Female Child upto Puberty Stage
CHAPTER - III
FEMALE CHILD UPTO PUBERTY STAGE

Women in India are regarded and worshipped like Goddesses in different forms. But, practically, the challenges faced by them in India are peculiar. Generally, women in India are not only victimized by different types of violences like infanticide, sati, dowry, eve-teasing, acid attack, other domestic violences and kidnapping, but also deprived of the right to live peacefully and respectfully. Female foetus and baby are thwarted or aborted or killed in India and Tamil Nadu in particular. Usilampatti – Tirumangalam areas in the Madurai District, Dharmapuri and Krishnagiri Districts and some other parts of Salem are widely known in the 1980s for their murders of female children. The Dravidian governments are introducing a number of social welfare programmes for women in Tamil Nadu in order to help them attain equal rights for them on par with men and to raise their dignity and self-esteem in the mind of the public. This chapter analyses the various welfare schemes introduced by the Dravidian governments to protect the life of female child in Tamil Nadu and a critical examination of the success and failure, if any of them. It also assesses the measures taken by the Dravidian Governments to implement Child Marriage Restaint Act and the ideology of Periyar to raise the age of marriage of girls.

Female Infanticide

Female infanticide means the killing of the new born female babies (or) terminating their lives as soon as they see the light of the world. Infanticide is a word derived from its root word ‘infanticida’ in Latin infant, infans+i+cida-cide: one who kills an infant381.

Today, we hear of foeticides, i.e. terminating of foetus found in the mother’s womb. Some scientists call it ‘abortion’. It is certainly a criminal offence.
This inhuman practice is not a new phenomenon in our country in the late half of the twentieth centuries, when it was widely talked about. It existed in our country even in the 18th and 19th century. Many Brahmins murdered their female children as soon as they were born. It was still prevalent in some pockets of Tamil Nadu, even among the tribals. Female infanticide was not sanctioned by religion but the Hindu Shastras considered the crime of female murder as a grave offence.

Major Ludlow, a kind-hearted Englishman, took steps to enact laws as early as 1802 A.D., for the abolition of this horrid crime. The Bengal Regulation XXI of 1795 and Regulation VI of 1802 declared the practitioners of female infanticide as murderers. Finally, Act VIII of 1804, popularly known as the Female Infanticide Prevention Act put an end to the heinous practice of female infanticide in India.

Infanticide in Tamil Nadu

As said above, Tamil Nadu was or is not free from this practice. In Tamil Nadu human sacrifice (infant) was offered to Goddess Kali (Kotravai) during the 5th to 7th centuries A.D. Earlier, this kind of sacrifice was known as savara pali which is mentioned in Chola Poorva Pattayam. During the Colonial period, some cases of infanticide took place sporadically here and there in the Madras Presidency. But, it was not systematically committed on female infants. These infanticides were committed by women due to the prevalence of other social evils like widowhood, polygamy and dowry. These females were convicted and sentenced to transportation for life and were detained in the rescue homes. The number of women prisoners in Madras Seva Sadan increased to 26 during the year 1957.

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383 Ibid., p. 143.
387 G.O. No. 720, Home Department, dt., 20.03.1957, Government of Madras.
It is on record that Periyar left untouched not even the minutest/negligible part of the life of a girl child through her life until her death. Periyar stated that the story of women’s woe begins right from her birth and continues up to her death. The moment when a new born baby is announced as a girl, it causes disappointment and unhappiness. She is brought up as an inferior, timid and docile girl amidst boys of the same household. The gender discrimination starts from her birth itself. She is sold in a marriage contract to a man as merely a slave\textsuperscript{388} and dedicated to the temple service uncared for or killed mercilessly.

Periyar explained that parents gave preference to the male child due to the belief that they would be taken care of by their sons during their old age\textsuperscript{389}. Another belief was that man could reach heaven when his son performs the cremation rites, pours forth the oblation and performs the necessary service to the departed soul\textsuperscript{390}. Thus he (son) becomes the rightful heir to inherit all property, benefits and profits of the deceased parents. Periyar regretfully said that a few parents cut the head of a female baby in the room, where she was born\textsuperscript{391}. Recently, the heinous crime of female infanticide was acute in certain pockets of the erstwhile Madurai\textsuperscript{392}, Salem\textsuperscript{393}, Dharmapuri\textsuperscript{394} and Periyar districts\textsuperscript{395}.

Female infanticide is not an act of an individual but a family, directly or indirectly killing a female infant as a result of intentional purposive discrimination. It is a systematic elimination of female infants from this worldly life\textsuperscript{396}.

\textsuperscript{391} The Modern Rationalist, Chennai, August 1973, p.6.
\textsuperscript{392} Nearly 181 Female infants were killed in Usilampatti during 1993-94. Gulam Dastagir, k., Female Infanticide among Kallars of Usilampatti, in Devasia, V.V. and Leelamma Devasia, Human Rights and Victimology, Datsons, Nagpur, 1998, p. 72.
\textsuperscript{393} The number of infant mortality was 1200 in five municipalities in Salem District according to the survey taken for the past two years. Out of this 45% infant mortality were due to Female Infanticide. Dr.J.Jayalalitha’s 15 Point Children Welfare Programme, Government of Tamil Nadu, SWD and Nutritious Scheme, Chennai, 1993, p.35.
\textsuperscript{394} Dharmapuri’s sex-ratio in the age group of 0-6 is 877 compared to the State’s ratio of 939. Similarly, the Female Infanticide is 73 against the state’s rate of 55. Stated by Shankar, Convenor of the Tehelka Magazine, March 29, 2008.
\textsuperscript{395} Junior Vikatan, Pen Kulanthigal Piranthatum Kolai, (Tl), November 1990, pp.4-5.
Causes for committing the Crime

The circumstances which favoured for the murder of female infants are social, cultural, economic and religious.

- It is religious since there is no place for a man who is a destitute of male offspring\(^{397}\).
- It is social on the ground of dowry and caste problem. The evil practice of dowry reached/took virulent forms during 1980s in India, particularly, in Tamil Nadu. The number of dowry deaths in Tamil Nadu between the years 1980 and 1984 was 30\(^{398}\). But it increased to 12, 38 and 49 during the year 1985, 1986 and 1987 respectively\(^{399}\). Owing to the acute dowry problems, parents decided to kill their female infants at the time of their birth itself to avoid the problems of dowry torture and harassment in their future life.
- The caste-Hindus wanted to maintain purity of their blood and to avoid pollution of their caste due to inter-caste marriage of their girl with out-caste or lower caste boy.
- The Hindu mothers do not have decisive powers to safeguard their daughters instead they have to act to the whims and fancies of their husbands and kill their infant daughters to save their ancestral pride and avert the poverty, which has been caused by their marriage and other expenses\(^{400}\).

The phenomenon of India’s ‘missing woman’, a term used by Prof. Amartya Sen (1990) attracted a lot of attention amongst policy-makers, activists and the academic community.

Earlier, Periyar analysed the root cause of all these problems and pondered over where the fault could lie exactly. He concluded that the fault lies in outmoded religion and tradition. He considered that unless and until the out-moded religious traditions, which have mushroomed around was smashed out of existence, there was no way for emancipation of


women. To eradicate the female infanticide problem, *Periyar* pleaded the government should reserve 50% of employment to women who occupy half of the population of a nation and the jobs should be equally distributed between both male and female without any discrimination. In addition to this, every female member of the family should work and support her own family financially or at least she should take care of her parents during the old age.\(^{401}\)

Realising the importance of *Periyar* ideologies, the United Nations Organisations put forth his ideologies of children and women rights in Universal Declaration of Human Rights in 1949. To create awareness among the public, it declares 8\(^{th}\) March as International Womens Day and 10\(^{th}\) May-2\(^{nd}\) Sunday as International Mothers Day. Also it declared the year from 1975 to 1985 as International Decade for women.

*Periyar* being the friend, philosopher and guide of the Dravidian disciples, it has become the bounden duty of the Dravidian party governments to initiate measures towards the realization of *Periyar*’s aspirations and teachings. When C.N. Annadurai took over as Chief Minister of the Madras State, he said that he just represented *Periyar* and his government as the first *Periyar* government i.e. he dedicated it to *Periyar*. The Dravidian Party governments took pride in saying and doing so. In realization of *Periyar* thoughts, the Dravidian Governments like DMK and AIADMK, said to follow *Periyar*’s ideals, took all possible steps to the abolition of female infanticide in Tamil Nadu.  

**Dravidian Governments–DMK and AIADMK-Steps towards the abolition of Female infanticide:**

- The DMK Ministry introduced equal property rights for women by enacting *Hindu Succession of Tamil Nadu (Amendment) Act* in 1989\(^{402}\) to alleviate all kinds of sufferings of women, especially the pernicious problem of Dowry, since dowry is the main cause of female infanticide.  

\(^{402}\) TNLAD, Madras, 6\(^{th}\) May 1989, Vol. XV, p.422.
➢ The DMK Government introduced a remarkable Marriage Assistance Scheme to emancipate women from social distress during the poor girls’ marriage. It was named the **Moovalur Ramamirtham Ammaiyyar Marriage Assistance Scheme** from 1989 onwards. The scheme insisted on compulsory education up to VIII standard with the purpose of improving their knowledge to take self-decision and keeping them away from irrational belief.

➢ Both the DMK and the AIADMK Governments have been launching several Family Welfare Programmes to control birth to avoid unwanted children. For instance, the DMK Government adopted the attractive slogans like “*a small family is a happy family*”\(^4\) restrict the family and live happily\(^5\) in order to reach even the illiterates easily. The AIADMK Government introduced ‘Two Children Norm’\(^6\) and ‘One family, One heir’\(^7\) to avoid the excessive children.

➢ The DMK Government introduced the **Medical Termination of Pregnancy Act** in 1971, which permits mother to abort the baby during pregnancy, if there is any danger either to the mother or to foetus. But this act is evidently misused for committing foeticide. The government should be very cautious to implement this act.

➢ To create awareness among women about the evils of dearth of daughter as well as to sensitize women, **Self-Help Group Programme** has been launched initially in the Dharmapuri District by the DMK Ministry in 1989.\(^8\) This district was the most backward then in the State in literacy and was prone to all the social evils like child-marriage, female-infanticide, caste problem and revival of the **Devadasi** system in Tamil Nadu. This programme empowered women socially and economically in

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4. Moovalur Ramamirtham Ammaiyyar, a self-respecter, relentlessly fought against the abolition of Devadasi System in Tamil Nadu. To commemorate her services, this scheme was named after her. TNLAD, 7th April 1989, Vol. VII, p.297.

5. G.O. Ms. No.8, Health Department, Madras, dt., 02.01.1969.

6. Ibid.

7. Ibid.

creating awareness on the social evils and to take self-decision in family matters concerning the number of children.\textsuperscript{409}

\begin{itemize}
\item While delivering the Budget Speech for 1990-91, M.Karunanidhi, the then Chief Minister stated:\textsuperscript{410}
\end{itemize}

The DMK government issued an order in 1990 to take severe action against the offenders of female infanticide by imposing severe punishment under section 302 of Indian Penal Code. Accordingly, the Director General of Police was requested to issue suitable instructions to all the subordinate officers with aview to eradicate this pernicious practice. Besides, the government permitted Director of Social Welfare to start a **Reception Centre** to rescue and to provide rehabilitation to the abandoned children. The government incurred the outlay of Rs.76,800/- for establishing the Centre.\textsuperscript{411}

Later, it influenced the AIADMK Government to introduce **Cradle Baby Scheme** in 1992. Despite the innovative schemes of government, abandoning and kidnapping of newborn babies took place in hospitals and public places.\textsuperscript{412} It needs awareness among the public about the various welfare schemes introduced by the government for the welfare of children who have both the right to birth and the right to live in this world.

**Age of Consent in Marriage**

Manu advises the people that the ideal marriage was one in which the bride was one third of the age of bridegroom – a man of twenty four years should marry a girls of eight years of age.\textsuperscript{413}

\textsuperscript{409} Budget Speech for 1989-90, Government of Tamil Nadu, Madras, p.30
\textsuperscript{410} Ibid., 1990-91, Government of Tamil Nadu, Madras, p.39-40.
\textsuperscript{411} G.O.No. 255, Social Welfare and Nutritious Meal Programme Department, Madras, dt., 24.5. 1990. TheAIADMKGovernment introduced the Cradle Baby Scheme and Puratchi Thalaivi Dr. J.Jayalalitha Female Child Protective Scheme to save female babies and controlled female infanticide to some extent.
\textsuperscript{412} A baby girl, born just on June 11, 2013, was abandoned by her mother in the Tirunelveli Medical College Hospital. In an enquiry it was learnt that she already had four female children. *The Hindu*, Madurai, 27.06.’13.
\textsuperscript{413} Joshi.P.S.,*Cultural History of Ancient India*, S.Chand and Company Limited, New Delhi, p. 7-8.
But in ancient Tamil Nadu, pre-puberty marriage was unknown. Generally, marriage is solemnised after a love affair. All Sangam Classics are replete with evidences of post-puberty marriages alone\textsuperscript{414}. But this Tamil form, with the advent of Brahminism had become more ritualistic and ostentatious. As a consequence of concern for maintaining the purity of blood, which had already become mixed, girls had been given away in marriage even before their attaining puberty. Many caste-Hindu communities which had come under the spell of \textbf{Sanskritisation} process accepted without understanding the consequences, and followed the Brahminic child-marriage system. Once when the orthodox castes and communities became the victims of the super-imposition of Brahminic practice, no wonder girls were given following the \textbf{Kanyadhana} (‘giving girl as gift’) method. This is how the very simple marriage system had become more complicated, with no consideration for girls’ consent and rights. Almost all sections of the Tamil society followed it. There are innumerable instances of child-marriages and widows or self-immolations (\textit{sati}) in the caste-Hindu (high castes). The Tamil epic \textbf{Silappadikaram} may be a post-sangam work of c. 300 A.D., a period in which the Brahminic customs and practices were moving inroads into the native ones, mentions the age of Kannagi at the time of marriage as 12 years old\textsuperscript{415}. Even the marriage of \textit{Periyar} was conducted at a very young age. However, in practice, some restrictions were imposed on early marriage in the Hindu, Muslim and Christian societies.

\textbf{Reasons for Early Marriage}

The reasons stated for female child-marriage were:

i) to strictly adhere to \textit{shastras} and accepted traditions;

ii) to maintain purity of blood;

iii) to maintain the \textit{kula}and \textit{gotra} relations;


\textsuperscript{415} Ibid., p.20.
iv) to see the girl adjust to changes in the family life;\textsuperscript{416}

v) to learn to take care of the joint-family system and of aged elders;

*Periyar*, as an analyst and an empiricist, believed that the child-marriage is arranged in our society in order to train the girls in the world of slavery from their childhood days\textsuperscript{417}.

i) to prevent forceful abduction by the alien invaders\textsuperscript{418},

ii) to avoid love affairs mostly with low castes (pratiloma) and

iii) to enjoy and to adopt properties.

**The Evils of Early Marriage**

Katherine Mayo, a caustic critic of Indian society, gave in the 1920s, a vivid picture of Indian society and stated that the young girls in India were not provided with education but they had the knowledge of performing rituals of worshipping household idols, deities, evil spirits and attended to the menial services of her husband\textsuperscript{419}. The custom of child marriage was against the principles of true ideals of marriage and injurious to the vitality of the race\textsuperscript{420}. Inspite of her frail body, she had to produce countless children. In 1896, 28 percent of children died before they reached the age of one. Half of them died before they reached the age of 9\textsuperscript{421}. Such a tragedy took place only because they were born to infant parents whose age was 18 and 14 for father and mother respectively.

Early marriage was a hindrance to widen the horizon of knowledge among young males and females. It led them to the horrors of poverty\textsuperscript{422}. According to the Census Report of 1921, the number of literates per 1000 of each sex in the age between 15 and 20 was:

\textsuperscript{416} *Stri Dharma*, Chennai, March, 1922, pp. 70-71.


\textsuperscript{420} *Stri-Dharma*, Chennai, August and September, 1935, p. 347.


<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Year</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
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<tr>
<td>1.</td>
<td>1921</td>
<td>204</td>
<td>44</td>
</tr>
<tr>
<td>2.</td>
<td>1911</td>
<td>184</td>
<td>29</td>
</tr>
<tr>
<td>3.</td>
<td>1901</td>
<td>166</td>
<td>22</td>
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</tbody>
</table>

Source: Boag.G.T., Census of India, 1921, Madras, Vol. XIII, Part-I, Government of Madras, Madras, 1922, p. 120.

Moreover, they also lost freedom to take self-decision in their entire life. They had no chance to choose their partners in their life;

- It leads to enforced infant widowhood. Before the girl attained the age of puberty, sometimes her aged husband passed away. She then had to spend her entire life as a widow. According to the Census of India 1881, there were 24,787 widows below ten years of age in the Presidency of Madras, while there were 54,000 widows in India. So, their life became so much miserable.

- The premature sexual relationship is physically injurious to girls. Numerous cases were filed in different courts in India about the death of girl wives during co-habitation. For instance, Hari-maity aged 35 married Phulmoni aged nine years. She died on the grounds of forcible sexual intercourse against pre-puberty marital relations.

- It increases maternal and infant mortality rate due to poor physical fitness of girls. Young girls faced a long life of suffering and misery. Annie Besant was critical of the fact that young immature girls could not give birth to strong healthy sons and daughters as they were not strong and healthy themselves in mind and body. Also the child marriage caused various sufferings like weakness of body, skin disease, premature death and infant mortality. During 1913, the death rate of babies in England was 108 and in Madras it was 293 per thousand.

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424 Ibid.
425 *Sri Dharma*, Chennai, March, 1918, p. 36.
Premature child bearing leads to weak, sickly, disfigured and deformed children. Such children turned psychos, nervous and debilitated and they could not walk erect and think\textsuperscript{426}.

It enables the father of a girl to become a puppet in the hands of her son-in law\textsuperscript{427}.

**Periyar’s Idea on Age of Consent**

*Periyar*, an empirical and experimental social scientist, says that the diseases like infant mortality, maternal mortality, asthma, epilepsy, brain problem, blindness, etc. were the aftermath of child marriage. These diseases are common among the Aryan women who mostly succumbed to infant marriages. Added to this, many Aryan children who were between 5 and 10 years wore spectacles. The child marriage causes blindness in children\textsuperscript{428}.

*Periyar* was in favour of the Age of Consent Act while the traditionalists thought that Hinduism will be annihilated if pre-puberty marriage was not followed. Hence, *Periyar* cited the life of Sankara and Ramanuja during whose period the post-puberty marriage was prevalent. They were the prominent persons to revive and rejuvenate Hinduism after the decline of Buddhism. Hence, *Periyar* questioned: Was Hinduism ruined by the practice of post-puberty marriages done by Sankara’s relatives? Was he not an atheist? Were there two separate *Dharmasastras*, one for the religious Guru and another for his disciples or other Brahmins? Could there be two different *Karmas* - one for the *Guru* and another for the *Sishya*? He explained that we were unable to come out courageously from the clutches of our age old customs, since we were not adept to the modern education and culture. But, the universally accepted fact was that knowledge was common to all. However, we would get benefits only after the abolition of *Hindu Dharma*. So, the real human being would respect only humanism\textsuperscript{429}.

\textsuperscript{427} *Sri Dharma*, Chennai, November, 1922, p. 7.
\textsuperscript{428} *Viduthalai*, Madras, November 17, 1940.
Earlier attempts to introduce reforms in marriage and to increase the Age of Consent were undertaken by the Socio-religious reformers in India during the later half of the 19th century. Ultimately, the Age of Consent Act was passed on 19th March, 1891 as Act X of 1891 to protect the life of children. It increased the age of consent from 10 to 12. The British made an attempt to prevent early consummation of marriage under section 375 and 376 of the Indian Penal Code, which prescribe punishment for husband, when he consummated the marriage before the wife was 12 years old as child marriage was detrimental to the health of the women. It legally recognized the marriage of widows. This act was considered to be significant in checking the social abuse and one step forward towards the march of women’s liberation from oppressive social customs.

**Post-Puberty Marriage Bill**

Even after passing of the *Age of Consent Act* in 1891, the practice of child marriage was continued all over India. Pre-puberty marriage was prevalent among the orthodox Brahmans and other Non-Brahmin Hindus. Efforts were made earlier by the Princely States to abolish child marriage in their states. Though such preventive measure was implemented in the neighbouring states, child marriage was still practised in Madras Presidency, without any hindrance.

To prevent such an irrational practice of child-marriage in the Madras Presidency, various bills were introduced from 1899 to 1914. But the reformers could not pass the bill into an Act.

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431 Section 375, prescribes that a man is said to commit ‘rape’ who has sexual intercourse with a girl against her will or without her consent or if she is below 10 years of age.

432 Section 376 mentions that one who commits rape shall be punished with transportation for life; or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

433 G.O. NO. 148, Legislative Department, dt., 13.11.1914, Madras.

434 Census of India, 1891, p. 131. Mysore Government passed the *Infant Marriages Prevention Regulation Act in 1894* to prevent marriage of girls under eight and unequal marriage between men and women. In 1904, the Infant Marriages Prevention Act was passed by Gaekward, the enlightened ruler of Baroda.

435 C. Jambulinga Mudaliar, a member of the Legislative Council introduced a bill known as the Madras Infant Marriage Prevention Act in 1899 to punish the persons above the age of 18 involved in marrying an infant.
Child Marriage Restraint Act

Social reformers of India, particularly of the Madras Presidency took serious steps for the real regeneration and reconstruction of the Hindu Society by introducing numerous reforms. But, the efforts to prevent child marriage for girls below 16 years of girl, as said by Periyar, was unable to achieve by the reformers due to the strong opposition of conservatives, who believed that the marriage of girls before puberty was Shastraic, reasonable, fit and prudent. He said that marriage of girls should take place between the age of 7 and 12\textsuperscript{437}. The elitists argued that early marriages and early motherhoods deteriorate not only the race but also the health of young mother and the infant. Moreover, it leads to infantile and maternal mortality\textsuperscript{438}. The child marriage was common among all religious people but the number was higher among the Hindus. For instance,

The number of females married per 1000 during 1921 in the Madras Presidency was the following:

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Age</th>
<th>Hindus</th>
<th>Muslims</th>
<th>Christians</th>
</tr>
</thead>
<tbody>
<tr>
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<td>0-5</td>
<td>8</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>2.</td>
<td>5-10</td>
<td>46</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>3.</td>
<td>10-15</td>
<td>234</td>
<td>119</td>
<td>67</td>
</tr>
<tr>
<td>4.</td>
<td>15-20</td>
<td>699</td>
<td>650</td>
<td>512</td>
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</table>


In 1925, the Self-Respect Movement was started by Periyar E.V.R. to emancipate women from all kinds of social evils. From the inception of the movement, Periyar advocated that the marriageable age of girls should be increased to 16 and they must be provided with education till the age of 16 in order to live an independent life\textsuperscript{439}. He

\textsuperscript{436} Srinivasa Sastrti introduced a Bill in the Madras Legislative Council known as the Post-Puberty Marriage Bill on 21\textsuperscript{nd} November, 1914 to declare that the marriage of a girl before attaining puberty was invalid. G.O. No. 148, Legislative Department, dt., 13.11.1914.

\textsuperscript{437} Sri-Dharma, Chennai, October, 1923, p. 177.

\textsuperscript{438} Ibid.

\textsuperscript{439} Namadu Kurikkol, PSRPI, Chennai, p.3.
propagated his ideologies far and wide through pen and platform to create awakening among the public.

**Periyar's ideas on Child-marriage**

*Periyar* considered child-marriage as the worst atrocity prevalent among the orthodox. *Periyar* questioned: How could a merciful person tolerate innocent infants, being controlled by early marriage system and to be succumbed to this marriage system?

*Periyar* stated that the matured seed sown in cultivable land not only grows well and yields more production, but also flourishes and nourishes life in the world. If immatured seeds are cultivated, it would not give any benefits to the world instead it would destroy the cultivable land. Similarly, both men and women should enjoy the pleasure of marriage, which needs the mind, soul and physical conformity and they should do service to the world by increasing the happiness in the world. *Periyar* seems to echo the philosophy of life of Jeremy Bentham, the utilitarian philosopher, who expressed the view that the governements’ duty was to ensure “the greatest happiness of the greatest number”.

*Periyar* said that cultivators rush to nip the brier of tender plants in order to get more yields in future. But, they force women to give birth to child before they attain maturity by arranging child-marriage, which is physiologically and anatomically a destructive measure. *Periyar* viewed that the entire life of womenfolk is spoiled by infant-marriage. Consequently, it led to the existence of innumerable widows. When these widows come of age, they are unable to control their natural urge; as a way out, they become pregnant illegally and suffered excruciatingly for 10 months and gave birth to babies who were forcibly killed by their own hands due to their fear of religious dogmas. Even after finding the root cause of these merciless infanticides, the conservatives are so strict upon

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441 Ibid., p.25.
following religious codes. Similarly, the *sastras* too restrict the authorities from acting righteously and punishing these orthodox people\(^{442}\).

To realize the ideology of Periyar to restrain child marriage, marriage bills were introduced from the beginning of the 20th century\(^{443}\). However, the Aseembly failed to make a proper use of the golden opportunity to provide legal protection to unmarried girls\(^{444}\).

The League of Nation also passed a resolution to raise the age of consent of girls from 16 to 18 years of age. In spite of the passing of the resolution in the International Organisation, more opposition was faced by the social reformers to change the mentality of the Indians to raise the age of consent to just 14 years\(^{445}\). Meanwhile, Rai Sahib Harbilas Sarda introduced a bill, known as Child Marriage Restraint Bill to prohibit the marriage of girls below the age of 12 and of boys below the age of 15. Since the issue was raised against child marriages, the government appointed a committee on 25\(^{th}\) June 1928 to deal Sarda’s Hindu Child Marriage Bill, 1927. The committee was named as the *Age of Consent Committee*.

*Periyar* said that the main purpose of introducing and encouraging child marriage by the Brahmins was to prevent love marriage. They neglected the happiness of an individual for the sake of maintaining the purity of caste system\(^{446}\). However, the law member said that everthough *sati* was a more serious evil the Government abolished that practice with an iron hand. The practice of *sati* involved only a few minute suffering. On the contrary, the custom of child marriage involves the girl child to undergo continuous life-long suffering as a child wife, a child mother and a child widow. Therefore, the measure to prevent child marriage was very urgent and important from the national point of view as it concerns the health and

\(^{442}\) Viduthalai, Madras, November 17, 1940
\(^{443}\) Letter No. 2203, Law (General) Department, 10. 7.1925. Hari Singh Gour introduced a bill to increase age of marriage of girls.
\(^{444}\) Ibid.
\(^{445}\) *Stri Dharma*, Chennai, October, 1923, p. 184.
\(^{446}\) *Kudi Arasu*, Erode, 9\(^{th}\) June, 1940.
happiness of millions of girls and the welfare of the future race too\textsuperscript{447}. Periyar remarked that God and religion are two things which opposed invariably all kinds of reforms\textsuperscript{448}. Therefore, Periyar pooh-poohed the customs, manners and usages that were prevalent in the society, for changing the outlook of the people\textsuperscript{449}. Periyar convened the first provincial conference of Self-Respect Movement in Chengleput in 1929 and passed a resolution which demanded the Government to raise the marriageable age of girls to 16\textsuperscript{450}.

The Age of Consent Committee submitted a unanimous report to the Government on June 20\textsuperscript{th}, 1929. It recommended that the age must be raised to 15 in marital cases. Krishnamachariar introduced a bill to repeal the Sarda Act. But, it was defeated by 52 votes against 23\textsuperscript{451}. After much opposition the Harbilas Sarda Bill was passed into the Child Marriage Restraint Act XIX of 1929 on October 1\textsuperscript{st}, 1929 and came into force on April 30\textsuperscript{th}, 1930 and fixed the marriageable age for boys at eighteen and for girls at fourteen\textsuperscript{452}.

Before the passing of the Sarda Bill into an act in 1929, there took place a large number of child marriages on the ground that the act may impose restriction. Those who feared the act did such a mistake. Commenting on it, Mr. Jogendra Nath Mandal, the then Law Member, said that the year 1929 was a gala year for child marriage owing to the performance of millions of marriages\textsuperscript{453}. Vijayaragavachariyar, the prominent leader of the Congress Party, performed the pre-puberty marriage of his daughter, before the (Sarda) Act was to be adopted\textsuperscript{454}. But the defect of the Act was that it did not make child marriage a cognizable offence. Eventually, stringent measure could not be taken by the Government for its violation\textsuperscript{455}. India, the newspaper from Madras, raised several questions on the working of

\textsuperscript{447} Ibid., p. 100.
\textsuperscript{450} Namadhu Kurikkol, Op. cit., p.3.
\textsuperscript{451} Sri Dharma, Vol. XVI, Chennai, February 1933, p. 660.
\textsuperscript{452} Ibid., November, 1934, p. 6.
\textsuperscript{453} Letter No. 2991, Home Department, 30\textsuperscript{th} July, 1947.
\textsuperscript{454} Anandhi S., Periyar and his Ideologies on Women, (Tl), Women in Development, Madras, 1996, pp. 31-32.
\textsuperscript{455} Sri Dharma, Chennai, November, 1932, p. 31.
Sarda Act. Even when many child marriages were celebrated in Kumbakonam, the police were not able to take action\textsuperscript{456}.

\textit{Periyar} suggested that if the Government was for the welfare of the Indians, it should enforce the act in a way to enable the people to enjoy the fruits of the act. For this, it should cancel the old parliamentary laws which prohibit the promulgation of Sarda Act to the fullest extent. Otherwise the reformers, infact, lost their hope on the British which was oscillated to take efforts\textsuperscript{457}.

In 1946, two bills were introduced by G.V.Deshmukh\textsuperscript{458} and Sri Prakasa\textsuperscript{459} with the objective of registering and increasing the age of marriages. But these bills were not passed.

Again in 1947, Pandit Thakur Das Bhargava introduced a Bill known as the \textbf{Child Marriage Restraint (Amendment) Bill} in the Central Legislative Assembly in order to rectify the defects of the Sarda Act\textsuperscript{460}. He stressed that the marriageable age should be increased to 16 in accordance with medical evidence otherwise co-habitation before the age of 15 would be detrimental to the girl and to the progeny because the infantile mortality was very high level in India. Therefore, he felt that the amendment was necessary\textsuperscript{461}. The \textbf{Child Marriage Restraint (Amendment) Bill} was passed with some important amendments. Accordingly, the marriageable age of girls was raised to 15 and the age of boys remained the same as 18. It was known as the \textbf{Marriage Restraint Act}. When the Hindu Code was passed in 1955, the age of marriage of girls remained as 15.

\begin{footnotesize}
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\item[\textsuperscript{456}] \textit{India}, Madras, June 30 and July 13, 1934 in Native News Paper Report, July, 1934, p. 393.
\item[\textsuperscript{457}] Kudi Arasu, Erode, November 17, 1940.
\item[\textsuperscript{458}] G.O. No. 21, Legal Department, dt., 29.04.1946, Madras.
\item[\textsuperscript{459}] G.O. Ms. No. 36, Legal Department, dt., 09.04.1947.
\item[\textsuperscript{460}] G.O. No. 59, Legal Department, dt., 05.05.1947.
\item[\textsuperscript{461}] Ibid.
\end{itemize}
\end{footnotesize}
The Child Marriage Restraint Act was further amended on 2nd October, 1978. Accordingly, the marriageable age of girl was raised to 18 and the age of boy was increased to 21\textsuperscript{462} and it was implemented during the AIADMK Government. When Periyar passed a resolution in Chengleput Conference in 1929 to increase the marriageable age of girls to above 16 years, he faced much opposition and severe criticism from the orthodox people. Nowadays, it became a law and many women didn’t marry till 18 and 20 years. However, the marriageable age of girls was a never ending problem in the recent past\textsuperscript{463}.

Contrary to the Child Marriage Restraint Act, the Dikshidar performed 42 child marriages in Natarajar Temple, Chidambaram in 1989. Therefore, Tmt.Pappa Umanath, M.L.A., pointed out in the Assembly that the priest in Chidambaram Natarajar Temple performed 42 child marriages i.e., infant marriages whose age was between 7 and 8 years. If the boy bridegroom would die, the infant bride would be enforced to widowhood by wearing white dress and tonsuring her head. She questioned: Wasn’t there any Collector in the South Arcot District to prevent the performance of child marriage? The Government should have taken stringent measures against the occurrence of child marriage among the Dikshidar’s family. The Government should be very strict, especially, on the age of marriage i.e., 18 for girls and 25 for male. She also requested the Government to appoint an Advisory Committee to investigate into the violence against women\textsuperscript{464}.

Apart from introducing several social legislations to change the mental outlook of people to do away with child marriage, the Tamil Nadu Government introduced a number of Social Welfare Schemes. To check the performance of child marriage, as it was widely prevalent among the poor people, the DMK Government introduced \textbf{Moovalur Ramamirtham Ammaiyr Marriage Assistance Scheme} in 1989\textsuperscript{465}. By this scheme, the Government extended

\textsuperscript{464} TNLAD, Chennai, 21st April, 1989, pp. 554-557.
financial assistance of ₹ .5000/- to the poor girl for her marriage. But the beneficiaries should attain the age of 18 and their family annual income should not be above ₹ .12,000/-(now it is raised to ₹ .24,000/-). The Government has been implementing this scheme through the Social Welfare Department which would check all the formalities and verify the birth certificate of the beneficiaries for their age proof. It was learnt that the main reason for all the social evils prevalent in the society was illiteracy, ignorance and economic backwardness of the people. So, the DMK Government made education upto 10th standard and 8th standard as compulsory to avail the benefits of the scheme for the common and the tribal people respectively in order to equip girls to lead their life rationally and independently without yielding to any forcible circumstances. Consequently, the percentage of married females between the age of 15-19 was reduced from 22.8% in 1981 to 17.8% in 1991 in Tamil Nadu.

The sastras and smritis of Hinduism advocated child marriage. But, the literates and the social reformers relentlessly fought against the social evil of infant marriage for nearly a century i.e., from 1860, the Indian Penal Code, to the enactment of Child Marriage Restraint Amendment Act, 1978 in order to raise the marriageable age to 18. Influenced with Periyar’s ideologies, efforts to abolish child-marriage have been taken from the Justice Party Government to the present day Dravidian Governments. However, poverty, illiteracy, unawareness about the Government Welfare Scheme and increasing crimes against women are the reasons for ensuing child marriages in Tamil Nadu. Even though both the Dravidian Governments followed the Central Government Acts very strictly to prevent and check Child

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466 Ibid.
467 Tamil Nadu Human Development Report, Government of Tamil Nadu, Delhi, 2003, p. 178.
468 The ADMK Ministry increased the educational qualification in two categories. i.e. it granted the amount of Rs.25,000/- with four gram gold for tali to those who had completed +2, and the amount of Rs.50,000/- with four gram gold for tali to those who had completed any degree. Indirectly, this innovative provision raised the marriageable age of girl to 21. It also provided four gram gold coin in addition to Rs.25,000/- financial assistance for marriage to the beneficiaries who had completed 10th std and 5th std for tribal people. Nearly 36,829 beneficiaries who had completed either degree or certificate course were benefitted under this scheme during the financial year 2012-2013. In this way it tried to fulfill the ideology of Periyar on marriageable age for girl. However, the provision of ‘gold for tali’ in this scheme (though it popularised the scheme as tali symbol was personified with divinity) tried to violate the ideology of Periyar who condemned tali as veili (slavery) for woman. Dinamalar, Tirunelveli, 29.04.2013.
marriages\textsuperscript{469} the maternal mortality rate was not reduced considerably. Still child marriage prevailed in rural areas particularly in Madurai, Pudukottai, Salem, Dharmapuri and Krishnagiri Districts. Awareness programme on the importance of girl child should be conducted. The important component in the life of woman is marriage in which the Indian women suffered a lot on the grounds of ritualism, polygamy, dowry and denial of divorce right to women.

\textsuperscript{469} The Dravidian Governments had prevented 976 child marriages in Tamil Nadu during the year 2008-2013. \textit{Dinamalar}, Tirunelveli, 29.04.2013.