

**Socio-Cultural aspects of Court Marriage in District  
Rajanpur**



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Thesis submitted to the Department of Anthropology, Quaid-i-Azam University Islamabad, in partial fulfillment of the M.Phil of Science in Anthropology.

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*Dedicated*

*To*

*My Family,*

*Who have Always*

*Been*

*Praying for My Success*

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## **ABSTRACT**

The present study is about the Socio-Cultural aspects of Court marriage and this study was carried out at District Rajanpur of Southern Punjab. The aim of the study was to examine why this phenomenon of court marriage is emerging in that community and it also endures the cultural practices which are shaped by caste, class, religion and ethnicity. The study used case studies and in-depth-interviews to explore and understand the background, family, and household characteristics of the couples who practice court marriage. The study was designed under the course of certain research objectives including perceptions of the people about court marriages, to investigate the reasons and consequences of court marriages, to document the prevailing phenomenon of exogamous marriages, to explore the link between court marriages and social status.

The study found that this phenomenon of court marriage is increasing because of different reasons including caste and class stratification, religious barrier, social and cultural barrier, social media, endogamy or exogamy, authority of decision, dowry as practice and age differences. It was also found that the couples who go for court marriage faces difficulties after their marriage as security issues, financial problems, divorce, rejection from the families and lack of freedom. It was discovered that majority people of that local community give negative views about court marriage and had little leniency for the couples of court marriage. This research also finds out how people get their rights through court marriages where they lack freedom of expression/repressed. Also its purpose is to bring awareness in the youth of the negative consequences which cease the equilibrium of the society and could not give productive members to it.

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# 1. INTRODUCTION

Marriage is special phenomenon which involves more than housekeeping, sexual intercourse and procreation. This sentence elaborates the functions and context of the salient features of court marriage. Marriage has been linked with certain critical circumstances which are the real obligation on the shoulders of the couple and their respective families. If the couple has not been combined, according to their choice, then these obligations will be weakened up to a rational extent. The equilibrium of society gets disturbed and situation of distress appears into harsh consequences.

Marriage plays an important role in the regulation of family structure. There are certain types of marriages being practiced over the globe. The causes, forms and eventual outcomes of marriages are unquestionably dependable. The organization of marriage includes social, economic, sexual and social patterns. These are the significant elements of marriage. There are numerous types of marriages among various social orders. For an anthropologist, the most vital point is the social acceptability of marriage in society.

It is generally accepted that there are two types of marriages i.e. Marriage with consent or marriage without assent of the wedding people. Similarly, there are different ways through which people structure bond with each other. These are cohabitation, homosexual marriages, marriages with creatures and marriages with non-living things. Among numerous societies, the above mentioned sorts of marriage are socially acknowledged and these are in practice.

In Pakistan, different types of marriages are arranged marriages, love marriages/court marriages and forced marriages. There is a great deal of vague conceptions about court marriage. Court marriage is the formal union of man and woman, which is solemnized by a legitimate strategy in a law court. The idea of court marriage originated from the English law. Before this the idea of marriage depended on religion and custom which was built up by the marriage parties. More over late marriages rise in educational level

and expanded contact among the individuals of the opposite sex has offered rise to the occurrence of court marriages. Court marriage is fundamentally a declaration which is required for official use or record to marry against the desires of their families or guardians and ran off from their specific houses.

The term love marriage is utilized basically as a part of South Asia, particularly, in Pakistan, India, Sri Lanka and Bangladesh, where the individual love each other's and gets married with or without the assent of their parents. This marriage is the sole choice of the couple. It's a natural phenomenon to think about a perfect partner since nothing is immoral in such considering. It is a marriage which has any kind of effect between individuals and other forms of God. It is marriage through which one can satisfy the sexual craving and readies the path for multiplication of society, which also brings stability and harmony in the processes and functions of the society and give productive members of its development.

There is just the same old thing new to find in love marriages now and again when two individuals began to love each other, they are taking care of business to owe each other. They act, they talk and they wear as indicated by the decision of another individual. The actual beauty of a relationship is where consistently you find another thing about your accomplice. In such sentiments the couples want to do love marriages rather than arranged marriages.

In Pakistan, marriage is seen as a critical and social commitment and marriages are solemnized through arranged marriage. The decision of marriage is the basic determinant for the women's adult lives. The traditions and laws of marriage are vital for their general prosperity. The persons who are not ready to sway their parents around their loved ones and family embraced the method for court marriage. The couples run away or flee from their homes with the expectation of getting married. In scramble they settle on the choice of elopement to stay away from protests from guardians or religious

parties. The caste system is entirely followed in Pakistan and the guardians don't permit their kids to marry to a man of another caste.

Pakistan is a multicultural country and each individual follows the rules, norms and values of their own culture. The conventional traditions still have an impact on the rural and tribal settings. Women are obliged from making a move against these practices since they have no learning of formal or constitutional rights. The feudal landowners and tribal elders have kept on settling disputes and to snub somebody in informal parallel courts called Jirga's or tribal councils.

According to Shariah laws, both male and female have right to get wed any of his or her own decisions. Law of court marriage is clear that anybody can wed any of the opposite sex of his or her own particular decision. In Pakistan the courts will undoubtedly legitimately secure the individuals who have done court marriage. In Islam the age of marriage is time of adolescence yet in law, it is the period of majority. The age of majority is 18 years and age of puberty is when male and female can do sex. An adult woman more than 16 is permitted to marry without the approval of guardians under Pakistani law. A few women are still compelled to marry without wanting to and they constrained by their parents and society. Women face trouble by conjuring their privileges of consent and to decision of marriage partner. It finishes to hostile marriage in light of patriarchal standards and traditions and the separation of formal law from their daily lives (Association, 2008).

Informal and religious law rights are conceded to women, yet these laws are unclear and hard to monitor and uphold. A complex mixture of social, emotional, financial, religious and official elements decides woman's chances for decision and agrees with respect to their marriages. Tough we are in twenty first century, however the Pakistani society is still rigid and traditionalist in appreciation of marriage. They can't marry against the desires of their parents, however, rather than all these confinement, obstacles, and honor killing incidents, individuals play out a court marriage which is

right given by law itself. The rise in educational level and expanded contact among opposite sex makes ready in raising contact among individuals from various groups and therefore prompts court marriage.

In the light of the cultural roots, societal values and religious interpretations, it is also seen that people show negative feelings about love marriage therefore, most people are afraid of love marriage because in this way they will be thrown out of their family circle and there will be also social pressure on them. It is our collective psyche, which certain positive or negative feelings about some new trends. Therefore, love marriage is not very successful due to the thinking of people as it does not change the old traditions. While, arranged marriage is considered a noble task as compared to love marriage in our society, because this is less threatening for them as compared to face the remarks of people about love marriage. People face problems due to love marriage in their adjustment because of lack of family support, lack of social support and threatening environment which also makes them to be less satisfied with their marriage.

This study envelops an irritable issue of court marriages in district Rajanpur. Because of rising in court marriage trend the occurrences of honor killings are likewise expanding. So it's critically important that court marriage couples ought to be ensured by the state. So that they can make the most of their privileges of court marriage presented to them by the constitution of Pakistan.

## **1.1 Statement of the Problem**

Court marriage is an extreme form of action by a couple who desperately takes against the will of the society. This act is celebrated by the legal proceedings in a court of law. Many variations exist between different cultures and their expressions of love are also different from one another. Some companies benefiting love while others view as less important and prefer to marry someone who meets with the approval of parents and kin. In Pakistani society marriages are formalized through arranged marriage. But the



people who are not able to convince their parents perform the court marriage to meet their desired soul mate.

Pakistan is traditional and multicultural society, but it also has experienced structural changes because of globalization and modernization. It emphasizes on social equality, personal freedom and individual rights relative to the family. These economic and social changes are very quick and sharp and it also endures the cultural practices which are shaped by caste, class, religion and ethnicity. This change leads to rise in educational level and increased contact among opposite sex of different communities on social media and as a result it leads to court marriage. This phenomenon of court marriage is still unacceptable in Pakistani society after having legal rights in laws and constitution. The present research aims to study the causes and consequences of court marriages and what people think about court marriages and how the phenomenon of exogamous marriages is prevailing in that local community. The study also explores that in which classes the court marriages are practiced and which things promote this act.

## **1.2 Objective of the Study**

- To investigate the reasons and consequences of court marriages.
- To know the local perception about court marriages.
- To document the prevailing phenomenon of exogamous marriages.
- To explore the link between court marriages and social status.

## **1.3. Significance of the Study**

This study explores the compatibility with the societal and cultural texture of Pakistan whether it is considered favorable or not because religious narratives are dominant in Pakistani society. So this study investigates how Islam/religion place court marriages in its principles. It also explores the ratios of regrets and contentment among the court marriage couples. This research also finds out how people get their rights through court

marriages where they lack freedom of expression/repressed. Also, its purpose is to bring awareness in the youth of the negative consequences which cease the equilibrium of the society and could not give productive members to it.

But where courts are facilitating and been proven helpful in tying the knot of many marriage relationships, it is an alarming situation as well where many adults go against their family, disobeying them and doing marriages without the consent of their elders which is also against the norms and values of the family structure and hence become the cause of the disruption and disharmony in the society.

## **1.4 Research Methodology**

Social research is the methodical and intentional technique to investigate new facts and to check the old facts. It also finds the pertinence and sequence, causal clarifications and interrelationship of these facts and normal laws that oversee them. Methodology implies the logic of the exploratory procedure which includes the assumptions and values. It serves as a ground for exploration and the researcher utilizes the guidelines or criteria for deciphering the information and achieving conclusions. A researcher's approach decides such elements as a researcher composes theory and what level of proof is important, making the choice regardless of whether to dismiss a hypothesis. This study is characterized by qualitative research and certain techniques are used which are stated below:

### **1.4.1 Rapport Building**

In every scientific discipline some set of procedures is followed by the researcher in which rapport building is one of them. It includes gaining the trust of the community members so that the community, members accept the researcher as their native. The establishment of good rapport in the locality allows the researcher to move freely among the local people and to collect the information from them.

Howard points out that rapport building is very important factor of the interviewing process to obtain true and correct information about the study (Bahr H., 1994).

The researcher's locale was District Rajanpur in Southern Punjab. The step was to establish a good rapport in the field. This task took almost two to three weeks in developing a relation with the local people. The researcher explained the purpose of her visit to them and asked questions from them. The researcher had a friendly behavior with the members of the community. In this way, the researcher won the trust of the natives and able to get her required information.

Participant observation is an effective approach to observe the negatives and positives and to gather the required information by applying this supportive research technique in a comprehensive way and it is a thick study and beneficial for anthropologist. In participant as observer the researcher is likewise individual from the group which is being studied and that group knows about the research activities. In this point, the researcher is more keen on watching that particular groups as opposed to taking an interest in their activities.

The researcher utilized this strategy all through her field work. The researcher observed activities of everyone and way of life of the respondents however researcher couldn't take participate in such exercises in light of the fact that the theme court marriage is sensitive issue in our general public. This method helped the researcher in defeating the social obstructions of the local population. It additionally helped the researcher to know the local's perspective and assess the gathered data to contact her objective.

#### **1.4.2 Key Informants**

After entering the field, the selection of key informant is one of the most important tasks for the researcher.

The key informant is important member and the researcher develops a relationship with the informant to get the information about the field (Neuman, 1991).

In any research the role of key informants is very inevitable because of their co-operation, support, observation and knowledge about the respondents and locale which helps a lot in research. The researcher used the key informant to get the data on the historical backdrop of community, the occurrences and basis of social deviance and also structure and elements of underestimated events in the community under study. In the present study the key informant of the researcher was Abdul Ghaffar. He was 30 years old and was a lawyer in district court of Rajanpur city. He had knowledge about the people of locale and guided a lot and provided very useful information about the couples who practiced court marriage. Through him, the researcher was able to access the targeted couples to get the required information.

### **1.4.3 Sampling**

A sample is subset of population which resembles the population closely on key characteristics. In the present study, the researcher used purposive sampling techniques to get required information from target population. The main goal of purposive sampling is to focus on the specific characteristic of a population. It enables the researcher to get the required answers of the research question. The sample being studied is not representative of the population. It follows qualitative method of research design.

From the selected area, thirty-six respondents were the part of the field study that comprises of 24 female and 12 male respondents with further bifurcation into class stratification. Those who are earning monthly between 15,000 to 20,000 thousand were considered lower economic class people, those who earn between 20,000 to 50,000 lie in middle income status people and those who are earning more than 50,000 were higher income status groups.

From each group, 4 males and 8 females were selected total 36 respondents. The caste varies in the area, but the major caste was *Baloch*. Different *Tumans*<sup>1</sup> are found in the area which sub-divided the Baloch caste into Nine *Tumans*. Different castes which are

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<sup>1</sup>Major caste of Balochs

the part of sample is, *Drishak; Gurchani; Lund; Leghari; Khetran; Khosas; Buzdars; Qasarani*.

#### **1.4.4 Case Study**

Case study is the collection and representation of detailed information about a particular group or participants. It includes the accounts of subjects themselves. The case study looks like a pool of an individual or participants. Case studies improve the quality of data in a great deal and the researcher applied this tool to get knowledge about the topic by applying emic approach of Anthropology and twelve cases were studied in the field.

From total in-depth interviews 12 case studies were conducted to enrich the data which are further divided into 4 male and 8 female case studies.

#### **1.4.5 Focus Group Discussion**

Focus group discussion is small group discussion which is based on 8 to 15 people so that everyone gets a chance to participate. The researcher used this technique to see the nature and extent of court marriages among the local community and to know their views about the prevalence of court marriages. Although the arrangements of focus group discussion were very difficult for researcher because the people were too busy to gather. The researcher conducted two focus group discussions in which both male and female were the participants. The data obtained from these discussions helped a lot to find out the local perception and these discussions were arranged at the home of respondents.

#### **1.4.6 Interviews**

Interviewing the respondents is another technique which is used in the field work to collect the detailed information. According to Goode and Hatt interview is simply a conversation between the researcher and respondents. It has all the warmth and clarity of conversation and guide for a scientific search (Goode, 1981).

There are different types of interviews used in Anthropological work. The researcher conducted In-depth interviews during field work. In-depth interviews are unstructured and it gives freedom of discussion to the respondent and researcher. It explores additional points and it allows the researcher to focus on the particular topic. Overall 36 in-depth interviews were conducted.

#### **1.4.7 Jotting**

During the field, the views and perceptions of respondents were recorded on a simple notebook. As the study was of the sensitive nature, the researcher took notes on writing pad of each occasion, activity or discussion that had any significance with the research topic. Furthermore, these jotting focuses were just the reminder not the point of interest as the researcher communicated with the respondents in a few situations. The researcher additionally utilized different images and abbreviations for taking note of down the imperative data so that not a single piece of data could be ignored. The important focuses in formal interviews and casual talks were noted in Urdu and English and also in Saraiki, the native language of the community as a type of jotting, these short keys reminded the entire circumstances and to report more information by utilizing less words. Moreover, a personal dairy was utilized to manuscript the perceptions, perspectives and additional data.

## **2. LITERATURE REVIEW**

Marriage is socially and ritually union between partners, which sets up rights and commitments between them furthermore between their offspring and their in-laws and also in society. The concept of marriages differs from culture to culture. It is an institution in which interpersonal relations usually sexual are acknowledged. In various societies marriage is thought to be obligatory before practicing any sexual activity.

There are some causes to marry including legal, social, emotional, financial, spiritual and religious purposes. The people who marry are affected by socially determined rules of incest, parental decision and individual desire. In some areas of the world, arranged marriage, child marriage, polygamy, court marriage and sometimes forced marriage are practiced as a cultural tradition. /In developed parts of the world, there has been a general trend towards ensuring equal rights within marriage for women and legally recognizing the marriages of interfaith or interracial, and same-sex couples. These trends coincide with the broader human rights movement.

Arranged marriages have been exceptionally basic all through the world. This is because of two vital contemplations. Initial, a marriage joins two families, not only two individuals. The greater part of a relatives' ended up committed by the marriage of one of its individuals. What's more, marriages can be important instruments in making cooperation and in this manner, must be considered cautiously and even arranged. Besides, mate determination is seen as being excessively vital a choice, making it impossible to be surrendered over to unpracticed youngsters, particularly in the event that they have had little contact with individuals from the inverse sexual orientation (Ryan, 2004).

Marriage is partnership between the members of opposite sex as male and female. The scholar who studied human culture and society disagree on whether marriage can be universally defined. The responsibilities and roles of husband and wife include living

together, having sexual relations with each other and sharing economic resources and being recognized as the parents of their children. Though, un-conventional forms marriage does not include these elements do exist (Frank, 2002).

Marriage is unification of a man and a woman such that the youngsters destined to the woman are acknowledged as legitimate posterity of both accomplices. He also described that marriage is social, so it setup certain rights and obligations between the people including, spouse wife their kids and their in-laws (Phillip, 2011).

An ideal marriage is said to be the individual's free choice according to what they themselves think is best for themselves. It upholds individual freedom at the cost of social cohesion. Romantic marriage means, two people have met and have a growing friendship, complete with physical attraction and compatibility of character and interest. Principally this is their own choice however their families and friends can exert informal pressure. This is the principle form of marriage of the West in general. Those who live in a culture of romantic marriage frequently consider pragmatic marriage to be immoral, oppressive, inhuman, etc.

Another precise definition of marriage is illustrated by Schusky 1972 as;

“Marriage is a ritual which changes the status from single to married and the carefree youth become responsible adult” (Schusky, 1972).

Love is more important than ever. It is the basis for companionship and common grounds for marriage and is almost emotional. Modern marriages have traumatized the obligations which are no longer based on the mutual dependency associated with traditional roles. But successful love relations are considered more difficult because both partners are creating forms of companionship which involves combined employment, parenthood and emphasize on individualization (Beck, 1995).



The social context of love is complex and contradictory in modern societies. Love is interaction between partners as it involved in mediation, negotiations and accommodations to one another's needs. Love is energizing factor in marriage. It drives two forces which are power and trust and both forces are present in man and woman. They are dormant and have no effect without each other. It is a basic process in which man and woman give trust and power for self-surrender. Both male and female within their own dominion and sacrifices their own interests to create physical and spiritual conditions for them and the family to prosper. But in our society love marriages are viewed as unholy union because the couples challenge caste hierarchy and social consideration of class, status and standing.

Love is one essential measurement of patriarchy, since she considers women's adoration to be abused by men inside the socio-sexual relationship which commands western social orders. The ramification of male strength in connection to love is that men's position in the public arena gives them power to control and utilize the adoration and consideration gave by ladies. Women are seen as speaking to love power, which is comprehended as a socially-framed imaginative limit communicated in social practice (Jonasdottir, 1991).

Physical chemistry is unsurprising on the off chance that we can see the basic needs, for example, expecting to discover somebody who is strong and overwhelming, then again somebody alluring and enchanting or on the other hand somebody who looks for assurance inside a nearby family, and so forth. At the end of the day, our radar is filtering for particular attributes, yet we are not prone to know about everything our feelings and senses are searching for (Robert. j. Sternberg & Barnes, 1988).

Peele and Brodsky (1975) compare affection to an addiction. If you feel somebody is important to make your life tolerable, you are dependent on that individual. As it's been said, "The ever-introduce peril of withdrawal makes an ever-display craving" (Stanton Peele, 1975).

Love marriage that it is the opposite deconstruction of the group or community through rebellion of choosing one's own spouse and breaking the strict caste and community, restrictions against out- marriage. The important feature of caste is to marry within the group (Fuller, 1992).

Love marriages are viewed through the lens of communities both in public consciousness and in the court. They are seen as marginal. Couples are always viewed as members of this or that caste or community. The couples used the legal process for the social legitimizing of the marriage. They open rebel and pit the legitimizing power of court against their families.

Women and men love as mentally and socially gendered selves, with sex characters and sexual desires (and hindrances and forbiddances) that they deliberately and unknowingly encounter and enact (Chodorow, 1994).

Despite the fact that the Prophet exhorted the young Muslim to search for a religious accomplice it doesn't imply that they ought to overlook their preferences in regards to the physical beauty. The Prophet (May Allah favor him and stipend him peace) supported seeing an imminent accomplice before settling the marriage, so that a Muslim does not discover his/herself caught in a marriage with a woman/man he/she finds ugly.

Al Mughirah ibn Shaibah said;

“I got engaged to a woman at the time of the Prophet (May Allah favor him and gift him peace). He asked me "Have you seen her?" I said "No". He said "go and observe her, since it is all the more fitting that love and similarity is built up between you” (Al Mughirah ibn Shaibah).

Therefore, we find that Islam promotes love and compatibility between husband and wife and recognizes that these are vital ingredients in a successful marriage. Pragmatic or arranged marriage is made conceivable by formal methods of family or groups governmental issues. A dependable set up empowers the marriage. The power could be guardians, family, a religious figure or an accord. The previous two regularly begin the procedure with formal pressure, social pressure whilst the last two frequently begin the procedure with a formal framework or articulation. In both cases, the power has a convincing veto over the marriage and this framework is socially bolstered by whatever is left of the group so that to deny it is amazing and exceptional. The individuals who maintain marriage every now and again express that it is customary in light of the fact that it maintains the social ethics that are useful for the families included. Marriage is said to be customary, maintaining of social ethics and useful for families required for their own reasons.

Endogamous marriage is marrying inside close relatives. It is described by marriage between cross cousins and parallel cousins. Anthropologically marriage is a gathering of two or more individuals related by blood, marriage, or selection (Haviland, 2008). Along with love marriage and arranged marriage, there is another type of marriage which is very different from the preceding two; it is forced marriage. It is defined as a marriage contracted without the free and valid consent of one or both parties. It is different to an arranged marriage where there is free and valid consent from both parties. A marriage become forced if there is any duress, whether physical or mental, to marry without free and valid consent. It is the perception of the individual under pressure to marry which matters when defining duress.

Under French Law, a forced marriage can be annulled if there has been lack of consent. But if the marriage ceremony is customary one, the French courts cannot act. However, magistrate can intervene before a marriage take place if an underage girl, who has broken with her family, is in physical danger. Under the guise of respecting others traditions and Islamic values, the legal system and authorities tend to overlook forced

marriages. They say: “there are customs and religion, which are different from those practiced here. It is not for us to judge these traditions and religion, unless the young girls are in physical danger and these should be proof for that” (Kamguian, 2005).

There is clear distinction between the phenomena of forced marriages and arranged marriages. The arranged marriages have been conducted within the certain limits and with the consent of the bride and bridegroom while the forced marriage has been imposed upon a couple. Parents start to think about their getting married. They begin to talk about their child’s marriage, perhaps suggesting or looking for potential partner.

The topic of marriage is freely discussed, resulting in a mutual acceptance or rejection of ideas or options. An agreement to marry is made, whilst the families of those who are marrying are involved in the process, the final decision lies with those who are to be married. Thus an arranged marriage takes place. The European concept of marriage is elaborated by Anthony Giddens.

In marriage the individual freedom of choice and other aspects of life were subordinated to the interest of parents, other kin or the community till the sixteen century. Erotic or romantic love was encouraged by moralist and theologians. In pre-modern Europe marriage began as property arrangement, raising children and ended about love. In fact, few couples married for love and many grew to love and shared life’s experience. In modern West, marriage begins about love and in its middle still about raising children and ends often about property, by which point love as absent or distant memory (Giddens, 1997).

The emergence of love marriage in Europe where the love marriages started to show up in fourteenth century and in seventeenth century it gets to be well known. In Anglo Saxons the marriages were organized to set up peace and exchanging relationship. In eleventh century the marriages were sorted out to secure the financial advantages or political ties. The desires of the couple were not consider essential around then. The

bride was relied upon to suspend to her father wishes. The consent of couple was a necessary for marriage. The marriage of Queen Victoria and Prince Albert was a case of love marriage for the British public and it made love marriage more satisfactory in Victoria time and love marriages were on ascend in that period (Coontz, 2005).

Furthermore, Coontz also elaborated the history of love marriage in India where love marriage is additionally depicted as the marriage in which the couples marry with or without the will of their parents or families. In these marriages the couples break the caste, group and religious obstacles. These marriages are unsuitable in numerous social orders and some individuals feel that these sorts of marriages have powerless establishments. So arranged marriages are favored over love marriage to make new ties furthermore harden their family ties. In India love marriages get to be well known in urban territories in 1970s. These Marriages are viewed as negative furthermore considered as remote society which is against of Indian society. It is additionally seen as this sort of marriage which is forced by the younger generations over the older generation's wishes.

In India, couples of love marriage who go to the court lack of concern to class, caste or group contrasts. They feel the need of backing of the court functionaries who are impolite of them. Since they see self-arranged marriages as self-centeredness and lust. Couple use legitimate procurement to give their free agrees to marriage since they have lawful rights to wed and there is no refinement of caste and religious group in modern nation (Moody, 2002).

The global Tamil artist Wilbur Sargunaraj reprimanded the way of life of arranged marriage in 2010. In his hit song he enabled the couples for love marriage and to challenge the culture which exists in that society. This prompts increment in love marriages up to 30% in his local Tamil Nadu (Sargunaraj, 2010).

In ancient India, there are so many examples of rebellious nature. In ancient scripture III (20-34) eight types of marriages are described and one of them is “Gandharva Vivah”. In this Vivah man and woman marry with their free will with each other but against the wishes of their parents. It can be said a love or court marriage of today and where the man and woman solemnize their marriage according to their free will against the wishes of their parents through legal procedure in law court (Khokhar, 2010).

In India, there is a non-profit organization which helps the couples who do love marriages against the desires of their families. This association protects them from harassment and honor killing. This organization is known as Love commandos. It gives the legitimate guide and lodging to the couples who are annoyed by the family and society to wed their loved ones ("The 'Love Commandos' protecting young Indian couples", 2012).

Korson describes the social structure of the family in Pakistan. The family is considered traditional that have value system which support the social structure of family. It remains unchanged for a number of generations like patriarchal, patrilineal and patrilocal in large measure. The term joint and extended family are commonly used in literature and are frequently confused (Korson, 1979).

Sedghi explains the patriarchal system of our society. He describes that the patriarchy is the product of Islamic conjunctions in our society. Islam teaches respect for women and establishes male superiority and hegemony through the provision for marriage and divorce. Islam built an authority for male domination which is still tightly interwoven in the fabric of Islamic society (Sedghi, 1976).

Marriage in Islam is emphatically suggested on religious, moral, social, mental and physiological grounds. At the point when a man gives his little girl in marriage and she hates it then the marriage might be void.

Prophet Muhammad (PBUH) said; a young woman who was not married went to the Messenger of God and told that her father had married her without wanting to, so the Prophet permitted her to practice her decision (Narrated by Ibn Abbas).

Khansa bint Khidhan who had a previous marriage related that when her father married her and she went to the Messenger of Allah and he revoked her marriage (Bukhari, Ibn Majah).

In Pakistani society individual's choice for marriage is not given so much importance. The consent of both parties in marriage is most important issue. The parents or guardian of any parties can give advice and also can choose a marriage partner and also can use persuasion. But the final decision is taken by the man or women who enter into a marriage. This right of free choice is well arranged in the case of men but not for women.

In the Holy Quran, it is stated that;

“Do not inherit women against their will. ( Al-Quran (4: 19).”

The Quran [4: 21] alludes to marriage as a *Mithaq*<sup>2</sup> which implies a serious pledge or agreement amongst a couple. The agreement can't be come between the parties unless they give their consent to it and marriage can be contracted with the free consent of the two parties.

The Prophet (PBUH) said,

“The widow and the divorced woman shall not be married until their order is obtained and the virgin shall not be married until her consent is obtained.”

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<sup>2</sup> An agreement amongst a couple.

Similarly, an adult man or woman can organize his or her own particular marriage. It is understood that Khadijah, the first wife of Prophet Muhammad (SAW) organized her own marriage with him. The reality of the matter is that this happened before Sayadna Muhammad got Prophet Hood. But, Muhammad (PBUH) did not object to women organizing their own marriage

"A woman went to the Messenger of God and offered herself to him (in marriage). When she had remained for quite a while (without getting an answer) a man got up and said: Messenger of God! Wed her to me in the event that you have no need of her. He inquired as to whether he had anything to give her as dower (marriage blessing), and when he answered that he doesn't have anything yet the lower piece of clothing he was wearing, the Prophet said: Look for something, despite the fact that it is an iron ring. At that point when the man had sought and discovered nothing, God's Messenger solicited him whether he knew anything from the Qur`an. At the point when the man answered that he knew Surah so thus and Surah so as, God's Messenger said: Go away; I offer her to you in marriage. Show her some of the *Qur`an* (Sahih Bukhari)."

As a woman in this Hadith is arranging her own marriage yet the Prophet does not scold her. While it may not be the best thing for a woman to do as such yet in the event that she wishes then she can make an engagement proposition for herself. At the time of marriage both of the parties attempt to make life physically agreeable for each other furthermore attempt to give enthusiastic, psychological and spiritual happiness to each other. They additionally have the obligation regarding dealing with economic needs by and large falling on the shoulders of the man.

Various human rights associations like the Universal Declaration of Human Rights, the CEDAW and the Beijing Platform for action ensure both the rights to go into marriage



with the full consent by both sides. These rights are considered to choose if, when and whom to marry.

“Marriage shall be entered into only with the free and full consent of the intending spouses.” (Universal Declaration of Human Rights, Article 16(2)).

There are no verses in the Quran and no confirmation in Sunnah of the Prophet that obviously instruct guardianship as a condition for the marriage contract. The Hanafi position on guardianship, expresses that the *wali* is required for marriages including young boys and girls. In any case, for the marriage of an adult no *wali* is required and it is the most satisfactory in present-day society. A few cases of rights-based laws from different OIC (The Organization of Islamic Countries) nations with respect to guardianship and freedom to choose who, when, and if to marry includes;

- In Pakistan, Bangladesh and Sri Lanka, a wali is not required for Hanafi women who have reached puberty. Marriage without the consent of life partners is viewed as void in Pakistan.
- In Saudi Arabia the top religious powers banned the act of forcing women to marry without wanting to in 2005. They began to contradict the provision of the Shariah. According to clerics whoever constrains a woman to wed without wanting to be disobeying God and His Prophet (PBUH). It is un-Islamic and shameful to pressurize a woman into marriage.
- In Morocco couples are not pressured into marriage under any conditions. A woman picks up the ability to get her own marriage after achieving the period of majority. She may reach her marriage herself or distribute this power to her father or one of her relatives (CEDAW and Muslim Family Laws, 2011).

Latif (1993) expressed that parents should have the experience expected that would help their adolescents find a mate, who is legitimate for them. In a couple of countries; the legal system supports arranged marriages. In Pakistan, for case, the law disallows woman from wedding without parental assent (Latif, 1993).

The court supported the rights of women to marry. Women have the rights to their own particular decision with no contribution of the father or guardian. The supreme court of Pakistan held that the judgment of the Federal Shariat Court noted in Para 6 that “consent of *wali* is not required and sui juris Muslim female can enter into a valid Nikah or marriage by her own consent” (Patel, 2003).

Marriage socially perceived what's more, endorsed union between people, who focus on each other with the desire of a steady and enduring comfortable relationship. It starts with a service known as a wedding, which formally joins the marriage accomplices. A marital relationship for the most part includes some sort of agreement, either composed or indicated by custom, which characterizes the accomplices' rights and commitments to each other, to any youngsters they may have and to their relatives (Skolnick, 2005).

The expression 'economy of gratitude' depicts the harmony amongst giving's and apprehensions in an affection relationship, and is an indispensable, key layer of the conjugal bond. Affection is installed in the appreciation required in accepting what is viewed as a blessing, and is joined by the longing to furnish a proportional payback. To be considered blessings, the activities of the life partner must be esteemed as something additional, more than is ordinarily anticipated (Hochschild, 1990).

Personality, education, assets and other singular attributes additionally are essential mate determination criteria in numerous social orders. In fact, they might be much more imperative than physical excellence. The guardians of young modern girls looking for a spouse in Indian urban territories normally put a notice in daily papers. These promotions unmistakably say the potential lady of the hour's professional educations,

station and suggested potential for paying an expansive endowment. Different traditions exist in our way of life as to the determination of mate. For the most part it is arranged marriage, where the determination is the obligation of the guardians and parents (Moller, 1997).

Modernization realizes social change as far as family examples moreover. In the perspective of this hypothesis it is contended that industrialization and improvement as far as economy will adjust mentalities of individuals towards family designs. Individuals like to live in a free situation with their children. This clearly influences the family ties adversely, debilitating the bonds and evolving inclinations (Lian, 2007).

Love marriages give an exceptional description to observe the selfhood. Selfhood is problematized as hostile to the values of communities. Love marriage couples are particularly defenseless against the violence and excesses of both the state and their families. It is the phase when selfhood gets to be restrictive to break the community strictures. They stress the clear inability of the court marriage to completely legitimate love.

Romantic love is considered as a radical power which is fit for breaking the social hindrances. Numerous sociologists and philosopher argued that love have association with freedom and equality which can be free and empowering for women. However, this part of love has been tested by numerous women's activists.

Romantic love is the pivot of discrimination for woman as a hellfire, a holocaust and a sacrifice. She echoes Simon de Beauvoir who contends that love gets to be condemnation when there is unequal position amongst men and women and that limits women in the feminine universe (Firestone, 1970).

The feminist critique of love, sex and marriage is further described by Eva Illouz in "Why Love Hurts: A Sociological Explanation." In which Illouz explained that, love

is central idea or modernity. She defends its egalitarian optimism and its ability to challenge patriarchy. She acknowledges that love is source of misery and this misery stems from institutional arrangements. Love is the marketplace of unequal competing actors in which men are able to command the person who loved them.

Control is exercised between the men and women by the ways of choice, freedom, commitment and autonomy which are manifested between them. She argues that there is mismatch of goals and expectations which creates a set of mystery between them. For example, in relation to commitment men are less likely to desire marriage and family because these are no longer sites of control and domination. Men measure success on the sexual market not according to successful commitment. But on the other hand women see the sexual market as a marriage market (Illouz, 2012).

Despite the critique of love few feminists are willing to abandon it because love is connection with individual freedom and autonomy which does not make it an easy idea to reject. Love is part of our life and we cannot go back to a time before its existence.

It is not possible to return to a time when personal relationships were not experienced in the paradigm of romantic love. She argues that there is no remedy to found a reactive return to the regulation of love along traditional lines. Humanity and justice cannot be flourished through the imposition of oppressive moral order and practices (Langford, 1999).

Illouz also argues that we should not forget the historical dominance of love which is directly correlated with decline in men's power over women and it also increase gender equality. Many legal changes have been occurred regarding marriage laws in which intimate relationships are influenced by the radical ideology of love.

This demonstrates that love can be comprehended from various perspectives. It can be both liberating and dynamic. While then again it can be cruel too. But, there is the issue

for some women's activist to keep love's freeing, radical and egalitarian potential and dismissing its patriarchal, brutal and reductive impacts. For Langford and Illouz, love reflects women's experiences and desires as much men's and love also includes more moral belief system.

In 2006 the Women's Protection Act corrected the Hudood Ordinances, expelling the most destructive viewpoints, for example, the prerequisite for the confirmation of four male observers to demonstrate assault charges. The administration gave in to moderate religious groups who succeeded in embedding into the corrective code laws against "sex," including the "kidnappings for sex" charge. Women' rights advocates keep on demanding aggregate annulment of this law and other oppressive enactment (Gah, 2007).

## **2.1 Conceptual Framework**

A conceptual framework is an analytical tool with several variations and contexts. It is used to make conceptual distinctions and organize ideas. Strong conceptual frameworks capture something real and do this in a way that is easy to remember and apply. In this research different concepts of deviance are discussed to identify the phenomenon of court marriage. The concept of deviance is related to the issue of court marriage which exist in the local area of district Rajanpur, where the people of the community are bonded to their norms and values. That's why the phenomenon of court marriage is discussed as deviance under the functionalist perspective of Emile Durkheim, which clarifies the social boundaries and strengthen the social change in any community.

### **2.1.1 Foundations of Deviance**

Norms are the social rules that govern behavior in a community. Norms can be explicit (such as laws) or implicit (such as codes of behavior). Norms can be difficult to identify because they are so deeply instilled in society. Norms are learned by growing up in a particular culture and can be difficult to learn if one does not grow up in the same social

environment. The act of violating a social norm is called deviance. Individuals usually have a much easier time identifying the transgression of norms than the norms themselves.

Like deviance, norms are always culturally contingent. To study norms and deviance, one must contextualize the action, or consider the action in light of all of the circumstances surrounding it. The violation of social norms, or deviance, results in social sanction. Different degrees of violation result in different degrees of sanction. There are three main forms of social sanction for deviance; a) legal sanction, b) stigmatization, and c) preference for one behavior over another. Informal deviance, or violation of unwritten, social rules of behavior, results in social sanction, or stigma. Lesser degrees of social violation result in preference rather than stigmatization.

### **2.1.2 Deviance and Crime**

Although deviance is a violation of social norms, it is not always punishable, and it is not necessarily bad. *Crime*, on the other hand, is a behavior that violates official law and is punishable through formal sanctions. Like other forms of deviance, however, ambiguity exists concerning what constitutes a crime and whether all crimes are, in fact, “bad” and deserve punishment. All societies have informal and formal ways of maintaining social control. Within these systems of norms, societies have legal codes that maintain formal social control through laws, which are rules adopted and enforced by a political authority. Those who violate these rules incur negative formal sanctions.

Normally, punishments are relative to the degree of the crime and the importance to society of the value underlying the law. Not all crimes are given equal weight. Society generally socializes its members to view certain crimes as more severe than others. For example, most people would consider murdering someone to be far worse than stealing a wallet and would expect a murderer to be punished more severely than a thief. While deviance can be as minor as picking one’s nose in public or as major as committing murder.

### **2.1.3 The Functionalist Perspective**

According to Emile Durkheim deviance, including crime is functional, for it contributes to social order in some points as under;

- Deviance clarifies moral boundaries (a group's ideas about how people should act and think) and affirms norms.
- Deviance encourages social unity (by reacting to deviants, group members develop a "we" feeling and collectively affirm the rightness of their own ways).
- Deviance promotes social change (if boundary violations gain enough support, they become new, acceptable behaviors) (Durkheim, 1933).

### **2.1.4 Cultural Relativity of Deviance**

No thoughts or actions is inherently deviant; it becomes deviant only in relations to particular norms. According to some sociologist deviance, a) is not the action itself, but the reactions to the act that makes something deviant. In other words, people's behavior must be viewed through their cultural practices as well; b) different groups have different norms therefore what is deviant to some is not deviant to others is another phenomenon and at last c) this principle holds within a society as well as across cultures. Thus acts perfectly acceptable in one culture or in one group within a society (Emile Durkheim, 1972).

Functionalists contend that deviance is functional for society; it contributes to the social order by clarifying moral boundaries, promoting social unity, and initiating social change. Furthermore, according to 'strain theory,' people are likely to experience strain, which, in turn, can lead some people to choose deviant and/or criminal behavior rather than conforming to cultural goals and/or engaging in legitimate institutional means. In addition to strain theory, functionalists stress theories addressing illegitimate opportunity structure in society.

Deviance, or the violations of social norms, can be easier to identify than the norm itself. For this reason, deviance frequently provides a tool to learn about norms. Norms and deviance always depend on the culture in which they exist. To study norms and deviance, one must contextualize the action, or consider the action in light of all of the circumstances surrounding it. Norms can be formal, as in the case of laws, or informal, as in the case of codes of conducts. Formal deviance results in legal sanctions, such as fines or prison, while informal deviance results in social sanctions or stigmatization of acts. The violation of a folkway leads to the development of a preference rather than stigmatization. When a more is violated, on the other hand, it results in a more serious degree of social sanction. Informal deviance, or violation of unwritten, social rules of behavior, results in social sanction, or stigma. (Norms and Sanctions' Boundless Sociology, 2016)

#### **2.1.5 Deviance Functional**

When we think about deviance, dysfunctions of formal or informal norms come to mind, most of the people upsets with deviance e.g. crime and assumed that society would be better off without it. Surprising for Durkheim there is nothing abnormal about deviance; in fact, it contributes to the functioning of the society in different ways.

#### **2.1.6 Deviance affirms Cultural Values and Norms**

Living demands that we make moral choices. To prevent our culture from dissolving into chaos, people must show preference for some attitudes and behaviors over others. But any conception of virtue rests upon an opposing notion of immorality. And just as there can be no good without evil, then can be no justice without crime. It is indispensable to creating and sustaining morality.

#### **2.1.7 Deviance Clarifies Moral Boundaries and Affirms Norms**

A group's ideas about how people should act and think mark its *Moral Values* or *Moral Boundaries*, but deviance challenges such values. When we say a member he is deviant,



who broke rules (given to him/her as the member of a specific group) and other members cannot tolerate such type of behavior. It affirms the group's norms and clarifies the distinction between conforming and deviating behavior. For example, like in religion, there is a clear line between obeys and disobeyers and punish for disobeyers.

### **2.1.8 Deviance and Social Change**

Fourth point of the function is relatively positive the people who deviate from moral values of any group pointing out alternatives and encouraging change. Specific groups do not agree on what to do with people who push beyond their acceptable ways to doing things. In modern ways some groups who are more under the bombardment of media and other tools which made the group more open to other cultural traits provide slight rule-breaking behavior. Cultural boundary violation that gains enough support become a new, acceptable behavior in general but in specific communities it is still unconditional. People deviate from orthodox interpretations of their normative structure with outer influence. Thus, deviance may force a group to re-think and re-define its moral values according to changing cultural scenario in this modern changing world.

### **2.1.9 Field Data and Conceptualization**

In the present research study, deviance behavior of the individuals regarding mate selection documented and the process of marriage also discussed that how they interact with each other and becomes spouse. Causes of court marriage also indicates that the societal orthodox values of mate selection and continuation of their caste (endogamous) marriages are one hand provide solidarity to the community but in this research personal choices the concept of self rather than 'Wenness' is elaborately describes the individual selection rather than communal or parents' choice.

According to field data, court marriages is a tactics to get some financial benefits in the present community, it is also stated that religion give right to its followers (adult male

or female) that they can choose their mate according to their wishes but with consent of parents. In this field study it was observed that both male and female individuals inspired by the teaching of Islam regarding mate selection but they are not considering the consent of their parents as essential part of the ritual. There are some major factors which motivated people to break the societal values, such as economic status of the families, limited available proposals in the family, difference in educational status, most important love/affection.

It is evident that when structure of the community at stake it has many reactions which tries to made equilibrium in the community. If someone do or act against the norms of the society a collective reaction in form of stigmatization of the act evolved and those who evolve they pushed outside the community.

### **3. AREA PROFILE**

The study is conducted in Rajanpur district. Rajanpur is a District of Punjab province of Pakistan. The brief introduction of District Rajanpur is presented here to understand the geography, population and general trends of this particular area.

#### **3.1 Background**

The name of Rajanpur was suggested by Warlord Makhdoom Shaikh Rajan in 1772-73. It was a small known village which was situated on the road of Dera Ghazi Khan (Punjab) to Sukkur (Sind) in the meantime 1862. Mithankot a big town was located on the southeast of Rajanpur which was devastated by floods in that year. After that the administrative offices of British legislature were shifted from Mithankot to Rajanpur. It was hard, fast at safer top of the river. Many of the Hindus like Arora merchants and trades also shifted from Mithankot to Rajanpur. Then in 1873, it became municipality and tehsil headquarters (Tehsil Municipal Administration Rajan pur, 2001).

This district is famous due to tomb of Hazrat Khawaja Ghulam Farid in Mithankot. He was a Sufi buzurg of sub-continent. He expressed his ideas in Saraiki and Punjabi Poetry. His most famous book is Dewan-e-Khawaja Farid. Rajanpur is well-known to the people of Pakistan because of the five rivers of Punjab approach at a point which is called Wang (town) alongside the Mithankot. It further connects the three provinces of Pakistan. In the West it borders mutually Dera Bugti of Baluchistan Province. In the south-west, it borders by the whole of the Kashmoor of Sind province. It is last district of the Punjab and is highly receptive district of Punjab because of its geographical importance.

In Rajanpur, there is a mountainous area which is called Marri. It is located on the high altitude of the mountains. In high summer days, there temperature remains low. There are lots of villages aside, this district and the mainly famous is Fazilpur because of its literacy rate. The literacy rate of this village is 90% because there are manifold schools,

academies and colleges. The students from the side areas choose this village because of the quality of education. There are different students who are now doctors, engineers, chartered accountant and professors etc. The virtually famous names are Dr. Irfan kalia, Dr. Subhani, Dr. Jamil, Engineer Rashid, Professor Ejaz Korai, Ibrar Khan Yousafzai and many preferably of this area.

### **3.2 Geography**

The population of this area was 1,103,618 according to the 1998 census of Pakistan. 14.27% were urban. The district lies west of the Indus River. The Sind River is narrow and 20 to 40 miles wide strip of land sandwiched between the Indus River on the east and the Sulaiman mountains on the west. The town is nine miles from the West bank of the river.

### **3.3 Administrative Division**

The district Rajanpur is divided into three tehsils. These tehsils contain 44 Union councils.

**Table.1 Tehsils of District Rajanpur**

<b>Tehsils</b>	<b>No. of Union Council</b>
Jampur	19
Rajanpur	16
Rojhan	9
Total	44

Source: Field Data

### 3.4 Union Councils of Rajanpur

Tehsil Rajanpur has 16 union councils where all the *Nikahnama*<sup>3</sup> of the arranged and love marriage couples are kept there. The data of love married couple was also collected from the union council of district Rajanpur which is mentioned below;

1. Fatehpur (Rajanpur)
2. Fazilpur
3. Jahanpur
4. Kot Mithan
5. Kotla Easan
6. Kotla Naseer
7. Murghai
8. Noorpur
9. Pir Bakhsh sherqi
10. Rajanpur (Gherbi)
11. Rajanpur (Sherqi)
12. Rakah Fazilpur
13. Sahan wala
14. Shikarpur
15. Sikhani wala
16. Wong

### 3.5 Languages

The inhabitants of district Rajanpur speak different dialects of Punjabi which is supported as Saraiki. The prevalent languages are Balochi and Saraiki. Urdu and English are also spoken in the literate community of the district. Different dialects of other languages are also spoken in this district because of the variety of people. For example, Derawali, Rannгри, Riyasti and Thalochi etc. In district Rajanpur, love

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<sup>3</sup> Marriage certificate.

marriage is practiced beyond any language barrier and it is not barrier for those who fall in love. The couples break the rules and traditional boundaries of their community in which language is one of them. Instead of these barriers love marriages are still practicing in that area.

### 3.6 Population Census of Rajanpur

Rajanpur tehsil is spread over an area of 2078 square kilometers with population of 395,953 as per District Censes Report (DCR) 1998.

**Table 2. The Detail of Census Organization(CO) Unit**

Co Unit	According to Census report 1998			Population 1981	1981-98 Avg. annual growth rates (%)	Avg. House Hold Size
Rajanpur	<b>Both sexes</b>	<b>Male</b>	<b>Female</b>	18,789	5.08	8.3
	43,643	22,698	20,945			
Fazilpur	24,016	12,552	11,464	-	-	8.5

Source: District Census Report 1998

### 3.7 Castes Available in Dist. Rajanpur

In district Rajanpur Feudal system exists. Baloch caste is the major caste which is subdivided into different castes known as *Tumans*. Each *Tuman* has major caste and further divided into again some sub-castes which vary according to the geographic area of the District. Many tribes (*tumans*) are founded in this area like *Gopang*, *Gurchani*, *Darishak*, and *Mazari* etc.

Due to this caste system, endogamy is practiced there because the people of each caste consider themselves superior to other one. They do not allow their children to marry in other caste and tribe, because of this caste system court marriage is increasing. The boys or girls select their partner who belongs to other caste and class and their families reject them on the basis of caste differences.

### **3.7.1 The Mazaris**

The Mazaris are found in this District Rajanpur. This district is the main center of the Mazari Baloch tribe. This tribe held this area since 1632 A.D. The Rojhan city is a site where different beautiful tombs of Mazari, Nawabs and Sardars exist as back 17<sup>th</sup> century.

### **3.7.2 The Darishak**

They came down to this land and are most scattered of all the area. Their villages are also surrounded by Jats and many other people. They are confined to District Dera Ghazi Kahn. Its sections are Mingwani, Kirmani, Sargani and Arbani.

### **3.7.3 The Gurchani**

They are by the same token own this area specially Mari and Darugal Hills. This person in the street is cut apart into eleven Clans which continue Durkhani, Shekhani, Lashari, Petafi, Jiskani, and Sibzani.

### **3.7.4 The Lund**

They are mostly found in the D.G. Khan district. They cover small area in the midst of Gurchani country.

### **3.7.5 The Leghari**

The Leghari Baloch is an approximately famous tribe. The Leghari Baloch is a clear Rind Baloch. They are sovereign into four clans relish the Haddiani, Aliani, Bughlani and Haibatani. Their base is at Choti Zerine. The Leghari person in the street is furthermore found in Sindh.

### **3.7.6 The Khitran**

The Khitran hold the territory of Leghari, Khosa and Lund country. Their original settlement is at Vahoa. They are not pure Baloch but held by many to be Pathans. They are warlike of all the Baloch tribes of this region.

### **3.7.7 The Khosas**

They keep the outlook between the Leghari and Qasrani and their lot is independent into toward North Pole and southern doom by Lunds of Saraiki wasaib. They threw in one lot with a wealthy number of lands in Sindh. They are bravest family among the Balochs and are true Rind. They are free into six clans love Babelani, Isani, Jaudani, Jaggel, Jawar and Mahrwani.

### **3.7.8 The Buzdar**

They go on in elsewhere village of Rajanpur province and rest among the Leghari tribe. They are Rind baloch and divided into Ghulmani, Chakrani, Dulani, Sihani, Shahwani, Jalalani and Rustamani etc.

### **3.7.9 The Qaisrani**

This tribe is a poor one and has Rind origin. They are found in Saraiki Wasaib like Dera Ghazi Khan and Rajanpur. They have seven clans like Lashkarani, Khubdin, Budhani, Vaswani, Jarwar etc (Miana, 2010).



### 3.8 The Living Style

The people of Rajanpur are very simple and hardworking. There are many things in common with other people of other region. The most noticeable factor is both male and female wear *shalwar and qameez*<sup>4</sup> in their daily life. Female additionally wears *dupta*<sup>5</sup> to cover their heads. They live simple life. The people of that region follow their norms and values. The young generation of that area is connected with each other through technology and social media. They are very fast and constant users of mobiles and internet, so that love marriages are practicing in young generation because of the social media and by keeping in touch constantly which force them to run away from their homes.

### 3.9 Social Organization

Social institute is the style in which a community organizes its individuals to sew a sustained sexual relationship outside of marriage for diverse groups and perpetuation of the community. These urban groups file themselves. They are occupied in offbeat institutions love family, kinships, biraderi, marriages, religion etc. Any interpersonal or enshrine familial arrangements are inexorable for the reality of the at variance areas. The house of that trend are associated mutually each other. There fashion of employment and way of living is different and complex. Due to this complex social structure and strong kinship system, the rate of court marriage is increasing and the parents do not allow their children to select their life partner of their own choice.

### 3.10 Education

Rajanpur is the alone district that has not been experienced to appear in literacy indicators and has 34% literacy rate. Due to low literacy rate, the local people of that area still bounded to their norms, values and traditions, because of this patriarchal

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<sup>4</sup> loose trousers and a long shirt.

<sup>5</sup> Scarf.

society the ratio of court marriages is increasing. The phenomenon of court marriage is practicing both in literate and illiterate people. Although, there are different Government and private schools and colleges in district Rajanpur to increase awareness about literacy.

- Govt. College, Rajanpur.
- Govt. College for Women, Rajanpur.
- Govt. College, Rojhan Distt. Rajanpur.
- Govt. College, Jampur.
- Govt. College for Women, Jampur.
- Govt. Commerce College. Rajanpur.
- Govt. Primary School Basti Bhar, Fazilpur.
- Danish School, Fazilpur Distt Rajanpur.

### **3.11 Marriages System in Rajanpur**

Marriage is remarkable mutually with all cheers, dancing and singing. The group of the locality invited individually bridegroom society are entertained with delicious meals. The bride's parents grant the dowry for her nifty home. Family position is as is the custom joint or regular for all that a few tribes are income under nuclear community system. People of this outlook mostly feature endogamy notwithstanding exogamy is besides permitted. The marriages are arranged but some of them do court marriages or love marriages at conflict with the will of their family. This Phenomenon of court marriages is increasing in this area.

### **3.12 Kinship and Family System**

Family is basic unit of socialization which is integrated by marriage. The local people of that area live in both joint and nuclear family systems. Majority of the court marriage couple live in nuclear family system because their families did not accept them. They

consider them immoral and unethical. But few of them live in joint and extended family system as the others live.

**Table 3. Kinship and Family System of Respondents**

<b>Sr. No</b>	<b>Type of Families</b>	<b>No. of Respondents</b>	<b>Percentage</b>
1	Nuclear Family	8	22.22
2	Joint Family	18	50.00
3	Extended Family	10	27.77
4	Total	36	100

Source: Field Data

### **3.13 Non-Government Organizations**

Different organizations are working for the rights of women and development of this district. These NGOs provide understanding of violence against women through different type of workshops and trainings. They also give understandings of patriarchy and its role in gender based violence and on the basis of these patriarchal traditions, women are being killed in the name of honor. The awareness about marriage and the right to choose their life partner is also given to people of that area. The couples who practices court marriages are defended and supported by these NGOs which fights for the rights of those couples. For example,

- UNDP
- Women Action Group (WAG).
- Rohi Development Organization (RDO).
- Ending violence against women (EVAW).

### **3.14 Occupation**

The occupation of the local people is agriculture. Majority of the people rely on their lands and earn money from their agricultural lands and cultivate different crops. They are totally dependent on this occupation while others are engaged in business, doing government and private jobs. Some of them are struggling very hard to meet their expenses and even some educated women are teaching and also engaged in different occupations. Some of the women work with their husbands in fields to help them. Majority of the court marriage couples work as labor, shopkeeper, businessman, teacher and some of them work in fields etc. to earn money for their expenses.

### **3.15 Social Media**

It's the era of technology and media which has reduced the distance and communication gap. Rajanpur is also a city where the technological advancement is also increased. Local people of that area are using technology in one way or other. Especially, the young generation of that area is more advanced in technological usage. The ratio of court marriages is increasing due to social media and technology because the youth of that area remain in touch with each other and get attached to one another. Due to this affection they take a rival step against their families and ran away from their parent's homes in their early ages. They couldn't know the bad impact of this act and face terrible consequences after running away. Social media play an important role in increasing of court marriage ratio.

### **3.16 Courts**

Justice is based on ethics, rationality; law, religion and equity of fairness and it take into account the absolute and natural rights of all human beings and citizens. Courts provide justice without the discrimination on the basis of race, gender, sexual orientation, gender identity, color, ethnicity, age, religion etc. Similarly, law and order exists for the purpose of establishing justice and all the people who suffer injustice go

to court and appeal for justice. The young boys and girls who want to marry according to their own choice go to courts and marry with their own desires.

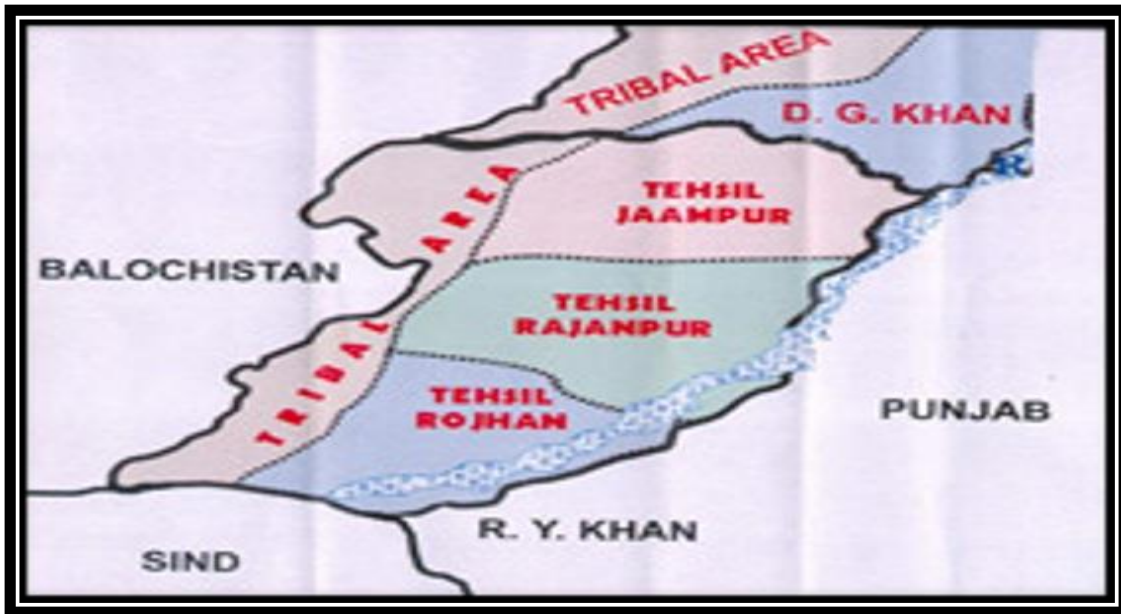
Law courts have given rights to the adult boys and girls to marry with their own choice and can choose their mate. They marry according to requirements of courts and law provides protection to them. The couple of court marriage, if face any kind of discrimination and violence went to court in search of justice and demand for their rights. The Rajanpur district consists of district and session courts. This District headquarter is consists of numerous Additional District and session Judges who take control of courts. The district and Sessions judge has executive and judicial power all over district under his jurisdiction. The district courts are mentioned below:

**Table 4. District Courts of Rajanpur**

<b>Sr. No</b>	<b>Judicial Officers in District</b>	<b>No. of Officers</b>
1	District and Sessions Judge	1
2	Additional District and Session Judges	5
3	Senior Civil Judge	1
4	Civil Judges Cum Judicial Magistrates	12

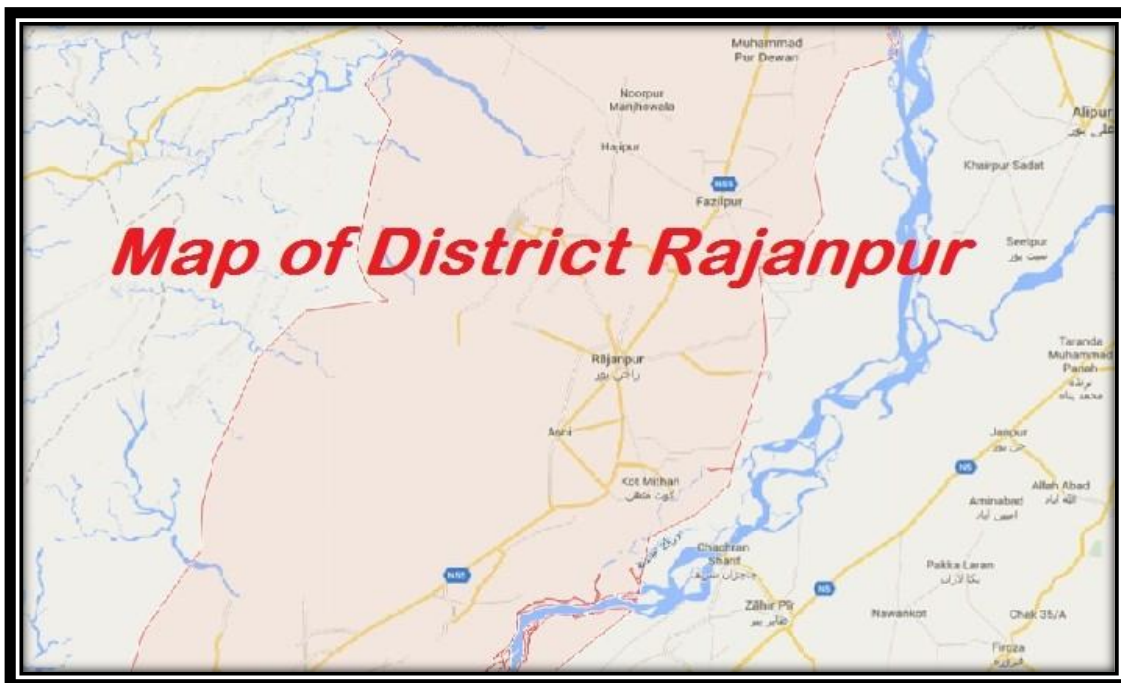
Source: Field Data

**Figure 1. Map of Tehsils of District Rajanpur City**



Source: Google Map

**Figure 2. Map of District Rajanpur**



Source: Google Map

## **4. CAUSES OF COURT MARRIAGE**

Court marriage, also known as registered marriages, is a legal way of solemnizing the relationship. It takes place across different countries as per the law and legal procedures of that particular country. Opting for court marriage is an increasing trend in Asian urban youth and it is the extreme form of action by a couple who desperately takes steps against the will of their family and society. It is common custom for women to escape from men who have been forced upon them by their parents. This is practiced when a woman does not have any desire to marry the man who is being attempted to arrange for her. The phenomenon of court marriage is increasing day by day. There are many reasons which force the both male and female to go for court marriages. The main reasons of court marriage, which were found during the field work are described below;

### **4.1 Caste and Class Stratification**

During field work it is found that love marriages involve different individuals from different castes and have different ranks in the local caste hierarchy. Despite the prevailing rule of caste endogamy many inter-caste couples appear after having a court marriage. These inter-caste marriages are accepted because they are not incompatible with the system. This system is based on class-like and the social status of an individual in the social hierarchy is based on the caste system. In rural areas of the Pakistan caste system is prevailing and has stressed its flexibility in regard to occupation and social interaction. Caste endogamy is still continued and inter-caste marriages involve individuals from closely related sub-castes in district Rajanpur. The people of local area still follow the rules of caste endogamy. Arranged marriages are considered culturally appropriate and it provides a more solid basis for marital happiness than love alone.

Love marriages include breaking the conventional standards of caste endogamy, because the couples have legal right, which they use against their parents' wishes. The

majority of the couples in that area faces the caste as a barrier for their marriage. The families of those couples reject them on the basis of caste and class difference. Their parents force them to get married according to their choice not with their loved ones. Then the couples involved in love marriages and run away from their homes. They do this on the basis of legalization of registered marriage which does not require any caste identity and it's also not require the parental consent. The youth have the power to translate their ideas into reality and follow the right of freedom of choice. But due to the poor social and economic conditions, many of the middle class youth take a radical step to the traditional value system. Some of the youth of the district chooses to undertake love, marriage and get legal support from the court. This caste system forbids marriage outside the castes that why the parents of the couples didn't allow them to marry out of caste and it is one of the main reasons behind the increase in court marriages.

#### **4.2 Religious Barrier**

During conducting field work it is also found that stiff interpretation of religious teachings was a contemporary issue in the district Rajanpur. But the problems emerge when these misperceptions are linked with divinely derived principles. Marriage is the main purpose of two beloved persons who love each other. They can be from different caste and religion. Love in marriage is not easy when your beloved is from another religion. Every religion has different culture and traditions and it is not easy to settle properly in society. Society does not accept those couples who choose their life partner from another sect or religious group. It's not easy for all people to get married from different religions. Our religion Islam is not rigid, but in our society patriarchy is the product of Islamic conjunctions. Islam teaches respect for women, especially through the provisions for marriage and divorce. Islam does not permit forced marriages and gives an individual a right to select his life partner. Islam is used as a defending tool for argumentation, but its teachings deny imposing decisions in selecting a spouse.



People of that local community are used to mix the social values with the religious paradigm. As Islam gives rights of selecting the partner to every Muslim irrespective of gender differences. But this notion has been interpreted in a very contradictory manner. The right of selecting the partner of young generation has been assigned to the elders and they have the authority of making the life lasting decisions regardless of the choice of the partner. Then the practices of forced marriage lead to radical step by the young couples of that district, they run away from their parents' homes and marry in court according to their own desires. Religion is considered to be the main reason behind this act and the relation of Islam with marriage creates different myths, misconceptions and wrong misperceptions of both these concepts. These misperceptions or wrong interpretations promote forced marriages as well as to endorse court marriages.

### **4.3 Social and Cultural Barriers**

The role of the societal norms and traditions is significant in our kinship system. Marriage is a vital component of social organization and is an important factor of kinship and biraderi system. District Rajanpur is a conventional society and the people of that area are very traditional and follow their rules and norms. In this area, culture is certainly influencing their lives in one way or another. This is the culture which has theft the right of selecting their partner. They are supposed to be deferred on the basis of mother language that have no desires, no motives and have no authority. Disobedience is considered a big crime, even bigger than murder. The couples committed court marriages are kicked off from the family. Some couples have been murdered, sometimes in the name of honor. These court marriages or some other marital relations often emerge into these honor killings.

**Table.5 Native response regarding social-cultural barriers**

<b>Sr. No</b>	<b>Gender</b>	<b>Social and Cultural Barriers</b>
1	Male	10
2	Female	16
3	Total	26

Source: Field Data

During field work, the respondents were asked about the social and cultural barriers in love marriages. The 10 male and 16 female respondents from sample size give views against cultural norms and values. According to them, when young couples find no other way to marry each other, then they start thinking in a rival manner because of traditional norms and values of that area. Some of them also said that traditions are non-Islamic, self-made and illogical while others said that life is more important than the traditions. On the contrary, the other 10 respondents of sample size depicted their thoughts against the couples of love marriage who break the rule and traditional norms of their society and supported their traditional values. One of them said that society should boycott these rival couples and the other said that traditional norms are more important than anything else.

The cultural and religious customs strengthen traditional gender roles regarding women's responsibilities in the home and family. Marriage builds network between families and create an economic ladder for the parties. But the parents didn't approve love marriages because the social network created by arranged marriages is a source of pride which the love marriages do not guarantee this. Moreover, the mothers are not willing to 'let go' of their sons that easily. My interaction with community people also shows that how mothers are attached to their sons and totally opposed the court marriages. It is found that love marriage is growing trend and it challenges the traditional mindsets of that local people. It relates to the family, which is one of the

most powerful institution in Pakistani society. The love couples break these social norms and values by doing court marriages.

#### **4.4 Social Media**

During field work it is found that social media have become a most important part for many young people today. It is gaining popularity every day in the young people of the district Rajanpur. Most people engage with social media without stopping to think what are the effects are in our lives, whether positive or negative. They are using different social websites, mobiles, TV, internet etc. which have positive as well as negative impacts on their lives. The social media has increased the ratio of court marriage in that specific community because the social websites have become their first priority. They keep connections between friends when they are not always able to see each other when they want to. The rapid social change affects the attitude of the generation to each other. The young and older generations have different life experiences. A generation gap is developed between parents and children.

According to field data the large number of the population is young in Rajanpur district and a strong youth culture develops which is different from the values of its parent's generation. These rapid changes always weaken the traditional values and religious convictions. These changes influence the attitudes towards marriage of new generation. They select their life partner, according to their own choices and form their relationships against the traditional values of their parents. They break these traditional norms and go for the court marriage against their families. This trend of love marriage is increasing day by day because of modern technology and media.

#### **4.5 Marriage by Choice**

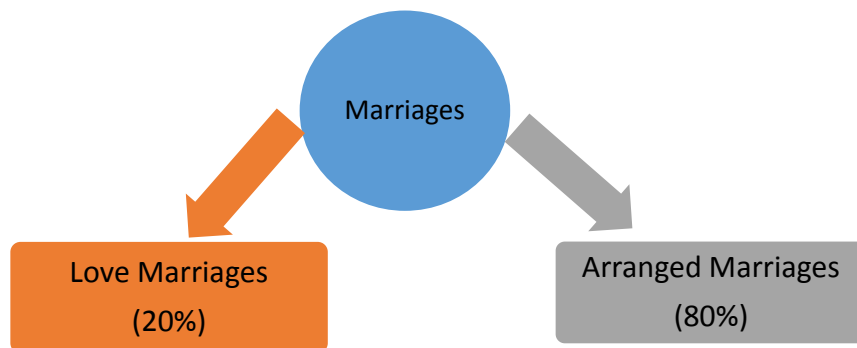
It is outrageous that the right of choice has been an exploiting weapon in the hands of our older generation. Empowerment of one generation is the disempowerment of the previous generation. The simple universal truth of marriage by choice has never been given significance in many societies. Young people of even more civilized

communities are wandering about in search of their basic human rights. During the fieldwork, the respondents were asked about the linkage of choice in the eye of their traditional circumstances.

Then it comes to know that no religion and moral values that forbid an individual upon the selection of his or her spouse. These are the traditions which have changed the circumstances by applying pressure on the youth. They forced their children to marry according to their choice and do not ask their consent. Many boys and girls have been forced into relationships in which they do not want. This enforcement encouraged the youth to take steps and practice court marriage against their parents. The consent of girl and boy are not considered important and this is the main reason which promotes court marriage in District Rajanpur area.

As Korson said, that it is natural when a young boy and girl attached to each other to those relatives like cousins. Endogamous marriages are very common in Muslim societies and are significant in Pakistani society. Cousin marriages are practiced, but it is also reduced to some extent (Korson, 1979).

**Figure 3: Ratio of Arranged and Love Marriages**



Source: Field Data

The above findings show that in district Rajanpur 80% marriages are arranged by parents without consulting the children for future spouse or even allowing them to meet before the wedding while the 20% are love marriages. Landowners of that area don't want their land and wealth went on to outsiders and they force their children on

marrying inside the families and pay little respect to contrasts in age and education and individual likes and dislikes. This forces the children to go and marry according to their own desire and choose their life partner on their own behalf and run away from their homes and get married in court.

#### **4.6 Endogamy and Exogamy**

It is also a main reason of court marriage, which is found during fieldwork. The study also tried to find out the preference of the local community about endogamy or exogamy because endogamy is also considered to be a responsible factor in forced marriages which also leads to the act of court marriage. The hidden reasons of endogamy which are found during field work includes wealth, property, inheritance and other material things.

As Korson, believes in the integrity of families which can be maintained by exogamous principles. He says that, whenever kin groups maintain control over the marriage choices of their members, traditional societies and communities can defend their values against change, but as control over marriage choices weaken then the traditional values also weaken and later they begin to accept the change.

During field work it is found that natives of that area practices endogamous marriages because according to them, endogamy unites the family. They do not allow their children to marry outside of their castes or religion. Although except that exogamy is also practiced in the local community, but the majority of the families prefers to endogamy and do not allow their children to marry against them. The young girls and boys are not asked about their choices.

Most of the parents impose their choices upon their children. This endogamy is the reason of court marriage. Exogamy is also found in that area because of structural and technological change. This shows the change in their ancient approach because they do not want their children suffering in their entire life. They want to give them a significant level of involvement for life lasting decisions of children's lives. But the element of

opposition is also present as discussed by local people of that area who still keep the authority in their hands regardless of marriage choice and take decisions of their children during selecting their life partner.

#### **4.7 Authority of Decision**

The authority of policy decision plays a big role in the life of the inhabitants of any society. The authority of decision is almost in the hands of father, grandfather, brothers, and other elders and take decisions of their off springs in that area. As in Islam, consent is applicable to both boys and girls.

The Prophet (SAW) stated,

“A matron should not be given in marriage except after consulting her and a virgin should not be given in marriage except after her permission.” (Bukhari, Narrated by Abu Hurraira).

In district Rajanpur the engagements are still made by the families of the two young people who hardly know each other. It is also found while conducting interviews that if by chance two young people fall in love with each other and decided to become engaged on their own. They try to communicate their decision to their families as if confessing a crime. If the girl's family finds the boy acceptable, then the families agree to the engagement and then the couple can meet under the supervision of relatives.

At this point the young man can also expect as a right that the male relatives. If his fiancée will see to it that she does not meet other men. The family of girl does everything to break the engagement if it does not seem good. Sometimes, if the girl is against the arrangements made by her family, then the decision is imposed upon her. Some of them accept their decisions and live her life according to the wishes of their parents. But fewer of respondents rejected the decisions of their parents and take a stand against them. Then the girl goes for love marriage against their desires and gets married to the man of her own choice.

This is because the decision power is in the hands of elders in that local community. The local people think that parents can decide better for their children and they cannot make any mistake regarding the decision of marriage of their children. Parents do not consider the will and choice of their children during this life lasting decision. There is no concept of choice and older have the one and only authority of decisions. In the local community children are yet disempowered and neglected during the selection of their mate. This lack of freedom of choice creates problems for those couples who want to marry with their loved ones. But the parents do not accept them and they choose a way for themselves and run away from their parents' homes and get married.

#### 4.8 Age Differences

During field work the researcher found age differences in marriage which is another issue in that local community. Age difference includes a younger woman marrying an older man and sometimes an older woman with a younger man. This age disparity has developed over time and varies between different societies. Such kinds of views about age differences are within cultures and they are affected by views of consent, marriage and gender roles. It is also affected by the perception of social and economic differences between age groups. The age difference which was found in the love marriage couples is shown below;

**Table 6. Age differences between Male and Female**

Sr. No	Age (in years)	No of Female	No of Male
1	17-20	7	3
2	21-25	4	4
3	26-29	1	5
4	Total	12	12

Source: Field Data

The above table shows the age differences between the couples of court marriage and there is a gap between the age of male and female. The majority of the couples married in their teenage because the parents do not agree and reject their choice without any reason. This rejection provokes many of the couples to go against their elders and married against their will. It is found that many of the parents forces the girls to marry with the aged man for the sake of wealth and status. The love married couples talk about these issues before taking any step and try to convince their parents about their choice.

This age differences create a gap within a relationship and the majority of the married couple of love marriage have age differences in that native area. The parents of the girls almost give their daughters to an older man against their choice. They do not ask their consent while selecting their soul mate. Every person has his own desires of his soul mate. But when one's mate does not live up to this desire of role model, then there are issues of disappointments and even disrespect for the decisions which are taken by the parents.

The woman of that area is deprived in the matter of decision making. In rural settings of district Rajanpur, forced marriages are still practiced. Woman and girl children are victims of *Vani*<sup>6</sup> and *Sawara* and they are treated as daughters and relatives of the enemy. *Watta Satta*<sup>7</sup> is also practiced there in which they trade the brides in their early age. Such early marriages are a crime in which woman is deprived of their property rights. This age difference in marriage affects the one idea of a role model and it raise conflicts and disagreements between the children and parents. Beside all these differences in age, traditional and symbolic arrangements of that community, court marriages are still practiced and couples are breaking these traditional norms and values.

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<sup>6</sup> young girls are forcibly married as part of punishment for a crime committed by her male relatives.

<sup>7</sup> Bride exchange.



## **4.9 Consequences of Court Marriage**

During fieldwork consequences of court marriages are found after conducting interviews from the respondents. Different views and perceptions are given by the local people. Many of the advantages and disadvantages of love marriage are found, but we cannot say that it is good or bad or it is superior to the arranged marriage. Love marriages hold emotional values and strength which are not present in arranged marriages. But love marriage also has many disadvantages as well.

### **4.9.1 Acceptance from the Families**

The main drawback of love marriage is inability to adjust with family, which is found during fieldwork. Majority of love marriages involve individuals coming together of two cultures and socially different families. The people of that area are very rigid and they are tradition bound society. It is found that the couples who do court marriage have negative images of the people. The families of both bride and groom do not accept them as their family member. They treat badly with their wives. Many of the women and girls are interviewed during fieldwork. Some of them blamed themselves for running away from their homes and considered that they had committed a crime against their families. The society does not treat them in the good manner and do violence on them. The couples of love marriages, especially the bride is disregarded many times by the local people of that area. Sometimes they abuse them and shouted out by bad names. The conflicts in love marriages lead to cruel outcomes that are faced with the couples which are interviewed during field work.

### **4.9.2 Security Issues**

Women and girls in Rajanpur often face many risks when they leave their families. The girls or women who choose to leave their home usually face unbearable situation. They seek great personal risks and escaped from their homes. Twelve of the women and girls who leave their homes have fear of their husbands and family members. Many of them are in danger of being killed or harmed by the family members.

According to field work nine of the female respondents have told that their in-laws harass them and threats are given to them. Some are murdered by the family member or in-laws. Honor killing is still happening there and their lives are at risk. This honor killing happens, especially in the tribal areas of district Rajanpur. Because of strong feudal system and illiteracy in tribal settings and people are very rigid and conservative. They take it as a crime and punish the couples. The family members of some woman or girls file a complaint against them.

#### **4.9.3 Financial Problems**

Every relation has certain demands and needs which should be endured. Marriage is mainly an economic arrangement. The livelihood of the people is much disturbed with the less income generation and this increase the level of apprehension. In fact, this comes up with a new constant source of tension among the families. During fieldwork, it is found that the couple who practice court marriage suffers a lot of financial problems. It is found that the economic factor is an important indicator of conflict for the both married people. The couple who go for court marriages faced financial issues because they were not independent and did not earn their livelihood.

It is found during field work that; women are totally dependent on their husbands. The young couples who get married in court have limited resources and sometimes they could not meet their basic needs. During field work it is found that few of couples belong to poor families. These economic problems create stress on couples and it also increases conflict between them. They fight over limited resources and struggle with disappointments. Sometimes, these economic conditions diminish the relationship quality by increasing conflicts and it reduced the intimacy. Some of the woman and girl's respondents have told that because of these financial problems their husbands do violence on them. The young married couples of that area experience poverty and these young couples in their 20s face many problems and their relation is less secure than the older couples.

#### **4.9.4 Divorce**

While conducting interviews it is found that, divorce ratio is not much higher in that area, but some divorced cases are also found. The couples sometimes with their best intentions end up in divorce court. The ratio of divorce is less in Rajanpur district as compared to urban cities. But the reasons of divorce are also found during fieldwork. The failure of love marriage is because of high expectations which are not fulfilled by the partners. Before marriage, men and women both make a lot of assumptions and when it comes to marriage many problems arise when they don't meet the expectations. And this becomes a cause of divorce.

Moreover, another reason which is found that in love marriages different problems arises because of money. The unemployment of husbands is the key factor of divorce. Lack of money is the cause of marital problems and become a reason for divorce. The married couple facing financial difficulties is always under a stress which leads to constant arguing and lack of communications. They forget all the promises and love in such circumstances and file divorce to break their relationship.

While conducting interviews it is also found that love marriage couple faces different problems from their families and society. In two cases, parents play an important role in divorce. They always interfere in the life of a couple and always criticize on everything which the wife does. If the one partner spends too much time talking with her/his mother, then sometimes it can create mess up. It creates a gap between husband and wife and break down the intimacy in the relationship.

#### **4.9.5 Lack of Freedom**

Women and girls in Rajanpur have little freedom of movement and face numerous dangers when they leave their families. When, a young girl or woman who leaves home usually and it does a desperate measure to get away from an unbearable circumstance. Women and girls look for an extraordinary personal danger to get rid of themselves from forced marriage or a life of abuse. At that point they attempt to flee from their

homes with their beloved and requested that authorities' to intervene and go to the police to report the misuse conferred against them.

During conducting interviews, it is found that the couples who does court marriage face many problems. The girls and women have little freedom of movement in that area. Their dreams of happy married life do not come true. Both of the individuals who are in love feel a lack of freedom for their families. The families of boys do not allow their wives to move freely. The wives are totally dependent on their husbands and in-laws. The people of district Rajanpur have narrow mindset. There is Purdah system and women cannot go outside of their homes. They have a strong culture and traditional values. The females are bound to their household activities. The couples who practice court marriage have the issue of freedom of movement.

#### **4.9.6 Dowry as Practice**

During field work it has been also explored that people opt for court marriages often to avoid the expenses of the dowry, which has become a common practice, especially in Pakistani culture and due to which many young girls are going off their ages and yet to get married. Court marriages are inexpensive and in Rajanpur many couples who went for court marriages became successful in eradicating this cruel practice. The expectations of dowry get minimized on legally solemnized relationships. Dowry is a social evil which has affected our society very badly. It has caused too much destruction to the socio-economic structure. The dowry system has given birth too many evils. It will draw many girls to suicide to save their parents from economic drudgery and the cases of court marriage are also found due to this practice and to save their parents from this bad evil.

#### **4.11 Case Study 1**

Shakila Bibi was a young girl of 17 years' age and she lived in district Rajanpur. Her father was a rickshaw driver. She loved a man, his name was Ghulam Abbas. He was only about 28 years old. Her caste was Rind and the caste of her husband was Lishari.

She told her father about her beloved, but her father did not give his consent to marry him on the basis caste differences. She tried her best to convince her parents, but there was no use. Both of them decided to take a step against their parents and ran. They went to Jampur city and there they got married in the court. After that they went to Layyah and stayed there for a long period.

The girl said that after a few months my husband took me to his home where his family lived. The family of her husband treated her very badly and sometimes abused and offended. She told her parents insisted her to come back home and to leave her husband, but she did not listen to them. Her parents have filed a case against her husband and in-laws for harassing their daughter and after the decision of court her in-laws were charged with one lac rupees. She said that when she came to her husband's home, she came to know that her husband has another wife.

She was shocked and was unable to accept this harsh reality. Her husband told that he took revenge from her family and escaped with her in the name of love and did Nikah against her family because her uncle ran away with the aunty of her husband and then he decided to take revenge from her. After that her husband also treated her badly and did violence on her. Her in-laws force her to do wrong deeds and sent her to different men of the area to earn money.

She spent nights with other men for the sake of money and she gave that money to her husband and in-laws. Her rate for per night was different like 1000, 1500 and 2000 rupees. Her husband's cruelty forced her to take a step against him and she filed for divorce and put a case of harassment on her husband and in-laws. Then she came to shelter home of Rajanpur and stayed there. After that, she got divorced from her husband and she did not go back to her parents and lived alone.

#### **4.12 Case Study 2**

Sehrish was an 18-year girl who lived in Fazilpur city of district Rajanpur. She belongs to a middle class family. She was a college student and her caste was Awan. She

explained her case in a very emotional manner. She failed to control her tears during her story. The name of her husband was Adeel and his age was also 18 years and his caste was Darishak. Both of them speak the same language which was Saraiki. She told that she fell in love with that guy when she went to college and the guy also loved her. After a long time, we decided to get married and convince our parents to give their agreement. But when we told our parents about our choice, then they totally rejected it and did not allow us to marry because the guy was jobless.

She also told that she tried her best to convince her mother and brothers, but they did not give their approval for the marriage. Then they decided to go for court marriage and they went to Rajanpur court for Nikah. After one week of their Nikah they ran away from their homes when nobody gave them positive response. She told me that after running from their homes they went to Lahore and switched off their mobile numbers. After one week of their marriage, her in-laws reached there and brought them back home to Fazilpur.

She told that their issue was resolved by the elders of their family and the compensation was done on the basis of land property. Her brothers asked for 1.5 acres of land for their sister and handed over it to her for her security. She also told that after a time her in-laws did not treat in good manners and even her husband used to beat her as well. She admitted that she had made a mistake and had a lot of regrets for doing court marriage and still facing many problems.

#### **4.13 Case Study 3**

Irum was 23 years old girl and lived in Rajanpur. She told that she was the fiancée of Taimoor-ul-Hassan and his age was 25 years old. Both of them belong to same caste which was Sheikh. She was interested in her fiancée and also wants to marry with him. But with the passage of time her parents started to refuse their relationship and tried to break it. Her parents want to marry her with a man of their own choice on the basis of financial grounds. Her parents were greedy, but she liked her fiancée. She could not believe her parents threw her in a ditch without her consent. They forced her to marry

with that man his name was Mehboob but she rejected him and ran away from her home with Taimoor, his ex-fiancé.

After that her parents and Mehboob went to Irum's house and tried to kidnap her, but by chance Taimoor reached at the spot and released her wife from them. Mehboob warned him that he will come back again and will kill him and her wife. She told that she and her husband were harassed and felt danger. Then she went to court and filed a case against her parents and Mehboob. She was a victim whom her parents forced her to marry against her choice and this was not acceptable for her. She feels sad when she remembers her parents act, but she was fully supported by her husband on every ups and downs of their relationship.

#### **4.14 Case Study 4**

Sajid was 26 years old, he was a shopkeeper and belongs to Khawja caste, he fell in love with a girl name Salma, she was 22 years old and her caste was Sunnar. They were relatives and her education was Matric. The boy was already married to her first cousin. He later also fell in love with Salma. He told that, they could not do anything because they were bound by the society. But it was hard for them to live without each other. Then they decided to leave their homes and to get married in court. Before leaving his home Sajid gave divorce to her first wife. His first wife was shocked because of his act, the family of his first wife made issues behind him and were angry at him. Afterward, they left the city and ran to Multan and stayed there. They were worried because of their act. He told that after a few months we returned back to our family and first they rejected us but after sometime they accepted us. They now have two kids and now they are living a happy life and feel no regrets.

## **5. LOCAL PERCEPTIONS ABOUT COURT MARRIAGES**

It is vital for any socio-cultural research to find out its deep roots which come into view after studying the background of the envisaged topic. During fieldwork, interviews are conducted from the couples and different questions are asked from the local people of that area about love marriage/court marriage. The participants gave their views and ideas about the love marriages and how society treats with the couple of love marriage.

### **5.1 Economic Background**

During field work twenty-four of the women and girls are interviewed who come from particularly disadvantaged backgrounds like from the poor families and without significant education. Most of them belongs to poor and middle class who performs a court marriage. They have faced cruel circumstances during this act.

### **5.2 Essentials of Court Marriage**

During fieldwork both men and women viewed about love marriage as love is an essential idea in the responses on the questionnaire as well as in interviews.

One of my respondents' reported that;

“Love as being essential in marriage and it is the main factor behind of her court marriage. Every person needs a life partner to love and support them. I want someone who love and care for me.”

Similarly, the essentiality of love in court marriage is more discovered during interviews which motivate the couple to do this act against their family and society.

Another female respondent said that,



“I feel that one should get married once and one has the true feelings of fulfillment of being with the partner whom you love that person.”

### **5.3 Consent of Parents**

The marriage without the consent of the partners is a fact which is decided by the elders without considering their choices. The case studies which are conducted for this study explain the causes behind this type of marriage. Marriage in childhood is also a form of enforcement of the decision of the elders, which is discriminatory. This type of forced marriages leads to court/love marriages. In all these cases, the choice is not asked and it has no worth at all. These practices are followed not in that specific area of study, but in other parts of Pakistan.

The formation of the social institution of family in Muslims societies is found in which a girl is not always viewed as assets and she is treated kindly. But before marriage, any kind of improper behavior would weaken her chances of making good marriage and it would threaten the honor and prestige of the family. Keeping the factor of decision in mind, all the respondents are asked if the marriage decided by parents is better or youth should decide about their future and why parents do not ask about the consent of boy and girl while deciding their marriage. Data reveals that 80% of male and female admitted that;

“The marriage should be arranged”

Other women said;

“Parents cannot make any mistake regarding the decision of marriages of their children. The elders always think in the right direction. Youth is not mature enough to decide correctly.”

According to field work thirty of the respondents agreed that marriages should be decided mutually. Parents must consider the will and choice of their children during

this life lasting decision. Also youth cannot be given free hand to decide for themselves without involving their elders.

Some of the young girls said; “Parents make decisions of their child marriage, but when the children told them about their choice and beloved one then parents opposed their choices and the children tried their best to convince their parents but they did not agree. This forced the children to run away from their homes and get married in court against their families.”

#### **5.4 Consent of Boy and Girl**

In that society boys and girls are forced to marry against their wishes. They are not given a choice to select their own life partner. But few of the respondent told that, some of the parents asked the choice of their children and if the boy or girl told them about their choice then they reject the boy on the basis of his financial or other conditions. Eighteen of the women said that the parents reject the choices of their daughter on the basis that the boy must be employed at reasonable service and he should be the sole owner of the independent house along with the respectable property. In other words, he can provide basic necessities of the life and security to his partner and his financial strength is very important in any case. One of the female respondent said that;

“The family of the boy should be small, supportive and economically sound.”

Twelve female respondents talked about the nobility of the boy, but majority of them focused on the wealth and property. On the basis of their perception, if their requirements are not fulfilled and find any objection in the personality of the boy they reject the choices of their daughter whom she loves. They do not take any care of her choice and then she makes a decision and ran away from her home make a court marriage.

Another young female respondent replied in desperation that “who ask our opinion? Nobody gives value to our choice and always take us for granted”.

**Table 7. Local perception about marriage by choice**

<b>Options</b>	<b>Views of men</b>	<b>Views of women</b>
Yes	6	13
No	4	5
Sometimes	2	6
Total	12	24

Source: Field Data

### **5.5 Religious Rights of Spouse Selection**

During interviews and discussion, seventeen of the respondents tried to connect the right of selecting the spouse with religion. Along with detailed conversation and interviews, it is found that honor has attained a huge space in the minds of local people and mostly the honor is related to women i.e. their virginity and character. Moreover, people of that community associate honor of family to biraderi or caste as an individual's representative.

The respondents are asked about to tell the real meaning of marriage and its importance in our lives. A majority of respondents declared that marriage as a religious obligation. Some women emphasize on safety or security of life and avoidance from evils. Moreover, all the respondents agreed that it is very essential to marry. Different men said that;

“Marriage is a natural need and it is a solution of psychological and mental problems.”

In the present study, the deviance from moral laws or societal values made boy and girl deviant and mistrusted member of the family. After that, the local people are asked about the court/love marriage and how they perceive about such type of marriage. A reasonable number of men and women opposed the extreme alternative of forced marriage like court marriage. Their views are very aggressive and have no space for

the couple who practice love marriage/court marriage. In the opinion of women; this couple should be kicked out of the family. Death is better than the insult of court marriage.

Nine of the male respondents said that;

“Family should impose sanctions on these sorts of dishonored young couples and the repute of the family is highly affected due to court marriage.”

The young boys said that; court marriage is not a good step and the couple should try to convince their parents for their choice and if they do not give any positive response they should remain silent before them and accept the decisions of their parents.

When a woman does not want to marry the man who is trying to arrange for her then she run away from him and after that she has to face many problems and always tagged by different names and views. A female respondent who practiced court marriage told that;

“When she came back to her in-laws after court marriage, then they treated her badly and called her by bad names. They abuse her and torture her. And even her own family members sometimes neglected her.”

In a few cases there is no obvious articulation of resistance by the women, however, this does not imply understanding or assent. One of respondent told that,

“I needed to get hitched in the long run, however not at that time. When I saw the person for the first time, I didn't care for him by any stretch of the imagination. However, I kept my mouth close keeping in mind, my family, particularly my mom.”

Another male respondent said that; after some time of her love marriage, her husband started to beat her for several times and even her father in-law burns her room in the absence of her husband to torture her. Twenty-five of the respondents explained that; parents imposed forced marriages and due to this enforcement they take a step against

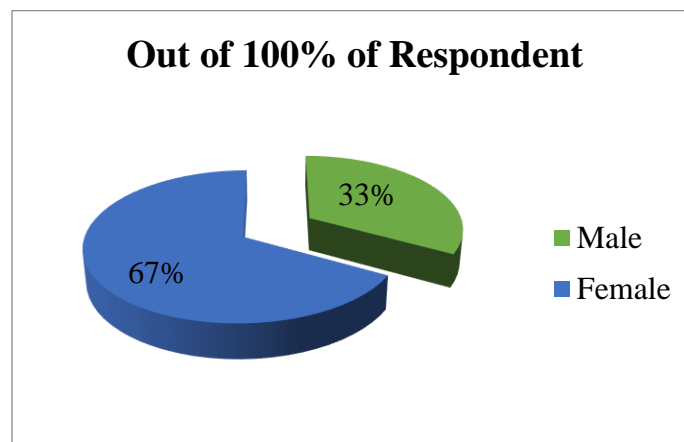
them and ran away from their homes. The parents reject the boy or girl on the basis of caste differences, endogamy or exogamy, age differences, economic conditions and religious differences, etc.

## 5.6 Role of Media and Technology

Data shows that 80% of the respondents said that the media and technology is responsible for the rise of court marriage. They said that mobile and internet is the source of connection between the young boys and girls and they always remain keeping in touch and fall in love with each other and that leads to court marriages. Twenty of the other respondents explained that late marriages, rise in educational level and increased contact among the people of the opposite sex.

The people are asked to inform their views about court marriage in this area. Besides, most of the men said that court marriage is totally immoral, unethical and unnatural practice. Some others said it is a shameful act. The people of the local community also expressed that court marriage is not a tradition and it is not allowed in Islam, but they admitted that this is being practiced among their society.

**Figure 4. Local Perception against Court Marriages**



Source: Field Data

From the above figure, it is found that 33% male and 67% female of that local community give their views against the act of court marriage. Some said that they

noticed the love marriage couples are unsuccessful and living with a compromising life. They have been observed unbearable and odd among their society which is bearing negative and harmful effects of their marriage. One of my respondents told me that the couple who practiced court marriage is killed in the name of honor. But six of them give a favorable response to the couple who do love marriage and said that every boy and girls have right to choose their life partner but with the consent of their parents. They said that some of the couples who practiced love marriage are living a happy life except all these problems and hurdles and are still facing them.

During field work it is found that the ratio of court marriage is increasing day by day in district Rajanpur which is mentioned below;

**Table.8 Year wise Data of Court Marriages in District Rajanpur**

<b>Sr. No</b>	<b>Year</b>	<b>No of Cases</b>	<b>Courts of District</b>	<b>Percentage</b>
1	2008-2009	07	District and Session Judge	23.33
2	2010-2011	05	Senior Civil Judge	16.66
3	2012-2013	08	Additional District and Session judges	26.66
4	2014-2015	10	Civil Judges Cum Judicial Magistrates	33.33
Total		30		100%

Source: Field Work

It is proved that during field work the researcher found that the phenomenon of court marriage is increasing in that area because of strong feudal system, endogamy, caste

hierarchy, social and cultural norms and values etc. These barriers encouraged the young couples to break these norms and practice court marriage against their families.

During field work six of the other respondents supported the option of court marriage, but with some conditions as; if parents and society do not agree, then the couple should consult the court if they have enough finances and the adjustment is possible till death. This must be final solution. One woman also explained that the causes of court marriage are illegitimate decisions of parents against their children. Furthermore, she told that the cruel customs and traditions are responsible for court marriage.

## **6. THE LINKAGE BETWEEN COURT MARRIAGE AND SOCIAL STATUS**

Marriage between spouses from various classes is not about only the two partners having different financial resources. It creates conflict between the social and cultural norms. The people who marry across class lines are moving outside their comfort zones. These differences are mostly represented in a different set of things like manners, food, child rearing etc. The lower class couple always struggles for comparable salary and to make things better for themselves. But these differences do not work in the context of romantic love. Different cultural assumption in different classes lie different set of values as well. In rural classes, family and kin networks are extremely important and individual choices have less value. It is because land based economic activities are labor intensive and need participation from several family members. But in urban, settings, the professional classes follow individual impulses and gratify personal desires. Such kinds of differences in value system are difficult for a couple to adjust in that case if they come from different classes.

Findings show that the phenomenon of love marriage basically is practiced in poor class and also in the middle class. As field data shows that 45% love marriages occur in poor class and 55% in the middle class. The young couples who get love marriage face unique challenges in building strong relationships. The young adults, particularly experience poverty. Before elopement, the young couples are emotionally attached to one another and they decided to marry against the consent of parents and eloped from their homes. They do not know the ups and down of the life before eloping and even they are not able to fulfill their basic needs after marriage and face financial difficulties. The young girls and boys are totally dependent on their parents and other family members before love marriage.

According to field work data the decision of elopement happens because of different reasons. Mostly boys decided to marry in this way because they felt responsible for saving the girl from being dishonored when their love affair becomes public. When the



name of unmarried girl is attached to a boy then the boy considers it his fault and married her according to their local values.

During interviews the link between court marriages and the social status of the couples are found in district Rajanpur. In that area, mostly the court marriages are practiced between poor and middle class. It reveals that the love marriages in that area involve individuals from different castes and class. Different classes are found in that area like landlords, upper middle class, middle class and poor class. This class system is like an individual social status in the society and hierarchy is based on this class ranking.

**Table 9. Social status and family structure of court marriage couples**

<b>Class stratification</b>	<b>Income of Families</b>	<b>Family structure</b>	<b>Number of cases</b>	<b>Percentage</b>
Upper	Above 50,000	Nuclear	2	16.66
Middle	20,000 to 50,000	Nuclear+ joint	5	41.66
Lower	15,000 to 20,000	Nuclear	5	41.66
Total			12	100

Source: Field data

According to the field data, in Rajanpur area 16% court marriage couples belong to upper class, while 41% belongs to middle class and 41.6% belongs to the poor class. It is also found that when the boy and the girl of different caste eloped then they are hardly accepted by the families. As, if a boy ran away with a girl of similar or higher caste and he takes the girl within a few days into his parents' home after their elopement. But, if the boy eloped with the girl of lower caste the parents will not accept them back and reject them. The parents of the girls in both cases are unwilling to accept the couple, but with the passage of time some of them also accept them.

Participants of the community of district Rajanpur also told that there are also cases where parents themselves encouraged their children to elope because they could not afford the costs of marriage. As arranged marriages are costly and they are of the view that if the parents of daughter cannot marry her off, then they encourage her to elope with her loved one. Hence the poor people of the community could not arrange the marriage of their daughters and do not have the resources for dowry and marriage ceremony. However, in field work the researcher does not find any case where parents have encouraged their children to run away from their homes on the basis of economic reasons.

It is found that five of the young girls who practiced love marriage told that they run away from their homes because they belong to poor families. Their parents can hardly fulfill their basic needs and could not afford the expenses of their marriage. Some others told that endogamy is responsible for the practice of court marriage. Other men said that financial reasons are more dominant and it has been found in our family that exogamy is dishonored practice. We cannot through our daughters to the people of other castes.

During fieldwork, it is found that the upper middle class people when they love and married to someone from the lower class mostly show stereotypical class prejudices. One participant said that lower class people do not know how to be better and how to improve their living standards. The imperative issue of sum up at a point that what are the concerns of parents while, making the decision of their child marriages. When the respondents were asked this question, then following opinions were noted.

Men said; in-laws of their children must be noble, serious and equivalent status holders and girl should be obedient, educated, beautiful and well-mannered having exemplary character.

During field work twenty of the women said that the boy must be self-employed and he should be dependent and he must have property. His financial strength is must in

any case. Another one said that his family should be small, supportive and economically sound.

The parents of the couple reject the proposal on the basis of their status. In district Rajanpur, the couples who eloped from their homes are mostly those couples who do not have any single penny during their elopement. But six of the couple stole money and gold jewelry when they eloped from their homes because majority of them were young couples who were totally dependent on their parents even for their basic needs. They were unaware of the consequences of the love marriage and its after effects on both of them.

Family backgrounds which differs among the young couples matters a lot for their marriages and have a lower risk of entering into marriage relationships. Different cases are found during fieldwork on the basis of economic differences. In five cases of love marriage, the boy belongs to middle class family while the girl was from poor class and other cases the boy belongs to poor class and the girl is from the middle class. Furthermore, the boy or girl belongs to the same class in some cases. The respondents are asked why they select their life partner on the basis of their class structure and eloped from their homes.

According to field data four of the young couples of love marriage told that they choose their life partner on the basis of their economic status. So that, they can improve their living standards high and they became financially strong. Some of them said that one can become strong on the basis of financial support and can fulfill their basic needs.

But which they expected from each other never happened to them and the young love marriage couples face different challenges after elopement. The expectations of the support they would receive from their parents failed. Such couples face uncertain economic futures and do not have safety nets. The couple who were empty handed struggles to fulfill their basic needs and faced many problems to make them economically strong. The majority of the young couple of love marriage receives help from family members and also financially support them.

The young married couple who eloped learns about relationships through their act and learns a lesson throughout their life. Their financial instabilities sometimes lead to divorce and dissolution of the relationship because economic hardship places stress on those couples which increase conflicts between them. They fight over limited resources and struggle with disappointments. Such economic hardships after their love marriage put stress on the couples and sometimes diminish their love and reduce intimacy. These financial issues lead to violence between the couples and create distress among them. The eloped couple does not have any family support and face economic difficulties and such kind of economic factors plays important role in the well-being of the couple.

During fieldwork the love marriage couples are asked about the difficulties which they face after their elopement and how they manage their basic needs. Some of them explained that when they eloped from their parent's home had not a single penny and they only had some clothes with them. They struggled for their basic needs and work hard to earn money for them. They do different occupations to earn money. Some of them were literate couple and know to teach someone. After their elopement they joined the school and start teaching to earn money. So that they can meet their basic needs.

Similarly, love marriages are becoming more common besides of all these issues and the main factor of it is economic reasons, before marriage, which lead to court marriage and the couple have to face reality after their marriage. They have to earn for themselves and work hard to meet their basic needs. These love marriages are happening on the basis of the class system and the couples do this because love is beyond any caste and class system. The couples are highly emotional when they are in love and do not understand what is wrong or right for them and they want to meet their beloved at any cost. They break the norms and values of their own culture and class hierarchy. So, they married with each other against their families and they have no concern whether he or she belong to rich or poor families.

## **6.1 Case Study 5**

Najma was 19 years old girl and she belongs to kumhar caste which was considered poor class in the community. While her husband Ahmad was 23 years old and he was from Draishak family, which was the most famous caste of that area and the people of this caste were rich and well established in that area and he was student of second year. They both had different classes and fell in love with each other and tried to convince their families for marriage but they did not agree.

They rejected the girl on the basis of their class because she was from a poor family and could not meet their demands. Darishaks were a bit harsh and rude to those who were not from their caste. Then her husband and she decided to go against their families and they ran away from their respective homes with some cash. After their elopement they had to start their new life and earn for them. Her husband works hard and started teaching in a school because their family did not support them. She told that they had faced a difficult time after their marriage and now she has two children and still facing the ups and downs of their life.

## **6.2 Case Study 6**

Ali was 21 years' young boy, his caste was Machi which is considered poor class in that native area and he loved a girl of another caste her name was Asma. She was 25 years old girl, she belongs to high class and her caste was Buzdar. The boy was from poor class who earn money on a daily basis to meet their expenses. But love is beyond all this class, caste hierarchy and age difference. He told that they love each other very much and cannot even think to live without each other.

Asma asked her lover to send his parents to her home for marriage. The boy sent his parents to her parent's home, but her parents rejected him just because he had a poor background. They insulted his parents instead of all their daughters forced her parents to accept the proposal, but all in vain they did not change their decision. After this the girl decided to run away from home because her parents were very rigid and rude to

her. Then they both ran away from their home with empty hands and after their marriage they realized money was the most important factor to live happy. Her husband started to work as labor and earned money for them. Now he told that life can only be good when one has enough money so that they can fulfill their needs and desires.

### **6.3 Case Study 7**

Shamshad was 17 years' young girl and belongs to Gopang caste, her husband Aslam was 19 years old and his caste was Qureshi. Both of them belong to poor class who hardly meet their basic needs. They fell in love with each other, but the girl was already engaged with her cousin, according to her parents' wishes. She does not want to marry with her cousin because she loved another boy of another caste.

When her parents come to know her love affair, then they tried to marry her with her cousin, but at the day of her marriage she ran away with her loved one. She also told that at that time they were insecure and had nothing with them. They faced many financial problems and these issues created stress on their relationship. They could hardly fulfill their basic needs and these financial stress leads to violence and at least they separated from each other because of their immaturity and financial insecurities.

### **6.4 Case Study 8**

Usman was a 22 years' young boy; his caste was Pitafi. He belongs to Sunni Sect and liked a girl, her name was Tehreem and she was 19 years old, her caste was Mohane. She was student of second year (F. A). She was of the Shia sect. Both of the young girl and boy loved each other very much, nothing could stop them from loving each other. He told that, he tried his best to convince her parents, but they did not give him their consent to marry Tehreem. He waited for a long time for their consent, but all in vain.

They refused on the basis of different sects. At last they decided to go for court marriage and ran away from their homes. He told that, he struggled very hard after taking such hard decision against his family. His wife also supported him at each step, both of them

faced difficulties and the society also blamed them for their act. They take them wrong and have misperceptions about them. Now they are living in a nuclear family and have one kid.

## **6.5 The Prevailing Phenomenon of Exogamous Marriages**

The study tried to find out the prevailing phenomena of exogamous marriages in district Rajanpur. Exogamous marriages are one of the major causes of court marriages in the area. The majority of the people believes in endogamous marriage for the sake of wealth, keeping the property within the same family, inheritance, strong kinship etc. People prefer the endogamy to strengthen their family ties and they have a sense of pride and honor. Although, due to modernity and advancement of technology the exogamous marriages are increasing and the life style of people, social institution and education is changing with the passage of time. These exogamous marriages are practiced by the couples of court marriage because exogamy is the result of continuous cousin marriages. Exogamy is beyond any specific group, lineage and clan, it is a sub-division of a larger society. It enhances the sociability among people and groups in broader terms, but socially as well as culturally these marriages are not welcomed heartily.

Muslim practices endogamous rules. As the two, the Sunnis and Shias do not intermarry. There are also various groups in Sunnis which practice endogamous like vohras, Tai etc. As a Sayed prefers to marry a Sayed, a Shaikh prefers to a Shaikh, similarly a Mughal prefers a Mughal and a Pathan give priority to a Pathan etc. Many of occupational classes are strictly endogamous and marriage outside the closed group entails excommunication. Some castes have endogamous sub division too (Kapadia, 1997).

In district Rajanpur, a large number of court marriages are exogamous because these marriages are based on different caste, religious sects, ethnicity and economic class system. The couples who run away from their homes belong to different caste, class and religion. Education is one of the best powerful tool of exogamy in the native area. It increases the ability to choose the spouse of their own choice and also increases the opportunities to work. Girls have access to safe and quality of education and they have the knowledge and confidence to make their decisions, including if, when and whom



to marry. This is because of modernization, which increases the opportunities of education.

**Table 10. Trends of court marriages and caste system in district Rajanpur**

Sr. No	Marriage trends	Caste of boy and girl
1	Exogamy	Darishak and Kumar
2	Exogamy	Machi and Buzdar
3	Exogamy	Qureshi and Gopang
4	Exogamy	Pitafi and Mohane
5	Exogamy	Lishari and Rind
6	Exogamy	Darishak and Awan
7	Endogamy	Sheikh
8	Exogamy	Khawja and Sunnar
9	Exogamy	Khitran and Nai
10	Exogamy	Lund and Sayed
11	Exogamy	Khosa and Gurchani
12	Exogamy	Qaisrani and Khitran

Source: Field Data

The above table shows that majority of love marriage couples go for the exogamy because they select their partner who belong to other caste, class, religion and ethnicity while only one case is endogamous which is found during field work. Exogamy leads to love and sympathy between two people of different groups and communities. When a boy and girl like each other and want to marry, then they tried to convince their parents about their choice but their parents reject them on the basis of their different caste, class or religion. Their parents prefer to select their mate on their own choice but

the young boy and girl take steps against the will of their family and do not want to marry on their parent's choice.

Young boys and girls meet new people and make different friends in schools and colleges who belong to different ethnic groups and have different socio-economic status. This social interaction becomes the reason of court marriage because the young boys and girls are not able to select their mates by choice that is why they prefer court marriages without consent of their parents. They started to give importance to affection and personal compatibility in choosing their mates. They prefer to select their own life partner instead of their parent's choice. They break all the norms and values of their families and prefer their own choice on the basis of their emotions and desires.

A large number of people still practiced endogamy in selected areas. They consider themselves pure and others are impure (it is because of their caste and ethnicity). Every one of them prefers their self and considers them superior and takes others inferior. Some of them prefer to endogamy in the sense that their wealth does not go waste, but remain within the same family. The other reason of endogamy is religious differences which compel the local people to practice it. They do not mix with the people of another sect, whether they are Sunni or Shia or belong to another religious background.

Some of the parents enforce them to marry according to their choice, but their children did not accept their decision. Then they decided to go for court marriage against their family. The people of that area considered their blood as pure and other blood is impure. Some of them practice endogamy on the basis of racial and cultural differences. Everyone has a close bond to its own caste and race and they follow their own same culture. They do not allow their children to marry in another caste or class. They always prefer to select the partner of their children within their own family. On the basis of these values and restrictions the couple who fell in love breaks those norms and takes steps against the will of their parents and go to court marriage.

During fieldwork the respondents are asked about the phenomenon of exogamy and why they practice endogamy. The majority of men said that, 'First in the family, then

outside' other said that endogamy unites the family. It secures our values and traditions and keeps the families in strong bond and the wealth remain in the same family. Half women from a sample size opposed the men's point in different manners as they preferred exogamy. A young lady said that people should be good whether inside or outside. Another woman said that;

"It depends upon the choices and available options. The majority of love marriage couples were married outside the family interviewed. Most of the respondents said that they married because of their love and affection, not on the basis of their caste, class, religion etc."

Younger generation gives negative views about endogamy and support the exogamous marriage, but in a proper way. According to them, the children should convince their families for the acceptance of their choice. But the majority of the local people are still in the favor of endogamy. The people are asked about the reasons of exogamy which is also cause of love marriages; 75% of the total sample were of the view that exogamy is due to modernity and the younger generations do not like the interference of their parents and families in their mate selection and wanted to become independent in this regard. Some of them said that;

"Due to modernity and technology people started to prefer love and decided to choose their marriage partner. That increases the feelings and emotions for their beloved person and can always be in touch with each other because of mobiles and the internet and other social websites."

A few of them explained that TV, mobiles and internet is the reason which promotes the young generation to connect with each other. It has a negative effect on them and they forget the norms and traditions of their families and started to cross their limitations. That's why the court marriage is increasing in that area.

It shows that due to exogamy the practices of endogamy have lessened to some extent in that area. The majority of court marriage couples is practicing and promoting

exogamy and breaking the norms and values of their families and society. But endogamy is still practicing in that area because the people want to retain their strong kinship and their wealth will be insecure and remains in the same family. The norms, values and culture is most important and prior to the people of that area.

Because of these traditional values the younger generation is going for love marriage and breaking the boundaries of their families and society by running away with their loved ones. The phenomenon of court marriage is increasing because of modernization and education in that area. They are aware of the problems faced by endogamous marriages and prefer their choice of mate selection. Technology and mass media play a vital role in increasing of court marriage and exogamy is prevailing in that area because through social media young girls and boys meet each other and share their view and affection which leads to exogamy.

## **6.6 Case Study 9**

Arif was 26 years' young boy and student of B.A. He belongs to a middle class family his cast was Khitran. He fell in love with Amber. She was 20 years' young girl and she was student of first year (in F.A) and belongs to Nai caste. Both were student and they want to marry with each other but Arif was already engaged with his cousin without his will. His parents forced him to marry according to their desires, but he was not agreed to do so. He did not like his cousin and he told his parents about his choice, but they did not accept it. He tried his best to convince them, but in vain. Then he and amber decided to take steps against their families and ran away from their homes because their parents refused to accept their choice. Both of them are living in a nuclear family and struggling to improve their living standards and facing the problems with bravery. Her husband is doing job in school and also gives tuitions to meet their family expenses.

## **6.7 Case Study 10**

Nasreen was 25 years old and she belongs to Syed family, she liked a guy who lived in her neighborhood, his name was Ikram, he was not Syed, he was 29 years old boy and belong to Lund caste. Syed families do not give their daughters out of their sect even she could wait for whole life. Both of them liked each other very much. Ikram send his proposal many times to her parents, but they rejected it on the basis of different caste and sect. He tried many times to convince them, Nasreen also tried her best but all in vain. Her parents were not ready to accept it. They wanted her to marry within the family. At least both of them decided to go for court marriage against their families. They ran away from their parent's home to another place. She told that her family tried their best to find them, but they could not find them. They were very angry with us because we did not follow their rules and norms. After few months of their marriage they filed a case of harassment in court against their families and court supported and gave protection to them. Now they are both living in a nuclear family.

## **6.8 Case Study 11**

Riffat was 26 years old girl. She got education till Matric but due to some concealing reasons, she could not pass the final exams. She told her chronicle in a very emotional manner. She failed to control her tears in a process. A boy Yasir of 28 age lived near her home. Both families were very close to each other. They had a long history of ideal relations. Yasir and Riffat both had a soft corner for each other. Yasir belongs to choose family while Riffat was from Gurchani family. After getting a job in college, Yasir asked his parents to take proposal for Riffat. His parents looked much hesitated as they knew the future implications of their son's desires.

Anyways, by keeping all their doubts behind, they talked with Riffats parents for the engagement of both young people. Her father angrily shouted on this proposal and refused to accept it. In fact, he insulted his guest and cut off all his past relations. A hidden rivalry started and all Gurchanis made boycott with the Khosas. Meanwhile,

Yasir made his contact with Riffat by telephonic call and asked her desire. Riffat admitted her consent for court marriage because her parents forced her to marry her cousin, but she did not want to marry her cousin. After that, they ran away from their homes and went to another city, where they lived for a long time. Their families blamed each other behind their act of running; at least the issue was resolved after a long time in court and both of married people are now living happily after facing problems and have two children's.

## **6.9 Case Study 12**

Huma was 18 years old girl, also was a student of Matric and belong to Khitran caste. She liked Rizwan who was 19 years old and belongs to Qaisrani caste. He was also student of F. A Huma was interested in marrying Rizwan; both were used to maintain their contact by telephone. Her parents were suspicious about her activities and then the question of Huma's marriage arose in her home by her elders. She asked Rizwan to send his proposal by involving his parents. Rizwan refused to send his parents because he thought to stabilize him on financial grounds, but Huma forced him to take a step for her.

Then, both of them decided to ran away from their parents' home, one day in the time of college, they ran away because both of them were very young and emotional, they even could not imagine to live without each other. That's why they took steps against their families and got married in the court. Both of them did not know the reality of life, after a time they realized it and could not do anything. Then, they came to their homes and apologized for what they did and forced their families to accept them. After a great struggle both of their families accepted them, she went to her in-law's home where she is not treated very well and she feels regret on her act.

## **7. SUMMARY AND CONCLUSION**

The study has exclusively attempted to present and analyze the causes, consequences, perception and practices of court marriages by conducting an extensive anthropological fieldwork in conventional society. The reason for selecting this particular locale was that the ratio of court marriage was high there because of the traditional and cultural bond society and the natives are the defendants of their norms and traditions. This study is very vigilant while streaming the lining facts between the two sorts of marriages i.e. arranged marriages and court marriages.

The simple distinguishing feature is the involvement of the parent's choice in arranged marriages and it is absent in love marriages. The love marriage couples marry without the consent of their parents and take steps against them, which is taken immoral act in our society instead of its legalization. The Supreme Court passed a law in which a woman has a right to marry according to her own choice and can choose their life partner without their parents' consent. Meanwhile, all this legalization the society doesn't accept the couples of love marriage and society is still rigid to them.

In our society, people always take love wrong, but in the light of the above mentioned statements, it becomes evident there is a significant difference in the opinion of the people. In fact, the diversity of the ideas is not emphasized here, but there is difference between the action and notion. What people say they deny it through their actions? It is quite visible that most of the respondents talked against the court marriage, but the presented facts here deliver a picture of the opposition in their verbal and practical demonstration. The court marriages are still practiced in that area besides of all these traditions and boundaries. In any case there is some favor and on the contrary, there is opposition regarding the controversial issue of court marriage or run away in marriage.

The researcher found that when a young unmarried girl elopes with her beloved according to her own choice, the parents know the nature of their daughter's departure. Then the parents of the girl approach the police station to register a case of kidnapping.

The police registered the case under the Islamic Law and then the case of love marriage becomes the case of abduction and rape. In some cases, the girl is forced to state against her husband and blamed him in the case of kidnapping. Afterwards, if the girl obeys their demand, then the husband is arrested and the parents took their daughter to their homes. Sometimes the girl is killed in the name of honor. Mainly, seeing of imbedded feudal attitude the police habitually hang hostile to the aggrieved woman. More constantly than not they tilt the position to parallel the culprit, as is the custom after gleaning sufficient sums in bribes.

Most police force is furthermore not ahead of its different amendments in the police order. The police moreover, are seen for what one is in to in subservience to the program and will not require action back these bodies have reached a decision. Regardless of political alignment, parliamentarians, women and men accordingly, are visualized on words swiftly on materialize when it comes to strength at variance with women. There are lots of jobs, for all that no real accomplishment in restriction of this terrifying crime. Councilors at the integration and district council directly are vulnerable that appeals against cases, violence could be removed at their level.

In the contemporary world, the trend of youngster's marriages without the permission of their parents is highly increasing. Resultantly, kidnapping, rape and honor killing cases are submitted, due to these reasons young boys and girls are in jail or confronting these cases in courts. Many girls live in the shelter-homes and their families and parents are facing humiliation. Now the question is who is the guardian? Guardian's means protector, near relatives or guardian is anyone who is wise, adult Muslim close relative of a girl who has the right of decision about her marriage such as father, grandfather or brother etc.

It is a reality that without girl's permission, her *Nikah* couldn't be possible. Even the father of an adult and wise girl cannot take decision on her marriage. Lahore High Court's three-member bench has given a detailed decision consisted of 84 pages on the case of "Abdul Waheed and Asma Jahangir. Most of the judges have the mutual opinion



that if an adult girl gets married to her will think that marriage cannot be declared as fake marriages. Islam forbids pre-marital relations, friendships between men and women. Young girls and young boys search for their life partner in against the preaching of Islam. The campaigns “search for husbands “is not favored. In an Islamic society, there is a significant importance of family and parents. It is not possible that they do force marriages of their children, but it is their right to be part of this important matter of life and their opinions should be respected. In Islamic teachings and societal values, it is better to give this right to parents and family, so that they can search out this matter and whatever the facts they found, they should share with their children’s. Premarital relations or illegal relations should be declared as crime and it is a dire need to make legislations according to regarding this matter.

The study found that most of the respondents admitted that the norms and values are responsible for court marriages. They explained that traditions are made by man so how these can be perfect. Culture is certainly influencing their lives in one way or another. This is the culture which has theft the right of selecting their partner. They are supposed to be deferred on the basis of languages that have no desires, no motives, and no authority. Disobedience is a big crime and even bigger than murder. A couple who appears as a rival by committing court marriage is kicked off from the family. They have no rights to enjoy property rights and other inherited belongings. In addition, the husband has to live with his wife constantly in the state of fear because they feel the threat of murder in the name of honor killing and the couple feels insecure from their families.

During the field work the researcher found differences of age in marital coping in love, marriage and arranged marriage and the main source of age is higher in young people in love marriage as compared to arranged marriage. It shows that marital adjustment is quite low in young couple having love marriage. The reason behind it is that in our society young couple having love marriage have great expectations from each other and they have an ideal picture of life, which is full of happiness. Young people are mostly fantasy lovers so when they face the real life which is contradictory to their

ideal life, they may not adjust in that life and mostly they feel their lives are full of problems.

It is very important to know the linkage of Islamic teachings with cultural norms, customs and traditions. People are used to mix the social values with religious paradigm, but Islam is not rigid, it gives the right of selecting the partner to every Muslim irrespective of gender differences. Islam gives equal liberty to women as men for the selection of a mate and no culture denies the right of selecting partners as well as no religion stops two individuals from marrying each other. Islamic mythology is very transparent from the life of Holy Prophet Muhammad (PBUH) who decided for his marriage himself because the first wife of Holy Prophet Muhammad (PBUH) proposed him and offered new relationship herself.

The researcher discovered that media has played negative role in dragging the youth towards the immorality in that local community. The youngsters are influenced by music, films, TV, dramas, poetry and they have reduced family control over the social contacts and access to information. A number of men and women reported against social media, which is considered the cause of court marriage because cell phones enabled the young boys and girls to dodge their norms and values. Several of the youngsters were active users of Facebook and the internet which have great impact on the youth because they were passionate consumers of popular films, music and they were familiar to the latest sounds and dances.

Although, many of the female respondents were unaware of their legal rights of marriage and they did not tolerate the violence and the enforcement of their families which is the cause of the emergence of modern marriages according to their own choice. Simultaneously, our religious teachings and eastern traditional roots are deep-rooted. In spite of the negative role of media, these roots never let our youth to be full distracted. In our society, where trends of women trafficking, marriages with Quran for the sake of property, Watta Satta are increased. It is not a surprise that girls are getting married without the permission of their parents.

The researcher found another reason of court marriage, which is the incompatible marriages or marriages within the family (endogamy). Islam does not forbid to get married out of family, where there an appropriate and compatible proposal is offered and girl also gives her consent to that proposal then *Nikah* should be arranged. The other reason of court marriage is that girls do not give full attention from their family and parents. Their feelings and emotions are neglected which makes them rebellion because of patriarchal norms of the family, which restrict decisions of women power so that, women who push against the limits of conventional behaviors related to marriages meet with harsh results including violence against them. This is because of male dominance, lack of women's decisions making power and restrictions on marriages which lead to violence against women in that society.

The conditions which are reported in this study are based on small sample size of district Rajanpur, but they occur in Pakistan with huge regularity. This practice of court marriages is found even within a limited geographical area because of distinction in class, ethnicity, sect, urban or rural settings and even because of individual family differences. In Pakistan, complex and multifaceted forces have produced different type of conflicts in family and gender relations. Due to socio- economic changes, the expectations of freedom and women egalitarianism are increasing. In this study, some of the women respondents were questioning to traditional values and they were expecting rights of choice for selecting their life partner.

We only need to discontinue the practice of misinterpreting Islamic teachings and spreading these wrong explanations to others. It is the era of media and we should sensitize the needs and deeds of the hour. Islamic teachings are the same as these were taught fourteen years ago, but the ways of dissemination have been manipulated by our traditions. Our norms, customs and values should not overlap the super-natural principles. The definition of a Muslim is a person who lives a life according to the real spirit of Islam by not teasing others. A Muslim can never draw the difference between action and notion. Muslims, so if they want to be true followers, have to follow the

original guidelines of their religion despite of manipulating the Islamic Ideology on one hand and destroying the lives of their own generations.

In case of differences between an adult girl and her parents in wedding issue, there should be an appropriate and respectful way to sort out the issue of conflict and legislative measure should be adopted to stop such kind of incidents. Parents should accept the choice of their children because it's the matter of the whole life and children have the right to choose their life partner. The young boys and girls should also follow the norms and values of their parents and family. One should not take steps against their parents for the sake of their honor and respect in the society.

The researcher suggested that there is need to establish and firmly enforce laws to guarantee that marriage is just going into with the free and full consent of the intending life partners and also, to institute and entirely implement laws concerning the minimum legal age of consent and marriage. It should be important to put stress on the policy level to accept and impose prerequisites for birth and marriage registration with the point of authoritatively deciding age at the time of marriage to stop the demonstration of forced marriage which is the reason of court marriage.

To ensure equal dissemination of the rights of children to express themselves and participate in all matters which are affecting them, in accordance with their age and maturity. This is not to terminate the local practices of patriarchy, but to enhance the access of women over their legitimate rights. This will positively help in eliminating the gender disparities in different types of social, cultural, sexual and financial abuse and to stop dangerous practices of such female infanticide, rape, incest, early marriages and forced marriages.

All types of violence against women and young girls deter the social and economic development of communities. The universal declaration of human rights expresses that men and women of full age have the privilege to marry and to establish a family, and that marriage ought to be gone into just with the free and full assent of the intending life partners. In our country, human rights are abused as marriages happen without the

free and full consent of expecting mates fundamentally the young girls and girl child. Women rights activists are profoundly worried about the incident of all types of violence against women and young girls, manifestation worldwide and repeating that need to intensifications to avoid and eradicate all types of violence against women and young girls throughout the world. The organizations are working for women's rights of marriages and rights of full consent to defend the couple of court marriages.

Women's rights in marriage will turn out to be progressively noticeable as human and women's rights issues. Today, an existence free of savagery is progressively acknowledged as a qualification rather than just a helpful concern. Moving desires, changing mentalities among the youthful and intergenerational strains will just strengthen as the effect of globalization, expanded training and changing parts of ladies in Pakistan and overall keep on change families and social orders.

Keeping in perspective the finding of this study, it is recommended that guardians ought to choose the life partner for their kids however with their meeting. In the case, if the youngsters had chosen somebody as their accomplice must counsel with their guardian. Guardians should permit their kids in the case that they had chosen about their life accomplice's choice to maintain a strategic distance from the false impressions and deformation. Life accomplice ought to select by the guardians that are good in their way of life mate ought to be likewise taught to the accomplice to have a place with same sectarianism to avoid the marital issues. Guardians ought to make examination about the character of the individual to whom they are going to get married their little girl.

## 7.1 RECOMMENDATIONS

After studying the phenomenon of court marriage in detail following recommendations would be helpful to solve the issue of court marriage, so that it could be stopped and the young boys and girls would be able to marry according to their desires and with the full consent of their parents.

- Education level should be increased to cope with the fundamental problems of marriage.
- Awareness about freedom of choice should be raised up to the optimum level.
- The philosophy of Islam must be understood in the light of the true Islamic teachings.
- The laws should be made through parliamentary legislation and these particular institutes should play their positive and effective role in this matter.
- There must be a proper mechanism for protecting the desires of couples.
- The choice of youth must be involved in their marriages.
- Parents should consider the opinion of their children and they should involve their children in the decision of their marriage and should not pressurize their children to get marry according to their own will.
- Couples should not be stopped in making independent decisions.
- Youth should also give respect to the desires and decisions of parents and elders.
- Forced marriages should be discouraged at the government level and also should be condemned as a curse.
- Media has to play a vital and constructive role to promote positive attitudes among the members of the society.
- Traditions should be glorified in order to cope up with the advance system and society.

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