



Polyandry And Women Rights In District Kinnaur Of Himachal Pradesh

Authors: Sasha Chauhan Kanwar

Co-Authors: Isha Negi

Address: Pangtu Nikunj, Negi's Colony, Near Shamti, Solan (H.P) 173212.

*Dr. Sasha Chauhan Kanwar, Assistant Professor, Department of Laws, Himachal Pradesh University, Summerhill, Shimla.(H.P.) 171005.

*Isha Negi, Ph.D Research Scholar, Department of Laws, Himachal Pradesh University, Summerhill, Shimla. (H.P.) 171005

ABSTRACT

The Custom of Polyandry is in existence among few human societies at all social level. Custom of Polyandry is very rare, and found in only few societies of the World. In few regions in the world is Polyandry an accepted practice. Polyandry is a form of polygamy in which a woman is married to more than one man simultaneously. There are few references of Polyandry in Hindu Epics like Mahabharata. The custom of Polyandry is reported from the states of Uttarakhand, Jammu and Kashmir, Himachal Pradesh, Punjab, Uttarakhand in the North, from Tamil Nadu and Kerala in the South and from Sikkim and Arunachal Pradesh in the North Eastern part of India. Only very few communities of the world followed this custom as an accepted practice. This paper aims to study the history, current position of Polyandry and its effect on Women's Rights in India.

Keywords: Polyandry; Women's Rights; Social Custom; Marriage; Culture; Himachal; Family.

INTRODUCTION

Marriage is a legally recognized relationship of man and woman. This relationship between man and woman evolves family system. It is an exclusive union of man and woman in which it is possible to define the paternity of the child. Marriage as an institution is found in all human societies but the pattern and performance of rituals of marriage may differ from society to society throughout the world. Marriage involves co-habitation, co-dependency and formation of family. There are different kinds of marriage, each kind of marriage has its pros and cons.

Monogamy: In monogamy two individual are married to each other without any involvement of third person in the marriage. This kind of marriage is also popularly known as heterosexual or traditional marriage. The main objective of monogamous marriage is to be with one person at a given point of time. The origin of the word monogamy is from two Greek words “Monos” which meant “one”, and “Gamy”, meaning “marriage”.

Polygamy: In this form of marriage a person is married to more than one person simultaneously. This kind of marriage was in practice in various cultures around the world at different times throughout the history. In This type of marriage either a man has two or more than two wives at the same time or a woman has more than one husband. This kind of marriage is further be divided into two categories : Polygyny and Polyandry.

1. **Polygyny:** In polygyny one man is married to more than one woman simultaneously. This type of marriage is more popular form of polygamy than polyandry but such marriages are not as universally accepted as monogamous marriage. In ancient civilizations polygyny was a common practice. At present this kind of marriage is prevalent in only a few countries. Many modern constitutions promote gender equality and polygamy is regarded as a regressive practice that affects the rights and dignity, there is a limited cultural acceptance of polygamy universally. Most developed and developing countries prohibit the practice of polygamy.
2. **Polyandry:** Polyandry is a type of marriage in which one woman is married to two or more than two husbands at the same time. Most prominent example of polyandrous society is Tibet, where in few areas of the country woman has the right to marry many men at the same time with one condition that all the husbands must be brothers. The children of such marriage share the name of their mother’s family instead of father’s family name. In few other societies, once women married one brother it was automatically assumed that she is married to all the other brothers as well who were not married so there would always be a husband available for child-rearing.

Types of Polyandry:

Polyandry can be categorized into two kinds:

ˆ Fraternal Polyandry, and Non-Fraternal Polyandry.

(i) Fraternal Polyandry:

It is a form of marriage where a woman is married to two or more than two brothers at the same time. This kind of marriage is also known as Adelphic or Fraternal Polyandry. It is commonly practiced among kinnaura tribe of Himachal Pradesh, Todas community of India. The said practice of being partners, actual or potential, to one brother to another is called “levirate”. This kind of marriage is commonly practiced in society as this is considered more stable than the Non- Fraternal polyandry.

(ii) Non-Fraternal Polyandry:

In Non-Fraternal polyandrous marriage, woman is not married to brothers and the husbands of a woman need not be brothers. In general term, this kind of marriage can be termed as “Wife-sharing” or “Wife-Lending”. The wife spends quality time with every husband. Other brothers cannot claim any right over the wife when she is spending time with one husband. Few tribes of Tibet do practice this type of marriage.

POLYANDRY: MEANING AND DEFINITION

Polyandry is in existence in few parts of the world, it is present in few human societies depending on various factors like Their socio- economic as well as their political condition. In Polyandrous marriage a woman can have two or more husbands simultaneously. The word Polyandry has its origin from the Greek word POLYS which means “many” and ANDROS meaning “man”. In only a few regions of the world it is an acceptable practice. Polyandry is reported from few communities belonging to different regions of the world, Asian communities, few American indigenous communities, Sub Saharan African etc. It was also reported from some regions of Mangolia , Canadian Artic region, Masuo people of China, Northern area of Nepal, parts of Sri Lanka, India, Tibet, etc. The custom of Polyandry has evolved because of various reasons like economical conditions, social and financial security, and one major reason was that women were considered as property and scarcity of food. In various regions of the world, women were considered scarce, and in certain societies where female infanticide was in practice polygamous marriages were considered as the only option for option in such areas. Polyandry is a very rare type of Polygamy, it is practiced by only a few socities and tribe of the world.

Cassidy and Lee (1989) in their research article titled “The Study of Polyandry: A Critique and Synthesis Journal of Comparative Family Studies” defined polyandry as a simultaneous marriage of a single woman to two or more man. Although there was a lot of discussion about what establishes marriage in a polyandrous society , but the definition given by Cassidy and Lee is the most accepted definition of polyandry.

Goerge Peter Murdock, an American Anthropologist and Professor, in his work World Ethnographic Sample in 1957 defined Polyandry as “ Unions of one woman with two or more husbands where these (types of a union) are culturally favored and involved residential as well as sexual cohabitation.” Murdock’s definition accurately defined polyandry as extremely rare; not every society practices polyandry as a main form of family life.

EVOLUTION OF POLYANDRY

The traces of the existence of custom of polyandry can be traced back to Sumerians of Mesopotamia in the year 2900 B.C.. The practice of polyandrous marriage was in existence since the beginning of human civilisation and throughout the world: in parts of Africa and areas such as the Canadian Arctic throughout the Indian sub-continent and China and the America and pockets of India, Bhutan, Nepal and Tibet, The first

known inhabitants of Canary Islands, Guanches, practiced polyandry until the time of their disappearance. This custom of polyandry continued until recently, particularly amongst various minority communities of the various region of the world.

CUSTOM OF POLYANDRY IN INDIA

In the start, polyandry developed in various human societies due to certain difficulties which were prevailing in the society due to the environmental, financial, social and economic reasons. Gradually with time other reasons also helped developing Polyandry. The custom of Polyandry is still practiced in few parts of India although it is not a very common practice. In India, the custom of Polyandry is dying a natural death because of various reasons. It is reported from the state of Himachal Pradesh, Uttarakhand, and Jammu and Kashmir from the Northern part of India; from Kerala (Nairs, Todas) and Tamil Nadu in the South and; from Arunachal Pradesh and Sikkim in the North-Eastern part of India.

Y.S Parmar in his famous book “Polyandry in the Himalayas” has specifically mentioned that polyandrous (fraternal) marriage is common in few areas of Himachal Pradesh and its neighbouring hilly areas but this kind of marriages are not confined to a particular caste or tribe. Further he observed that the economical and biological factor is responsible for the existence of Polyandry in society. All the fraternal husbands work as an inseparable group and controlled by the eldest brother. As a common practice, the eldest brother of the family is the one who has all the power and control and he has the most important position among all the husbands. In India, there are many reasons which lead to Polyandry, its origin and existence. In his book “Himalayan Polyandry” D.N. Majumdar (1962) has described the polyandrous family of Jaunsar Bawar Parganas region of Uttarakhand and shown that the reason for the evolution and existence of polyandrous joint family in Jaunsar Bawar region is the geo-economic cause. It is also observed that Polyandry is more prevalent among the landowners.

POLYANDRY IN RELIGION

Only a few societies of the world practice polyandrous marriage, Most religions of the world don't support polyandrous marriage. We can find one reference of Polyandry in the Hindu epic called Mahabharata. In Mahabharata, Draupadi daughter of the Drupada, king of Panchala, marries the Pandava brothers. Christianity and Judaism completely prohibits Common marriage, also known as “plural marriage”.

In Islam polyandry is completely banned, but, polygyny is a permitted marriage to a maximum of four wives but the condition of taking equal care to each wife.

POLYANDRY IN STATES OF INDIA

Polyandry is in practice in few ethnic groups of northern state of Himachal Pradesh like Lahaulas of Lahaul, Spiti of Spiti, Siraj and Kanet of Kullu, inhabitants of district Sirmour Pangwala of Pangi valley, Kinnaura of Kinnaur district. Such marriage is also common in some regions of Jaunsar Bawar region of Uttarakhand. Jaunsari tribe claim that they are the descendants of the Pandavas of the Mahabharata. According to Hindu

epic Mahabharata, the Pandavas were married to one wife Draupadi. Jaunsari tribe has kept that tradition alive in the community and fraternal polyandry is an accepted form of marriage in this region of Uttarakhand.

In most areas where fraternal polyandry is in existence, the marital ceremony is performed by the eldest brother. The eldest brother represents all the brothers and with the performance of all the rituals all the brothers becomes the woman's husband. To maintain the fairness amongst all the brothers sexual encounters are evenly scheduled in shifts but there is no exclusive sexual right or reproductive right provided to any brother over the wife. The children are all raised together without any kind of discrimination, biological paternity of child cannot be ascertained. In few societies brothers can marry subsequently but with the permission of the common wife. In Jaunsar baar region Monogamy, polygyny and fraternal Polyandry all are prevalent.

The main reason for the existence of polyandry can be economic reason as limited economic resources was the primary reason for a large number polyandrous marriage in Sirmour, Kullu District of Himachal Pradesh. Whereas in the region of Kinnaur and Lahaul, the major reason for the system is to conserve family wealth and tradition which is not the major reason in the lower Himalayan where it is the financial reason.

CUSTOM OF POLYANDRY IN KINNAUR DISTRICT OF HIMACHAL PRADESH

District Kinnaur of Himachal Pradesh is amongst the few societies where custom of polyandry is still prevalent and natives of Kinnaur district still practice polyandrous marital arrangement, which is currently on the verge of extinction in many other regions of India. The system of polyandrous marriage is known as, "Jon'tar" in Kinnaur. The traditional polyandrous family is a unique feature of the Kinnaur tribe. In Kinnaur Fraternal Common marriage was in practice in the past and still is in practice. In Kinnaur the eldest son performs all the marriage ritual with the bride, and the other single brothers become her husband through a ritual known as, "Turban-tying" ceremony. In this ceremony all bridegrooms sit in a row with the bride before them. The maternal uncle of the husbands ties a turban (Pagri) on the heads of all the brothers together, which indicates that the bride has been married to all the brothers. In Kinnaur district, the eldest brother of the family is called the social father of all the children born from a polyandrous union, but sharing of responsibilities of all the children and household lies on all the brothers which includes the upbringing and maintenance of all the children.

There is a massive improvement in the financial position of natives of this area with passing time, which resulted in a constant change in polyandrous family system. This custom is in the verge of extinction in this area.

ROLE OF WOMEN IN A POLYANDROUS MARRIAGE IN KINNAUR

Every custom has its own pros and cons same is the case with polyandrous marriage, This custom comes with its own pros and cons. The most common role in such marriages are played by the wife. In few societies where polyandry is in existence wife is regarded as a commodity. She has no voice of her own. The most common implication in a polyandrous marriage in Kinnaur is the problem of determining the paternity of the children. The society in the primitive time had its own way of determining the fatherhood of the child. This fatherhood is known as "sociological fatherhood". The reason why Polyandry is still prevalent in few regions

is a understanding between the partners may it be wife and husbands or brothers among themselves. As calculated by Raha and Commar in the late 1960s, 26.38 % of the marriages in Kinnaur were polyandrous marriage. When checked among other castes the percentage changed as for Rajputs was as high as 47. There are several villages in Kinnaur having a low caste called Kolis who practiced Polyandrous marriages. It is also taken into account that Common marriage is not the common practice in those communities where it is permitted. As education level in society has changed the practice of Common marriage has reduced rapidly.

WOMEN RIGHTS IN POLYANDRY

On surface one can easily assume that having multiple husbands gives woman more power and equal status. But contrary to this notion, in many societies where practice of polyandry is still in existence women are treated as a commodity, they don't have equal rights and in many areas polyandry is in practice because of the scarcity of female where female foeticide is a common practice. In polyandrous societies a woman has no right over the property, women are excluded from inheriting the property, polyandry in many societies is a wealth conserving mechanism where the family wants to keep the wealth within themselves. Mostly polyandry is prevalent where societies are patrilineal and the wealth of the family is controlled by the male members of the family. This contributes to the economic subordination of the women. Women are discriminated on context of inheritance rights and this shows the inferior status of women in polyandrous marriages. Various human rights instruments provides for equal human rights for all irrespective of the gender whereas polyandrous marriages in many societies contravenes all equality rights protected in various human rights instruments. Since the Second world War, the right to equality has been accepted as one of the principles of jus cogens. The exclusion of women from inheritance is against the rights of women as protected in the United Nations Charter, the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on Elimination of all forms of Discrimination against Woman (CEDAW), Universal Declaration of Human Rights.

INHERITANCE OF FAMILY PROPERTY IN POLYANDROUS FAMILIES IN KINNAUR

To start the basics of a family practicing polyandry, the wives and the children from the polyandrous marriage are a joint responsibility of the brothers combined. It was always a point of discussion that the sons of the family get a right over the property right from the birth, it has also remained a point of discussion that whether this remains confined till the lifetime of the fathers or even after their death. It is the choice of the sons whether they all want to stay together after the death of the fathers or not. They can also be on the polyandrous relationship if they want to do the same. In Kinnaur district of Himachal Pradesh Polyandrous families are patriarchal and the right to inherit the ancestral property of the family is restricted only to sons. Even though, the eldest brother is considered as the father of all the children, but the partition of the family property will change the situation. sometimes the wife has the right to name the father of the children. But commonly followed way is that the eldest brother is considered to be the father of the first-born son, the second brother is regarded as the father of the second born son and the process goes on like this with all the brothers. If partition takes place, the custom was that the property was to be shared equally between the sons

irrespective of the number of mothers. In Jaunsar-Bawar region of uttarakhand, custom was that the youngest and the eldest brothers were entitled to a little more share of the ancestral family property .

STATUS AND POSITION OF WOMAN IN POLYANDRY

The status of women in a polyandryous society either social status or her position in family is different in various societies of the world. In some societies woman enjoy higher position than husbands and in few other societies where polyandry is still in existence position of woman is not good, they are treated as a commodity. The most adverse effect of the polyandrous arrangement is that a number of the female population is left unmarried, whereas polyandrous marriages provides social and financial security to the woman in case of death one husband. In northern state of Himachal Pradesh where such marriages are still in practice amongst few tribes it is a way of life. The women who are into such marriages in the tribal areas of Kinnaur, Lahaul spiti have accepted it with grace. Their consent plays big part in such marriages and They have the right to say no if they don't want to get into such marriage. Women in polyandrous marriage are treated with respect and hold a higher position in the family system. In many societies where such marriages are still in existence the families are clearly patriarchal but It didn't eliminate the certain well-recognized claim of the women of the family.

CONCLUSION

In the past Polyandry was accepted practice in many parts of the world but until today it continues to a lesser extent. All the brothers marrying the same girl allows the family land to remain undivided and intact. The importance of Polyandry cannot be regarded as the reason for its emergence. Polyandry exists not only among peasant class but also among the elite class. It prevails in most of the kinnaur but is rapidly losing its ground. It is still defended by the older generations who practice it and prefer it over monogamy but the practice of Polyandry requires a good understanding between the wife and the husbands on the one hand and among the husbands themselves. Polyandry is not the common practice even among the communities where it is permitted, but slowly with time, it is disappearing. With changing times monogamy has made inroads into the society and it is becoming the only accepted form of marriage.

References

1. Parmar, Y.S., "Polyandry in the Himalayas", Vikas Publishing House Pvt Ltd. Delhi. (1975).
2. Majumdar, D.N., "Himalayan Polyandry" Asia Publishing House, Bombay,1962.
3. Beckerman, Stephen and Paul Valentine, "Cultures of Multiple Fathers: The Theory and Practice of Partible Paternity in Lowland South America." University Press of Florida,2002.
4. Cassidy, M.L.& Lee,G.R. .The study of polyandry: A critiqueand synthesis. Journal of Comparative Family Studies,20(1).
5. Berreman GD. Ecology, Demography, and Domestic Strategies in the Western Himalayas, Journal of Anthropological Research, 1978.

6. Berreman GD. Pahari Polyandry: A Comparison, American Anthropologist Journal, 1962, 64(1): 60-75.
7. Raha,M. K. and Coomar,P.C., 'Polyandry in India, Gyan Publishing House, 1987. pp. 72, 78.
8. Alain, Danielou, Hindu polytheism, Princeton University Press, 2019.
9. L.D. Joshi, The Khasa Family Law in the Himalayan Districts of the United Provinces, Government Press, Allahabad, 1929.
10. Mamgain, M.D., Himachal Pradesh District Gazetteers, kinnaur, 1971.
11. L. D. Joshi, op. cit., pp. 280, 281-2; D. N. Majumdar, op. cit., p. 75.
12. The comparison of these phenomena has been made by Melvyn C. Goldstein. 'Pahari and Tibetan Polyandry Revisited', in M. K. Raha and P. C. Coomar (eds.) 2 in India, p. 212.
13. Kangra District Gazetteer, Part II, Kulu, 1917, pp. 51-2.

