contrary to popular belief and many present day social practices, women have been given a lot more rights, property and respect by the society which have been abused by individual greed and ignorance. A closer look at the very sourcebooks of hindu social constitution provides an interesting read and insight into present day marriage customs!

On May 11, 2003, in New Delhi, a greedy groom and his parents demanded more dowry at the most vulnerable moment. When hundreds of guests are enjoying the function and wedding ceremonies were moments away. But the durga in the bride Nisha Sharma arose to confront the situation and called the police instead.

Indeed it was a great act of courage, especially from an educated girl of wealthy background (she is the daughter of an industrialist). Usually educated middle class families are too embarrassed to call the police and wealthy families are too embarrassed to be unable to afford the financial demands. It is usually the really cornered victims who act out in courage.

But what is more amusing is that it was such a slow news day around the world that major US dailies also picked up the story. Arranged marriage in urban India! Dowry demands! What dark ages is India living in? Never miss a chance to cover India in a sensational light!

Usually all such situations are blamed flat and square on the religion and social practices ordained in Hindu scriptures, and not on the individual criminals. Constitutionally, dowry, sati, child marriage etc. are all illegal, women have equitable rights, the share of religious respect is also substantial, and education is equally accessible, even then media and ‘activists’ claim that laws are not enough, the religious and social ‘laws’ promote oppression of women. Many pseudo-intellectuals fail to realize that such evils are not sanctioned by the scriptures but done by people who don’t respect, read, know or follow them.

So it is appropriate that we take a look at the sources that form the root of the social practices and religion. Let us see what they have to say about marriage, dowry, women’s right etc. While we should keep in mind the times when and for which these ‘rules’ were made, one should try to focus on the good said in the scriptures rather the bad that may have crept over time.

In tuittiriya upanişhad the guru says to the graduating disciples – only follow those of our conduct that are good, not others. This is the power of the Indian culture and ‘religion’ – it is the collective wisdom of seers and gurus, it allows for correcting its mistakes, it doesn’t demand fundamentalist approach towards life, blind following of outdated conducts. This doesn’t mean we throw all older traditions without proper understanding in favor of newer untested ‘traditions’. Blind respect or disrespect both should be avoided.

The following passages are extracted from manusyasti, the dharmashastras that acted as the social constitution for centuries, and has been much misunderstood, maligned and misused.

**types of marriage**

There are eight types of marriages - brāhma, daiva, ārsha, prājāpatya, āsura, gāndharva, rākshasa, paishācha (3:21) – inviting an educated and decent groom and offering him the daughter, well dressed and decorated, accompanied with prayers, is brāhma marriage (3:27) – giving the daughter to the presiding priest of a ceremony is daiva marriage (3:28) – asking a bovine pair from the groom and marrying with all rituals is ārsha marriage (3:29) – when the marriage is only accompanied with the blessings ‘you two follow the right social path and prosper’ it is prājāpatya marriage (3:30) – when money is given to the bride and her relatives as per one’s capacity and in accordance of one’s wish (rather than that ordained by śāstra) it is called āsura marriage (3:31) – the marriage born out of mutual desire and intimacy of the two is called gāndharva marriage (3:32) – when the man maybe hurts or kills her family and forcibly kidnaps her it is rākshasa marriage (3:33) – when consummation is done with a sleep-

ing, senseless, intoxicated or unaware girl in order to marry her, it is the worst of all paishācha marriage (3:34) – the marriage of duṣṭyanta and shakuntalā was pure gāndharva; that of vichitra-vīrya and ambikā (grandparents of kaurava and pāṇḍava) was rākshasa; and that of kṛṣṇa and rukmiṇī was a mixed gāndharva and rākshasa, since the kidnapping was with the consent of the woman! and the consummation of marriage, before it was solemnised publicly, was not condemned in gāndharva form of marriage! again, the example of duṣṭyant and shakuntala, whose son ‘bharata’ gives india its original name of ‘bhārata’

‘business’ of marriage

In the āsura form of marriage a ‘bride price’ was paid out of one’s own desire (to marry the girl) rather than as ordained by śāstra, scriptures in all primitive societies the father had absolute proprietary rights over his sons and daughters daughters were given in matrimony for royal or business relations among the elite and rich or just to the highest bidder among the ordinary thus in the very nature of things the daughters came to be looked upon as excellent marketable commodities, and husbands learned to look upon their wives as kind of moveable property, a class of slaves they had to purchase this practice of ‘bride price’ was common in rome, rome and middle east and still in practice in many societies

To the credit of our seers and pīṣḥā, they were the first to condemn the commercial element of holy matrimony a wise father should never take even a little ‘price’ for his daughter, because it is like selling (3:51)!
also the time when men started asking for a girl till her puberty| and perhaps this was to get rid of the responsibility of protecting constant attacks| satI or jauhar was done north-western india more, which was under as a further evidence, these practices affected including sati, child marriage, dowry etc.| the time when many of the present day so- muslim invasions, plundering of villages, when india saw relentless onslaught of the changing second millennia was the time woman should not have freedom| manusmRiti on this is – in childhood father as being sanctioned and supported by the society saw new restrictions put on women social pressures of second millennia, indian under changed circumstances and external pressures of second millennia, indian society saw new restrictions put on women as being sanctioned and supported by the scriptures! an oft-quoted shloka from manusmṛti on this is – in childhood father protects, in youth, husband and in old age, sons protect, woman should not be on her own (9:3) this has been misinterpreted as woman should not have freedom| the changing second millennia was the time when india saw relentless onslaught of muslim invasions, plundering of villages, towns and abduction of women| this was the time when many of the present day social vices arose as a social exo-skeleton, including sati, child marriage, dowry etc.| as a further evidence, these practices affected north-western india more, which was under constant attacks| satI or jauhar was done willing by wives of defeated royalty and warriors| child marriage was seen as a way to get rid of the responsibility of protecting a girl till her puberty| and perhaps this was also the time when men started asking for dowry!| back to the women’s freedom! no man can protect a woman by force (9:10) engage the lady of the house in money matters (saving, investing), expenses (shopping!), interior decoration, rituals and rites, kitchen and general house-caring (9:11) this is very different from “a woman’s place is in the kitchen” cliché she has the keys to the safe| her domain has been carved out for her where she is the authority (individuals can interpret this as a prison rather than the kingdom! but the literature prior to the second millennia is replete with stories of how liberal the society and women were?) the husband earns and she manages the earnings to make life comfortable, healthy and meaningful| relatives can’t protect the woman even by house-arresting them, but only if they (women) protect themselves (9:12) so, here the import is not that women don’t deserve independence but that women in youth need protection from other men who may hurt or seduce her and caring in childhood and old age| marital rights where ladies are respected, there the gods wander in enjoyment. where they are not respected, all deeds are fruitless (MS 3:56) the husband has full responsibility of his wife, he can’t get rid of her by selling or simply abandoning (9:46) if terminally ill wife is decent and loves her husband alone, then he may remarry only with her consent and never disrespect her (9:82) if a handsome and suitable groom is found then one may marry the girl little early too; but even after puberty she may sit at home for life, never give her to an unworthy man (9:88-89) a marriageable daughter should wait for three years for her father to give her away to a suitable man, after that she may choose on her own (9:90) if the father doesn’t marry her in time and she find a suitable man to marry then she or her husband don’t acquire dēmerit (9:91) property rights following books were refered for this article – MS by Pt. Rameshwar Bhatt; MS by Dr. RN Sharma; AS by Vachaspati Gairola according to chāṇakya’s arthashastra (chapter 3.2 or 58) a woman has two types of property – vyātī or cash, at least 2000 and śvadhyā or kind which has no limit the woman’s property can be used in the following situations – sickness, emergency, calamity; after two children (by which time the bride is not new anymore and has settled well in the new home); or if childless than for three years| if the marriage was gāndharva (love) or āśura (bride price) then such property, if used, must be returned to her with interest! remarriage after husband’s death if she wants to live on her own and without remarrying, she keeps her personal property and that given by her in-laws (and husband) she can also inherit her husband’s property| if she remarries, then she should return the principal with interest to the in-laws| if a widow remarries against the wishes of her in-laws then she can’t inherit her husband’s property| if they arrange for her remarriage then they have to return her husband’s inherited property| if a widow mother remarries, her children (from first marriage) will inherit her property| if a woman has children from more than one man (husbands from different marriages, not due to divorce but due to widow-remarriage) then she should let the children inherit their respective father’s property| this shows that not only there was no practice of sati or widow burning prevalent in hindu society prior to external rampages mentioned earlier, but that widow remarriage was common and inheritance laws were pretty elaborate to accommodate these commonplace events like widow remarriage! It is indeed a shame that a groom should not consider himself man enough to be able to provide for his life- and soul mate. Such men should not marry, since they are looking for financial and physical gains rather than life enriching soul mate in holy matrimony. These traits are not ordained by the scriptures but arise out of sheer greed that goes uncleaned by the very neglect of scriptures. Scriptures can’t change your basic nature, they can guide those who seek guidance|

— Shashi Joshi, Editor