their immediate neighbours who are also matrilineal much in the same way but non-Muslim. But for such explicit Islamic features there would have been hardly anything to differentiate them from non Muslim neighbour.

Islam is emphatically patrilineal where the authority line is prescribed through the male. Features like tharavad exogamy, vision type of marriages, husband without any conjugal responsibility, kalyanam ceremony, and transmission of authority through the female line are anathema to Islam. A few universal motifs are testimony to the acceptance of the local tradition of Islam by these people but it is undeniably true that the local cultures play an important role in their lives through their marriage custom.

## **Divorce**

Islamic law gives the husband the unilateral right to divorce his wife for any reason (or for no reason) simply by declaring his repudiation of her three times (talaq) and his maintenance obligation after divorce are then extremely minimal the wife, on the other hand, is generally entitled to divorce her husband only a court of law and on upon proof of the particular grounds specified status. During marriage, the wife can, theoretically, sue for payment of maintenance, but in some schools of Islamic law, the husband failure ultimately to provide the support (no matter what his reason) is not avenue for escape. (freeman, 1991:24).

Where's all schools agree that marriage may be unilaterally terminated extra judicially be the male, maliki law differ from the other three school s as to woman's right to abstain judicial divorce. Hanafi law, for example, permit it only on the ground of sexual importance, but maliki law allowed a woman to petition on the ground of

desertion, failure to maintain her, cruelty, sexual impotence (even after he consummation of marriage), and if the husband is affected with a chronic or incurable disease determined to her.(Ahmad ,1991 : 61-62).

The above account suggests that there may be some trade off, in different legal system, between more (less) restricted possibilities for divorce.

In Sudan, shariat law gives woman (as well as man ) the right to consent in marriage and right to alimony, but in practice these individual rights may be subsumed by wider family interests: the sudan family has right to intervene in each step of selecting a spouse and makes the final decision of acceptance.....the creates a situation whereby the families feel they have the right to interence and mediate in cases of marital disputes. thus divorce the generally gained by mediation, alimony is avoided if the family can supported the children of their daughter, if the spouses are relatives, legal right are often ignored for the sake of kinship cohesion. Court is generally not except as a last resort, and by those woman who do not have supportive family. (Badri 1989 ;23)prohibited in some countries. In theory, if not on practice, man, like woman, have to divorce through the courts in Mali (UNICEF 1989). The Quran recommends iddah (a waiting period)in cases of talaq divorce to promote reconciliation and- where the wife is pregnant- to prevent confusion about paternity, although this may not be followed in many cases, even where it is a feature of Shariah law (al-faruqi 1988).

*CHAPTER 4*

*CHANGING DIMENSIONS OF  
MARRIAGE AND FAMILY AMONG  
MUSLIMS IN NORTH INDIA*



## **Modern trend in the north Indian Muslim family**

Marriage in Muslim families is to be governed by Islamic rules and laws of shariat and with the consent of the two individuals and family as a witness. But as the modern trend came into existence, marriage thou limited to the members of own cast, sub-cast even sub-sub cast, with the growth of western context, modern education and the spread of co-educational colleges and universities, young people are able to meet, get to know one another and fall in love beyond the preview of parental supervision. When young people fall in love across the caste, lives and when such inter cast love becomes mature and when they have some measure of economic security in the sense of some private means as a job, the family people are not taken in part in their affair. But this is not always easy, for in north India, one's private life is very much the public concern. (If we see, such marriages in india are called "love marriage" as opposed to the traditional Muslim concept where "Marriage and love" not "love and Marriage" thrives). These marriage are still few in number, they elit public comments.

And yet it is possible that inter cast marriages might become the pattern of future Indian society. Two powerful aids in this direction are that no one today seriously practices religion and cast in public, for it has been agreed that the cast system is opposed to domestic ideals.

William J. Goode in his classical work, world revolution and family patterns (1963) perceived the role of family as a fit between ideological attitudinal and industrial (structural) process of social change around the world. Hutter (1981) puts it "Goodes theoretical position centres on two major functional fits. The first is that between the desire of an individual to maximize his or her need for equality and individualism and the type of family system that can best satisfy those needs as well as the type of family system that can best serve the needs of an industrial and technological social order.

The requirement of an individual on basis of daily needs in order to satisfy his family in the modern era of industrialization has brought a change in an intellectual mind and

its development to fit and survive in the society and adapt to the surroundings they live in.

The adaptation to the modern society has led to loneliness drifting away from joint family livelihood resulting into frustration of single handled individuals.

Also, Berger et al.(1973) question Goode's thesis that modernization has led to increasing freedom and comfort of the individual by arguing that "modernization has,in fact,not led to freedom and the maximization of individual potentialities but, Instead, has led to a condition of homelessness and to feelings of helplessness, frustration, and alienation"(Hutter,1981:65)

This results in loss of family values, the upbringing of children's with their grandparents adds a definite value system which is lost due to modernization and only firm belief and thirst of Islamic laws can save a modern society from demolishing into spheres of loss to human values and livelihood. As Seyyed Hussein Nasr,a noted scholar of Temple University says "it is the whole danger of modernization which makes human life meaningless."

The West is so secularized that all life is devoid of belief in any values whatever.But for Islam, it is a new and alien threat to integrity of life. Fazlur Rahman maintains that only a rejuvenated education system among Muslims, imparting genuine Islamic values, and law in terms "accatable to end meaningful for a modern mind" can save modern man and society from the nihilistic, demoralizing effects of crass secularism.

### **Inheritance among the modern Muslim family**

In the pre-Islamic day's woman were blatantly denied of any property rights. And the family wasn't taking woman rights in the property seriously; the woman as well weren't interested in her rights in her parental home or father's property. The Quran

granted right of inheritance to the wife, mother and daughter. "This Islamic reform is mirrored in the new Quranically stipulated rules of inheritance to the wife" the Quran granted rights of inheritance to the wife, to female children, and to a number of close female relatives who previously had no rights of succession at all. "Generally speaking, female heirs were awarded a share equal to one-half of their male counterparts, whose heavy maintenance responsibilities also cited in the Quran justified their larger share"

The heirs to Quranic inheritance are heirs by "affinity", the husband and wife. These heirs always succeed. They do not exclude nor are they excluded by any other relatives. If they are alive, they reduce the residue that may be taken by the class two relatives (agnates). "The husband takes one fourth of his wife's estate. If his wife has no living children or children of a son, he takes one-half. The wife inherits one-eighth of her husband's estate if there are children or children of a son and one fourth if there are no children. However, the wife's portion is a collective one. In the case of a polygamous union, the wives share the one eighth or one fourth equally." as a mother a woman receives one sixth. As a daughter she receives half the share of her brother from her patrimony. However, according to the Quran it did not replace the existing legal scheme. Instead, the customary laws and Quranic reforms were fused on to comprehensive and colorful legal structure by the efforts of jurists and the force of events. The system of inheritance that resulted represents a feat of juristic achievement".

Nowadays, Women do ask for their right to property in both parental and in laws home. The concept of 4 wives has lost its existence because the requirement in the modern world doesn't satisfy a single wife and it's tough to meet the requirements of 4 wives at a time. Women in this modern age survive as independent individuals whether they are working or household the need of livelihood in the society is required and are fulfilled both by parental and the husband's earnings in their respective property. The system of property rights given a Muslim woman an independent livelihood and can survive in the society holding their head upright without asking money as a beggar or the society itself can misuse the helplessness of

a women. The system is mostly beneficial to the widows who single handle survive and brought their children's, thou they can remarry according to Islamic laws, the property goes to the children. The modernization in the places like UP, Bihar, Delhi mostly Hindu Families where dowry system exists has made parents to let their daughter have an affair or choose the boy of their choice so that the dowry is not being asked or given, which is a positive change in the society, The nature of ones willingness and choice of the partner already exists in the Islamic law. The change in the system of Hindus has a positive impact in their surroundings and livelihood more favourable to the parents of a daughter who cannot afford the burden of dowry given in lacs of rupees per girl. The individual survive with the change in the society close to Islamic laws.

### **Strong patriarchy**

Muslim families bound to give equal right to men and women in most spheres of livelihood, the much emphasised and legalized part of Islamic law among women's livelihood and survival in society as their right to property in birth parental And husband home was very much missing in pre-independence period. Muslim families that professes a strong patrilineal system often denies the rights of their woman in almost an all adheres of social and economic transitions, often ignoring even the Islamic Laws, often ignoring even the Quranic injunctions. The tradition of matrilineal descent of status and property render woman ineffective an all spheres of social life except to play the role of mother and wife. The andarabi Persian speakers of northern Afghanistan studied by J.P.Singh Uboiroi (uboiroy 1971), and the swat pathans of north west Pakistan, observed and discussed by Fradrik Barth, (Birth.F), are a few examples.

Among the swat pathans, "virtually all property, moveable and immovable, is held by men and inherited patrilineally, without regard for Islamic laws of inherence."(ibid, p.134.) Apart from property, even status and authority are transmitted through the male line and all familial authority is exercised by male patrilineal relatives.

Marriage alters the affective significance of kinship for the woman herself, but affinal relations do not create ties between households and multilateral kinship plays no role in the transmission of status or property. But the ceremony of marriage the husband obtains full and exclusive rights over the wife, first seeking property from the parents of women, then, secondly claiming the same property in their own name which eventually goes to the son and not to the daughters as whole by the will of husband. Then, the property of husband as well is taken by him alone and by his choice even to the son only not to the daughters. So after marriage, all the legal right formerly held by the father, as well as exclusive sexual access, are vested in the husband interests solely. The wife is denied of all the rights that could provide her independence and a satisfied life in the society. Among the swat pathans “a marriage woman cannot administer her property, she may not enter any contract except with the permission of the husband”(Ibid,p.13).

The drift from Islamic Laws by Swat and Afghans has led to the extremisms in the social life and condition of a woman. Except for the items of personal use and even the jewellery and whole property is held by husband including the property that she inherits from her patrimony and is inherited by her sons. In andrab, for instance only men own the land and flocks etc. practice cultivation, and take the animals to the pasture. The females are kept in strict purdah. In a family thou purdah plays a very important role but it is mimicked as a line of demarcation between the livelihood and survival of a men and women They are told to remain within their homes in purdah and are not supposed to mingle with the external world or look after their fields and livestock so that the men dominate the very existence of women life and its living in the society and the circumstances are build in accordance to the choice of men and its power of dominance.

Andarabe culture sharply separates the realm of woman from that of property. The principal patriarchal rule of inheritance in andarabe I equal partition of the patrimonial estate among all the sons. The widow's Quranic one eight share, though it may be nominally computed on the occasion of partition among the son's is understood to consist in her life's maintenance by the successors ( the own son and

husband son) , with whom she continue to reside. “Similarly, the daughters’ Quranic half shares are commonly assumed to have been made over by them to their brother or paternal half brothers”.(Uberoi,p.403). The brother seeks good relations with the sisters with occasional gifts, etc. to modify her dormant claim upon the parental estate. The andarabi Muslims, writes Uberoi, try to behave like orthodox and less knowledgeable Muslims . “the customary rules that regulate..... Marriage and inheritance among them are, at least in the people’s intention, in accord with the formulations of Islamic law (Hanafi school)” (ibid,398-99). But in practice what has been observed is just the contrary to what they believe and speak in public misleading the society who believe the blindly.

It is quite similar with the swat pathans who in theory subscribe to the Islamic laws but in practice ignore it when it comes to the question of woman’s property rights. Though the Islamic family is patriarchal, it has given rights to woman to inherit property. But the Muslim of swat and andrabi are more influenced with the other customs and traditions. Written J.P.Singh Uberoi that “in observing and reporting upon such a society, it is possible to proceed to separate law and custom, or the Islamic theory and its local application”(ibid,p.399). The formal acknowledgement and acceptance of the tradition of Islam without practically translating it into practice is the existing reality among these people.

### **Sibling ties as guarantees**

Muslim Women, their inherited rights give birth to a respectable and independent livelihood in the society. the siblings play an important role in the well being and welfare of a Muslim woman, the brother and sister relationship builds a firm and trustworthy base in sharing the property of their parents and husbands as well, and the husband trust remains intact in sharing the property as well. This leads to inter family marriages among brother and sisters in the family where the trust, respect dominates and the safety of women remains intact. The inter family marriages remained in existence with the pre-historical times. The modernization of society had developed and individuals mind as an independent candidate separated from joint family but the

inheritance has lead them to live in accordance with the Islamic laws so that the property is shared among the siblings in family which is a beneficial factor frothier livelihood. Though the Muslim woman has been given inheritance rights, it remains an open question how far they really exercise it. Veene das's ("the structure of marriage preferences an account from Pakistani fiction, in man (new series) vol.8,1973), description of the various strategies that are used in arranging marriage between cousins in popular Urdu fiction in local Pakistan is full of insight into the problem of woman's inheritance also. Though the woman inherit a part of their father's property according to Islamic law, it is unusual for them to exercise this rights. "instead a woman renounced her right to her father's, the right to visit her natal family when she wants to, and to receive gifts on all important occasion"( ibid,p.38). This is why whereas between two brothers there is a potential for hostility, the relations between a brother and a sister are without any such feigns of animosity. A brother is expected to be the protector of the sister. In case of the sudden demise of her husband or a divorces he can always have her brother's house to fall back on. She can also reprimand her brother if she feels that she is not being treated properly by him".(ibid, p.39). he can even ask for the brothers daughter's hand for her own son and a good brother is not expected to refuse. Similarly, if the sister should become destitute or die then the brother should offer to bring up her children. "he can demonstrate his love for the destitute or dead sister by marrying her child (son or daughter) to one of his own children of the appropriate age or sex"(ibid.).

Shibani roy also notes with reference to the asna- ashariya Muslim of utter Pradesh , that though sanctioned, in practice woman never own any property. "however, the custom of 'mayake aana' (coming to mother) is actually a type of economic exchange in the form of presentations and gifts in the category of generalized (delayed) reciprocity, which entails a predominantly one way exchange" (shibany roy,op.cit.p.393).

According to the J.P.Singh Uberoi, the andrabi Muslim of northern Afghanistan practice biraderi endogamy and prefer cousin marriages in order to circulate woman and property within the khandan. He has termed marriage with Father-Brother-

Daughter “parochial marriage because it look within the smallest local segment, the agnatic cluster, and acts to develop prior bonds rather than to tasked out fresh ones”.(uboirai,op.cited). such a marriage brings about an elements of solidarity within the agnatic and does not entail transfer of property.

Among the asna ashariya Muslim of Utter Pradesh, writes shibony roy “the close inbreeding of the’ Khandan ‘ establishes an effective social group which not only guards its property but zealously protects its woman from being married outside the Khandan, since it would entail gradual dispersal of the landed property” (shibany roy,op.cit.p.390).added to it is the concept of “nasab” and “nasal” which emphasized upon the purity of blood and its retention by close inbred marriages. “thus, in this bilateral set up-where close- as well as parallel- cousin are prescribed union and the consequencies-man and woman become coparceners, that is, agnatic and uterine relatives are share holders to the property”(ibid,p.391).

Hamza I. alavi found that the kinship system of the muslims of swat Punjab villages is structure on the principal of preferential patrilateral parallel cousin marriage.This obviously entails no transform of property as per the Quran’s injections of the daughter half share. A logical consequence of it “is the creation of extremely involutedly and compact patrilineage which ‘appropriate’ their own woman rather than exchange them with other kin groups”.(hamza I alvi, op.cit.p.6)According to the Shariat law, one has to search a person within family firstly, secondly within neighbourhood, thirdly in close family ones, then in known family and at last when one is not able to found right and suitable person then, one should search among the unknown ones, where we have to search and find out about the family well being of boy /girl in person-their health, earning of a boy and nature, qualities with no bad hobbits and who can fulfil the resposnisblity of afamily.so the system of cousin marriages for ones benefit. The amza L.Alavi has mentioned about the families were in they take advantage of cousin marriage or inter family marriages and do not transfer the property to a women both parental and the in-laws one, which raised in modern era.



The Islamic communities that practice cousin marriage and consider it preferential are in majority in the case of landed people. The division of land automatically leads to economic deterioration and the loss of social power and prestige. The fact “that in these societies right in things are not held exclusively by individuals, as they tend to be in western societies, but rather by specific groups”. (R Shibony, p.392). Favours the marriage with the Father-Brother-Daughter, for this isolates the group estate from the danger of possible partition, or an instant claim by the married daughter of the family.

### **Dowry:**

In the pre-historical times, in accordance with Islamic Shariat Laws, the Maher is written in the Nikah Nama which is set up by the girls family and with the acceptance of boys family and the witness present during the consumption of nikah. The Maher was set up by Islamic law for the welfare of a women and the security of a women, a divorcee ,encase she is virgin Maher is paid in higher amounts in the husbands home and in case of husband’s death, a widow can claim the Maher to start a new life with financial security. It is an economic welfare and power and safety for a women life after marriage in the society. The society can treat women badly in the in-laws home or a widow or divorcee is helpless, which can be misused by the society. But in Prophet P.B.U.H era ,the Maher was set up in small amount-the prophet claimed Maher of and paid happily and willingly by the boy in existing circumstances between a husband and wife which has changed in the modern era,the girls family demand higher amount of Maher, which cannot be afforded bythe boys family due to which many girls remain unmarried or the marriage becomes burden for the boy and his family. They are incapable of paying such huge amount of Maher demanded by boy’s family. The modernization has misled the very concept of Maher in Islamic law and the families take advantage of the rights of women given by Islam. As much as the girls family claim higher amount with a thought a getting advantage or fulfilling their whole family needs by the help of their daughters, the concept has turned into its own disadvantages leading to late marriages in the society, the boy as well is judged according to his wealth rather than the values, the in-laws also treat the daughter in

law badly keeping in mind the huge amount of Maher they have to pay anytime of their life. The Maher system of Islam has been changed to dowry system of Hindu Society as the boys family demand gifts in huge amount and the jewellery given to the girl is also taken by boy and his family and even the boy is gifted with jewellery which is haram on a Muslim boy. The gifts are demanded by boy for his whole family and their relatives as well, even the neighbours have to be gifted. The girls Is not treaded well in the husbands home without the gifts and is always pointed out by the in-laws, which has lead to miss happenings of the girl or her parents as well selling their whole property and house as well to fulfil the needs of boy and the family. Even thou the needs are fulfilled the greed ends only when the daughter is suffocated between the demands of boy's family and the helplessness of her parents, leading to the loss of her life. The system of Maher eventually has lead to the dowry system which is being reversibly incorporated by the Hindu families for their benefit and survival in the modern era. The Hindu families in UP, Bihar have turned up towards the Maher system and the huge amount of dowry demanded by the boys is being eradicated. The parents themselveslet their daughters to fall in an affair and choose a boy and the family who will not demand dowry and in return will gift the girl which is equal to mehr in the Islamic law.

### **Purdah among the North Indian Muslims**

We see there are lots of rule regulations and some restriction is available in the north Indian Islamic family. Pardah is also one of them and its also change the dimension of north Indian Muslim family, Now we are discuss the other institution of the Muslim family which we call 'pardah'. Pardah is the institution of a part of Islamic family. But when we will see in the holy text we find out that the text did not recommended to these elements. Many find mention in lesser exegetical works, and yet the reason they are considered part of the great tradition and the family force is because they are almost universally subscribed to in moral rearms and practiced extensively by Muslims.

Though the institution of pardah is not the unambiguously recommended in the Quran, it is still widely subscribed to by Muslim family in India. Perhaps that the purdah gets strong approval in the hadith aided in getting this institution the moral important fact is that it has an universal appeal for Muslims and this is why we consider the purdah. (as a part of the great tradition).

We must remember that pardah is accepted as “proper” by Muslim all over India, and that it does constitute a part of the Muslim family tradition, yet should not mean that those who observed Pardah to a lesser degree are less devout Muslim. We should also like to take this opportunity to comment on the fact that pardah is not exclusively an Islamic practice. The Burka is of course a typically Muslim way of observing Pardah.

### **Pardah: its Islamic genesis**

Feminine immodesty, both of dress and demeanour is an anathema to people throughout the world upon whom Islam has left its imprint. A few expectations apart. Most Muslim woman of the world is expected to avoid wearing scanty apparel. These activities in popular too of modesty (sharam) are central to the ideology of purdah as well as to all other rules governing women and behaviours.”(Jacobson,p.187)reference-  
doranne Jacobson, “the veil of virtue, pardah and the Muslim family in the Bhopal region of central India” in family, kinship and marriage among the Muslim in India, Manohar, 1976, p.187.). She further adds, “In south Asia, the vast majority of Muslim women have always been veiled and sequestered to at least some context, and ideally remain reticent in public. Such feminism veiling and seclusion are referred to as purdah, from the Persian word for curtain (usually spelled as purdah).(ibid.p.170).

Devout Muslim often cites qoranic prescription as the basis for the observance of purdah by Muslim women:

“tell the believing men to lower their gaze and be modest.  
That is purer for them. Lo; Allah is aware of what they do.  
And tell the believing woman to lower their gaze and be modest,

And to display of their adornment only that which is apparent, and  
To draw their veils over their bosoms, and not to reveal there  
Adornment.....” (Surah XXIV,30, 31)

“As for woman past child bearing, who have no hope of marriage, it is no  
Sin for them if they discard their (outer) clothing in such a way as not to  
Show adornment. But to refrain is better for them.” (Surah XXIV, V. 60).

The Qoran is however ambiguous and does not prescribed in detail the ideal features of a woman’s dress and behaviour. “Indeed, Muslim woman observe purdah in a wide variety of ways within south Asia and throughout the world, and some Muslim woman do not observe it at all.”(ibid.p.171). Purdah and purdah like behaviour are not restricted to Muslim woman. There is evidence that in various pre-Islamic Mediterranean, Arab, and Persian peoples and in recent countries many Hindu, Christian and Buddhist and other woman of various regions of the globe have traditionally followed practices that closely resemble Muslim Purdah observance in important respects. But a striking difference is quite conspicuous. “ for one thing, purdah is not just an Islamic institution in the Indian subcontinent..... it is important to note that many Hindu woman observer purdah too. but it would be incorrect to suggest that the purdah of Hindus is the same phenomenon as that of Muslims”.(jaffery,p.3). Purdah for Muslim woman in the sense of complete veiling seems to operate after puberty in relation to all men, except very close kin. Hindu woman do not observe Purdah in the place where they were born and where their kin live, unless their husband or one of his male relatives is present. There are also differences In the way Hindu and Muslim woman veil themselves: the burqa is a garment almost restricted in its use to Muslim women but Hindu woman can conceal themselves satisfactorily using a shawl or draping the end of their sari over there head and face.

“on the other hand”, observe De Stuers “other elements are generally included in the term purdah in the seem to be parallel in Hindu and Muslim practices”.(ibid.p.3), Young Hindu women often find no more freedom to go out of their home after puberty then Muslim and the general stress and emphasis on bodily concealment and

the separation between the sexes while differing in detail can be found in Hindu and Muslim pardah alike.

It is noteworthy that pardah is a middle class income status group characteristic. To the general middle income group "Purdah permits the Muslim social life of northern india from the top of bottom". (Cora Vreede-de,p.98). Obviously those who can afford a burqa and keep their women within the precincts of the four walls separating them from all economic activity only they can maintain the pardah system. It should be regarded as a characteristic of a whole process which in its turn is a composite of several elements. Like islamization and westernization.

A village Muslim woman can hardly maintain pardah where economic hardship makes her work in the fields. It is alike for a Hindu and Muslim women for; "the Muslim village woman may be hardly distinguishable from her hindu counterparts in dress and speech" (ibid.p.101).at the lowest echelon of the social order, where parda cannot be practised to any degree in any form, the women are at least liberated. But even these women complain ; "Oh, the irony of fate: the whole family feels the "stigma" of these shameful liberty and desires to be rid of it as soon as possible"(ibid.p.64).

Though the Islamic section is clearly in favour of pardah, in real practice it is more a status symbol and very effective instrument of islamization. The religious content in the general idea is always present but the actual intention is more influenced by status and economic stability. As de Stuers says "pardah is such a complex phenomenon, compounded of constantly shifting aspects of age, social class, environment, education, and fortuitous circumstances, that in order to avoid the frequent error of excessive simplification it is necessary to treat each case individually, retouching, qualifying, and building up bit by bit a valid general description"(ibid.p.164).

## **Middle Class Family Status Symbol**

The wearing of the burqa among the Muslim family woman and their exclusion from the public domain is very much a status symbol. According to Brijbhushan : “the hallmark of the middle class Muslim family women, if such a thing can be said to exist, is the ‘burqa’. Which the hardening of the structure of the Islam, the ingrained patriarchy of the people of the areas to which it moved asserted itself and woman become treasure to be guarded above all others”(j.brijbhushan.p.20). Woman’s cloths and ornaments become the index of man’s economic worth and honour. Only those people can afford purdah who are economically sound can maintain their woman and without putting them in to any productive economic activity. “purdah cant simply be regarded as an Islamic institution, although ‘Islamic dials,’ or nations of ‘honour’ and ‘shame’ are important in providing religious and moral justification for the seclusion of woman. Concentrating on values diverts attention from the crucial economic dimension to the seclusion from the crucial economic dimension of the seclusion of woman”. (P,jaffery,p.33). Goody and Boserup both have emphasised the economic dimension behind the purdah system. The types and relationship which they outline, linking seclusion with relatives wealth, an contrasting the position of woman under different modes of production are very important.

Patricia Jeffery with her case study of the Nizammuddin (Delhi) pirzadas proved that only a particular section of the Muslim who are economically sound can afford to keep their woman behind the veil. Their women are economically ‘inactive’. Marriage and motherhood are the exclusive destinies to which girls from these families are decorated. The maintenance of purah is very important to the perizada men.

“There position of a shrine, their dependence of their incomes which pilgrims bring. Provide very compelling economic reasons why the men should wish to appear ‘orthodox’ with respect to purdah... The seclusion of the perizada woman families are well as for the ability of their families as well as for the ability of their menfolk to cut a convencing and respectable pose to the pilgrim at the shrine.”(ibid.p.34).

Cora Vreedi-De Stuers find the middle class house wives of jamia milia university , delhi, accepted purdah almost as the mark of social prestige and as a religious sanction. Still they come out of their houses only to attend to absolute necessities, and occasionally without the burqa. “many of the young woman would have liked to be rid of it, and some of them had even been encouraged by their husbands to abandon the veil”.(ibid.p.66). Vreedi-Di stuers find that in the aligar Muslim university campus the western ways and styles have influenced the housewives to discard the veil and woman are comparatively free. Still it does not present a contrast to the Jamia housewives. On a different economic plane exist the people of the okhla village near the Jamia campus. These are present and labourers and owing o economic compulsion they do not observe strict purdah they might favour the burqa but economic hardship does not Hindus, they live a life that is hardly distuinguishable be hardly distinguishable from her Hindu counterparts in dress and speech”. (cora vrede d.p.101).

Donna Jacobson observe that the high status pathans woman of Nimkhera (in the erstwhile Bhopal state near Bhopal) observed some form of purdah and considered its observation to be mark of prestige. “indeed’ only woman who could afforded to play servants to carry water and do agricultural labour for them could observe such seclusion”(ibid.p.194). On the contrary the faqir woman (lowely people) do not observe purdah and if it all they do, they do it not as a matter of social prestige. “Interestingly the earlier Begams (queens) of Bhopal seem to have observed no purdah.....”(p.jaffery,p.33). We find then tht it is not the top strata nor the lowly Muslims the that endorse purdah as much s the middle class Muslim who are actually conscious of their status.

### **Purdah is Economic Viability**

“The seclusion of woman under different modes of production are very important”. We saw a middle class family woman is expected to perform household chores apart from bearing children. But the lower class family woman cannot observe purdah, even

though she may desire to do so. She is compelled to come out of it. “The seclusion of women is not just for Muslims, but neither is it for the poor (no matter what their religious), nor for those who live in the more egalitarian systems based on hoe agriculture. The seclusion of some woman is but one integral part of a particular type of social system”(ibid.p.33-34).

J.P.Singh Uboiroi finds that the Persian speaking Andrabi Muslim of Afghanistan observe Purdah and this purdah system is sustained because peoples are landed people whose woman need not go to out to the fields. The purdah system is not only observed out of purely religious sanction but to scuttle any efforts of the woman to claim her inheritable share in the patrimony. Its also helps maintain biraderi endogamy. Unlike both Muslim and Hindu high castes, Meo women do not observe Purdah. This is because Meo Muslim woman take active part in the fields. According to the Meos, “purdah is not practical for their woman because they have to work in the fields”(aggarwal.p.274). It is the question of there survival. In the presence of certain relatives, especially male affinal who are older then their husbands, Meo woman however some kind of purdah. “In the presence of these relatives Meo woman covers faces and avoid any kind of contact with them” (ibid.p.274).

Owing to economic situation, the Moes do not observe purdah and if at all they observe, it resembles the Hindu of purdah consonant with their Hindu ancestry.

The asna ashriya Muslim of utter Pradesh observe strict purdah. This establishes effective social group which not only guards its property but zealously protects its woman from being married outside the Khandan, since it would entail gradual dispersal of the landed property. The institution of purdah help segregate woman from men folk.” (S, roy.p.39).in opposition o asna ashriya middle class Muslim, the gujar bakarwals of jammu and Kashmir, who have a very negative sex ratio, can’t e maintain the purdah system since woman too take part in their vital economic activity like pasturage, R.P. Khatana observed that the negative sex ratio and economic



activity of their woman have placed the Gujar Bakarwal woman in very advantageous position.

For the lower strata of the people purdah is an anathema. “The starting of thr people here poverty or near poverty—a condition in which work is hard and the reward meagre. Woman work because they have to, and not because they in it a means for greater freedom, economic independence or self-expression”. (z, Bhatt.p.210-11).

### **Index of Ashrafization, Islamization and Westernization**

Purdah is the symbol of upward mobility, purah attaches with it economic and social prestige and those who are not to so fortunate to offered cherish the ambition of going behind the certain “The secretion of a Muslim of woman become an index of her husband’s status and worth”(j, brijbhushan.p.20). for the labour marital worker who are compelled to put there woman in to achieve work shoulder to shoulder with them. “She ultimate in economic achievement was to be able to retreat to the shelter of the house”(ibid.p.20). as soon as this father’s husband or sons could offered it they quit the outside world, retraining behind the certain and abstaining for all outdoor activity. Cora veede de and strues find the village of Muslim of Okhla village comparatively librated ther the pardah observing housewife of jamia in staff. but it is also conspicuously evident this “liberation” is not desired, it is in fact forced. “despite this relatively greater freedom, however, the okhla woman are so impressed with the idea of the inherent respectivity of purdah that they would specifies this freedom for the veil without a thought this phenomenon is less paradoxical that it seems, since liberty is permitted them only from necessity”.(cora vreed d strues,p.83).

Doranne Jacobson, with his case study of the Bhopal area, observe that among the law status of Muslims purdah continue to be considered a mark of prestige and is not being abandoned. “If some of the poor Muslims were to become more prosperous, they would probably tend to observe more purdah, as in fact has happened in few

families”.(ibid.p.197). One of the poor Muslim went to give up purdah because it is “old fashion”. in fact quite the reverse in true. As the few status Muslims move further away from their hidden past, and as they increase their use of the burkha. Older sheikh woman in neighbouring villages were the fullskriet

And sari of their Hindu neighbour until just a few years ago; how they were salwar kamiz like the pathans and other Muslims do, and newly-wed granddaughter were burka and remain secluded in their sasurals.

Zarina bhatty finds that Muslims society in india is shapely divided into two distinct section the ashrafs and the non-ashrafs. The ashraf boast of this foreign origin and superior status. The situation among the non-ashraf towards seclusion of woman. Woman in this segment of Muslims society the losing the freedom they had in an effort to emulate the ashrafs. “these is a marked tendency among those non-ashraf families who have done relatively well to put their woman in pardah and the withdraw them from the family work force”.(ibid.p.208). when income rises and become possible to sensitively the labour of the woman in the family by a hired hand or the addition to income contributed by the ‘woman does not seem worthwhile, the attraction of withdrawing from work appears to strong “while the modulation of woman’s working hours of character of work or both with the possibility of giving the increase in family income a greater impact might appear a more rational solution, it is rejected due to the psychological satisfactions of appearing closer to the behaviours pattern of upper classes”.(ibid.p.211).

### **Rural Urban Context and Westernization in North India**

It is a fact that the north Indian urban Muslims (or hindu)are more strict in the observance of purdah, but it would be an exaggeration to claim that the north Indian rural woman do not observe purdah at all. The rural woman may not wear the burqa but pardah is not only confined to the wearing of burka. “the pardah of seclusion can be expressed in even more symbolic fashion: by down cast eyes, by the bowing of the head, by the complete silence a woman observe in the presence of a man or by the

hasty gesture of veiling her head with the corner of her sari or dupatta if she is caught unawares”(cora vrede de p.62).in the two village of Himachal Pradesh, ghanyari and chilli wives of the small peasant who are Hindus also observe some kind of purdah though they do not use the formal veil. “woman

of the lower classes might be obliged to move abroad a cultivate their fields.....but they might not linger unnecessarily in the public street”.(u.m.sharma.p.218).if they violate the general normative condition they are mated out some kind of instant punishment. Therefore, it is not sociologically valid to generalise that only urban woman observe purdah. However the impact ‘burka’ which is a middle class prestige symbol also, is obviously greater among the town woman.

### **Westernization**

It is Curious that the lower class woman are trying to immitate the upper class woman by putting on the Burqa, the upper class Muslims woman are an their turn now discarding the Burqa as they “are now more urbanized, in matter of dress styles, manners and anguages. Thes imitation extendered further to attitudes towards education, religion and family structurs”. (Bhatty,Z.p.208). The walthy purdah of Nimkhera and Bhopal , writes “ Dorrene Jacobson, are discarding the burqa as a “result ao imidiatae contect with sophisticated city dwellers who regard pardah as a slightly ‘Backward’ or ‘old fashion’ customs.(J,Dorrene.p.198-99).

Thr save has been observed by M.N.Shrinivas” (Shrinivas,.M.N. 1962), with respect to the Hindus he called ‘Sanskritization’ when a longer cast emulates this higher cast Hindus, it is westernization’ when the higher caste Hindus discard caste orthodoxy and animates the life style and dress of the western the Hindu and the Muslim in this case and needs to be taken note of. Additionally may suggest that references group theory may also entrance our understanding of this phenomenon.

## **Purdah Hindu vs Muslim in North India**

It is fact that purdah is existed in pre-Islamic days. Today the purdah is very less among the Muslim's woman in North India and they are not very strict about the seclusion, it's also one of the change in the dimension of the Muslim. The Quran also not very clear about the seclusion. The ambiguities is Quran have led to a proliferation of number of different schools of through. it is established that that North Indian Hindu also subscribe to the purdah system, mostly we will see in north India the upper cast most of Muslim and Hindu, both do not observe the purdah. Similarly the labours and poor classes is also not to observe owing to economic hardships. Basically purdah is a middle class woman both among the Muslim and Hindus observes it. Patricia Jaffery:

“but it would be incorrect to suggest that the purdah of Hindu is the same phenomenon as that of Muslims for Muslim woman's, purdah in the sense of complete veiling seems to operates after puberty is relation to all man, except after puberty is relation to all man, except every close kin, Hindu woman do not veil themselves is the place where they were born and were this own kin live, unless their husband and one of his male relatives is present.....pursing, there are also differences is the way Hindus and Muslim woman veil themselves: the burqa is the garment almost restricted is its use to Muslim woman, but Hindu woman can consol themselves satisfactory using a shawl or draping the end of their sari over their head and face”(P, Jaffery, p.3).

Apart from that other elements which are generally include in the term purdah seem to be parallel in Hindu and Muslims practices. “Hindu and Muslim purdah can be seen as various.... Combination of the set of culturally available norms and concepts, which relationship is the local is concerned, there are further varieties within the Hindu and Muslim group, related to local conditions social class, caste practices etc”(ibid.p.214).

“for Muslim woman, the burqa offers a for of shelter for the woman, a screen from such attention which still allows her to be mobile”.(papanek.p.50).

Therefore “purdah.....no longer appears as the culturally peculiarity of Islamic societies of Hindus in south India, it is one way, among others of controlling woman and restricting them to the domestic sphere..”(sharma,op.cit.214).

“Islam is the major religion of the world, belonging to the Semitic family: it was promulgated by the prophet Muhammad in its present forms in Arabia, in the seventh century A.D. the Arabian terms Islam, literally means “summation”, which illuminates the fundamental religious idea of Islam that the believer (called a Muslim, from the active participle of Islam)accept surrender to the will of god”(madani, p.155)

“An Islamic marriage is a civil contract between the husband and wife to become sacred, which can be terminated by mutual consent of the husband and the wife or either by the husband,

“Islam gives the message of brotherhood, equality and justice to its believers, which means castism is against the message of Islam. It has originally come from hindu culture and has Islam”(madani p.156

“the Muslim have adopted a number of customs and traditions of marriage from the Hindus, some of them are as follows:

Mangni, dahej, feast, dower, mehndi, haldi etc. marriage between the muslim and the hindus were rare, but those among the ruling families were well recognised. One of the regulation over which Islam lays emphasis, is the social relationship amongst the Muslim, in an Islamic society. the relationship between individuals is based on some norms, which normally originated from teaching the Quran and hadith. The social relationship is mainly categorised into two groups of avoidance and non avoidance”. (madani con).

“The research indicated that the Muslim families in India adhere very strictly to the traditional Islamic views in areas in which Muslims families of other countries are changing. This may be the fact that Islamic tradition has served as a secular state has not attempted to changes Islamic laws regarding marriages and familial relationship”.  
(das, m.s.)

“In view of the fresh modernization, secularization, and individualization In the rejuvenated Islam of the present times, it is conceivable that the Muslim family in India, and other parts of the world, may infect sustain and nature tradition to arrest the factor of modernization and secularization. If so, the Muslim family in India may play a dual but complementary role in both tradition and modernity.”

Marriage is a universal institution, fod in all primitive as well as in modern societies. It is this institution, through which a man sustain continuation of his race and attains sexual satisfaction in a socially recognised manner.

Coming to the question of marriage, we see that a Muslims marriage in the Indian reflects the actual translation of Islamic injunctions into practices. Where’s the Muslims marriages is differentiated by the ‘nikah’ ceremony etc. from the non – Muslims neighbouring marriages, nevertheless a lot of custom sad practices are identical to the local non Muslims marriage practices. The it resting thing that the Muslims, in their respective settings and locals, do not distinguish between the two as Islamic and non-Islam.

“the second change we can say was due to the majority population of the hindu and the minority population of the Muslim. The Hindu culture and traditions, which were fascinating but not found in the Muslim society. Were adopted by the Muslim who come from other countries. This adoption by the next few generation of the muslims senior member of the Muslim families. The pressure and impact of non- Muslim and

western culture on the Muslims was so great that it was followed even in a Muslim females are wearing jeans, having pork, doing inter cast marriage and drinking wine which is unlawful in Islam. Due to this changes, caused by the pressure and impact of western and non-Muslim culture, a group of Muslims. (madani 1993,p.157 ).

“the research indicate that the Muslim families in india adhere very strictly to the traditional Islamic views in areas in which Muslim families of other countries are changing. This may be due to that Islamic tradition has served as a source sate has identification and solidarity for Indian Muslims. India as a secular state has not attempted to change Islamic laws regarding marriages and familial relationship”(the family in Muslim world).

“ in view of the fresh resistance to modernization, secularization, and individualization in the rejitimes it is conceivable that the Muslim in India, and other parts of the world, may in effect susain and nurture tradition to arrest the force of modernization and secularization. If so, the muslim in India may play a dual complementary role in both tradition and modernity.”(ibid.p.38).

## **Inheritance**

When it come to the question of inheritance it has been found, is a number of case studies, that the Islamic injunctions are not conformed is actual practices. In fact, woman are almost universally denied any inheritance right even though they have been provided such right in the quranic verses, weather it is the swat pathans, meo muslims of utter Pradesh, asna- ashrafiya Muslim of smaili muslim of gujrat , gujjar bakarwal of jammu and Kashmir . or the mother right Muslims of locadives and Kerala, it has been noticed that invariably is all Muslim communities woman’s rights of inheritance have been virtually denied, when it comes to the actual transfer of wealth and property. In some cases, as among the swat pathans., the extremely patriarchal family systems of “inheritance’ . one in some cases of vary suitable device is used to avoid any actual transfer of property from the patrimony to the

doughter.one vary popular way is by considering cousin marriage, particularly with the father bother daughter as a preferential marriage and making is appear as if this were divinely sanctioned.

## **Purdah**

The purdah system one of the major being the passive attitude of woman toward this right of inheritance even if a woman want to go to the court, she is practically discouraged. Owing to the formidable purdah system that leads to the seclusions of woman and thus impede every efforts to bring woman is parity with man, and the other major factor that to leads to the near total denial of such a right is the impact of indigenous hindu tradition where woman have been absolutely denied any such right, all the hindu code and reform bill come after inheritance.

## **Divorce**

In the contract to the western world where divorce was relatively uncommon until modern times,divorce is a common occurrence in the pre Islamic world, divorce practice in most of the Muslim world today divorce can be quite involved as there may be separate secular procedures to follow as well. Usually, assuming her husband demands a divorce, divorced wife keeps her mahr, both the original gift and any supplementary property specified in the marriage contract. She is also given child support until the age of weaning, at which point the child's custody will be settled by the couple or by the courts. Women's right to divorce is often extremely limited compared with that of men in the Middle East. While men can divorce their spouses easily, women face a lot of legal and financial obstacles. For example, in Yemen, women usually can ask for divorce only when husband's inability to support her life is admitted while men can divorce at will. However, this contentious area of religious practice and tradition



*CHAPTER 5*  
*CONCLUSION*

Muslims, who comprise 12.4 percent of India's population, are opposed to the idea of a uniform civil code in the country. Considerable changes have taken place in the traditional role of women. Once the priority for the young women was the husband, but now it has shifted to their career and in addition deep resentments tend to surface when the husbands are reluctant to take part in the household chores. The urban women are seen in many different roles. There have been changes in livelihood of women along with onset of modernization leaving an impact on Indian society relating to widow remarriage, women's right to property, practice of child marriage, succession, adoption and maintenance, dowry, dissolution of marriage affecting different communities and most recently domestic violence, due to rise in single household makers, urbanization, industrialization.

Marriage being the decisive factor in a Indian society for women and as far as Muslim women are concerned in India, their status is way old considered as illiterate or less privileged. Their status even though has changed in terms of the Indian society but they are looked down with their traditions and customs which although give them highest status among all religions followed in India. Islam gives a women a higher status and a respectable position in the community with inherited property right both in parental home and in laws.

Indian society is dominated by Hindu customs and culture where Muslim share small portion of these cultures, though modernization has lead to influence Hindu culture mostly like remarriage ,widow marriage, property right, abolishing dowry system and Muslims on other hand ,also are following Hindu culture in marriages like the very system of dressing lehngas,churis,sindoor etc.

Which more or less drift Muslims away from the Muslim customs and tradition.

The changing dimensions in north Indian families particularly in Muslims has led an impact in their livelihood and women as whole.

To compact the continuous eradication of customs and traditions and Muslim laws, there is a need to develop equal opportunity in rights, inheritance and abolishing dowry system from the society. And understanding the basis of purdah and its benefit to sustain in the society and accepting a women in piurdah as normal and as educated as other women are looked upon.

The inherited right to property which was very much in the Muslim custom has emerged as a potential right to women. Women were not so loud in asking their share in property in earlier times, there was inhibition in asking the right in front of elders at home both parental home and in laws. They used to work in household and look after the children and were not having knowledge about the property share and the earning in family but the changing trends has led them to be more educated and know about the property share and the income of family in which they live in. They costly think about their children their education and while bringing them, they keep in mind about the property share, they will utilize and seek from the family. In a way it is a positive change among women rights in property which was said and written very clearly in Quran an described in Prophets P.B.U.H times. The very practised vanished as the world evolved from pre Islamic times. It is leading back to the Islamic time.

Dowry— What began as a gift of land to a woman as her inheritance in an essentially agricultural economy today has degenerated into gifts of gold, clothes, consumer durable and large sums of cash, which sometimes entails the impoverishment and heavy indebtedness of poor families.. Surprisingly it has spread to different communities across the country, which were traditionally non-dowry taking communities. With the increasing greed for the easy inflow of money on account of a bride the chilling stories of bride burning started coming to light. As dowry is a very essential consideration of marriage. The practice of dowry has become the archetypal institution of modern Indian society. It is neither an ancient nor medieval phenomenon. Being an important precondition, the process of dowry-giving or taking commonly precedes the actual ceremonization of marriage, and in some cases dowry and its problems also continue in one form or another beyond the actual event of the ceremony. Marriage of a daughter is so essential and inevitable in Indian society that

parents are put under extreme pressure to meet any feasible demand to get their daughters married. To be capable of offering or meeting a big amount of dowry to marry one's daughter or sister, or to be eligible to ask for a hefty dowry for the sake of marrying one's son or brother is a matter of social pride. This pride comes from being able to demonstrate what one has acquired in recent years through hard work. These days it is taken as an important indicator of the social honour of family in the community. The dowry has become a status symbol in view of the rising economic prosperity of the people (Singh,2005: 199-220)...Dowry practise has been influenced by Muslim culture in Hindu community, they are slowly eradicating the system by allowing their daughter to choose their life partner .The parents themselves let their daughters to fall in an affair and choose a boy and the family who will not demand dowry and in return will gift the girl which is equal to Maher in the Islamic law.

To identify women as Muslim, purdah is her symbol. Purdah which was practised in pre Islamic times also changed with the evolved world and changing society and culture. Purdah has been practised very strictly in some places in northern India like UP-lucknow, Allahabad keeping the traditional symbol alive .Purdah which is for protection of women from the strangers and evil practises thou existing in this modern world but has changed among Muslims in northern India drifting from the very system and obtaining the concept of modernity as more educated and with more liberal views in which they have to compete with other women which being mostly Hindu-they want to be like them in appearance. They way of dressing has slowly changed and largely been affected by modernization. The wearing of jeans is a symbol of modernity, the t-shirts and the dupatta on shoulders is the role model in present society to which they appear and look like Hindu women so that there is no difference among them. They tend to pace modernity with the appearance rather than how much educated they are or have to be.

The other major factor which leads to this change is women in purdah are looked down in India. India being dominated by Hinduism. Women here are looked down or considered less literate when it comes to Muslim women and the community, The community as whole is always taken in account less knowledgeable in terms of

education and exposure to the modern world and trends. The women are not given respect and same status as the women without purdah.

The system need to be eradicated and practised well the by mere appearance one cannot judge an individuals knowledge and education. The very concept of women in purdah are looked like thieves at times has to be abolished so that the community is given same right to live in with their customs and tradition has the Hindu community is holding.

Modernization doesn't come in existence on basis of appearance of individual, it has to be eve loved as the conceptual evolution in terms of technology, industry and well developed nations. India as whole and particularly northern India has to be developed in terms of highly educated and keeping in view the competition it has with other developing courtiers. We have to eradicate the social impulsions, burdens on women children being the most important factors in shaping up a society and building a nation well. Otherwise, it will lose it s developing power and efforts in the fights and under privileged society. Where in we cannot take burden of social customs and their misunderstanding and miss interpretation we have to develop and keep in view all the communities as whole and give them equal status and their won place in the society to emerge as one nation.

## ***BIBLIOGRAPHY***

Aggarwal, P.C., (1973) ‘**The Moes of Rajasthan and Haryana**’, in **Imtiaz Ahmad (ed.) cast , and social stratification among the Muslims**, Delhi manohar book service....p.286-287.

Ahamd , Imtiaz., (1969), **An intellectual history of Islam in India**, Edinburg: university of Edinburg press.

Ahmad, Imtiaz., (1964), **Student in Islamic culture in Indian environment**, London: oxford university press.

Ahmad, Imtiaz., (1976), **Family, kinship and marriage among Muslim in India**, (ed.) manohar.

Ahmad, Imtiaz., (1981), **Ritual and religion among Muslims in India**, manohar, (ed.).

Ali, ameer., (1935), **The spirit of Islam**, London: Christopher’s

Anwari, A.M., (1977), **The manual of family laws**, Lahore: khybor publisher

Barth, Fredrick., (1961), **Nomads of south Persia**, London: George Allen and unwin.

Bhatty, Z., (1975), **Muslim woman of utter Pradesh: social mobility and directions of change**, in: de Souza, a (ed.) **woman in contemporary India**, Delhi: manohar publication.

Bhatty,Z., (1976), **Purdah to Modernity**, new Delhi :vikas publishing house status of Muslim woman and social change, in nanda, B.R.(ed.) **Indian Woman: from**.

Das, Frieda, hanswirla., (1932), **Purah: the status of Indian woman**, new York: the vanguard press.

D’souza, victor’s., (1955), **The nwayats of Kanara, Dharwar**: kannara reaserch center.

Elgar,Zekiya., (1960), **A Punjabi village I Pakistan**, new York : Columbia university press.

Farith Raymond (ed). 1956 two studies of kinship in London: the buck well press.

Fruzzetti, ostar., (1970), **Refraal status of Muslim woman in rural in:** smith, g. (ed.) woman in contemporary Muslim society, Buck well: buck well university press.

Gretz,Chifford., (1965), **Modernization in a Muslim society:** the indonasiaian case, in: Bellah, R.N.(ed.), Religion and Progress in modern Asia, New York: The free Press.

Goode, Willium J., (1963), **World Revolution and Family Patterns**, New York the free press.

Goode, William J. 1958., **The development cycle in Domestic Groups Cambridge:** Cambridge university press.

Hashim, Amir Ali., (1970), **Frog in the well: Indian Woman in Purdah** , London zed press.

Jeffery, K.M., (1958), **Marriage and Family in India**, Bombay: oxford university press.

Kapadia k.m., (1958), **Marriage and Family in India**, in Purdah, Bombay Oxford University press.

Kapadia, K.M., (1959), **Marriage and Family in India**, London Oxford University Press.

Karve, Iravati., (1965 ), **Kinship Organization in India**, 2<sup>nd</sup> ed., Bombay, Asia Publishing house.

Khan, Mazar-ul-haq., (1972), **Purdah and Polygamy Peshawar:** Nashiran-e-ilm-o-Taraqiyat.

Kutty, A.R., (1942), **Marriage and Kinship in an Island Society**, Delhi: National Publishing House.

Lambat .I.A., (Forthcoming) **Rural Muslims, in: Pillai, S.d. (ed), changing India:** Bombay Popular Prakashan.



Levy Reuben., (1957), **The social Structure of Islam**, Cambridge- Cambridge University press.

Levy, Reuben., (1962), **The social Structure of Islam**, London: Cambridge University press.

Marriott, Mackim., (1966) **Little communities in an indigenous civilization, in** : Marriott. Mckim (ed) Village India : Studies in Little Community, Chicago: University of Chicago press.

Mishra, A.C., (1964), **Muslim Communities in Gujarat**, Bombay: Asian Publishing House.

Murdock, G.P., (1949), **Social Structures**, New York: The Macmillan Co.

Pocock, D.F., (1972), **Khani and Patender**, London: Oxford University Press.

Ramgopal ., (1959), **Indian Muslims: a political History**, Bombay: Asia Publishing House.

Singer, M., (1968), **The Indian joint family in modern India**. In : singer, Milton and Change in Indian Society, Chicago : Aldine publishing company.

Singh, Yogendra., (1974), **The modernization of Indian tradition**, new Delhi: Thomson press.

Shah , A.M., (1974), **The household Dimension of the family in India**, Delhi, orient long ham.

Shrinivas, M.N., (1966), **Social Change in Modern India**, Berkeley: university of California press.

Turner, Victor w., (1969) **The ritual process: structure and ant structure**, Chicago: Aldine.

Uberoi, J.P.S., (1971), **Men, woman and property I northern Afghanistan**, in: Lokhandwalla S.T.(ed) India and Contemporary Islam, Simla : Indian Institute of advanced study.

Van der Veen, K.W., (1972) **I give the my daughter 1968 parda**: a study of Muslim woman's life in northern india: a study of marriage and hierarchy among the anavil Brahmins of south

Gujarat, Essen, Van Gorkeem and co.Vreedade-steurs, Essen: Van Gorkum and co. (1986), **Parda: a study of Muslim woman's life in northern India**:

Wolf, E.R., (1966), **Kinship, Friendship and patron client relations In**: Complex Societies in Bonton, M. (ed.) the social anthropology of Complex Societies, New York; Press.

Madani, M.S., (1993), **Impact of Hindu culture on Muslims**, M.D. Publication private limited, New Delhi.

### **Article/Journal**

Agarwal, p. c. 1966, A Muslim Sub-Cast of North India; Problems of Culture Integration. Economic and Political Weekly, September, 10<sup>th</sup>. *r powe* secular in a Rajasthan Village. The economic and political weekly October, 11<sup>th</sup>1968 Changing Religion practices; their relationship of

Afzal, M. Bean, LL. And Hussein 1973, Statuss Muslim Marriage; Maher and Social, Pakistan Developmant. Review xii.

Ahmad, Imtiaz 1966, The Ashraf-Ajlaf dichotomy in Muslim Social structure in India, Indian economic and social history Review.

Ahmad, Imtiaz 1972, for sociology of India, Contribution to Indian Sociology, New Series, 4.

Alavi, Hamza, A. 1972, Kinship in west Punjab Village Contribution to India Sociology. New Series, 6.

Ansari, G. 1959, The Muslim law of Marriage, Lahore: all Pakistan legal decision.

Ayle, S.R., 1970, Mazaharul House, New Delhi, Sampradiyikta virodhi Comity.

Barth, Fredric 1954, Father's brother's Daughter Marriage in 'Khudastan' South western Journal and Anthropology.

Basu, Sahil Kumar and Shibony Roy, 1972, Change in the frequency of Cousins Marriage among the Delhi Muslim after Partition, the Eastern Anthropologist, 25.

Beferille, Andre, 1964, Family and Social change In India and other South American countries, economic weekly 16.

Cohen, P.S 1962

Cocklin, George, H. 1973, Urbanization Cross Cousin Marriage of Power for Woman and sample from Dhanwar, contribution to Indian Sociology. New Series, 7.

Coult, A.D. 1962 (A) the Determinates of differential cross cousin marriage, man. 62.

Coult, A.D. 1963 (A) the Determinants of Differential Cross- Cousin marriage, man – 63: 13.

----- 1972 Kinship terminology and the fallacy of Prescriptive Marriages, current Anthropology, 13

-----1963 the determinants of Differential Cross-Cousin Marriage, man.63.

Das, V. ces a1943 The structure of Marriage preference account from Pakistani fictions man, 8 (1).

D'Souza, Victors, 1955 Sociological significance of system of mans with special refrence to Kerala Sociological Bulletin, 4.

Duke, Leela 1969 Matriliny and Islam, university of Soudan sougan, monography in Socially and socio anthropology, no.1, Delhi National Publishing House.

Hammel, E.A and H, Goldberg 1971, Parallel cousin Marriages, man 3: 439-443.

Kar, R.K. 1972, Rites and Custom associated with the Marriage of the Assamese Hindus, the bulletin of the department of anthropology Dibrugarh University, I.

Khuri, Faud. I 1970, 'Parallel cousin Marriage Recognised : A middle eastern practice, that mollifies the effects of Marriage on the instantly of family relations, New series,4.

Miner, Mattison 1972, Muslim merchant the economic behaviour of Indian Muslim community, New Delhi, Shri Ram Centre for industrial and human resources.

----- 1972, Muslim Social Stratification in India: the Basis for Variation, south western journal of anthropology. 28.

Kurin , R. and C.Morrow 1985, Patterns of sociology, Punjabi Muslim village, contribution to Indian soc (2) 235-249.

Momin, A.R.1972 , The Indo Islamic tradition Sociological bulletin, 26.

Murphy, R.F and L, Kasbon 1959, The structure of parallel cousin marriage, American Anthropologist.

Murphy, Robert F, and Lenard Kasdom, 1959, The tribulation of parallel cousin marriage, American Anthropologist, 61.

Papane k, H. 1964, The Woman filled worker in a Purdah Society, Human Organization. 23.

--- 1971, Purdah in Pakistan: Seclusion and Modern Occupation for woman, Journal of Marriage and family, 33.

Redfield, Robert 1955, The social organization tradition, the eastern quarterly, 13.

Uddin, Qamar 1972, Marriage custom among the western Muslim U.P. Indian Journal of social work, 32.

Wright, Theodore P, Jr. 1966, Muslim education in India at the Cross ponds: the case of Aligarh Pacific Affairs, 39.

---- 1970, The Muslim Personal Law Issue in India: An outsiders view. Indian Journal of Politicks, 4.

Nasar M Shah and Elizabeth Q Bulatao 1981, Purdah and Family planning in Pakistan.Vol.7 NO.1.

Faizur Rahman 1980, A Survey of Modernization Muslim Family Law. Vol.11 no.4.

Shelly Feldman and Florence E, McCarthy 1983, Purdah and changing pattern of social control among Rural woman in Bangladesh. Vol,45. No. p.949-959.