

Marwar State towards Protection of Woman Rights during 18th Century With special reference to Sanad Parwana Bahis of Marwar

Rajshree Shekhawat & Prof. Sharad Rathore

Crimes against women from the last few decades have been a debatable topic for people all over the world. Violence against women is a way through which they could be in a subordinate position as compared to men. The unequal power relation between two genders has its roots in history. Historically if we see there have always been enormous incidences which show the violent measures taken against women or girls in many ways. My paper will be dealing with the crimes affecting the lives of women in Marwar during 18th Century and what steps did state took towards criminality with special reference to *SanadParwanaBahis* of Marwar.

SanadParwanas'are the primary sources of Marwar, which gives information about the social condition of people living in Marwarduring the medieval period. These *bahis* were started during the period of Maharaja-RamSingh in year V.S. 1820 (A.D. 1763) and the last *bahi* is from Maharaja Sardar Singh's period of V.S. 1967 (A.D. 1910).Sanadsare basically the orders which were issued by the state against any incident which happened during that period. The complaints done by the public on social, cultural, religious or private matter were called *parwanas*. The *parwanas* were sent in form of letters to the *daftarhajuri* department of *Marwar* state where the Maharaja after hearing the complaints used to send letter of order based on the complaints which was called *sanad*. Therefore,*sanad* were the orders passed and *parwanas* were the complaints made and *Sanad Parwana Bahis* of Marwar are the copies of all the orders and complaints in form of *Bahis*. They are written in Mahajani script and the date, day and year of decision are written above every order.

The *panchayat* system during the 18th Century worked as a link between the *Darbar* and the people of village. Sanad Parwana Bahi has mention of two types of *Panchayats*, (i) the village *panchayat* and (ii) the caste *panchayat*. Their members are called *panchas*. The caste *panchayat* has been mentioned as '*nyatpanchayat*' in *sanadparwanas*.

The important role of the *panchayat* was to arbitrate in social and economic matters inside their village. The disputes related to ownership fields, land, cultivation, and other problems; the issues related to personal life of people in village such as marriage, engagements, remarriages, *nata*, ownership of property, polygamy etc.; and the disputes related to trade and business and lastly complaints regarding theft, murders, abduction, robbery are considered by the members of the *nyat* and village *panchayat*. These complaints are either taken up by the parties directly to the *Panchayat* or they are sent to the *Panchayat* by the state administration to mediate into the matter and inform about it again to the administration.

If we talk about the common women in Marwar who had no royal status or any relation with the state or powerful status in the society; can we even imagine that they had right to speak and put their opinions in front of the state? After reading *SanadParwana* I came across many day to day incidences where the common women filed complaints against the injustice which happened with them. Not only this, but we can also see how the state took immediate actions against the complaints filed. The crimes such as rape, murders, selling of girls and women by their family members, abduction, female infanticide, molestation and exploitation of women by men, women beaten by husband and the customs of polygamy prevalent during the time gave women a degrading status in the society. All such incidents are mentioned in the documents. One thing to note in these documents is that there is no name of any women or a girl mentioned in the documents. Women are always introduced in documents by her husband's or father's name or any other male family member of woman for example '*Lichma Ri Lugai*' (wife of *Lichma*) or '*JewanRiMaa*' (mother of *Jewan*) etc.

Women from the ancient times were seen as an epitome of sacrifice but even in those times she had equal rights in society and had due respect in the family. During the medieval period with the advent of Muslims in India, the condition of women in society started deteriorating. The impact of Mughal culture was seen in all Indian princely states and Marwar was not aloof from those conditions. The princely states of Marwar accepted the Mughal sovereignty and worked on higher posts in Mughal courts. In such circumstances the impact of their culture could be seen on the Rajput rulers and other officials of Marwar. The change in culture also had an impact on the life of women connected to the royalty and also the women of lower strata as they always followed the royalty. The common people accepted customs and traditions which their ruler followed. The Rajputs got attracted toward the new Mughal customs such as the *pardah* system,

the practice of polygamy and of keeping beautiful women in the court. All this deteriorated the status of women in society which also affected the condition of common women in Marwar. As the public was highly influenced by and preached what royalty followed therefore the concept of polygamy and *pardah* was also followed by public and in few cases men also started keeping more than one women. All this encouraged the concept of keeping more than one women or leaving the wife and bringing another women without getting married. The concept of *nata* among the lower castes started taking place.

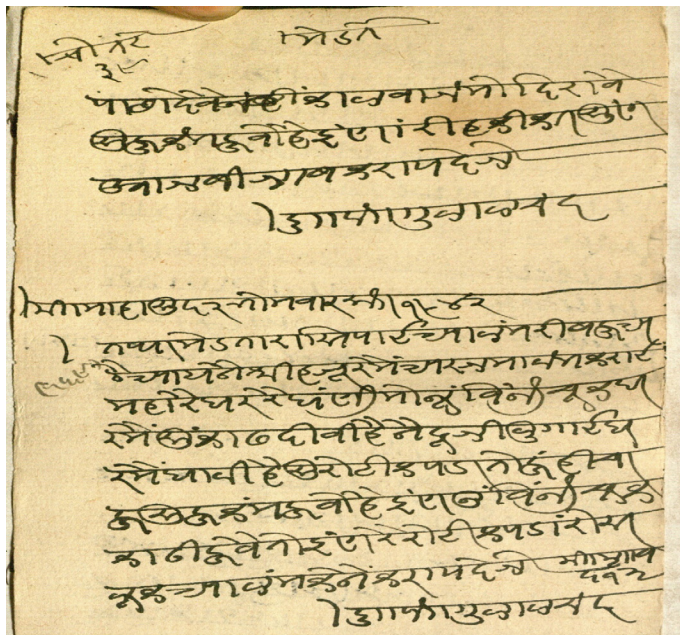
Nata was the custom mostly prevalent among the lower sections of the society during the medieval period in Marwar. In this custom widow women were remarried by their parents and for which the boy's family used to give them money and clothes as a custom of '*reet*'. When a widow was remarried through *nata* in another family then her dead husband's family had to give a "*VairKaKagad*" which was permission in form of a letter and also that from now on they have no responsibility of the woman. Sometimes even unmarried girls were given in *nata* to the married men for money. If any man did *Nata* with another woman or kept another woman in his house without marriage which is mentioned as '*Ghar Mai Ghali*' in *Sanad Parwana Bahis* which means "kept in the house"; despite of having a wife then he was duty bound by the state to maintain all the expenses of his first wife for all her life. Such examples can be seen in *Sanad Parwana-Bahis* were the state ordered men to handle his wives daily expenses even if they were not living together anymore.

In today's world where women are still fighting for their rights, specially lower class women who have less powers and are subordinated in male dominated society, there was a time where these women openly talked about the injustice they suffered and demanded their rights from the state. This shows how the society worked during the medieval period in Marwar. Lower class women filing complaints against the men of higher status such as a Zamindar or Brahman can be seen which throws light on the judicial system of the state. However people during the medieval period were divided among different castes same as the society today but were all equal in front of the state, there was no discrimination among the criminals. The state had the authority to punish the person of any caste or class if he or she was found guilty.

Further I have mentioned four most common practices against woman during the medieval period those are Polygamy, killing of girl child, selling of girls and Sati system.

A document of **Pargana Merta of V.S 1842 (A.D 1785)**, during the month of *maha/ maagh* (January/February) is found in which the wife of a man named Aalam filed a complaint against her husband that he left her without giving her any explanation or reason and threw her out of the house. She also informs the state that Aalam after leaving her; kept another woman in the house. She also demanded living expenditure such as food and clothing expenses from his husband as she had no other means of living. After the state got to know about the incident, orders were passed for Aalam that he had to provide his wife with food and clothes for all her life so that she could live a stable life after he leaves her. This shows that women rights were given priority in Marwar during the medieval period, the women was not forced to live with her husband in any unfavorable circumstances and was free to live alone and the state also made arrangements for her living expenses to lead a sustainable life. Also, it can be noted that the women herself didn't demanded to live with her husband again rather just demanded her daily expenses and the state also supported her decision.

The image shown below is taken from Sanad Parwana Bahi No. 33 V.S. 1842



The incidence written in the Sanad no. 33 of V.S. 1842 is as follows:

'Maha Sudhi 2 (duj) Bhomwar¹ V.S. 1842'

"Tatha Merta Ra Sipahi Aalam Ri Bahu² Athe Aay Ne Shree Hajur Mai Araj Malam Karai Mhare Ghar Re Dhani³ Monu Bina Chook⁴ Ghar Mai Su Kaad Divi Hai Ne Duji Lugai⁵ Ghar Mai Ghali Hai Su Roti Kapda Toh Hu He Chahu Su Hukam Hua Hai In Nu Bina Chook Kaadi Hui Toh In Re Roti Kapda Ro Saluk⁶ Aalam Kane Karaye Dejo."

The status of women in rural society in Marwar is clearly mentioned by Dr. Shashi Arora in her work '*Rajasthan Mai Nari Ki Stithi*'. The agriculture and the business class during the medieval period had different marriage customs as compared to that of the higher class. Nata was prevalent among them and before marriage there was a custom of doing *sagai* (engagement) in which the boy side of the family used to give money, clothes and jewellery to the girl and her family. This tradition was called '*reet*' and it differed according to the status of family and customs in every caste.

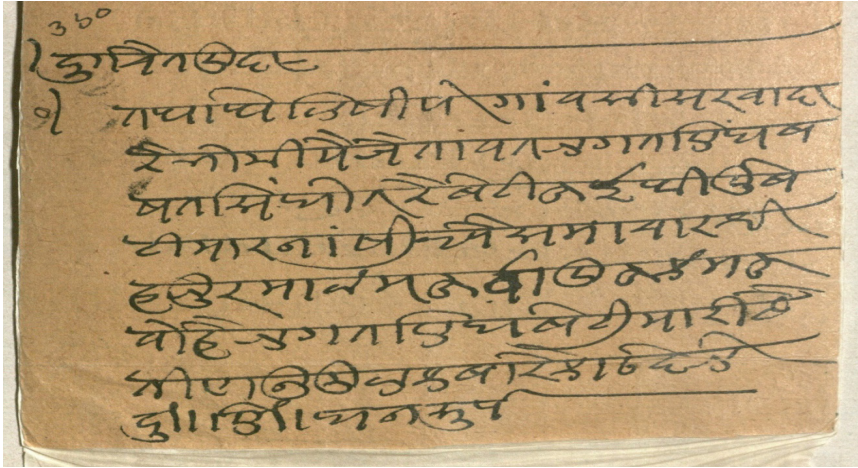
Killing of Girl Child

Killing of girl child or female infanticide is a major problem all over India. A girl is not accepted with open hearts in the family; she is denied the right to live and is even killed by her own family members as she is seen as a burden on the family. A family to escape the burden of the marriage expenses of a daughter would kill their own girl child. A boy is always welcomed as he always carry forward a family's legacy and a girl was always considered as a problem for their family as they were to be protected from evil eyes of other men and were to be married with huge expenses which the family was not willing to give. The higher authorities of Marwar were well aware of such incidences which happened during the medieval period and had strict punishments for the person found guilty. An incident of *chaitra* (April/May) month during the year V.S 1822 (A.D 1765) is found where a person whose name was Jagat Singh Jetawat from village Sisarwada killed her new born girl child; on which the state ordered to throw Jagat Singh out of the state. In such cases the property of the person

- 1 Bhomwar: Tuesday
- 2 Alam Ri Bahu: Alam's Wife
- 3 Dhani: Husband
- 4 Bina Chook: without any reason or mistake
- 5 Duji Lugai: another women
- 6 Saluk: arrangement

found guilty was also confiscated.

The image shown below is taken from Sanad Parwana Bahi No. 3 V.S. 1822



Selling of Girls

Selling of minor girls and married women for money is not only a matter of concern for today's society but it was also prevalent during the medieval period in Marwar. Minor girls and married women were sold by their own family members sometimes uncle, brother or even father and her husband used to sell them for money. One such incident found in the *Sanad Parwana Bahis* is as follows:

A document of *ashad* (June/July) month during V.S. 1824 (A.D.1767) of *pargana* Merta (village Dasawas) is given in which a man named Tulchidas sold her daughter in 6 (six) rupees during the year V.S. 1814 (A.D. 1757) but in V.S. 1824 after ten years the girl escaped to her father's house. It is also mentioned that the girl was abducted in between by the Mer community people of village Shamgarh. This information was given by Tulchidas in the complaint he made to the state also he stated that he will go and give five rupees to the Mer's and take her daughter back. The higher authority passed orders (*sanad*) that the man who bought the girl (whose name is not mentioned in the documents) now has no right on her as the girl didn't wanted to stay with him and also gave permission to Tulsidas to get her daughter back. The state also ordered the Mer's of Shamgarh

that the money which Tulsidas will offer them should be taken by them and should not claim any other rights on the girl.

Sati System

Another problem faces by the women in Marwar was the practice of *sati* in society. *Sati* was most commonly practiced in Rajasthan during the medieval period. The meaning of *sati* is Immortal or Truth, a widow who willingly burn herself with the corpse of her husband was called *sati*. The concept of *sati* was prevalent among the Rajputs specially the royal families. This custom was prevalent even in the ancient period as found in many inscriptions but it started to increase during the Muslim invasions in this area; the Muslims after killing any ruler would take away all the queens and other ladies of the defeated dynasty therefore to protect their dignity women willingly burnt themselves with the body of their husband. But this gradually took a horrific turn when widows were forced to burn themselves, this also passed to the other classes of society. As said earlier that the common people were highly influenced by the customs and practices which the royalty followed therefore people forced widows in their families to end their lives with their husbands as it was believed that they has no life after that and through this they would accompany their husband to heaven. G.N. Sharma explained that "this is why the action is always termed as 'Sahagamana' or ascending together to heaven". Some instances of women or girls burning themselves with their son or brother had also been found. Lachiram who was a Goad Brahman by caste lost his son; on this Lachiram's daughter became *sati* along with her brother. The higher authorities got to know about the incident and orders were passed that if any such incident happens again then the family members of that women or girls will be thrown out of the village and their property will be confiscated. This shows how strict state was towards such incidences.

Sanad Parwana Bahis are an important source to know about the society in Marwar, the life of people in Marwar, the incidence which occurred during the period and how the public reacted to the injustice that happened to them. The atrocities which women and girls faced during the medieval period were enormous and few are still practiced by people in small areas of Rajasthan. These documents also tell us that how people had faith in law and order of state and that woman had rights to stand against the injustice they faced. State played a major role in the life of common people during this period. Women were powerful enough to demand their rights which were listened and fulfilled by the state. If any woman was not willing to live with his husband than she had the say

in the society, she could request the state for separation. Also demand of husband's property after his death by women can also be seen in the documents.

All the above mentioned incidences of selling a girl, killing a girl child, polygamy and *Sati* system are only few examples which throws light upon situations women faced during the period. Other crimes against women which are described in the *Sanad Parwana Bahi* are abduction, abortion without the consent of the pregnant woman which is mentioned in the documents as '*adhuronakhayo*', selling for money, sexual assault etc. Some women were also disrespected by calling them with inappropriate words such as '*raand*' and '*chudail*' the mention of which can also be found in *SanadParwanaBahis*. Men were dominant in the society and women been suppressed by the dominant head were not mere bearers but they had the courage to stand against the injustice. Although it cannot be said that the life of common women in Marwar was hassle free but steps taken by the state and local authorities towards the justice for women are appreciable.

References

- Arora, S. (1981), *Rajasthan Mai Nari Ki Stithi*, p-26. Hindi SahityaMandir, Jodhpur
- Arora, S. (1981). *Rajasthan Mai Nari Ki Stithi*, p-48, Hindi SahityaMandir, Jodhpu
- Kumar, N. (2015), *State, Society and Crime In Early Modern Rajasthan*, p-98, Research India Press, New Delhi
- Rathore, V. S. (1999), *Rajasthan Ki Sanskriti Mai Nari*, ISBN: 9390179106, Rajasthani Granthagaar: Jodhpur
- Sanad Parwana Bahi No. 3 V.S 1822, Image No. 152, Digitalized at RSAD Bikaner site online.
- Sanad Parwana Bahi No. 6 V.S. 1824, Image No. 287-288, Digitalized at RSAD Bikaner site online.
- Sanad Parwana Bahi No. 33 V.S 1842, Image No. 79, Digitalized at RSAD Bikaner site online.
- Sanad Parwana Bahi No. 50 V.S. 1854, Image No. 287-288, Digitalized at RSAD Bikaner site online.
- Sharma, G.N. (2011), *Social Life in Medieval Rajasthan*, p-147. Book Treasures, Jodhpur