

## Types of Hindu Marriage

### Part 2

#### (4) Prajapatya form Marriage:

In this form of marriage, the father gives away his daughter with due honour saying, distinctly: "May both of you perform together your civil and religious duties "You two be the partners for performing religious and secular duties. The very name Prajapatya indicates that the pair enters the solemn bond for repayment of debts or rinas to Prajapati for procreation and upbringing of children. The basic condition in this form of marriage is that the bridegroom is to treat the bride as a partner for secular and religious purposes and the proposal comes from the bridegroom who is a suitor for the damsel.

The Prajapatya form of marriage is an orthodox form where the parental approval figures and the economic complications of betrothal are bypassed. The prajapatya form of marriage is construed to be inferior to the first three forms because here the gift is not free but it loses its dignity due to conditions which should not have been imposed according to the religious concept of a gift. This form of marriage may have fallen into disuse due to the practice of child marriage. This form of marriage was also peculiar to the Brahmans only.

#### (5) Asura form of Marriage:

In the Asura form of marriage, the bride was given to the husband in payment of a consideration called 'sulka" or bride-price. When the bridegroom, having given its much wealth as he can afford to the father or paternal kinsmen and to the damsel herself, takes her voluntarily as his bride ' it is called the Asura Marriage.

The Ramayana mentions that a fabulous amount of bride price was given to the guardian of Kaikeyi for her marriage with king Dasaratha. The Mahabharata also contains descriptions regarding purchase of a maiden through the offer of a great amount of wealth as an act of allurements for the kinsmen of the bride. Irvati Karve

writes that Madri was obtained by King Pandu by means of a lavish amount of money, paid to the king of Madra.

The Asura form of marriage was prevalent in ancient India when the bride had a value or she was construed to be an article of merchandise. He who wished to procure her had to pay for her. Thus this form of marriage is based on an agreement between two families as a commercial transaction.

It was called the Asura form of marriage, as being the ceremony of the Asuras, or the aboriginal non-Aryan tribes of India. But a marriage was not construed as 'asura' form of marriage by the mere fact of the bridegroom giving the bride or her father a present as a token of complement.

(6) Gandharva form of marriage:

The Gandharva form of marriage is the union of a man and a woman by mutual consent. According to Manu "The voluntary connection of a maiden and a man is to be known as a Gandharva union which arises from lust". Thus "the reciprocal connection of a youth and a damsel with mutual desire is the marriage denominated "Gandharva", contractual for the purpose of amorous embraces and proceeding from sensual inclination." "To some extent this form of marriage appears to be like "Gretna Green" marriages." "Gretna Green" marriages are the run-away marriages by persons governed by the English Law at "Gretna Green" or elsewhere in Scotland to evade the provision of that law against ill-advised and clandestine marriages.

It is believed that this form of marriage is called 'Gandtarva' because of its wide practice by the tribe called 'Gandharva' living on the slopes of the Himalayas. However, Manu and Narada prescribed this form of marriage to all the caste groups. The Mahabharata contains several instances of this Gandharva form of marriage. King 'Dusyanta' induced 'Sakuntala' to accept him in the Gandharva form of marriage. Even the 'Swayamvara' marriages as found in the epics and puranas may be conceived as the Gandharva form of marriage.

The Gandharva marriage somewhat resembles the 'Usus' form of marriage in Roman Law. Though the Gandharva form of marriage was prevalent in the ancient Hindu social system, the frequency of solemnization of such marriage was very low on account of a couple of reasons. First, the individual taste was not given any emphasis in the Hindu ideology and this did not result in love and mutual consent.

Moreover, love, emotion or mutual consent were discouraged by the Hindu society. Secondly, in the ancient days, romantic attachment between partners could not develop due to the rare possibility of physical proximity. However, the ancient Hindu Juridical literature empowered a maiden to select a husband of her own caste, provided that she was not given in marriage by her father or guardians within three months or three years of the attainment of puberty.

A minor girl is incompetent to contract this 'Gandharava' form of marriage as she is incapable of giving her consent. This form of marriage indicates that the parties must be adults so that they will be capable of sexual enjoyment. This form of marriage was prevalent among the Rajbanshis and in Manipur.

Gradually this form of marriage declined due to the child- marriage practice in the Hindu society. But later on, along with the introduction of post-puberty marriage, it has been practiced in the name of love marriage.

#### (7) Rakshasa form of marriage:

In simple terms the 'Rakshasa' form of marriage may be described as marriage by capture, resembling the right of a victor to the person of the captive in war. Manu holds, "The seizure of a maiden by force from her house while she weeps and calls for assistance, after her kinsmen and friends have been slain in battle or wounded, and their houses broken open, is the marriage styled Rakshasa" According to P.V. Kane, this form of marriage is called Rakshasa because 'Rakshasas (demons) are known from the legends to have been addicted to cruelty and forceful methods.

Traditionally, this form was allowed to the Kshatriyas or military classes. The Gonds of Berar and Betul also practiced this form of marriage. The Gonds also practiced the

marriage by capture in the name of 'posisthur'. About Rakshasa form of marriage, says Westermarck among no people it is known to have been usual or normal mode of conducting a marriage. It is chiefly found either as an incident of war or as a method of procuring a wife when it is difficult or inconvenient to get one in the ordinary manner." In the modern Indian society this Rakshasa form of marriage has been banned, and its practice is a punishable offence vide section 366 of IPC.

(8) 'Paishacha' form of marriage:

It is the worst form of marriage among the Hindus. When the lover secretly embraces the damsel, either sleeping or flushed with strong liqueur, or disordered in her intellect, that sinful marriage, called paishacha is the eighth and the lowest form. This form of marriage was the most abominable and reprehensible, originating from a sort of rape committed by man upon a damsel either when asleep or when made drunk by administering intoxicating drug. P.V. Kane thinks that this marriage is called paishacha because in it there is action like that of pisachas (goblins) that are supposed to act stealthily at night Vatsyayan's 'Kamasutra' places the paisacha form of marriage as the seventh, before the Rakshasa and thus considers it better than the Rakshasa form of marriage. According to Sir G.D. Banerjee the paishacha form of marriage has been enumerated as a form of marriage only out of regard for the honour of the unfortunate damsel.

The difference between the 'Paishacha' and the 'Rakshasa' forms of marriage lies in the fact that whereas in the latter there is the scope of display of bravery and force at the same time, in the former the maiden is taken by deception and fraud. Therefore, Sternabach considers the 'Paishacha' form of marriage as a part or a special branch of the 'Rakshasa' vivaha. However, in the modern socio-cultural matrix, this form of marriage is a punishable offence under the I.P.C. as rape as the principle of law holds that a culprit should not be allowed to be benefited for any wrong-doings caused by him.

Out of the eight forms of Hindu marriage, the first four, i.e. 'Brahma', 'Daiva', 'Arsha' and 'Prajapatya' were the approved forms of marriage and the last four, such as, 'Asura', 'Gandharva', 'Rakshasa' and 'Paisacha' were unapproved forms of marriage. In the first four forms of marriage, the dominion of the father or guardian over the maiden is fully recognised. The dominion of the father is completely undermined in the 'Gandharva', 'Paishacha' and 'Rakshasa' forms of marriage.

In the present Indian scenario, considering from the socio-legal point of view, three forms of Hindu marriage appear to be existent. These are the Brahma, Asura and Gandharva forms of marriage. The higher caste Hindus solemnize the Brahma form of marriage in the most cultured form. The Asura form of marriage is commonly practised among the lower castes and the Gandharva marriage is gaining momentum among the modern youths in the form of love marriage.