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## Analyzing Customary Law of Marriage and Family Practices of the Kalash Community in District Chitral Lower of Pakistan: Need for a Proper Legislation

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**ABSTRACT**

*The Kalash community, residing in the District Chitral Lower of Pakistan, is renowned for its unique cultural heritage, particularly its distinctive marriage customs and family practices. Love, arranged and elopement marriages are commonly found in the Kalash community. Love marriage is one of the important and most common types of marriage in the Kalash community. The way of living of Kalash community is distinct and their cultural practices are unique at the world level. Their women have complete freedom to choose their life partners. Nevertheless, no proper legislation is carried out by the government in order to codify the distinct marriage practices of the people of Kalash for the reason to give a legal cover to its customs. This research paper provides an in-depth overview of these traditions, which are deeply rooted in the community's ancient beliefs and social structures. The paper emphasizes the urgent need for proper legislation and policy measures to preserve and protect these cultural practices from erosion. By documenting and analyzing the Kalash marriage and family systems, this research aims to contribute to the broader discourse on cultural preservation and the importance of safeguarding minority communities' heritage in Pakistan. The findings underscore the necessity of collaborative efforts between the government, local communities, and cultural organizations to ensure the survival and continuity of the Kalash way of life for future generations. In this research article, unique marriage customs and family practices of the Kalash community are discussed in detailed. Various distinct local terminologies are well defined. Different stages in marriage ceremony are highlighted. Need for proper legislation of preservation of such practices are also emphasized. Recommendations are also given for effective legislation and preservation of unique marriage customs and family practices of people of Kalash.*

**Keywords:** Marriage, Customs, Kalash Culture, Chitral, Legislation, Janigrom, Alashing, Custody of Child, Polygamy, Dissolution Of Marriage.

**INTRODUCTION**

The Kalash community, residing in the picturesque valleys of Bumburet, Rumbur, and Birir in District Chitral Lower, Khyber Pakhtunkhwa, Pakistan, is a living testament to a unique cultural heritage. These three small valleys are located from two hours' drive from central Chitral towards the South of it. According to the population census, the total population of the Kalash Valleys is approximately 12000 of which the population of the Kalash people is approximately 4000. Bumburet Village is the largest village in the Kalasha Valley. Bumburet village is the hub of the religious and cultural activities of the Kalash people. It has a population of 7,466 (Pakistan Bureau of Statistics, 2024). They speak Kalasha, Khowar language. The Kalash people, often regarded as the last remnants of the Indo-Aryan tribes, possess distinct traditions, language, and religious practices that set them apart from the surrounding communities. The term is also used to refer to several distinct Nuristani speaking people, including the Văi, the Čima-nišei, the Vântă, plus the Ashkun- and Tregami-speakers (Strand, 2023). Their vibrant way of life, especially their marriage customs and family practices, represents a cultural legacy that has survived for centuries.

Unlike other communities in Pakistan, Kalash women enjoy remarkable autonomy and have the freedom to choose their life partners, making their marriage customs distinct and progressive. Marriage in the Kalash community is not only a personal bond but also a social contract deeply embedded in their traditional practices. Love marriages, arranged marriages, and elopement marriages are prevalent, with each form carrying unique local terminologies and ceremonial practices. These customs reflect the egalitarian nature of Kalash society, where both men and women actively participate in family and social decisions.

Despite their cultural richness, the Kalash community faces numerous challenges in preserving their traditions. The lack of formal legal recognition and codification of their marriage practices has left them vulnerable to external influences and societal pressures. The absence of protective legislation risks the gradual erosion of these customs, threatening the community's cultural identity and heritage. Moreover, growing external influence, religious conversion, and limited opportunities for socio-economic development further complicate their struggle for cultural survival.

This research explores the marriage customs and family practices of the Kalash community in detail, providing insights into their cultural significance and the urgent need for their preservation. The study highlights the importance of proper legislation to protect these unique practices and ensure that the Kalash community can maintain its distinct identity. It also emphasizes the need for collaborative efforts between the government, civil society, and cultural organizations to safeguard the Kalash heritage for future generations.

#### **THESIS STATEMENT**

The Kalash community, residing in the District Chitral Lower of Pakistan, is renowned for its unique cultural heritage, particularly its distinctive marriage customs and family practices, which include love, arranged, and elopement marriages. These practices, deeply rooted in ancient beliefs and social structures, reflect the community's egalitarian values and the autonomy of Kalash women in choosing their life partners. However, the lack of formal legal recognition and codification of these customs has left them vulnerable to erosion due to external socio-cultural influences and the absence of protective legislation. This research highlights the urgent need for proper legislative measures to preserve and protect the Kalash marriage customs,

emphasizing the importance of collaborative efforts between the government, local communities, and cultural organizations. By documenting and analyzing these traditions, the study aims to contribute to the broader discourse on cultural preservation, advocating for legal frameworks that safeguard the Kalash way of life and ensure its continuity for future generations. The findings underscore the necessity of integrating indigenous rights into national and international legal systems, promoting cultural diversity, and empowering minority communities in Pakistan.

### **OBJECTIVES**

This research article is aimed to achieve the following objectives:

1. To document and analyze customary law of marriage and family practices of the Kalash community.
2. To identify the challenges facing the preservation of Kalash cultural practices.
3. To emphasize for legal recognition and codification of Kalash marriage customs and family practices.
4. To provide recommendations for customs and practices preservation through proper legislation.

### **SIGNIFICANCE OF THE RESEARCH STUDY**

The significance of this study lies in its exploration of the marriage customs of the Kalash community, an indigenous minority in Pakistan known for its distinct cultural identity, traditions, and rituals that differ significantly from mainstream practices. These unique customs, particularly related to marriage, reflect the cultural richness and autonomy of Kalash women in choosing their life partners, which stands in contrast to patriarchal norms prevalent in many other parts of the country. However, these practices are often overlooked in legal and policy frameworks, leaving the Kalash community vulnerable to social and legal challenges. By documenting and analyzing the marriage traditions of the Kalash, this research not only preserves a vital aspect of their cultural heritage but also underscores the need for legal recognition and protection of these customs. It highlights the broader implications for minority rights, women's empowerment, and cultural preservation. The study aims to inform policymakers, human rights activists, and legal practitioners about the importance of protecting indigenous traditions within the context of Pakistan's legal system, advocating for inclusive reforms that respect cultural diversity while ensuring the protection of fundamental rights. Ultimately, this research contributes to a more comprehensive understanding of Pakistan's multicultural landscape and promotes the safeguarding of vulnerable communities and their rich traditions.

### **LITERATURE REVIEW**

Kalash people have very small population who are living near the border of Afghanistan in Chitral district of KPK. There are various theories about the origin of the community but they themselves introduced about their origin with Alexander the great. The community is different from the rest of the nearer communities of Chitral district. The culture of the community is very unique and different from the rest of communities. The way of living of Kalash community is distinct and their cultural practices are unique at world level. There are many foreigners visit the valley and they have different views regarding the community's religion, origin and culture practices. They are very flexible and also live happily. "The Kalash way of life is finely balanced, allowing both men and women to do their duties freely. The Kalash society

is not a male-dominated society like other communities in Pakistan. Their social organization is very effective, and ensures there is no cruelty or discrimination based on issues of gender. Kalash women feel comfortable living in a society which gives them respect and freedom.” It is quite common that the community’s women are independent about their choice of spouse and they have all freedom in the decision making of their own life. They are no bounded like other women of the nearer communities (Shkeikh, Rehman and Naz, 2013).

Kalash is endogamy marriage system in the community and they prefer marriage with their cousins but the trend has been changed from arrange marriage and love marriage. The trend of love marriage is increased in the community. It is because the system of marriage was failed in the community hence the pattern of marriage system was changed in the community. The practice of love marriage was adopted due to decrease the ratio of divorce among the spouse of the community. The community spends less money on marriage practices than the funeral practices. It is due to their cultural practices that more money is invested at the time of funeral practices of a person. Hence, it may increase the economic issues among the community (Rehmat, 2013).

They practice a single God. Their religion is also unique and their religion was misinterpreted by the people but they practice religious festivals at different time period of the year. They do not practice religion on daily basis like Muslim community. The festivals of the community are like a symbol of religious practices in the honor of Deza, a single God of the community. The community has strong believed system on the purity and impurity. The dress of the community is unique with multi-colors especially for women. The community people have fewer opportunities in their lives because they are bounded at a single place. Their culture is not still formatted into a proper documentation. They make struggle for saving of their culture for the coming generation. Now it is very difficult for the community to sustain their culture and religion due influence of nearer community (Naz, Khan, Daraz & Hussain 2011).

The valley has no much opportunity in context of development due to remote area of the district. The valley is in rich of natural resources and cultural practices. It seems that the government of Pakistan unseen the region for development context. There is no NADRA based ethnicity of the people. The people of Kalash are very simple and many visitors visit the region. The valley is a best source of tourism but no any initiatives would take from the government to develop the valley. Hence, most of the visitors face the issues at there while visiting the valley. The construction of the valley is very poor. Hence the natural beauty of the valley is hidden at national and international. No any positive steps were taken from the government about the culture of the community being a unique culture of the world as well as Pakistan (Khan, 1980).

The population of the community is going to become less due to preaching of Muslim community and make the people convert into Islam. Hence, it seems that the community and its culture and religion would be demolished very soon. Due to lack of support of the government the community is losing their identity. The circle of the community is becoming very limited due to growing the population of Muslim community. They have no choices to learn about their culture and religious practice and they are compelled to learn the culture of other community as well as religion of

the community. They are facing issues of culture, religion and language due to social pressures of the rest of the community (Parwaish, 1993).

## RESEARCH METHODOLOGY

Qualitative and quantitative research methodologies enable the researchers to reach into conclusion about particular facts, practices and population in the society. Qualitative data interpret the results in more detail while in quantitative study we generalize the things for whole society. According to Chaudhry (1998) "a sample is the part of a subset of a population. Generally it consists of some of the observation but in certain situations it may include the whole of the population. The number of observations included in a sample is called the size of the sample and is denoted by the "n". In this research both the qualitative and quantitative research methodologies were adopted. Thus, 150 sample was chosen for quantitative data while for qualitative data 12 interviews and two focus group discussions were taken. Data was collected through well-designed open and close ended questionnaires. Focus Group discussions among the respondents were also organized randomly with some in-depth interviews for information in a more natural and open environment. For this purpose, key informants local well educated and experienced residents of village Bumburat were approached. Qualitative data was interpreted in descriptions while quantitative data was analyzed and results were adduced.

### I. BACKGROUND

The Kalash or Kalasha, are a small Indo-Aryan indigenous (minority) people residing in the Chitral District of the Khyber-Pakhtunkhwa province of Pakistan. The term is also used to refer to several distinct Nuristani speaking people, including the Văi, the Čima-nišei, the Vântă, plus the Ashkun- and Tregami-speakers (Strand, 2023). According to one Kalash tradition, their ancestors migrated to Chitral Valley from Nuristan Province, Afghanistan or a location further south, called "Tsiyam" in their folk songs and epic and possibly located near Jalalabad and Lughman in Afghanistan. Another tradition claims descent from the armies of Alexander who were left behind from his armed campaign (The Kalash, 2007).

The Kalasha comprises three valleys; Bumburet, Birir and Rumbur where the Kalash people live. It is situated in district Chitral in the province of Khyber Pakhtunkhwa, Pakistan. These three small valleys are located from two hours' drive from central Chitral towards the South of it. According to the population census of 2017, the total population of the Kalash Valleys is approximately 12000 of which the population of the Kalash people is approximately 4000. Bumburet Village is the largest village in the Kalasha Valley. Bumburet village is the hub of the religious and cultural activities of the Kalash people. It has a population of 7,466 (Pakistan Bureau of Statistics, 2024). They speak Kalasha, Khowar language.

### II. FESTIVALS

The three main festivals (khawsáŋgaw) of the Kalash. They are the *Chilam Joshi* in middle of May, the *Uchau* in autumn, and the *Caumus* in midwinter (The Kalash Festivals, 2012). The pastoral god Sorizan protects the herds in Fall and Winter and is thanked at the winter festival, while Goshidai does so until the Pul festival (pū. from \*pūrṇa, full moon in Sept.) and is thanked at the Joshi (joši, žōši) festival in spring. Joshi is celebrated at the end of May each year. The first day of Joshi is "Milk Day", on

which the Kalash offer libations of milk that have been saved for ten days prior to the festival (Chilam Joshi Festival, 2021).

The most important Kalash festival is the Chawmos (cawmōs, *ghona chawmos yat*, Khwar "chitrimas" from \*cāturmāsyā, CDIAL 4742), which is celebrated for two weeks at winter solstice (c. 7–22 December), at the beginning of the month *chawmos mastruk*. It marks the end of the year's fieldwork and harvest. It involves much music, dancing, and goats killed for consumption as food. It is dedicated to the god Balimain who is believed to visit from the mythical homeland of the Kalash, *Tsyam* (Tsiyam, tsíam), for the duration of the feast (Conway, 2020 ).

### III. UNIQUE MARRIAGE CUSTOMS

The marriage practices of Kalash Community are extraordinary across the country. The steps involve in marriage ceremonies and abbreviations used in it also have uncommon features. Following are discussed in details;

- i. **Janigrom:** The Kalash marriage is called Janigrom.
- ii. **Athimonj Dang Hik:** Its literal meaning is the strengthening of bone marrow. It refers to determination of age. The majority people of the community have consented it to be eighteen years.
- iii. **Dadas Durawek:** It is a sort of consent verification. In the Alashing marriage the female side relatives come immediately after elopement to the house of the bridegroom. The relatives ensure about the consent of the female.

In Don Ja kind of marriage the husband goes to the wife's parents. The parents went to the new husband to verify reason of breaking marriage bound and her free consent.

- iv. **Shishaiistongas:** It refers to the solemnizing of both the partners in front Dezau. Sacrifice of cattle occurs for the solemnization.
- v. **Marat:** Marat means a feast. In Alashing marriage, the female side relative come for the re-verification of her consent.
- vi. **Ja:** It means the female life partner i.e wife.
- vii. **Beru:** It termed for the male life partner i.e husband.
- viii. **Mal:** It means marriage consideration given to the family of the female. It also includes other expenditures.
- ix. **Khojjadek:** It is an arranged marriage. The mode of this marriage is either the parents of male visit the girl's parents with some gifts or the mother of the boy make to wear the cultural necklace to the girl or through the parent's verbal agreement.
- x. **Alashing:** It is referred to the elopement of female with her beloved one.
- xi. **Don:** It means the marriage consideration given back in double when the married woman elopes with other man and get marries with him. The marriage dissolves at the time but new husband is bound to give the Don to the ex-husband. The taking of double marriage expenditure is called Don Griik.
- xii. **Jani/Jahez:** Jani or Jahez is the property given by the patents of the female to the husband. In common practice the items are goats.
- xiii. **Sariyek:** In Sariyek ceremony the female family and relatives give household accessories and animals especially goats to the daughter. It is the bigger ceremony then Jani(Jahez). However, both the ceremonies Jani and Sariyek are not obligatory to the woman parents. It is upto their capacity.

**xiv. Gadongmarat** : It refers to the event whereby the families of both sides get solemnized in Dadas Dura Hutik ceremony for the family relationship, called Khaltabari. Cattles are sacrificed and prayers are exchanged.

**xv. Khaltabari**: It means the family union between the female side and the male side. The parents of the families called each other *Khaltabari*. It is the union of two Kalasha families.

**xvi. Dadas Dura Hutik:**

After few months of marriage, the male visits the female's parents' house with the procession. A goat is also taken with them for Gadong Marat. Where the two family get solemnized. In Dadas Dura Nik the marriage consideration in term of utensils, weaponry or any other goods are given to the female parents.

**xvii. Pusht**: It is called the generation.

#### **IV. KINDS OF KALASH MARRIAGES**

Following are different kinds of Kalash marriages;

**i. Khojjadek:**

It is a marriage through guardian. The male side visits the female home with the utensils whereby the parents, mostly mother of the boy made the girl to wear a nickels or is done through the parents' mutual agreement.

Hence, the proposal and acceptance completes thought their parents. When the child gets old they can use their option of puberty either practicing the second kind of marriage Alashing (elopement) or any party can refuse to marry.

If they also comply with their parents' agreement, then after on the attainment of their legal age, the female side brought the bride to the groom's house and Marat ceremony takes place.

**ii. Alashingnik.**

This is marriage though elopement. The male adult, mostly in festivals proposes the female and after acceptance, the adult female goes to adult male's house for marriage. It is also called love marriage. This type of marriage practice is very common in the Kalash Community.

**iii. Don Ja**

In this type of marriage practice the married woman elopes to marry with other man. In this kinds of marriage, the new husband pays double expenditures to the ex-husband which he incurred on his marriage.

#### **V. STAGES IN KALASH MARRIAGE**

Following are different common stages in Kalash marriage:

**i. Shishailstongas**

It is the foremost obligatory ceremony before consummation of the marriage. It is immediately observed after the marriage before the night falls. The cattle, preferably sheep are sacrificed.

**ii. Dadas Durawek (consent rectification)**

In the second kind of marriage the female side relatives come immediately after elopement to the house of the bridegroom. The relatives ensure about the consent of the female.

It is considered to be the marriage agreement. Nowadays the signatures are also taken from both the parties and their relatives as witnesses after obtaining her free consent.

**iii. Marat Zuk (Khaltabatari)**

It is a feast where the family get united because of the marriage. It took place after a few days of the Alashing. The female side relatives visit the male's house. The most fundamental thing is to re-verification of the consent of the female in Alashing marriage. On her positive answer the feast is offered by the male side. On her negative answer the reason and their possible due solution is considered. If the problem not resolves, the marriage dissolves.

**iv. Dadas Dura Nik**

After a few months of marriage, the male visits the female's parent house with the procession. A goat also taken with them for Gadong Marat, where the two families get solemnized. In Dadas Dura Nik the marriage consideration in term of utensils, weaponry or any other goods given to the female parents. That same are claimed after dissolution of marriage by the husband in Don Griik. Before the Dadas Dura Nik ceremony, woman is prohibited to visit the parents' house.

**v. Dada DurawAlik**

After a few months the female is brought by their relatives to her husband house, where Marat again take places.

**vi. Marat after offspring's**

The husband gives feast to the wife's relatives after their first child birth. All these expenses are kept in record. Afterward the routine relationship begins with both the families.

**vii. Sariyek** : According to the financial condition of the female family. They make Sariyek. In Sariyek ceremony the female family and relatives give household accessories and animals especially goats to the daughter.

**VI. DISSOLUTION OF MARRIAGE**

Fallowing are different modes of dissolution of marriage;

**i. Dissolution though consent**

If the wife leaves the husband's house and declares disliking of husband, the consideration on her behalf has to be waved. The parents of the female give back the property, as a marriage consideration, given to them.

If the husband dislikes the wife and dissolution occurs, the husband gives grain flour and walnut for Shish Ahu. It means that the land from where the grain has been taken, is given to her along with the walnut tree, while the other marriage expenditure waved by her.

In case of marring second wife, the first wife has the right either to live with or leave her husband and her marriage dissolves. The husband has to pay her the consideration.

In either case the relatives and their family try to reconcile and digs out the possible solutions.

**ii. Use of right of puberty**

In the first kind of the marriage (Khojijadek), after attaining the legal age, either of the party can refuse to marry. They can enter into the second kind of marriage (Alashing) with their beloved one, while the Khojijadek marriage dissolves.

**iii. Dissolution by elopement (Don Ja)**

When the married woman elopes and get marries with other man, her first marriage dissolves, but the new husband is bound to pay the double of the consideration given to the ex-husband. It is also called Don Ja. The penalty in double is called Don and the wife is called Donwali.



**iv. Other reasons of dissolution**

There are also various other reasons for dissolution of marriage, which includes, the death of either party, impotency, disappearance of either party etc. There is no consideration on either party in all these cases.

**VII. CUSTODY OF CHILDREN**

In case of dissolution of marriage between spouses, custody of the children depends upon the situation and the parentage condition of the parents. However, in common practice the custody of children is preferred to be given to the husband.

**VIII. POLYGAMY**

The practice of polygamy is not common in Kalash community. However, cases of polygamy can also be found in the community. After getting permission from the first wife, the second marriage can be held. If the husband takes second wife, without permission of the first one, she can leave the husband's house and the marriage is dissolved.

**IX. ANALYSIS OF THE RESEARCH DATA**

The collected research data was both qualitatively and quantitatively analyzed as following;

**i. DESCRIPTIVE ANALYSIS OF QUALITATIVE DATA**

The Kalash community practices three distinct forms of marriage, each with its own cultural significance and social dynamics. According to one respondent, the first type is known as *Khatabare* in the Kalashi language. This form involves the male partner seeking the consent of the female partner's family for marriage. However, if the girl is deemed too young for marriage, her family reserves the right to accept or reject the proposal. Although this practice is not widespread, it continues to exist in certain cases within the community.

The second type is elopement marriage, referred to as *Alashing* in Kalashi. This form differs significantly from the first, as it is based on mutual affection between the partners, who choose to marry without the approval of their families. In such cases, the couple leaves their homes to unite in marriage, prioritizing their love over familial consent. While this practice was once more prevalent, it has seen a decline in recent times.

The third type, arranged marriage, was traditionally common but has gradually been overshadowed by the rising trend of love marriages. The community now perceives love marriages as more successful, believing that they foster stronger bonds and reduce the likelihood of marital discord. Arranged marriages, on the other hand, are often associated with challenges that can lead to elopement. However, one respondent expressed a preference for arranged marriages, emphasizing the importance of honouring parental wishes. She argued that arranged marriages align with cultural and religious values, and thus should be encouraged to preserve familial harmony and traditions.

The Kalash community's marital practices stand in stark contrast to those of other communities in Chitral. Respondents noted that love marriages are increasingly favoured, with many young couples expressing their affection during cultural and religious events. Parents generally support their children's choices, facilitating marriage settlements that reflect the wishes of both partners. This shift has significantly reduced the prevalence of arranged marriages, which were more

common in the past. The community views this change positively, as it grants individuals greater freedom in choosing their life partners.

Elopement marriages, once a popular alternative to arranged marriages, have also declined with the rise of love marriages. Additionally, there is a prevailing belief within the community that marrying outside the Kalash culture, particularly into Muslim families, can lead to significant challenges. Kalash women, who are accustomed to a relatively high degree of freedom, may struggle to adapt to the cultural and religious expectations of Muslim households, often resulting in marital discord or divorce. This perception has further reinforced the preference for intra-community marriages.

Education among the younger generation is also seen as a driving force behind these evolving marital practices. As awareness and perspectives shift, the community continues to adapt, blending tradition with modern values while striving to maintain its unique cultural identity.

## ii. QUANTITATIVE ANALYSIS

Statistical analysis means to define the collected data from the fieldwork at a given area. The collected research data has been analyzed and explained in the following tabular forms:

**Table No.1: Kinds of Marriage in the Kalash Community**

Category	Frequency	Percent (%)
Love marriage	90	60
Arrange marriage	24	16
Elopement marriage	30	20
Exchange marriage	6	4
<b>Total</b>	<b>150</b>	<b>100</b>

The above table No.1 is based on the type of marriage of the respondents while there are 150 total respondents participated. The majority of the respondents belong to the type of love marriage. The percentage of the above category of marriage is 60.0 out of 100 percentages. It is the highest percentage while the lowest percentage is 4 of the type of marriage of the respondents.

**Table No.2: Unique Marriage system of Kalash as compared to other communities of the locality**

Category	Frequency	Percent
Strongly agree	114	76
Agree	30	20
Don't know	6	4
<b>Total</b>	<b>150</b>	<b>100</b>

The above table is based on the unique marriage system of Kalash as compared to other communities of the respondents. A total 150 respondents participated. The majority of the respondents belong to the strongly agree. The percentage of the above category is 76 out of 100 percentages. There are 20 percent of the respondents belong to the agree, while 4 percent of the respondents didn't know, which is the lowest percentage.

**Table No.3: Choice of partner (both male and female) for marriage**

Category	Frequency	Percent
Strongly agree	105	70
Agree	36	24

<b>Don't know</b>	<b>9</b>	<b>6</b>
<b>Total</b>	<b>150</b>	<b>100</b>

The above table is based on choice of partner (both male and female) for marriage in Kalash. A total 150 respondents participated. The majority of the respondents belong to strongly agree. The percentage of the above category is 70 out of 100 percentages. It is the highest percentage and there are 15 percent is the lowest percentage.

**Table No.4: Free consent of women for love and elopement marriage system in Kalash**

<b>Category</b>	<b>Frequency</b>	<b>Percent</b>
<b>Strongly agree</b>	114	76
<b>Agree</b>	30	20
<b>Don't know</b>	6	4
<b>Total</b>	<b>150</b>	<b>100</b>

The above table is based on the free consent of women for love and elopement marriage system in Kalash as compared to other communities of the respondents. A total 150 respondents participated. The majority of the respondents belong to the strongly agree. The percentage of the above category is 76 out of 100 percentages. There are 20 percent of the respondents belong to the agree, while 4 percent of the respondents didn't know, which is the lowest percentage.

#### **X. NEED OF LEGISLATION FOR PRESERVATION OF MARRIAGE CUSTOMS OF THE KALASH COMMUNITY**

The Kalash community, known for its unique cultural identity, faces significant challenges in preserving its traditional marriage customs. These customs, deeply rooted in the social and spiritual fabric of the community, are increasingly at risk due to external pressures, lack of formal recognition, and the absence of specific legal frameworks. The need for proper legislation to protect and preserve these practices is vital to ensure that the Kalash culture continues to thrive without interference or distortion, discussed in details as follows;

##### **1. Threats to Kalash Marriage Customs**

The Kalash population is declining due to multiple factors, including social integration, religious conversions, and economic hardships. With increased exposure to neighbouring communities and limited support from the government, many Kalash people are compelled to adopt mainstream cultural and religious practices, leading to the gradual erosion of their distinct identity. Marriage customs, being central to their cultural expression, are among the most vulnerable aspects.

The absence of legal recognition for Kalash marriage practices poses a significant risk. Currently, these customs are practiced informally without any codified legal protection. This leaves the community susceptible to external influences and misunderstandings, which may eventually dilute or replace their cultural norms. For instance, practices like Alashing (elopement) and Don Ja (consensual dissolution of marriage) are often misinterpreted in the absence of proper documentation and legal frameworks.

##### **2. Importance of Preservation through Legislation**

The preservation of Kalash marriage customs requires urgent legislative intervention. Formal legal recognition would serve multiple purposes:

- i. **Cultural Protection:** Codifying marriage customs will protect them from being lost or overridden by mainstream practices.

- ii. **Legal Security:** Providing legal cover for traditional practices ensures that the community's rights are safeguarded under national law, minimizing conflicts or disputes.
- iii. **Promotion of Social Harmony:** Legislation will reduce misunderstandings between the Kalash community and other groups, fostering respect for diversity.
- iv. **Documentation and Continuity:** Legal frameworks will help document these customs for future generations, ensuring their sustainability.

### 3. Proposed Legislative Measures

To address these issues, the following legislative measures are recommended:

- i. **Codification of Customs:** A specific law recognizing and codifying the unique marriage customs of the Kalash community should be enacted.
- ii. **Legal Recognition of Marriage Practices:** Legal provisions should be made for the registration and documentation of Kalash marriages, incorporating their specific rituals and terminologies (e.g., Janigrom, Alashing, Marat).
- iii. **Preservation Committees:** Establish local cultural preservation committees in collaboration with Kalash elders to ensure accurate representation of customs in the legal framework.
- iv. **Education and Awareness:** Promote awareness campaigns within the Kalash community to encourage understanding and participation in the legal process while preserving their cultural autonomy.
- v. **Government Support:** Allocate resources for cultural preservation programs, including financial support for marriage ceremonies and cultural festivals.

### 4. Benefits of Legislation

Legislation for the preservation of Kalash marriage customs will empower the community and reinforce their sense of identity. By providing legal recognition, the government will demonstrate its commitment to the protection of minority rights and cultural diversity. Furthermore, it will reduce social pressures on the Kalash people, allowing them to maintain their traditions without fear of discrimination or legal complications.

### CONCLUSION

The Kalash people, known for their distinct cultural identity and ancient traditions, hold a unique position among the indigenous communities of Pakistan. Their marriage customs and family practices are deeply rooted in their religious beliefs, social structures, and ancestral heritage, reflecting a way of life that has remained remarkably resilient despite external pressures. These practices not only embody the community's collective identity but also form a vital part of Pakistan's diverse cultural landscape. However, the growing threats of cultural assimilation, lack of formal legal protection, and socio-economic challenges have placed these customs at significant risk.

The absence of specific legislation recognizing and safeguarding Kalash customs has resulted in legal ambiguity, leaving them vulnerable to misinterpretation and encroachment by mainstream cultural norms. While the Constitution of Pakistan guarantees the protection of minorities and their cultural practices, the lack of targeted legal measures addressing the distinct needs of the Kalash community has hindered the effective preservation of their unique traditions. Without proper legal

safeguards, the community faces an increased risk of losing these valuable customs to external influences and modernization.

Preservation of Kalash marriage customs and family practices requires a multi-faceted approach. The enactment of legislation that formally recognizes and protects these customs is crucial for ensuring their survival. This legal framework should be developed in consultation with the Kalash community, ensuring that their voices are heard and their cultural autonomy is respected. Alongside legislative efforts, there is a need for policies promoting cultural education, documentation of oral traditions, and awareness campaigns to combat stereotypes and misconceptions about the Kalash people. Moreover, judicial training and sensitization can play an essential role in ensuring the proper application and understanding of laws related to indigenous practices.

In conclusion, the preservation of Kalash marriage customs and family practices is not just a cultural obligation but also a legal and moral responsibility. Safeguarding this heritage will contribute to promoting cultural diversity and pluralism in Pakistan. Legislative intervention, combined with community-led initiatives, policy support, and broader public awareness, can help protect and celebrate the Kalash way of life for future generations. This holistic approach will not only preserve an ancient culture but also strengthen the country's social fabric by recognizing and respecting its cultural diversity.

#### **SUGGESTIONS**

- 1. Enactment of Specific Legislation** Introduce a comprehensive legal framework to formally recognize and protect the marriage customs and family practices of the Kalash community. This law should provide specific protections to ensure these traditions are preserved without interference from external socio-cultural norms. The legislation must be framed with active participation from the Kalash community to reflect their values and customs accurately.
- 2. Recognition of Indigenous Rights under Constitutional and International Law:** Align the proposed legislation with the constitutional guarantees of cultural and religious freedom in Pakistan and incorporate provisions from international conventions like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This will enhance the legal standing of Kalash traditions and promote their cultural autonomy.
- 3. Cultural Preservation and Awareness Programs:** Launch community-based awareness and education programs to promote the significance of Kalash customs among local and national stakeholders. These initiatives should target government authorities, the judiciary, and law enforcement agencies to foster respect for indigenous traditions and minimize discrimination or cultural insensitivity.
- 4. Inclusion of Kalash Representatives in Legislative and Policy Forums:** Ensure the active participation of Kalash leaders and elders in policymaking bodies at both regional and national levels. This will help to integrate their perspectives into laws and policies, ensuring that the legislative measures address the community's unique needs.

5. **Legal Aid and Support Mechanisms:** Establish legal aid centres specifically designed to provide the Kalash community with access to justice, particularly in matters concerning family law and marriage disputes. These centres should be staffed with culturally sensitive legal professionals trained in indigenous law and practices.
6. **Documentation and Codification of Customs:** Systematically document and codify the Kalash marriage customs to create a formal legal record. This codification process should be carried out in consultation with the community and legal experts to ensure it remains true to the traditions while adapting to modern legal standards.
7. **Judicial Training on Indigenous Customs:** Organize specialized training programs for judges and lawyers to enhance their understanding of Kalash customs and their importance. This will reduce instances of judicial misinterpretation and ensure that decisions affecting the Kalash community are culturally informed and just.
8. **Integration of Customary Law within Family Law Jurisprudence:** Develop a hybrid model that allows for the coexistence of state law and Kalash customary law within the broader legal system. This dual approach can preserve indigenous practices while ensuring that fundamental human rights standards are respected.
9. **Cultural Tourism and Socio-Economic Support:** Promote sustainable cultural tourism that highlights Kalash traditions, ensuring the community benefits economically while preserving its cultural identity. Revenue from such initiatives can be reinvested in preserving cultural heritage and funding legal protection programs.
10. **Periodic Review and Amendment of Laws:** Ensure that the enacted legislation is subject to periodic review with the involvement of the Kalash community. This will help the law evolve to meet emerging challenges and adapt to changing socio-legal contexts while preserving the essence of Kalash customs.

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