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**CONCEPT OF DOWER IN THE MARRIAGE OF MEOS: AN ANALYSIS  
WITH REFERENCE TO MEWAT REGION**

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Mehr is a token of respect which is fixed in the marriages of Meos of Mewat region and has to be paid either in the prompt form or in the deferred form by the husband to the wife and used to be fixed at the time of Nikah. Our Prophet (PBUH) used this concept to ameliorate the position of the wife in Islam. In Islamic concept Mehr belongs absolutely to the wife.

The Dower therefore, is the property which is incumbent on a husband either by reason of its being named in the contract of marriage or by virtue of contract himself. In other words, it is considered a debt which is to be paid in all condition by the husband to his wife during his lifetime. Therefore, the dower is purely in the nature of a marriage settlement. It is a claim arising out of contract by the husband and as such has preference to bequests and inheritance, but on no principle of Mohammedan law it can have priority over other contractual debts.

Islamic concept sought to make dower into a real settlement in favour of a wife, a wide umbrella for a rainy day and ranks as a debt. In old preislamic days it often happened that the Arabs after despoiling their wives turned them out a driftheless and without means. So, Islam made it an essential incident of a valid marriage. Therefore, the husband must settle to the wife a certain dower which becomes her absolute property and has to be paid by the husband to his wife until unless he is not exonerated from this liability by the wife herself. The dower is a symbol of respect for the wife and is also act as a sword on the caprice will of the husband.

The Holi Book of Quran provides:

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“If you separate yourself from your wives, send them away with generosity; it is not permitted to you to appropriate the goods you have once given to them.” (Quran 2:229). Dower is essentially paid among Muslims. Likewise it is paid among Meos of Mewat region in strict form. With the spread of Islam, there were certain tribes which converted to Islam adopted it. The concept of Dower among Meos is almost the same as explained above. However, the amount of Dower, fixation and payment of Dower, demand of dower and widows right of retention are some of the areas which we find a clear cut deviation among the Meos of Mewat region from Shariya Law. These areas are still controversial and sometimes leads to undesirable and unexpected consequences. But with the passage of time and advancement in the social fabric, the Meos are also now following the principle of Shariya in matter of settlement of dowers.

### **Dower: Whethera necessary ingredient of Marriage among Meos of Mewat region?**

It is true to say that dower is an essential incident of marriage among Meos, so much so that even if there is a stipulation on the part of the women before marriage to forego all her rights to dower, or even if she agrees to marry without any dower, such agreement will be invalid and ineffectual and she would be entitled to customary dower i.e 32 tolas of silver medal. Without fixing the amount of dower in the marriage, the Meos consider their marriages as incomplete, imperfect and unislamic. Meos pay the amount of dower by means of giving silver or golden ornaments to the bride at the time of Nikah.

### **Distinction between Dower and Dowry:**

Dower (Mehr) and Dowry (Dahej) should not be confused. Dower is essentially different from Dowry. Dower under Islamic Law is a sum of money or other property promised by the husband to be paid or delivered to the wife in consideration of the marriage and even where no dower is expressly fixed or mentioned at the marriage ceremony, the law confers the right of dower upon the wife. The custom of giving dowry (Dahej) has been in vogue even uptil now although most of the people in Mewat are below the poverty line, cannot afford to meet the high demand of the prospective bridegroom. With the result they have to incur loans and pledge their valuables (ornaments and agricultural land) to meet such demands. It certainly leads to ruin and is a disaster to the family.

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In fact in the backward area of Mewat region, the concept of dowry is one of the biggest social evils that is eating into the vitals of Indian Society particularly in Meo society. It is prevalent throughout India, though in some parts it is more venomous than in others. There has been a hue and cry in the country against the pernicious system but with no effect. Social reformers have raised their voice against it but in vain.

The legislature has passed the Prohibition of Dowry Act, 1961 with the professed object and putting a stop to the evil system of giving and taking dowry. But the provisions of the act are halting and their efficacy to wash out the evil in question is open to doubt. The evil of dowry has created lot of lurches for settlement of marriages by the parents of their daughters who belongs to poor families which are living below poverty line. There are number of examples of late marriages of the daughters by their parents because of the serious problem of dowry. This tradition is highly adopted in the Meo society throughout the country in general and in the Mewat region in particular.

#### **Different types of Dower:**

There are two kinds of dower in Islam:

- a) Specified dower (al-mehr al-mussamma) and
- b) Unspecified dower or proper dower (mehr al-mishl)

Specified dower may again be divided into-

- i) Prompt- muajjal
- ii) Deferred- muwajjal

#### **Fixation of Dower in the marriages of Meos:**

Meos generally fix an amount of dower at the time of Nikah, the practice, however, is that this amount though fixed on behalf of the bridegroom, is usually paid by the groom's father and occasionally by the groom. The liability to pay is not strictly enforceable in a court of law but customary usage gives it a sanction and respectability. In Mewat however, there appears to be distinct tendency to rationalise the amount of dower to keep it within the financial means of the husband. The amount which is generally preferred is thirty-two and half tola of Silver, i.e corresponding to approximately 325 grams (now Rs 32.50).

#### **Mode of payment of Dower:**

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As per Hedaya say: 'The payment of Dower is enjoined by the law merely as a token of respect for its object (the women)'. The best general observation on dower are those of Lord Parker of Washington in *Hamira Bibi v. Zubaida Bibi*: 'Dower is an essential incident under the Islamic law to the status of Marriage. It is specified at the time the marriage is contracted, the law declares that it must be adjudged on definite principles. Regarded as a consideration for the marriage it is in theory payable before consummation but the law allows its division in two parts, one of which is called 'prompt' payable before the wife can be called upon to enter the conjugal domicile, the other 'deferred' payable on the dissolution of the contract of marriage either by death or divorce'.

It is hard fact that among the Meos, the dower is paid by means of silver or golden ornaments to the bride at the time of marriage. But in majority of the cases, the Meonies forego their claim to dower either at the time of marriage or at the time of her Husband's death. Among Meo of Rajasthan, Haryana and Madhya Pradesh, a verbal contract for a customary dower of a sum 32 tolas chandi (silver) is entered into between the groom and the bride's father. In disputed cases where wife alleges that her dower fixed at the time of marriage was a large amount than admitted by the husband, the burden of proof lies on wife to prove the amount asserted by her. According to *Riwaj-i-Am* of meo community, there is no regular custom of dower and the instances in which it is paid are very rare. They do not even know the exact amount of the legal dower they say it is 10 dirham=Rs. 32 or some annas.

In most of the cases, the meonies (Meo women) remit the whole or any portion of the dower in favour of her husband or his heirs. The remission of dowry is customary. It is made either at the time of first meeting or at the time of her husband's death. In the former case the persuasion by the husband on account of one reason or the other, mainly the domestic circumstances are taken into consideration by the wife. While in the latter, she deemed it her moral, religious and spiritual duty towards her husband to forego the claim of her Mehr.

### **Widow's right of retention vis a vis dower**

According to the customary practice of Mewat region, a meo widow is not allowed to retain the property of her deceased husband in lieu unpaid dower. Her right is suppressed by Meos and in few cases, the Panchayat gives her this right of retention. Thus, in Mewat a widow's right of retention is discretionary at the hands of village Chaudhary's. It must be noted that Meo Widows consider the dower as a personal right of the husband and not her

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own. While conducting the field study, the author was told that widow's right of retaining the deceased husbands property in lieu of her dower is considered a social wrong and the widows themselves do not want to come to the Panchayats and courts, considering it an insult to retain the deceased husband's property. However, the fact is that Meo Panchayat play an important role in this regard and decide suits relating to dower and a widow's right of retention. There decisions cannot be challenged under the provision of Islamic Law.

### **Concluding views:**

Therefore, I am of the view that the Meos have in theory accepted the Islamic Principles of dower, while in a practical manner they continue the Hindu practice of paying dowry. Though the stipulation of dower is seen as an integral part of the marriage yet in reality it is hardly paid and a meowife is deprived of claiming it during her husband's life, even if divorced. She did not claim its payment from her husbands estate even after his death. Dowry though is actually paid and many times is so excessive that it forces the family of the bride into debt.

However, this situation should be changed by the acceptance of the true Islamic principle of paying dower and refusing dowry. Such change would require a significant shift in the way families plan for their financial future. For this reason such change is likely to result in a gradual process. But this process can be promoted by educating the Meos on the true teachings of Islam while promoting the enforcement of the Dowry Prohibition Act, 1961. But as dowry continues to spread throughout India, regardless of that Act, said enforcement is likely to be a long and difficult struggle in Mewat. However, such complications can be solved by Meo Biradari.

### **Reference:**

As the author is herself a Meo by caste and residing at present along with her husband and in-laws in the heart of Mewat i.e at District Headquarter Nuh. Therefore, this study is based on her own experience as well as the idea she gathered from various old aged and experienced people of Mewat as she paid several visits to different areas of Mewat Region so as to know the factual position regarding the concept of Dower, its fixation, its mode of payment etc. among the "Meos of Mewat".

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