Marriage
CHAPTER - IV
MARRIAGE

In primitive society, there was no family at all. Besides, there was no private property. A male and a female had sex without restriction. But, with the subjugation of women on physical grounds of menstruation, delivery and other taboos, man began to possess her, imposed restrictions on her activities and her choice of sexual intercourse. She became an object of sexual pleasure, procreation, a slave to maintain the households by attending all his menial services, and nurture their children. The emotional, sentimental, sexual and behavioural attachment leads to the evolution of restricted activities, i.e. family. This bond between a man and woman, in course of time, became the institution of marriage\(^{470}\). To have control over women in family, the social contract of marriage was introduced and women’s areas of operation were reduced to home and hearth.

This chapter analyses the types and forms of marriages, how natural and simple marriage of Tamils became a complicated and ritualistic and to enslave women. How Periyar’s ideology and the Dravidian Governments’ welfare schemes led to the emancipation of women from Brahminical marriage and its evils.

*Periyar* viewed that the marriage system might have come into being only after the establishment of private properties and possession of wealth by man. He began to appoint a person to safeguard the wealth when he went out to earn more wealth and that person had to do menial services to him when he returned home\(^ {471}\). No other man would volunteer to do such services than women\(^{472}\). Hence, man appointed a woman to safeguard his possession and properties. Gradually, she became a possession of man. It necessitated man to find progeny to inherit his property and safeguard it after his death and he wanted the holder of his property to be of his blood. So, he tried to establish his rights over women and it became human.

\(^{470}\) Sadasivan, K., remarked in the Key-Note Address in Seminair on Empowerment of Women, in Sri Parasakthi College for Women, Courtallam, dt. March 12, 2008.


nature to hand over his possessions to his successor who must be born to him. Only by this way, the system of marriage came into existence. Periyar asserted that the system of marriage has no other philosophy on the relationship between husband and wife but, it is a way of merely subjugating women.\textsuperscript{473}

The institution of marriage is a socially recognized union between a man and a woman that serves to legitimise their children.\textsuperscript{474} Marriage was one of the most important rites in the life of the member of the Hindu society in ancient India. It was intended to serve the purposes like, sacred services, procreation and the sexual pleasure.\textsuperscript{475}

“Marriages are decided in heaven”, “Man proposes and God disposes”.

Accordingly, marriage in India has been given sacredness in the life of both the sexes.\textsuperscript{476} Thus both of them began to depend on each other for certain things. These include love, mutual respect, mutual physical relation, reproduction, bringing up children, sharing the agony and happiness of the members of the family like child birth, attaining puberty for a girl and attaining maturity for a boy, education, marriage, demise, etc.

Marriage is the single most important event of woman’s life. It determines the life of a woman to a greater extent than it does to the destiny of a man. Most of the problems for a woman arise from her marriage alone, because the system of marriage subjugated life of a woman wholly and she became dependent on her husband after marriage. The social reformers like Periyar demanded reforms in marriage in order to liberate women from servitude as he considered that marriage was the root cause of all problems including enslavement of women. In this chapter different types of marriages, their characteristics, their influences on Tamilians, Periyar’s ideologies on marriage, steps towards the enactment of Self-Respect Marriage Act, Widow Remarriage, Inter-Caste Marriage and Marriage Schemes are discussed.

\textsuperscript{473} Ibid., p.160.
\textsuperscript{475} Joshi, P.S., Cultural History of Ancient India, (Ancient Indian Social and Political Institutions), S.Chand and Company Limited, New Delhi, 1978, p. 5
Types of Marriage

The Tamil marriage system was more simple and natural based on love and the physical condition of five *tinais* or landscape than the Aryans which gives importance to rituals and fire. *Tolkappiyam*, the extant Tamil Grammar, mentions two types of marriages of Tamils despite referring to the Aryans eight forms of marriage. They are *kalavu* and *karpu*\(^{477}\). The natural coming together of a man and a woman i.e., *Kama Kuttam*\(^{478}\) constituted marriage.

In *kalavu*, two opposite sexes accidentally meet, fall in love, sport love and marry each other. This happens when both possess apt characteristics like love, knowledge, charm and the *tina*\(^{479}\). The love was developed by the consent of both the man and the woman only\(^{480}\). In *Poruliyal*, Ilampuranar refers to the charm that attracts the lovers and leads to their ultimate union\(^{481}\). It was prospered into the best friendliness without revealing it to their relatives.

The marriage based on love was divided into two. Firstly, the lovers marry each other before revealing it to others. Secondly, the lovers marry only after getting the consent of their relatives. It was referred to by *Tolkappiyar*\(^{482}\). If the love between thalaivan/ lover and thalaivi/lady love was not accepted by their parents, they eloped and consummated


\(^{481}\) Ibid. Kalaviyal-2

\(^{482}\) *Tolkappiyam*, Kalaviyal-50.

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Sometimes, the eloped lovers returned to the parents’ or relatives’ home and their marriage was arranged by the elders after which formal family life commence. The important feature of kalavu marriage is that once a couple has entered into kalavu, naturally and automatically they pass on to karpu.

Out of the eight forms of Aryan marriage, the kalavu marriage of Tamils was called the Gandharva marriage by Tolkappiyar. It is the most advanced form of marriage as it accepts the right and consent of woman for choosing her partner.

Another type of marriage was known as karpu. This marriage was arranged by parents. There was a tradition among the parents to find apt match for their daughter and by the ritual of karanam the bridegroom get the bride in Karpup. In this arranged marriage, the parents did not consult the opinion of the bride and neglected her rights to choose her partner of the life. She was considered a gift to be presented. She should obey the decision taken by her parents in marriage. It was a turning point in the life of women who lost her every right in the family. Even today this system is followed.

In order to prevent caste mix, the Brahmins introduced certain practices in the Tamil society. A society, which maintained its peculiarities fell a prey to outside elements that forwarded consequently. This is evident from the sutram in Tolkappiyam itself. It states that with the rise of lies and stains, the priestly Brahmins began to laydown rules of marriage.

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Different names of marriage

Marriage has different names both in Tamil and in Sanskrit.

The Sangam Literary works refer to marriage as Thirumanam, Manral and Vadhuvar. ‘Manral’ is equivalent to ‘Manru’. Manru means beneath the tree. Manru, therefore, may mean the stage built around the tree. It may be a square or circular shaped platform. Since the marriage is performed in the platform under the shadow of a tree it is known as ‘Manral’. Vadhuvar means performing a marriage in accordance with the wish of a woman or a bride. Similarly, Vadhuvar means acquiring the bride. Thiruvalluvar, a great wise man, points out marriage as Vazhkai Thunai Nalam.

In Sanskrit it is known as Panigraham, Kalyanam, Vivaha Subamuhurtham, Vathuvar and Kannikadhanam. The name kannikadhanam has come into vogue because of the practice of gifting the bride to the bridegroom, by her father renouncing all his claims and rights upon his daughter. In the term kalyanam, kali means trouble and yanam means continuing which means a human being perpetuates trouble by marrying. The term Panigraham, synonymous with the couple holding hands indicates togetherness.

Stages of Marriage

There were three stages in the evolution of the institution of marriage in TamilNadu.

The first type of marriage is described by Nallavur Kilar in Ahananuru. It is simple, natural and unritualistic.

The second stage in the evolution of the institution of marriage is referred to in Ahananuru by Virururu Mundeyinar. Here, importance was given to specific day and

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490 Ahananuru, 86. “on the auspicious Rohini day, the day for marriage, rice mixed with black gram was prepared for the feast; a beautiful pandal spread with fresh sand was erected; the sacred lamp was lighted; woman already married (having talisround their neck) carried pitchers full of water; woman who gave birth to sons and capable of giving birth carried plates full of flowers; the bride took her sacred bath; with all their blessings she was married”. They blessed her saying do not swerve from the path of chastity, be serviceable in various ways to your husband who loves you and live with him as his wife. The marriage was consummated on that day itself.
auspicious time. The day when the cluster of **Rohini** stars and the Moon are together in the sky was usually chosen.

They chose early morning as the best time for marriage\(^\text{492}^\). Moreover, people started worshipping **God as a separate entity** rather than the former belief of **Nature as Gods**\(^\text{493}^\). Gradually divine worship became an important component in the marriage as changes occurred in the religious beliefs of the people\(^\text{494}^\). Though, this poem does not mention the bathing of bride using holy water, it clearly states the wearing of **white thread** which was made of tying together the roots of grass and **vagai** flowers\(^\text{495}^\).

In the above said two types of marriages, no rites and ceremonies were followed. Hence, P.T.Srinivasa Iyengar considered this marriage as ‘a pure Tamil Marriage’. K. Sadasivan considered this marriage as **inexpensive, unritualistic and unostentatious**\(^\text{496}^\). Tolkappiyam says that\(^\text{497}^\) **Andanar, Arasar** (Kshatriyas) and Business community (Vaisyas) had the right to marriage. But the **Velalar** (Sudras) of lower community got this right gradually only.

**Tolkappiyam** states that the rituals in marriage and the practice of considering marriage as sacrament was introduced by the Aryans only\(^\text{498}^\). It was the third type of

\(^\text{491}^\) *Ahananuru*, 136. “On the auspicious Rohini day, the day for marriage, white rice mixed with meat was prepared; the bride’s residence was beautified; sweet music from the **mulavu** and **murasu** produced; the bride took her sacred bath; she wore attractive dresses and ornaments; the sacred thread, was tied round her neck as ‘**kappu**’ (protection)” The relatives gave her away.

\(^\text{492}^\) *Ahananuru*, 86; 5-7.

\(^\text{493}^\) Gandhī, K.K., *Beliefs and Practices of Tamil*. International Institute of Tamil Studies, Chennai, 2003, p. 159


\(^\text{495}^\) **Kappu** is a local tradition for the bride and depends upon **Strain, Type of Flower, and Place of Marriage**. See also *Ahananuru*, 136


\(^\text{497}^\) *Tolkappiyam: Karpiyal*, 3

marriage. *Silappadikaram*\(^{499}\) refers to ritualistic marriage solemnized by Brahmin priest performed among the higher classes. It depicts the marriage of Kovalan and Kannagi aged 16 and 12 years respectively. It was a marriage arranged by the parents.

K. Sadasivam points out that feast prepared in these three stages of marriage were varied. In the first form of marriage, non-vegetarian food (*pulavu*) was served. In the second stage, non-vegetarian food was prepared and in the third one, pure vegetarian food was served. He adds that the introduction of fire was Brahminical culture since they came from cool region. They gave importance to fire whereas the Dravidians being in hot region gave importance to cold water. Therefore, the bride took bath only in cool fresh water in the first two forms of marriages\(^{500}\). Though natural, they were secular form. But, the Brahminical influence was found in the third stage of marriage as it was *highly expensive, highly ritualistic and highly ostentatious*.

**Forms of Marriage**

The *Asvalayana Grihya-Sutra* and most of the *Dharma-Sutras* mention eight forms of marriage\(^{501}\). *Manu Dharma Sastra* mentions the ceremony of *Brahma, Daivas, Rishis, Prajapatis, Asuras, Gandarvas, Rakshasas*, and *Pisachas*\(^{502}\). But the first four forms of marriage were approved by the priests. *Rakshasa* was followed by a soldier and *Asura* is followed by a mercantile and fervile man\(^{503}\). In *Paisacha*, the girl was carried off while her

\(^{499}\) *Silappadikaram*, Canto 1: 50-53. A few days before the marriage, well-ornamented girls mounted on an elephant and went round the city in order to invite their kith and kins to attend the marriage ceremony. A spacious and lofty shed was erected before the bride’s house and the ceiling was covered with blue cloth and decorated with strings of flowers. A Brahmin priest lighted the sacred fire under the shed on the auspicious day of marriage, while drums, pipes and chanks raised the music, the bride and bride-groom circumambulated the sacred fire three times. The priest showed them *Arundhati* and the polar star as a model to their life. The women took round the *paligai*. Women showered flowers on wedded-pair prayed for the life-long happiness of the couple and the prosperity of the emperor. Finally, they escorted the couples with songs to their bridal chamber. Thereafter the marriage was consummated on that day itself.

\(^{500}\) Sadasivam, K., *Dravidians from the ancient to Modern Period*, Address given in the International Conference organized by the Department of History, Manonmaniam Sundaranar University, March 4, 2011.


\(^{502}\) Manu Chap. 3.5.21, Culucca, Institute of Hindu Law or The ordinances of Menu, trans, Government Publication, Calcutta, 1794, p. 54.

\(^{503}\) Ibid.
relatives were sleeping and in *Rakshasa*, the girl was abducted after a fight with her relatives\(^{504}\). The last two systems were then common among the tribes.

The important characteristics of marriage are mentioned in *Grihya-sutras*\(^{505}\). They are *Kanyadhana, Panigrahana, Lajahoma, Agniparinayana, Asmarohana* and *Saptapadi*. At every important stage, they offered oblations to the fire as well as feast to the Brahmins\(^{506}\). All these characteristics of Brahminical marriage were gradually introduced in Tamil Nadu in different periods. Moreover, Andal’s work *Varanamayiram* depicts the picture of a full fledged Brahminical form of marriage. A new system of marriage known as *lajahoma*\(^{507}\) was introduced. Therefore, they had the practice of offering to the fire during the marriage\(^{508}\). During the 12\(^{th}\) century, importance was also given to the horoscopical match of the bride and the bridegroom\(^{509}\). The parents, however, do not believe that even such marriages have failed and many girls have become widows or prostitute.

**Age of Marriage**

The first two stages of marriage referred to in *Ahananuru* in Sangam Age, did not mention about the age of the bride or the bridegroom. *Tolkappiyam* talks about the physical fitness of both the bride and the bridegroom in order to enjoy the fruits of marriage. This speaks volumes about the marriageable age of both the parties. Physical fitness to enjoy life starts with the attainment of maturity. Maturity is understood only from the physical changes that occur in a boy and a girl\(^{510}\).

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505 *Grihya Sutras* mentions the rituals and ceremonies to be performed by women from the birth to death. Grihya Sutras written by *Asvalayana, Apastamba, Sankhayanaya and Bharadveja* are popular to be adopted by the people. It mentions the characteristics of Aryan form of marriage. For details see also Majumdar, R.C., *The History and Culture of the Indian People*, George Allen and Unwin Limited, London, 1957, p. 530.


507 The couple went round the sacrificial homa altar together and offered parched-rice into the fire. The offerings of parched-rice were believed to relieve the bride from the clutches of deities like female *Aryamaan, Lord Varuna* and *Pussan* Minakshi, C., *Administration and Social Life under the Pallavas*, University of Madras, Madras, 1977, pp. 179-180.


*Tokappiyam* also specifies ten qualifications for both the bride and the bridegroom. Age was one of the qualifications which entitles that the bride and the bridegroom should not be of same age and must have passed the stage of childhood\(^{511}\). Ilampuranar says\(^{512}\) that the Tamils followed post-puberty marriage. Kabilar one of the versatile poets of the Sangam Age depicts the life of early Tamils, “Wherein the youthful hero even when he happens to see a very beautiful girl who had not attained puberty, will not cast his eye on her and attract her love”\(^{513}\). The hero was unable to say his feeling of love to heroine who was immature to receive his love. The lesson that we learn from this poem is that the (love making) *kalavu*, a life of youth and a girl will start only after the attainment of her puberty and they will marry thereafter and lead a *karpu* life.

Therefore, it is evident that the Dravidians did marriage only after attaining both the physical and mental maturedness of girl to enjoy the married life. In *Silappadikaram*, the age of Kannaki was twelve years and Kovalan was sixteen during their marriage\(^{514}\). The age of Tirugnana Sambandar too was sixteen when he married\(^{515}\). The infant ad ritualistic marriage was gradually infused into Tamil Culture when the Brahminical marriage was introduced in Tamilaham. Ultimately, women’s freedom was curtailed. Woman became a subordinate and submissive vassal to the realms of man.

\(^{511}\) See also Tamil Mani, Chennai, 21.07.2013.

\(^{512}\) ... பாதுகாப்பு கேள்விக்கோள் பட்டு பட்டை

\(^{513}\) சேர்ந்து பல்கலை நூற்றாண்டுகளுக்கு முன்காணா பாறாக்கியே நிற்க வேண்டும் ஏற்றப்பட்டு

\(^{514}\) ....... பாதுகாப்பு கேள்விக்கோள்

Periyar’s ideas on Marriage

Periyar thought seriously about the marriage system from the inception of his entry into public life. He contemplated ways and means to eradicate the institution of marriage. He exerted through his writings and speeches to create awareness among the public about the defects found in the marriage system. Some people consider that marriage is a reformatory system for the betterment of human beings. The sociologists state that marriage is essential for racial development. But, Periyar considered that marriage system was conspired to enslave women forever. The philosophy behind the Aryan mantras in marriage was just turning a woman to be a slave of man⑤.

Periyar considered that marriage was essential for both man and woman to live together and to lead a happy and prosperous life⑥. He pointed out that the institution of marriage was established to protect the caste system, safeguard religion and to preserve sastras, puranas and traditions from their annihilation⑦. The word purana is archaic. The Aryans introduced many foolish and irrational rituals in a puranic marriage⑧. The Aryan form of marriage was developed only during the barbaric period⑨. Hence Periyar questioned: how could we abolish the degradeful caste by protecting god, religion and sastras from its decay? How could we liberate ourselves from barbarism?⑩ It was enshrined in sastras that unless women serve their husband as a subordinate, she would not attain moksha (liberation). So, he strived hard to change the age-long traditional cruelties imposed on women⑪.

Periyar explained that marriage should not be bound to any tradition but it is to be made as an agreement. Marriage for lust is not desirable. He outlined the important matters, which are to be taken into account for a person to get married, which include knowledge,

⑥ Ibid.
⑦ Ibid., 23.06.1963.
⑧ Ibid., 05.04.1961.
⑨ Ibid.
love, suitability and experience. On that day, there could be no room for ancient Tamil system of marriage i.e. Kalavu or Karpu. To stress his point, he stated that marriages in Russia depend on free love and there was no institution for it. Partners lived an independent life without bothering about property.\textsuperscript{523}

*Periyar* regretted that there was no word ‘marriage’ found in Tamil language. The Aryans used different terms denoting marriage like Kannikadhanam, Thara Muhurtham, Vivaham, Thirumanam, Kalyanam, etc. which ultimately means accepting a slave. Here the slave is the bride accepted by the bridegroom through marriage. The term thiru means beauty and manam means fragrance but they are not denoting the actual meaning of thirumanam but they denote good deeds. He termed marriage as a contract of companion for life or Vazhkai Thunainalam as termed by Thiruvalluvar nearly two thousand years ago.

**Self-Respect Marriage**

To bring radical changes in the traditional marriage system and to liberate women from the clutches of marriage problems, *Periyar* introduced a new system of marriage. Though it follows some of the features of ancient Tamil marriage, it is purely based on rationalistic outlook. The pioneer in introducing the rationalist form of marriage in 1873 was Jyotiba Phule who fought for gender justice. His *Sarvajanik Satya Dharma Pustak* suggests new marriage rites, emphasizing equality of man and woman and the removal of priest in the marriage\textsuperscript{524}. The **Self-Respect** Movement of *Periyar* also condemned the role of priest as well as rituals in marriage. It advocated the elimination of superstition and discrimination based on birth and sex.

Consequently, *Periyar* introduced the **Self-Respect** Marriage from the inception of the movement in 1925. He started the **Self-Respect** Movement by contemplating distressfully with the purpose of reforming mankind and removing blind belief among people in the

\textsuperscript{524} S.S. Ghurye, *Caste and Class in India*, Bombay, p.178.
society. To popularize the **Self-Respect** Marriage and to help men and women to choose their partners in life, Periyar founded *Suyamariyadhai Thirumana Nilayam* served as an Alliance Bureau of Marriages. This *Thirumana Nilayam* sowed the seeds of the emergence of modern matrimonial alliance centres across the state.

**Special Characteristics of Self-Respect Marriage**

- **Self-Respect** Marriage is conducted between any two Hindus in the presence of relatives, friends or other persons.

- Each party to the marriage declares that he or she takes the other to be his wife or husband, by garlanding each other or exchanging rings or by tying thali. It avoids all kinds of meaningless blind rituals in marriage as well as a priest. It also avoids the customary worship of fire.

**Significance of Self-Respect Marriage**

*Periyar* abolished the practice of employing the Brahmins, Brahminical God, religion and Sastras in **Self-Respect** Marriage. It was aimed to remove degrading of Dravidian race and to advocate the spirit of **Self-Respect** among the Dravidians. To avoid Brahmin priest in marriage, he said *A Brahmin is not our man, neither does he follow us, nor does he treat us equal.* A man who feels he is different from us, does not follow us and does not treat us equals cannot be the master or the conductor of our ceremony.

**Self-Respect** Marriage recognizes not only the equality between man and woman but also provides safeguards for mutual understanding and helps to cut across caste.

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525 Viduthalai, Madras, 10.09.1967.
530 Viduthalai, Chennai, 10.07.1963.
531 Kudi Arasu, Erode, February 5, 1944.
barriers. It includes all types of marriages like inter-caste marriage and intra-caste marriage, widow re-marriage, adult-marriage and love marriage and arranged marriage. All these types of marriages were introduced by Periyar to bring transition in the society because he thought that it was impossible to prune the tree without rooting out the evil. It bans ostentatious expenses and rituals in marriage. It demands the couples to spend economically within their income.

Periyar was against the conventional marriage, as it is barbarous, senseless and makes the people shameless. He introduced a new form of marriage called contract for companionship of life, which goes hand in hand with rationalism. The important aspect of this marriage is both the bride and the bridegroom mutually agree to treat each other as the companion of life and assure to co-operate with each other in every walks of life. The main aim of this marriage is to treat women equally and consider her as his better-half. It thus put an end to the policy of ‘partial injustice to fair sex’ and abolishes the master and servant relationship in marriage and recognizes the rights, duties and responsibilities of both man and woman. This marriage is simple and economical as it avoids unnecessary grandeur. If the partners have mutual understanding and co-operate with each other, their life becomes meaningful and they would enjoy the pleasure of life, otherwise they had to live as ascetic and marriage becomes meaningless. Periyar named this reformed marriage Tamil Marriage, Thanmana Tamil Marriage, Rational Marriage, Ilvazhkai Oppandam, Vazhkai Thunai Erpu Vizha, Illara Thuvakka Vizha, Prohita-Maruppu Mana Vizha.

Self-Respect Marriage against superstition

534 Viduthalai, Madras, 23.06.1962.
535 Ibid., 17.06.1969.
536 Viduthalai, Madras, 07.03.1961.
537 Ibid., 24.11.1958.
540 Ibid.
With a view of eliminating all the superstitious practices and beliefs, attached with marriage, *Periyar* introduced Self-Respect Marriage. The time of marriage wasn’t regarded by calculating the stars or assisting the help of horoscope. Self-Respect Marriages are performed at a time convenient to the parties of marriage whether it be in the morning or in the evening (Rahu Kalam), which was supposedly considered inauspicious by the Brahmins.\(^{542}\)

Fire worshipping was also removed. Periyar criticised those who practised ritual fire thus: Lord Agni (God of Fire) was of the character of *Kama* and *Krota* (lust and cunningness). Also, the Hind Gods possessed mischievous nature had many wives and concubines.\(^{543}\) Was it prudent to undergo a marriage ritual in their presence? Besides, on a rational perspective, how could fire stand as a witness for marriage? Fire that burns all things, when in the form of kollikottai is considered a bad omen. So, how could a marriage performed infront of it be auspicious or prosperous? Also, there is no absolute condition prescribing fire as a condition to marriage in *puranas*\(^{544}\). Therfore, *Periyar* urged people to stop adopting blind beliefs and once the rationalistic form of marriage is followed in every home, superstitions would automatically disappear from the society.\(^{545}\)

**Registration of Marriage**

*Periyar* discouraged the practice of ostentatious marriages. If the parties need witness to the marriage, they may marry according to the Civil Marriage Act in front of the Registrar of Zilla, which requires only two people to sign as witness. People must stop spending lavishly and going to the extent of inviting each and every relative to the marriage just to show off their statuses.\(^{546}\)

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\(^{542}\) *Viduthalai*, Chennai, 09.06.1963.


\(^{544}\) *Kudi Arasu*, Erode, 21.07.1945


Moreover, if at all any dispute arises between the husband and wife, the groom escapes accusation by claiming that he never married the girl or that he only had her as a concubine. The relatives who attended the marriage are more likely to side with the boy. But, in registered marriages, the record exists so long as the Government exists\(^{547}\).

If the families of the marriage parties wish to inform their relatives, they could do so by publishing it through newspaper after registering the marriage. Register Marriages also prevent the man from marrying again. The exuberant spending of money invested in marriages could alternately be invested in banks in the name of the bride to help her nurture the children and educate them\(^{548}\). *Periyar* stated that there was no relation between the words *Vazhkai Oppandam* and *Kannikadhanam* and *Vivakam*. The meaning ‘companion’ was not found in other two words\(^{549}\). Both of them should share and help each other and none should enjoy more comfort than the other\(^{550}\).

There is no possibility of divine interference in marriage. He did not agree that marriage alone is related to divinity whereas other materials like house, wealth, dress and ornaments are concerned with humanity.

In the Vedic form of marriage both the bride and the bridegroom did not know about each other before and even after two or three years of marriage. She was not allowed to have her own individual feeling and desires. *Periyar* advised womenfolk to change their attitude so as to get liberty and individuality\(^{551}\).

In a contract for companion of life, a man and a woman should think over their own qualification, characters conforming to each other and co-ordinating their mind to lead a joint life. The purpose of choosing companion for life is that the companions should live together till their death. They should co-operate with each other, even after the expiry of their lust and passion altogether, to enjoy the life with pleasure, satisfaction and to earn good name and

\(^{547}\) *Kudi Arasu*, Erode, 10.09.1933.

\(^{548}\) Ibid.

\(^{549}\) *Viduthalai*, Madras, 19.09.1949.

\(^{550}\) *Kudi Arasu*, Erode, 21.06.1931.

\(^{551}\) Ibid., 21.06.1931.
admiration in the society. He questioned: Would love marriage, blind love, help them to attain such life?\textsuperscript{552}

He also stressed that the parents had no right to interfere in the selection of partner for their daughter during marriage. Both the bride and bridegroom were not innocent. They were wise and mature enough to select their partner responsibly. It was unfair on the part of the elders of the family to dominate and select her/his partner. They should leave the responsibilities to the bride and the bridegroom. If it happened without the knowledge of the parents, they must be happy over it after knowing the information and this was agreeable to the modern world because it is liberal, rational and wise\textsuperscript{553}.

As a result of the spread of Aryan culture, slavery was established in Tamil Nadu. It relegates the Tamilians into a degraded life and forced the Dravidians into many troubles and sufferings in the name of socio-religious and legal matters. It was very essential, at this juncture, to remove all the ancient system and to enjoy the fruit of new changes that were introduced.

\textit{Periyar Ideologies on Concept of Thali}

\textit{Thali} is said to be a \textit{Veli} (a barrier).

\textit{Periyar}, a rationalist, regarded \textit{Thali} or \textit{Mangalyam}, the ornament tied round the neck of a bride during her marriage, as a \textit{dreadful symbol of slavery}\textsuperscript{554}. Tying of \textit{thali} was not a system of Tamil but of Hindus. Through this trinket, man subjugated woman by treating her as a slave instead of a companion through out his life. The 99\% of menfolk batter women by establishing \textit{thali} as a symbol of religion and divinity but ultimately a slave. When questioned, the explanation was that thali was essential for a woman to identify herself as married. Periyar questioned: Then, why wasn’t a man put through the same process? Why wasn’t a \textit{thali} tied to him to identify him, married? \textit{Thali} provided the means for a man to

\textsuperscript{552} \textit{Viduthalai}, Madras, 03.05.1943.
treat his wife as a slave and to attend to all his personal work.\textsuperscript{555} Thali is the awful symbol of a woman losing his humanism and Self-Respect\textsuperscript{556}. Hence, to stop this system of unfair justice for onesex (உங்க கும்பவன் மாடு) Periyar advocated Self-Respect Marriage which denied thali for establishing equality between couples\textsuperscript{557}.

Horoscope

Periyar, a rationalist and a social scientist, questioned: the system of finding the match by horoscope between a man and a woman to fix marriage. Doesn’t astrology make a fool out of man? Is it not absurd to prescribe a day, star, lakhna for a marriage? Is there any Raghu and Khedhu for aeronautics to visit space which is 15 or 20 lakhs of mile away from the Earth. People are persuaded to become mad by following blind rituals dictated by the Brahmins in marriage\textsuperscript{558}.

Periyar explained that the Brahmins introduced all these rituals just to maintain the purity of caste system. But the quintessence of marriage is just to exchange the garlands\textsuperscript{559}. Since Periyar wanted to eliminate discrimination based on birth, he advocated elimination of Brahmin priests in Self-Respect Marriage. The subjugation of women in traditional marriage was hidden by performing different rites and rituals\textsuperscript{560}. To Periyar, marriage does not have any form of divinity. Periyar said women are more efficient than men. But, the marriage system degraded and enslaved women. So, women should equip themselves on par with men to choose their own life\textsuperscript{561}. Since marriage is the root cause of all problems of women, Periyar went to the extent of saying in many platforms that the institution of marriage should be abolished\textsuperscript{562} or it should be treated as a crime.

\textsuperscript{555} Ibid.
\textsuperscript{556} Veeramani, K., \textit{Op.cit.}, p.18 and see also Kudi Arasu, Erode, 11.05.1930.
\textsuperscript{557} Ibid. p.44
\textsuperscript{558} Viduthalai, Madras, 23.06.1962.
\textsuperscript{559} Viduthalai, Madras, 27.07.1958 and see also Veeramani, K.,\textit{Op.cit.}, Vol. 6, p.186.
\textsuperscript{560} Thanthai Periyar, \textit{Why are Women enslaved?} PSRPI, Chennai, 1992, p.32.
\textsuperscript{562} \textit{The Modern Rationalist}, July, 1974, Vol. III.
Periyar’s ideas of marriage between a matured boy and girl, simple and unritualistic marriages, unostentatious and inexpensive and avoiding tali marriages, non-payment of dowry marriages, and inter-caste marriages were opposed by the orthodox brahmin and non-brahmin high caste family, who showed their opposition to Periyar’s ideas through films, which were then under their hegemony. Some film songs stand testimony to enable married women slaves of their husbands at the child level. For instance, A song sung by K.B. Sundarambal in the film Avvaivar: ஐவ்வைவார், காவியம்..., and another sung by A.M.Raja in Missianna: யேற்றுகையானது சேர்ந்தவன் ...Yet one more song in the film Panai Pidithaval Bakkiasali, 1958, written by kavignar T.K.Sundara Vathiar, sung by Trichy Lokanathan, emphasizes the sevitude of woman i.e.
Despite the retaliatory steps, the public was much infavour of *self-respect marriages* on the one hand and the steps for passing the Self-Respect Marriage Legislation were taken on the other hand.

**History of Self-Respect Marriage Legislations**

Due to the strenuous work of Periyar’s *Self-Respect Movement*, people did *Self-Respect Marriages* in large numbers regardless of the enactment of law. For instance, nearly 8000 *Self-Respect Marriages* were performed from 1929 to 1932\(^{563}\). *Self-Respect Marriages* had been practised in Tamil Nadu for the past 25 years under the auspices of the *Purohit Maruppu Sangam*. (For details see also Plate No.6) Since it was celebrated in a form not prescribed by Hindu Religion, the Madras High Court declared the *Self-Respect Marriage* invalid on 26.08.1953 in the case of partition suit between Chidambaram and his daughter-in-

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law Deivanai Achi. Various bills were introduced from 1954 to 1959 to validate the self–Respect Marriages and to legitimate the children who were born out of Self-Respect Marriage. But the bills did not provide retrospective effect while imposing the compulsory registration of such marriages.

When the DMK Party formed the Ministry under the leadership of C.N. Annadurai in 1967, it took careful measures in drafting Self-Respect Marriage Bill which should not give any loopholes for its defeat before the court of law. Before introducing the draft in the State Legislative Assembly, it was sent to the High Court Judges and the legal experts secretly tried to eliminate legal flaw in its provisions on the advice of Periyar. Finally, the draft was checked by Periyar while he was in the hospital. He made a suggestion for replacing the word And tying of thali with or tying of thali. When the Suyamariyathai marriage bill was introduced in the assembly, there was no opposition and the bill was unanimously passed. Eventually, the Hindu Marriage (Madras Amendment) Act 1967, amends the Hindu Marriage Act, 1955 (Central Act 25 of 1955), and validates all Suyamariyadhai or Seerthirutha Marriages solemnized whether before or after the commencement of the amending Act. Accordingly, new section 7-A in the Central Act 25 of 1955 is inserted. (For details see also Appendix - III)

**Importance of the Hindu Marriage (Madras Amendment) Act, 1967**

The enactment of the Hindu Marriage (Madras Amendment) Act was an important landmark in the history of Periyar’s Self-Respect Movement. Because, the DMK Ministry validated not only the present and future marriages but also provided a retrospective effect of

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567 Legislation in the popular ministries, Vol. II, Government of Madras state, p. 410 and see also the Fort St. George Gazette Extraordinary, No. 80, Madras, date 20.01.1968, Appendix A.
all previous *Self-Respect Marriages* performed, and legitimized all children who were born out of this marriage\textsuperscript{568}. It was a great achievement to *Periyar* E.V.R. who brought revolutionary social changes by removing the Brahmin’s suzerainty over the Dravidians. He also removed superstitious belief of the people particularly in marriages. Also, this Act does not prescribe a condition or a form by which the *Self-Respect Marriages* is to be celebrated. It approves the methods of *Self Respect Marriage* propagated by *Periyarto* the public from its inception.

The most important aspect of this *Seerthirutha Marriage Act* was that it established new democratic marriage system\textsuperscript{569}, which emphasizes *free choice of partners* and *equal rights of women* on par with men and removed the enslavement of women by abolishing the Sanskrit *mantras* in *Self-Respect Marriage*. (See also Plate No.11). It removed the social taboo, by recognizing the marriage of a *Shudra* couple as husband and wife who was not a concubine. Thus, *Anna translated the ideals of Periyar into action and he ushered in a new era and toned up the society through silent revolution*\textsuperscript{570}.

The historical judgement was given by Justice Nanavathi and A.P. Misra\textsuperscript{571}, Judges of Supreme Court in the appeal case of Muthu Manickam vs Sekaran, whose marriage took place at Vinayagar temple in Aranthangi in 1986 by exchanging garlands without tying up thali. It was a love marriage too. The Judgement established that there is *no need of tying Thali in marriage* which was already vogue in Tamil Nadu. In the judgement, they stated that the Hindu law mentions the marriage as a valid one without tying up *thali*. The section 7 of the Hindu Law accepts the marriage in any form. It accepted and confirmed the exchanging of garlands in marriage and finally declared her marriage as valid and Sekaran should pay the maintenance amount of Rs.175/- to Muthu Manickam and Rs.125/- to his daughter Prema as ordered by the Aranthangi Court.

\textsuperscript{569} The term coined by Sri.P.Jeevanandham, G.O. No. 248, Law Department, date 25.09.1954.
\textsuperscript{571} *Theekkathir*, Trichy, March 15, 1999.
Marriage Assistance Schemes

The III DMK Ministry under M. Karunanidhi introduced an innovative scheme of Moovalur Ramamirtham Ammaiayar Memorial Marriage Assistance Scheme in 1989. (For details see Appendix No - X) extending financial assistance of `5000/- to help the poor girls for their marriage. The Government tried to prevent child marriage and made education as compulsory to girls. The DMK Government visualised the desire of Periyar by providing that the beneficiary should attain the age of 18 so as to avoid child marriage. The financial achievement of this scheme for the year 1989-90 was `.7.60 crores and the number of beneficiaries for the same year was 14,800 girls.

Financial Assistance for Orphan Girls Marriage

To eradicate child-marriage among orphan minors between 18-30 years, the AIADMK Ministry introduced the Financial Marriage Assistance Scheme in the year 1984-85. Accordingly, the beneficiary must be in the age between 18-30 years who received the amount of `1,000/- and their annual family income should be less than `6,400/-. The number of persons, who were benefitted in 1989-90 was 158 girls and the amount spent by the Government was `1.50 lakhs. Later, this scheme was named as Mother Theresa Ninaivu Destitute Women Marriage Assistance Scheme.

Though these marriage financial assistance schemes are very helpful to poor girls, the corruptive practices among the officials and unwanted delay in sanctioning the amount

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574 Brief Note on the achievement of social welfare, Appendix III, Government of Tamil Nadu, 1989-90, p. 10.
575 Ibid.
577 Mother Theresa did yeoman service for the upliftment of orphans and the destitutes. The financial assistance was increased from Rs. 15,000/- to 20,000/- with effect from November 2008. The DMK government has allotted a sum of Rs.54.80 lakhs to benefit 274 orphan girls for the year 2009-2010. Policy Note, Social Welfare and Nutritious Meal Programme Department, Government of Tamil Nadu, 2009, p.7.
even after the marriage of six months or one year made the poor people hesitantly apply for this scheme\textsuperscript{578}.

Despite the Marriage Assistance Schemes introduced by the Dravidian Governments, the illiterates send their daughters during the adolescent period to work in weaving and spinning mills and in hazardous work under the \textit{Sumangali Scheme} introduced by the private companies which exploited these young girls by giving very meagre amount during marriage\textsuperscript{579}. Though the owners of the company oppressed these teen-age girls, this scheme was very popular in the Southern region of Tamil Nadu\textsuperscript{580}. Hence, the NGO’s like Van Mukil under the leadership of Britto not only fight against the oppressive scheme but also created awareness among the public about the evils of the scheme. There is a report in a press release in a daily that brokers play havoc in the distribution of marriage assistance scheme in the Madurai Corporation (Madurai area)\textsuperscript{581}. If the government would rectify these defects, these noble schemes would definitely empower the position of poor girls.

\textbf{Widows’ Remarriage}

Child-marriage, a bane on Indian women, made many children widows. Their life thereafter was one of pitiable plight.

We find a reference in the Sangam Literature about the rule i.e., \textit{Kaimai Nonbu} to be observed by the widows\textsuperscript{582}. In Tamil a widow is called \textit{kaimpen}. By \textit{Kaimai Nonbu}, the

\begin{itemize}
  \item \textsuperscript{578} Interview with Kaliyammal, daughter of Chidambaram, Surandai on 2.7.2013, Courtallam. She stated that she paid Rs. 1000/- to each official who visited her house for verification to avail Moovalur Ramamirtham Ammaiayar Marriage Assistance Scheme. Totally she spent Rs.5000/- to the officials from rank to file. Yet, she did not receive the financial assistance even six month of her marriage.
  \item \textsuperscript{579} Personal interview with Mrs. Krishnammal, a Vegetable vendor, Nannagaram. Tenkasi, 16.09.2012. She sent her daughter Sakthi, aged 13, to Tiruppur weaving company due to economic burden in the family.
  \item \textsuperscript{580} Personal interview with Mrs. S. and Murali and personal consultation with K. K. Subramanyam, BSc., MPhil, M.A., Nellore, Andhra Pradesh, 23.07.13.
  \item \textsuperscript{581} Personal interview with Mrs. S. and Murali and personal consultation with K. K. Subramanyam, BSc., MPhil, M.A., Nellore, Andhra Pradesh, 23.07.13.
  \item \textsuperscript{582} P. K. Devasenapathy, \textit{Tamil Studies}, Asian Educational Services, (Rp), New Delhi, 1982.
\end{itemize}
widows should renounce the wearing of ornaments like bangles, flowers and thodi. Kalladanar, a latter day work mentions, a widow should remove her hair. That custom seems to have prevailed in the Tamil Country even from the second or third century A.D. This practice might have mingled with the Brahminic practice of making women widows in the subsequent periods. However, we do not have any direct reference to widowhood as such in early Tamil works. But, the removal of hair was practised mostly by the Brahmin widows. The young widow’s life was very pitiable and intolerable in every walk of life. Her presence was considered inauspicious. She could never attend the family festivals and her life became dormant. The young widow had to spend her whole life in celibacy and severe asceticism after the system of Sati was abolished by the Act XVII of 1829.

It enabled the reformers to think about widows’ remarriage. Individual efforts for the marriage of widows had ended in vain due to the opposition of orthodox pandits who were more particular in preserving shastric provisions than realizing the widows’ deplorable condition.

Earlier, the radical Movement for Widow Remarriage was launched by Iswara Chandra Vidyag Sagar (1820-91) in Bengal, Phule in Maharashtra and Kandukuri Viresalingam Pantulu (1848-1919) in South India. Eventhough the Widow Remarriage Act 1856 (The Act XV of 1856) removed all legal obstacles to the marriage of Hindu widows, the public was unable to accept it due to social stigma. When G. Subramania

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583 Tamil and the Hindu Community: A Study in Tamil Cultural History... Puram 237, 10-11.
585 Silappadikaram 18:34-35.
586 Sri Dharma, June 1923, Vol.6. No.8 p.118
587 Iswara Chandra Vidyag Sagar (1820-91), scholar and principal of Sanskrit College in Bengal, started the Widow Remarriage Movement, which was considered very important so as to inspire the other reform movements all over the country Fordens, J.T.F., Hindu Religions and Social Reform in British India in A.L.Basham (ed..) A cultural History of India, Clarendon Press, London, 1975, p.369.
588 Viresalingam fought against child marriage, devadasis, prostitution and untouchability through his writing. To remove this problem he demanded the spread the education for the masses. Anjaneyalu, D., Kandukuri Viresalingam, New Delhi, 1976, p.6.
589 Revolt, Erode, September 8, 1929, p.350.
Aiyer\(^{590}\) got his elder daughter Siva Priyammal, a virgin widow of 13 years, remarried to a boy in Bombay during the 1889 Congress Session. As a result, he was ostracized from his community due to the violation of social taboo\(^ {591}\). Nevertheless, G.Subramania Iyer in association with Ragunatha Rao organized the **Hindu Women’s Remarriage Association** in 1882 in Madras and aspired to create awareness among the public about the pitiable plight of young widows and to promote widows’ remarriage to redress their grievances. Despite the efforts of all these reformers, there were numerous widows in our country.

*Periyar* asked for a single, proper reason for compelling a woman to remain a widow. After observing the pitiable plight of widows in our country, Periyar blamed Rajaram Mohan Roy for the Indian widow’s despicable condition. Had he not abolished sati, the widow would have burnt herself in the funeral pyre of her husband long back. It would have neen an hour of suffering instead of facing hardships throughout her life\(^ {592}\). This was because the reformer who abolished sati did not take any step for the rehabilitation of widows. He gave the list of widows of our country and published it in his Kudi Arasu\(^ {593}\). Accordingly,

<table>
<thead>
<tr>
<th>Age of widows</th>
<th>No. of Widows</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year old widows</td>
<td>-</td>
</tr>
<tr>
<td>1 to 2 year old widows</td>
<td>-</td>
</tr>
<tr>
<td>2 to 3 year old widows</td>
<td>-</td>
</tr>
<tr>
<td>3 to 4 year old widows</td>
<td>-</td>
</tr>
<tr>
<td>4 to 5 year old widows</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
<tr>
<td>5 to 10 year old widows</td>
<td>-</td>
</tr>
<tr>
<td>10 to 15 year old widows</td>
<td>-</td>
</tr>
<tr>
<td>15 to 20 year old widows</td>
<td>-</td>
</tr>
<tr>
<td>20 to 25 year old widows</td>
<td>-</td>
</tr>
<tr>
<td>25 to 30 year old widows</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
</tbody>
</table>

\(^{590}\) G. Subramania Aiyer, the founder of *The Hindu* and a dedicated crusader, fought against the evils like child marriage, devadasi system and enforced widowhood. Muthiah, S., *Madras Rediscovered*, East West Books (Madras) Pvt Ltd., Chennai, Bangalore, 1999, p.98.


\(^{592}\) *Kudi Arasu*, Erode, October 27, 1929.

It was the deplorable condition of women in India during 1921. Periyar considered that Sastras, religion and astrology were responsible for the prevalence of widowhood and imposing restrictions on these people. He viewed that the people who followed the instructions of Sastras which were written by anonymous authors during unknown time, not knowing for whom it was written, and for what purpose it was written, were not at all human beings. Periyar believed that imposition of enforced widowhood force the widows to involve in prostitution. There are a number of evidences which show that women were sentenced to imprisonment for committing murder of her baby. It so happened due to the denial of widow remarriage in practice. As the condition of widowhood is full of painful sufferings, Periyar advocated widows’ marriage from the inception of Self-Respect Movement and passed resolutions in favour of widows’ remarriage in all Self-Respect Conferences and motivated the young Self-Respecters to marry the widows. Periyar said that both the political and social reformers struggled for gaining independence and for the removal of communal and caste discriminations. But they were partial in noticing a section of people, i.e., women who were disappearing in the society.

Periyar asserted that the control of child widows was nothing in this world but it was only against nature. The act of persisting widowhood was not dharma on any account. If a man says that fifteen years old child widow had voluntarily become a widow, it shows his cruel nature and his ignorance only. Periyar gave a clarion call to the people to give up the blind practice of finding match through horoscope for fixing marriage because only in our

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594 Ibid.  
595 Ibid.  
596 For instance, Thungamma, daughter of Venkata Rao and a Brahmin widow, aged about 29, had been prosecuted for trial on a charge of having murdered her newly born infant at Hospet and she was sentenced to transportation of life for three years in rescue home. G.O.No.3288, Law (Judicial Department) dt., 9.9.1931.  
597 The Second Provincial Conference held at Virudhunagar had a separate Youth Condference. In which Periyar demanded youth to come forward to do widow remarriage.  
598 Kudi Arasu, Erode, August 22, 1926.  
599 Ibid.
country there prevailed 40 widows per every 100 persons\textsuperscript{600}. \textit{Periyar} pointed out that the Christians and the Muslims were doing widows’ marriage after the death of their husband. Among the Muslims 90\% of people were doing widows’ marriage. This was not a surprising practice found among the minority group and the low-caste people in our country. But, it was a common phenomenon in the world\textsuperscript{601}.

\textit{Periyar} questioned: If a man feels that his sexual desire would be quenched by having contact with a \textbf{prostitute} at the time when his wife was not nearby, then why wasn’t the same benefit extended to widows? When no woman raised voices against widower’s marriage, why would men want to prevent widows’ marriage? When a woman who lost her husband remarries, it was ‘widow’s marriage’ but a widows’ marriage had no such term\textsuperscript{602}. He demanded that the parents should give education to women at least until 16 years of their age and they should be brought up in a way to choose their own life-partner\textsuperscript{603}. \textit{Periyar} questioned: What was the benefit of perusing \textit{sastras} or traditions for allowing widow’s marriage? But, the fact to be analyzed was whether a widow had natural instinct or physical passion\textsuperscript{604}.

He advocated widow’s marriage from the inception of \textbf{Self-Respect} Movement and passed resolutions in every \textbf{Self-Respect} Conference\textsuperscript{605} encouraging widows’ marriage. Apart from that, he demanded the young \textbf{Self-Respecters} to marry the widows and performed numerous widow re-marriages during the Self Respect Movement\textsuperscript{606}.

\textit{Periyar} wished to establish a \textbf{Widows’ Centre} on the advice of \textbf{Self-Respecters} like \textit{Jeevanandham, Neelavathi and A.Ramachockalingam} to solve the problems of widows.

\textsuperscript{600} \textit{Viduthalai}, Madras, 2 July 1969.
\textsuperscript{602} \textit{Viduthalai}, Madras, April, 7, 1959.
\textsuperscript{603} \textit{Kudi Arasu}, Erode, September, 28, 1930.
\textsuperscript{604} Ibid.
\textsuperscript{605} In the Conference held at Chengleput 1929, Erode 1930 and Virudhunagar 1931.
\textsuperscript{606} The Self-Respect Marriage between Sivagami, a widow and Sami Chidambaram, a Tamil scholar took place at Erode in 1930.
Finally, the centre would give training in employment opportunities to women.\textsuperscript{607} He advised that the eradication of widowhood was essential to establish morality and to eradicate prostitution in the society.\textsuperscript{608} He suggested an innovative idea that the government should introduce an order insisting that \textit{a widower should marry only a widow} but it is not wrong in the case of an unmarried man to marry unmarried woman.\textsuperscript{609} He also suggested that if a woman happened to become a widow, the government should give her pension to maintain her life.

Not only \textit{Periyar} but also other leaders belonging to the \textbf{Self-Respect} Movement were involved in the propagation of widow remarriage. Dr. Dharmambal, one of the important women activists of \textbf{Self-Respect} Movement, propagated and promoted widows’ remarriage. She boldly conducted several widows’ remarriages.\textsuperscript{610} As a result, many of the \textbf{Self-Respecters} married the widows. Samy Chidambaranar (Chettiar) one of the chief propagandists of \textbf{Self-Respect} Movement, married a widow Sivagami (Reddiar) on July 14, 1934, which gave a great surprise to the orthodox sections as the couples hailed from very respectable forward communities.\textsuperscript{611} Most of the \textbf{Self-Respect} marriages were either intercaste marriages or widow remarriages.\textsuperscript{612} Maragathavalli started \textit{Maadar Marumanam}, the journal advocating widow remarriage, in 1936, when there were more than three lakh Hindu widows below the age of 15 in the Madras Presidency.\textsuperscript{613} She married Murugappa, the editor of Kumaran.

\textbf{Dravidian Government steps towards emancipation of widows}

The Ministry of Justice Party introduced compulsory education as well as established separate hostels for widows to promote the education of girls. Consequently, three lakhs of

\textsuperscript{607} \textit{Kudi Arasu}, Erode, September 28, 1930.

\textsuperscript{608} \textit{Ibid.}

\textsuperscript{609} \textit{Viduthalai}, Madras, April, 7, 1959.

\textsuperscript{610} \textit{Dr.S.Dharmambal Centenary Souvenir}, Madras, 1990, p.4.

\textsuperscript{611} \textit{Pahutharivu}, Erode, 26 August 1934.

\textsuperscript{612} Another marriage took place between Kamalambal, a widow and Nallasivan, a widower at Nager Koil eventhough they had a child from previous marriage. In this marriage Nallasivan transferred the property worth of Rs. 5000/- in the name of bride in order to implement \textit{Periyar}’s idea of Property to women. \textit{Kudi Arasu}, Erode, 14\textsuperscript{th} September 1930.

\textsuperscript{613} \textit{The Hindu}, Madurai, September 28, 2012.
girls were able to study in boys’ school\textsuperscript{614}. The British Government passed the historical legislation of \textbf{Child Marriage Restraint Act in 1929}. These two reforms, intrinsically and intricately intertwined, liberated women from the social stigma and women were able to continue their education in schools and colleges\textsuperscript{615}. It reduced the presence of infant widows in the society.

\textit{Periyar} believed that the abolition of child-marriage and imparting education to women would emancipate them from the superstitious beliefs, tradition and relieve them, especially women from deplorable condition\textsuperscript{616}. Due to the incessant fight against widowhood and for the abolition of child marriage by \textit{Periyar} and his \textbf{Self-Respect Movement}, the percentage of widows in the Madras Presidency declined gradually. The following table of Census Report shows the percentage of widows in the Madras Presidency.

<table>
<thead>
<tr>
<th>Year</th>
<th>Madras Presidency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>1921</td>
<td>4</td>
<td>19</td>
</tr>
<tr>
<td>1931</td>
<td>4</td>
<td>18</td>
</tr>
<tr>
<td>1941</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>1951</td>
<td>4</td>
<td>15</td>
</tr>
</tbody>
</table>

Source: Census of India, 1951, p.181.

\textbf{Widow’s Marriage Assistance Scheme}

\textit{Periyar} stated that the existence of widowhood in a rationalistic society was a sort of disgrace to rationalism. \textit{Periyar} condemned the existence of a widow and said that the nation should feel ashamed of having widows. He stated that this forlorn desire was to punish the people who imposed enforced widowhood on one hand and persuaded them to involve in prostitution on the other hand\textsuperscript{617}. Hence, the society, if it had some kind of knowledge should abolish the plight of the widows by reintroducing steps for their rehabilitation.\textsuperscript{618} To remove the idea of the repulsiveness and barbarity of these practices, \textit{Periyar} advocated widows’ remarriage and suggested that a rule must be introduced that there should not be any

\textsuperscript{614} G.O.No.578, Education Department, dt., 23.3.1929.
\textsuperscript{615} Hartog Committee Report in T.A.N. Nathan (ed.,) \textit{Justice year book 1929}, Section III, p.52
\textsuperscript{616} \textit{Kudi Arasu}, Erode, June 9, 1940.
\textsuperscript{617} \textit{Ibid}.
\textsuperscript{618} \textit{Viduthalai}, Madras, April 7, 1959
unmarried widow for some time. Otherwise, we have to renew or revive sati system by considering widows’ natural instinct.

As Periyar took measures throughout his life for the eradication of widowhood, the D.M.K. Government wanted to continue his service. It introduced an appreciable scheme, namely Dr. Dharmambal Widows’ Remarriage Assistance Scheme in 1975. (For details see also Appendix – XII). This scheme was launched from 1975-76. The objective of the D.M.K. Government is to encourage widows’ remarriage for rehabilitating the life of widows. Accordingly, incentive in the form of National Savings Certificate (NSC) to the value of ₹ 5000/- was given to both the husband and the wife and six years is prescribed for the maturing period of deposits in order to promote understanding between the couples.

During the AIADMK Government, the maturity period was extended to seven years in order to increase the understanding between the couples further. This scheme was restricted to destitute widows between the age group of 18-30, but it did not include divorcees or deserted wives. The beneficiaries under this scheme were as follows.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975-76</td>
<td>90</td>
</tr>
<tr>
<td>1976-77</td>
<td>46</td>
</tr>
<tr>
<td>1977-78</td>
<td>97</td>
</tr>
<tr>
<td>1978-79</td>
<td>95</td>
</tr>
</tbody>
</table>

A member in the State Legislative Assembly suggested to the Government to take necessary steps for the publicity of this scheme and to create awareness among the public regarding the provisions of this scheme in order to prevent the criminals and the greedy.

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619 Revolt, Madras, September 1929, p.350.
621 Dr. Dharmambal, a self-respecter, devoted her life for the rehabilitation of widows by arranging widow remarriage and for the betterment of widow’s life G.O. Ms.No. 462. Social Welfare Department, dt., 24.06.1975.
person from misusing it.\textsuperscript{624} The Minister of SWD clarified her doubt that it was applicable only to a widow between the age of 18 and 30 years and the financial assistance was given to both husband and wife in the form of document that could be encashed only after 7 years. Therefore, they could not cheat the Government.\textsuperscript{625} Another member pointed out in the Assembly that the government might provide training to the widows in manufacturing mat, match-box and in tailoring in addition to the financial assistance.\textsuperscript{626} (For further details see Chapter VII- Women in Employment).

Since this Marriage Assistance Scheme has rehabilitated the life of many widows, it had been continued by the AIADMK Government and 894 couples benefited under this scheme upto the year 1981-82 and 100 couples benefitted for the year 1982-83 to the financial outlay of Five lakhs Rupees.\textsuperscript{627} A suggestion was put forthin the assembly that the government might raise the age of beneficiaries under this scheme from 20 to 25 years in order to help more widows to gain benefit. The same member criticized the government that the amount sanctioned to assist the widows was not reaching them in time. He suggested that the government should raise the amount from ₹ .5000/- to ₹ .7000/-\textsuperscript{628}.

\textbf{II Marriage Assistance to the daughters of Poor Widows}

Since the AIADMK Government took special efforts for the promotion of poor widows’ life and for the redressal of their grievances, the government introduced a novel scheme known as ‘Marriage Assistance to the daughters of poor widows’ in 1982.\textsuperscript{629} This scheme aimed at avoiding delay in the performance of marriage of poor widow’s daughters for want of adequate funds. The government extended financial assistance of ₹ .1000/- to the widows’ daughters during her marriage towards the purchase of sarees, blouse and

\textsuperscript{624} TNLAD, Government of Tamil Nadu, Madras, 23 April 1979, pp. 472-473.
\textsuperscript{625} Ibid., p.489.
\textsuperscript{626} Ibid., pp. 461-463.
\textsuperscript{628} TNLAD, Madras, July 1, 1985, Vol. II, pp. 116-117.
\textsuperscript{629} G.O. (MS) No.673, Social Welfare Department, dt 20.2.1982.
thirumangalyam for the bride and dhoti and uppercloth for the bridegroom. But this scheme was applicable to only one daughter of the family and the beneficiary must be in the age between 18-30 years and their annual income should not exceed to ₹.3000/-. The government made a provision to support 1000 beneficiaries every year. The financial and physical target and achievements for the year 1982-83 was:

<table>
<thead>
<tr>
<th>Financial</th>
<th>Physical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target</td>
<td>Achievement</td>
</tr>
<tr>
<td>Rs.10,00,000</td>
<td>Rs.9,70,000</td>
</tr>
</tbody>
</table>

When a member pointed out in the assembly that the government should increase the assistance amount from ₹.1000/- to ₹.2000/- and also the income sealing from ₹.3000/- to ₹.5000/- in accordance with price-rise and standard of life of the people. He further added that the scheme may be extended to more than 1000 beneficiaries per year as huge number of widows lived out of 67 lakhs of people who lived in rural areas and their life was so miserable. In 1989, only 1044 beneficiaries were benefitted out of ₹.10.44 lakhs against the target amount of ₹.12.30 lakhs. Later this scheme was named as E.V.R. Maniammaiyyar Ninaivu poor widow’s daughter’s Marriage Assistance Scheme.

Inter-Caste Marriage

Periyar E.V.R. founded the Self-Respect Movement with the objective of eradicating fragmenting systems of caste, religion, varna and the God from the society and wanted to establish an egalitarian and casteless society. Thus, he strived hard to abolish

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631 Ibid.
634 Ibid.
636 EVR,Maniammaiyyar was the second wife of Periyar. She was the active self-respecter who led the Self-Respect Movement after the death of Periyar. Demand No:45, Social Welfare and Nutritious Meal Programme Department, Performance Budget 2009-2010. Government of Tamil Nadu, Chennai, p. 6.

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the obnoxious practice of caste system and advocated **Inter-Caste marriage** to promote **Self-Respect**, equality and brotherhood among the people. Also, he declared that the entire community should be synthesised into a single community. When he was asked if the caste Hindus would give their daughters in marriage to an **Adi-dravida**, **Periyar** replied that the very same question was absurd. He said that a rationalist would make his daughter live with a man of her choice. He would not take away the right by compelling her to live with a man of his own choice. Women are not commodities to be bestowed on somebody in marriage. **Periyar** viewed that conventional marriages were barbarous, senseless and shameless. So, he introduced **Self-Respect Marriage** to recognize equality between man and woman who had the right to choose good companion for their life based on rationalism without giving importance to caste system. He believed that inter-caste marriage would remove the caste distinctions.

In the **Self-Respect Conference** held at Chengleput in 1929, **Periyar** appealed to the **Self-Respect** volunteers to promote and contract inter-caste marriages and encouraged them to prefer widows in such marriages whenever possible. Most of the **Self-Respect Marriages** were inter-caste marriages. The marriage between Rathinasabapathi (a Saiva Vellala) and Annapoorani (an Adi-dravida) was considered an important achievement of the **Self-Respect Movement**. In order to create awakening among the people, **Periyar** employed Kolar golden field socialist actors who played a drama in Vaniambadi and propagated the **Inter-Caste marriage** between a Brahmin and a Shudra. **Periyar** published in his dailies about the need of bride for inter-caste marriage.

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640 Ibid.
642 Revolt, Erode,June 5,1929, p. 251.
643 Revolt, Erode, July 7, 1929.
645 Pahutharivu, Erode, September 2, 1934, p. 15.
As a result of Periyar’s continuous writings and speeches on women’s freedom and women’s rights, women boldly took steps in choosing their own partner. For instance, the marriage of Smt.Maragathavalli with Murugappa, the editor of Kumaran was not only a love marriage and inter-caste but also it was a **widow remarriage**\(^{646}\). Another **Self-Respect Inter-Caste marriage** took place between Mr.S.Guruswami, sub-editor, Revolt and Smt.T.S.Kunjitham\(^{647}\). Also, N.D. Sundaravadivelu married a bride from Isaivelalar caste\(^{648}\). Owing to the untiring efforts of Periyar for nearly half-a-century, inter-caste marriages took place very commonly in Tamil Nadu and several inter-caste marriages took place across the state. It became the routine life to all the castes and to all the rich families in the society. The endogamous marriages were found only in the lower stratum of both the social and economic life of the people\(^{649}\).

*Periyar* appealed to the people to name inter-caste marriage as just a ‘marriage’ since it was performed between a man and a woman but not between a humanbeing and an animal and he wanted the people to celebrate marriage functions for not more than a day almost in all marriage functions\(^{650}\).

**Schemes for the promotion of Inter-Caste Marriage**

To implement the principles of *Periyar* on Inter-Caste marriage and to encourage the people to do **Inter-Caste Marriage** for abolishing caste discrimination and the subjugation of women, and to establish a casteless egalitarian society, Arignar Anna, the Chief Minister of Madras State, announced in his Budget Speech the idea of "டங்கிச் வணிக; இன்னொதொண்டு வணிக"\(^{651}\). He added that his government was eager to bring about the integration of the society in order to achieve *All belong to same community*. His government envisaged a plan to appreciate the couples who did inter-caste marriage, with a

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646 Revolt, Erode, July7, 1929.
647 Revolt, Erode, January19, 1930.
651 Arignar Anna’s Budget Speech 1967-1968
reward of gold coin every year. His government had allotted ₹10,000/- for this scheme every year. On 11th October 1968, a grand function was conducted in Children’s Theatre to award the Inter-Caste Marriage couples with gold medals. It was conducted on a grand scale by Tamil Nadu government. Thiru. Jagjeewan Ram, Union Food Minister, inaugurated the function and Sardar Ujjal Singh, Governor of Madras, presided over the function. The Government imposed the condition that both the bridegroom and the bride should be Hindus. The scheme came into effect in respect of marriages performed on or before 01.07.1967. The Government decided to award inter-caste married couples with 14 carat gold medals worth about one sovereign. And the medal was engraved with the Thiruvalluvar figure and the State emblem. (For details see also Appendix No. V)

A Member of the Legislative Assembly suggested in the inaugural ceremony of Periyar Illam that since the present government had the influence of Periyar and his ideologies, they should give safety and security to the people who did inter-caste marriage besides awarding them with gold medals. Nearly, 28 couples were awarded with 1 ½ gm. goldcoin in 14 carat purity for the year 1969-70 during the DMK Government under Mr. M. Karunanidhi. Since the introduction of this scheme, about 203 couples availed of the benefits. The government appointed a study group to review their married life. The married life of Inter-caste couples generally began with rough weather. In most cases either the bride or the bride groom was disowned or discarded by their parents. It posed a great challenge to the couples to adjust their life unmindful of this social stigma. Hence, to remove such difficulties, the government decided to give financial assistance to start their life

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655 Ibid. Still there is threat to the inter-caste married couples.
656 G.O. (Ms) No. 713, SWD, dt., 18.07.1970, Government of Tamil Nadu. Even today there is a great threat to the inter-married couples by the dominant classes. From 2010 to 2014, more than 20 honour killing cases have been reported in Tamil Nadu alone. The New Indian Express, Madurai, 2.8.2014.
657 G.O. (Ms), No. 891, SWD, dt., 04.10.1973, Government of Tamil Nadu.
with good hopes. Besides Gold Coin Award, M. Karunaidhi established a Centre called Kalappu Thirumana Arivurai Nilayam with the purpose of providing counselling to the dispute that arose between the couples of inter-caste marriage and to direct the people through a proper channel to receive the award and many couples got benefit from this centre.

The study group recommended the government to issue cash grant to overcome the financial problem of the couples. The government granted a sum of ₹ .200/- to the newly married couple which would enable them to purchase utensils and meet other incidental charges. The government introduced a scheme to provide additional incentives to inter-caste married couples the Petty Trade Loan, ranging from ₹ .250/- to ₹ .10,000/- depending on the nature of the business like cycle-shops, tea shops, hotels, etc. If the male members were technically trained persons in black smithy, tailoring, etc., they might have availed of the scheme. Similarly, the Harijan spouse of inter-caste married couple is eligible for assignment of 3 cents house site in the land already allotted for providing house sites for Harijans. The first beneficiary of this scheme was Thiru.V.Jayapal, S/o.Velusamban, Karisalpatti and received the cash amount of ₹ .200/- from the Collector of Madurai for contracting inter-caste marriage on 09.11.1973. The number of beneficiaries who had been awarded gold medals till 1971-72 under this scheme was:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of inter-caste married couples</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968 – 69</td>
<td>48</td>
</tr>
<tr>
<td>1969 – 70</td>
<td>35</td>
</tr>
<tr>
<td>1970 – 71</td>
<td>65</td>
</tr>
<tr>
<td>1971 – 72</td>
<td>20</td>
</tr>
<tr>
<td>Total beneficiaries</td>
<td>168</td>
</tr>
</tbody>
</table>

Source: G.O. (Ms). No. 177, SWD, dt., 06.03.1973, Government of Tamil Nadu.

The members gave suggestions in the assembly to the government to extend the award to other inter-caste married couples who belonged to B.C and M.B.C. with atleast a silver

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658 Ibid.
660 Ibid.
662 Ibid.
663 Ibid. & Proceedings B3. 17363/73, date 10.02.1974, Government of Tamil Nadu.
664 G.O. (Ms). No. 177, SWD, dt., 06.03.1973, Government of Tamil Nadu.
medal, to provide employment opportunities to the Inter-Caste Marriage couples. But the
government was not in a position to provide special concession to the Inter-Caste Marriage
couples in employment\textsuperscript{665}. M. Karunanidhi stated that the government followed only
qualification and merit for recruiting the people to government posts\textsuperscript{666}. Again, a request was
made by the Christian Associations to the government to extend all the concessions granted to
S.C. Hindus to S.C. converts to Christianity who were also suffering from all such social
disabilities like the S.C. Hindus even after conversion: After examining the request, the DMK
government directed that all concessions granted to S.C. Hindus by the state government be
extended to S.C. converts to Christianity also with the purpose of attracting more people
towards inter-caste marriage\textsuperscript{667}.

Besides this, the Government enacted the \textbf{Special Marriage Act of 1972} which made
the inter-caste marriage valid, and provided the parties to register the contract of marriage\textsuperscript{668}.
To determine the community of the children born of inter-caste marriages, the government
issued an order that children belong to either the community of the father or the mother
according to the declaration of parents regarding the way of life in which they are brought
up\textsuperscript{669}. Till 1976-77, nearly 417 inter-caste married couples gained benefits. The expenditure
incurred by the government was ₹ 2 lakhs\textsuperscript{670}. In this regard, the Tamil Nadu State stood as a
model to the states of Kerala, Bihar, Maharashtra, Gujarat, Tripura and Pondicherry for
encouraging the inter-caste marriage couples. The AIADMK Government under
Thiru.M.G.Ramachandran also continued the scheme of awarding gold medal to the inter-
caste married couples. It has allotted a sum of ₹ 1,00,000/- (Rupees One lakh only) towards
this scheme during the year 1978-79. About 53 beneficiaries availed this scheme at the
expense of ₹ 95,800/- in the same year\textsuperscript{671}.

\textsuperscript{665} Ibid.
\textsuperscript{666} Ibid. and see also Qn. No. 305, T.N.L.A.D, Madras, dt., 24.08.1974.
\textsuperscript{667} G.O. (Ms). No. 733, Social Welfare Department, dt., 16.09.1975, Government of Tamil Nadu,
\textsuperscript{669} G.O. (Ms). No. 477, Social Welfare Department, dt., 27.07.1975.
\textsuperscript{670} Tamilaravou, Madras, 1976, p. 19.
Moreover, the AIADMK Government has announced a policy decision to provide priority to couples of inter-caste marriages in educational and employment opportunities. It was introduced with the purpose of destroying caste and creating a casteless society and to promote inter-caste marriage on a large scale. During 1984-85 and 1985-86, 222 and 35 inter-caste married couples benefitted and a sum of ₹14.40 lakhs and ₹8.86 lakhs were spent respectively.

In 1989, the DMK Government increased the cash amount to Rs.5000 and later it was raised to Rs.10,000/- in the name of Anjugam Ammaiyaar Inter-Caste Marriage Assistance Scheme. Even though the government introduced several innovative incentive schemes to establish the caste-less egalitarian society and to empower women to choose their partners of life independently and freely, the society has not yet accepted whole-heartedly the inter-caste marriage. It is accepted only in the higher class who are economically and politically powerful. But, the sufferers are the middle-class people that too the womenfolk. Since most of the Inter-Caste Marriages are love marriages, the parents of influential class and dominant caste are not in an attitude to accept the marriage alliance with the caste of lower stratum in the society. Recently, certain caste leaders are trying to revive endogamous marriage rather than inter-caste marriage.

No doubt, some Inter-Caste married couples are leading their life successfully. Even though less percentage of people accepted the principle of Inter-Caste Marriage it was an astounding victory to Periyar’s Self-Respect Movement in bringing changes in the society.

Another evil which affect the life of women in the society was polygamy.

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674 Ibid. 1985-86, p. 321
675 Anjugam Ammaiyaar was the mother of M.Karunanidhi. Policy Note, 2009-2010, Social Welfare and Nutritious Meal Programme Department, Government of Tamil Nadu, 2009, p. 8.
676 In Dharmapuri a caste conflict destroyed a village of Dalit Community due to the love marriage between Vanniyar bride and Dalit bridegroom on December 16, 2012. *The Hindu*, Madurai, December 17, 2013. Ramadoss, PMK leader, considered the inter-caste marriage between the age of 18 to 21 as love-drama. Hence, he demanded the people not to encourage such love marriages.
677 Recent incidents – honour killing, riots, murders and threatening to life - in Tamil Nadu, due to Inter Caste Marriage, challenged the ideology of Periyar.
Polygamy

Polygamy denotes the form of marriage where a person marries two or more women. The marriage of one man to two or more women is termed as polygamy. Similarly, the marriage of one woman to more than one man is termed as polyandry. This principle of polygamy existed among the two principal communities of Hindus and Mohammadans despite the objections of Hindu law and sentiments to Polygamy. But, there also existed a religious obligation among the Hindus which allowed a man to marry a woman other than his wife if she fails to provide him with a male child or if she fails to give him any child at all. And the wife of this man is called Dharmapatni. This custom was practised by the Hindus who believed that a male issue was necessary to perpetuate the family and to perform the funeral rites to obtain spiritual benefit or moksha⁶⁷⁸.

Manu, Yajnavalkya and Apatstamba permit a man to take a second wife on the ground of no male issue⁶⁷⁹. Manu also permits a man to marry a second wife, if he had no child for 10 to 12 years after marriage⁶⁸⁰. F. Engels observed that the polygamous life of a man was the outcome of slavery⁶⁸¹. It was the prerogative right of wealthy and noble class of men. Men expected chastity and sexual loyalty from women alone⁶⁸². But, one thing that men forgot is that they are the reason for sexually transmitted diseases and infertility.

The Tamil kings followed polygamous life. Generally, queens were referred in inscriptions as ‘the favourite of the king’ or as ‘the chief queen’⁶⁸³. Men of high social position considered that there is nothing wrong if a man marries another wife. Society also did not consider this as a stigma. It was tolerated amongst them inspite of the violation of law and custom⁶⁸⁴. Polygamy was quite common among the working classes like Koravars,

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⁶⁷⁸ Letter No. 7431, Home Department, date, 07.11.1938.
⁶⁷⁹ G.O. No. 4973, Home Department, Madras, dt., 09.11.1938.
⁶⁸⁰ G.O. Memorandum No. 34117-D.2, Home Department, Madras, dt., 20.10.1938.
⁶⁸² Ibid.
Oddans etc., on economic grounds since women could earn more than what it could cost the husband to maintain her. So, the percentage of second marriages among the working classes is greater.\textsuperscript{685}

\textit{Periyar} condemned the polygamous life of men and the imposition of chastity on women alone. He questioned: why was there no separate word in Tamil language to denote the chastity of man like \textit{Karpukaran}.\textsuperscript{686} He added that \textit{male chauvinism and masculinity} were responsible for not bringing such a term into practice in Tamil dictionary.\textsuperscript{687} \textit{Periyar} considered that there was no honour for women in the ancient period. Men, who had sexual urge controlled women violently and treated them like chattels. The Hindu gods had numerous wives but the people who worshipped such gods applauded them and followed the same in their practical life.\textsuperscript{688} The puranic stories tell us that king Dasaratha had 10,000 wives, and no one bothered about the polygamous life of men.\textsuperscript{689} It was a status issue for men to maintain several wives.\textsuperscript{690} The \textbf{Self-Respect} Movement of \textit{Periyar} was the first to question and ridicule the bigamous life of Gods. \textit{Periyar} demanded women to question why God needed two wives and marriage every year!\textsuperscript{691} \textit{Periyar} fought for the abolition of polygamous life.\textsuperscript{692} Condemning the practice of \textit{double standards of life} for men in the society, \textit{Periyar} advocated individual chastity for both men and women in order to maintain good health, physique and morality in the society.\textsuperscript{693} He insisted on monogamous life for both men and women.

Earlier measures have been undertaken to putforth the idea of \textit{Periyar} to abolish polygamy and to prohibit concubinage in the 1930s.\textsuperscript{694} The Indian Penal Code Sections 494

\begin{itemize}
\item \textsuperscript{685} Letter No 377797D, Home Department, Madras, dt., 4.11.1938.
\item \textsuperscript{686} Veeramani. K., Periyar Kalanjiam, Vol.v.PSRPI, Chennai, 1999, p.32-34.
\item \textsuperscript{687} \textit{Ibid.}
\item \textsuperscript{688} \textit{Palutharivu}, Erode, November, 1934, p. 18.
\item \textsuperscript{689} \textit{Ibid.}
\item \textsuperscript{690} \textit{Viduthalai}, Chennai, 9\textsuperscript{th} September, 1967.
\item \textsuperscript{691} Anandhi, S., \textit{Op. cit.}, p.119.
\item \textsuperscript{693} \textit{Ibid.}, Vol.24, p.200.
\item \textsuperscript{694} Letter M.S. No. 1009, Home Department, dt., 24.02.1939.
\end{itemize}
and 495 provide seven years and ten years imprisonment for bigamous marriage respectively.\textsuperscript{695} Gaining momentum of Periyar’s ideology, A.Kaleeswara Rao introduced an important bill known as the \textbf{Madras Hindu Bigamous Marriages and Divorce Bill} in 1947 in the Legislative Assembly with the purpose of removing long standing hardships and difficulties faced by women of our country.\textsuperscript{696} Eventhough the ideal of Hinduism favours absolute monogamy, many Hindus practised polygamy. Hence, the bill aimed to establish equality between men and women in marriage.\textsuperscript{697} K.Koti Reddi, Legislative member, condemned the double standards of life allowing men to have polygamous life and lowering the status of women. He further added that the population of women was much below to that of men from the sociological point of view. And so this would not be continued in the society.\textsuperscript{698} Only the \textbf{Self-Respect} Movement first questioned the unruly behaviour of men and demanded the Government for the abolition of polygamous life.\textsuperscript{699} This demand of \textit{Periyar} was fulfilled by the passing of \textbf{Hindu Bigamous Marriage Prevention and Divorce Act, 1949}.

Again in 1955, the \textbf{Hindu Marriage Code, 1955} introduced the provision for monogamy. It considered bigamy illegal.\textsuperscript{700} According to Section 17 of Hindu Marriage Act 1955,

> “Any marriage between two Hindus solemnized after the commencement of this Act is void if at the date of such marriage of either party had a husband or wife living; and the provisions of sections 494 and 495 of the Indian Penal Code shall apply accordingly.”\textsuperscript{701}

Unfortunately, the offenders of this law escape from the eyes of justice, making use of loopholes in law. Tmt. Bul.Renuguha, Chairperson of Committee for Status of Women in

\textsuperscript{696} G.O. No. 61, Legal Department dt. 28.3.1949.
\textsuperscript{697} Ibid.
\textsuperscript{701} Ibid.
1975, said that the section was such that marriage was the one that is ‘solemnised’ (performing marriage with proper rituals). Due to this weightage given to Brahminical form of marriage, many culprits go unpunished on the grounds of lacking a valid proof. Hence, the word ‘solemnise’ should be replaced with ‘goes through a marriage’ and this must be properly explained\footnote{Ibid., Vol.xi, Chennai, August 1, 1975, p.15.}. Thus, it is too difficult to prove bigamy.

Therefore, the Tamil Nadu Government under M. Karunanidhi Ministry introduced the \textit{Tamil Nadu Government Servant Conduct Rules} in 1973 so as to introduce stringent measures against the government servants for the abolition of Bigamy\footnote{G.O., No. 2226, Public (Service – A) Department, dt., 18.08.1973.}. According to this rule, the government servant having a spouse living should not enter into or contract a marriage with any person\footnote{Tamil Nadu Government Gazette, No. 39-A, Part III – Sec 1 (b) Supplement, Government of Tamil Nadu, Madras, 1989, p. 11.}. If he violates this Government rules, \textbf{17 b and 19 Disciplinary Action} is taken against him\footnote{Justice Chandra gave the ruling upholding Rule 8(ix) of the TN Civil Servants (Discipline and Appeal) Rules and Rule19 of Tamil Nadu Government Servants Conduct Rules, which were under challenge in a writ plea. Hence Government servants covered by Hindu Personal Law cannot remarri even with consent of the first wife, the Madras High Court ruled. Thangavelu, an assistant in the Department of Treasuries and Accounts, married K.Rajeswari after obtaining consent from his first wife who is having two children. \textit{The New Indian Express}, Madurai, March 15, 2011, p.6.}. 

\textbf{Dowry}

The term ‘Stridhana’ is popularly known as ‘dowry’ in English, ‘dot’ in French, and ‘dahej’ in Central India\footnote{Sadasivan, K., \textit{Op.cit.}, p. 16.}. But the term ‘Dowry’ means all those payments “made by bride’s family”\footnote{Encyclopaedia Britannica, Vol. IV, 1970, p. 180.} to the groom. So dowry is a term denoting the property, whether realty or personality of wife brings to her husband on marriage\footnote{\textit{Ibid.}, Vol.VII, 1970, p. 619.}.

There are two opinions among the scholars about the practice of giving dowry or \textit{Stridhana} to the bridegroom during marriage. Paras Diwan argued that dowry or \textit{Varadakhshina} is a property obtained by the bridegroom and his family under duress, coercion or pressure. Whereas \textit{Stridhana} (particularly \textit{yautaka}) is property including presents which
are voluntarily and willingly given to the bride at the time of marriage for her safety\textsuperscript{709}. The committee appointed by the Government of Mysore describes that \textit{Stridhana} means property of every description belonging to Hindu female or woman’s wealth\textsuperscript{710}.

The Cambridge Dictionary says Dowry is property which a woman brings to her husband on marriage. In the \textit{Brahma} and \textit{Daiva} forms of marriage, father of the girl, after decking his daughter with golden ornaments and honouring her with the gift of jewels, gifted her to the bridegroom\textsuperscript{711}. It was known as \textit{Kanyadhan}. He also gave a present in cash or in kind to the bridegroom known as \textit{Varadakshina}. According to \textit{Dharmashastra}, \textit{Kanyadan} is not complete till the groom was given \textit{dakshina}\textsuperscript{712} (a present).

The practice of bride-price rather than the system of \textit{Kanyadhan} was prevalent in Tamil Nadu during the Sangam Age. A poem in Akananuru Collection refers to the practice of receiving bride-price\textsuperscript{713}. The custom of bride-price was common among the South Indian castes\textsuperscript{714}. K.K. Pillay stated that there is no reference to the payment of money to the bridegroom, i.e. dowry, in the Sangam Works\textsuperscript{715}. Sillappathikaram too does not mention the custom of dowry though Kannagi wore a lot of ornaments including anklet. It was practised by the Brahmins right from the Vedic period\textsuperscript{716}. In the opinion of the social scientist, K. Sadasivan, this institution came into Tamil Nadu in the eighth century A.D. and he cited a reference from the inscription of Manur in Tirunelveli\textsuperscript{717}. R. Sathianathaiar traces the concept of \textit{stridhana} (women’s property) to the age of foreign (Greek) invasions during the fifth-fourth century B.C\textsuperscript{718}. The practice of dowry has been very deeply rooted in the society.

\textsuperscript{710} Women’s Rights under the Hindu Law, Government Press, Bangalore, 1930, pp. 118-120.
\textsuperscript{711} Rig IX, 46, 2 ; X39, 14, see also \textit{Stri Dharma}, Madras, August 1923, p. 150.
\textsuperscript{712} \textit{Manu Smriti}, II. 27 in Culluce, The Ordinances of Manu (FL) Government Publication, Calcutta, 1714, p. 55.
\textsuperscript{713} Ahanamuru 280 and 380 and See also C. Balasubramanian, \textit{Women in the Sangam Age}, Madras University, 1976, p. 31.
\textsuperscript{716} Altekar A.S., \textit{The Cultural Heritage of India}, The Ramakrishna Mission, Calcutta, 1975, p. 223.
Dowry is practised in an overwhelmingly patriarchal and agrarian society. M.N.Srinivas held that dowry was practised when a girl of lower grade marries a man of superior grade.

During the colonial period, the proposal of marriage became a trade like exchanging articles. *Stri-dharma*, the organ of Indian Women Association, worried about the increasing amount of dowry. The value or price of a bridegroom has been increasing to the sky-level according to their education during the 1920’s. For instance,

<table>
<thead>
<tr>
<th>Qualification of a bridegroom</th>
<th>Demand of Dowry</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.S.L.C. passed</td>
<td>Rs.1000/-</td>
</tr>
<tr>
<td>F.A. passed</td>
<td>Rs.2000/-</td>
</tr>
<tr>
<td>B.A., passed</td>
<td>Rs.4000/-</td>
</tr>
</tbody>
</table>

*Stri-Dharma, Madras, March 1918, p. 42.*

In order to eradicate the evil of dowry, *Periyar* demanded the youth of Tamil Nadu to develop the attitude of earning money by their own hard labour and advised them not to cultivate the habit of amassing the wealth of others and acquiring the income by their cunningness.

*Periyar* advocated that women’s problem would be solved only by providing them education, employment and property rights and passed resolution in the first Provincial Self-Respect Conference held at Chengleput in 1929. Consequently, the contemplation to give property rights to women arose among the people only after starting Self-Respect Movement by *Periyar*. The purpose of *Periyar* was to emancipate women to lead self-sufficient and self-reliant life with Self-Respect. Sri Venkatachala Iyer, the Legal Secretary, opined that the evil of dowry would disappear from the society in course of time if the daughter’s right to share is recognized.

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719 Geethanjali Mukherjee, *Dowry Death in India*, Indian Publishers, Delhi, 1999, p. 5.
723 G.O. No. 4462, Home Department, dt., 07.11.1949, Government of Madras.
Periyar repeatedly demanded the people to simplify the expensive marriage and to reduce the prolonging of marriage ceremonies within a day. The rich people in our country spent a thousand or ten thousand rupees for a wedding and even the people of ordinary families would rather spend enormously for weddings and nuptials. The wedding expenditure among the communities of Nattukottai Chettiar and the Brahmins was enormous. The unnecessary wedding expenses were burdensome to the bride’s family and it left many families impoverished and suppressed. Thereby, the proper thing to do was to lessen the marriage expenses and its duration as well.

Several attempts to introduce Dowry Prohibition Bills in the Madras legislature were made to prohibit this heinous practice from 1951 to 1955 due the awareness created by the revolutionary leader like Periyar. But, all those attempts became futile. Moreover, there was a demand for the introduction of a law prohibiting dowry from the side of reformers because of the death or suicide of girls or their parents due to excessive demand of dowry.

The occupation of the bridegroom is a decisive criterion in fixing the type and size of dowry in urban India. A.S. Altekar opined that the amount of dowry has assumed higher level during the 50s or 60s of twentieth century. Due to higher education and the lucrative jobs in government has improved the socio-economic status of the youth which raised their demand in marriage market, consequently increased the amount of dowry. Unless there was awakening among the public, this evil system would not be eradicated.

Periyar viewed that the youth should inherit their parents’ property only after their death. But they should not partition their parents’ property during their hard-earning youth period. If that was the case for parents’ property, then they should not even think about their

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724 Kudi Arasu, Erode, March 1, 1940.
725 Kudi Arasu, Erode, February 5, 1944.
726 Ibid.
727 G.O. note No. 4658/51, Home Department, dt., 27th March 1951.
728 Madan, C. Paul, Dowry and Position of Women in India, Inter-India Publication, New Delhi, 1955, p. 18.
730 Ibid.
in-law’s property even in their dreams. Dowry practice had been increasing day by day. Previously the practice of dowry was limited to a few sections in the community. It spread invariably to all sections of community. Though the Constitution of India guarantees equal rights for women, their position did not improve. Inspite of the enactment of Hindu Succession Act of 1956, which entitles women equal property rights with men except in coparcenary rights, the status of women were not enhanced during the marriage time.

Periyar observed that thousands of pretty women having talents with virtuous character remained unmarried on account of dowry. The same matter was discussed in the legislature.

When the Central Legislative bill of Dowry Prohibition was placed for discussion in the Legislative (Council), Thiru.T.Purushottam, M.L.A., raised a question in the Assembly (Qn. No. 476 on 30.01.1956): Whether the Government has any proposal to bring legislation to ban the dowry system in marriage. Again he asked: Whether the government has investigated into the matter of knowing the reason for hardship in getting girls into marriage. In 1958, N.K.Palaniswamy introduced the Madras Dowry Prohibition Bill in the Assembly to declare the giving or taking of dowry unlawful and to punish the persons, who are giving or taking dowry with imprisonment not exceeding six months and with a fine of one thousand rupees. The Bill intended to establish equality of women on par with men on the lines of Periyar’s idea. However, the bills could not be passed in the legislature as the provisions of the bill were contradictory to the Hindu Code Bill.

Finally, the Dowry Prohibition Act was introduced in 1961 by the Central Legislature to prohibit the dowry practice in the society. The Dowry prohibition Act denotes the term Dowry as “Any property or valuable security given or agreed to be given either directly or indirectly.

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731 Viduthalai, Madras, April, 1, 1959.
734 Lr.Ms.No. 634, Home Department, dt. 11.3.1954.
735 G.O. No. 211, Law Department, dt., 22.07.1958, Government of Madras State.
a) by any party to the marriage to the other party to the marriage (or)

b) by the parents of either party to the marriage or by any other persons to either party to the marriage or to any other person, on or before or after marriage as consideration of the marriage of the said parties, but does not include **dower** or **mahr** in the case of persons to whom the Muslim Personal Law (Shariat) applies. It also includes whatever is demanded or given or agreed to be given by the groom to the bride. It prevents both the giver and taker of dowry and made a provision of punishment for the person who involves in this practice. It empowered the Registrars functioning under the Registration Act of 1908 to sanction the prosecution for offences under section 4 of the Act. However, this Act does not extend to ‘Mahr’ which is practiced by the Muslims.

**The Dravidian Governments steps to prohibit Dowry System**

*Periyar* implored the youth: Why don’t they marry atleast girl from their own caste or religion without accepting dowry? But when other-caste girl is ready to marry with dowry, the youth instantly agree despite their religious bigotry and caste feeling! Since inter-caste marriage helped abolish dowry system, the DMK Government under C.N.Annadurai introduced a new scheme of awarding the inter-caste married couples with **gold medals** in 1968.

In 1973, N.K.Palaniswamy, M.L.A., introduced a bill in the Madras Legislative Assembly known as the Tamil Nadu Dowry Prohibition Bill, 1973 during the DMK Government with the objective to abolish the dowry system effectively from the society in order to uphold the rights of women.

The Bill wanted to make amendments to the existing Act of 1961, as it was in a dead form because still, many women of marriageable age fell victims to this pernicious

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736 Mehr is a sum of money or other property which the wife is entitled to receive from the husband in consideration of the marriage. It is also known as dower.
737 G.O. No.117/118, Law Department, dt. 17.03.1962.
system. So, the amendment made any amount given as consideration of marriage include under dowry and also to make it a congnizable\textsuperscript{742}. During the discussion, Thiru.K.A.Wahab, M.L.A., suggested that the Government would form a Committee not only to check this evil practice but also to bring changes in the mentality of the people\textsuperscript{743}. Thiru.C.Madhavan, the Minister of Law, pointed out that the dowry practice in Tamil Nadu did not raise a great problem. Owing to the development of Intellectual Movement, Rationalistic propaganda and social reform work done by several leaders of the different parties, the people in Tamil Nadu were also aware of not practising the dowry system. He further added that there has been a similar Act already as in All India level for the last ten years and succeeded to some extent in mitigating these problems. Before including stringent provisions in the Act, the Government should consult the opinion of women’s organizations as it would affect the life of a bride\textsuperscript{744}. “The Law Department also denied the introduction of new legislation due to the existence of central law on the same subject\textsuperscript{745}. Consequently, the bill was withdrawn.

Therefore, the DMK Government included Dowry Prohibition provision in \textit{Service Conduct Rules for the Government Servants} in 1973\textsuperscript{746}. According to the section 3-A, “No government servant shall

\begin{itemize}
\item[i)] give or take abet the giving or taking of dowry; or
\item[ii)] demand, directly or indirectly, from the parents or a guardian of a bride or bridegroom as the case may be any dowry”.
\end{itemize}

In 1973, the DMK Ministry recruited women to the Police Department to help the victims of dowry problem and to check the miscreants who were involved in this practice\textsuperscript{747}. To perform their function without any hurdles, the government granted permission for constructing a separate building attached with the police station. Hence, the strength of women police in Tamil Nadu in 1985, under the AIADMK Ministry was Sub - Inspectors\textsuperscript{82},

\begin{itemize}
\item G.O. 3068, Home Department, dt., 29.11.1973, Government of Tamil Nadu.
\item Ibid.
\item G.O. No. 3068, Home Department, dt., 29.11.1973, Government of Tamil Nadu.
\item Ibid.
\item Tamilarasu, Madras, July 1976, and Murasoli; Madras, December 4, 2000.
\end{itemize}
Head Constables-73, Women Police - 666\textsuperscript{748}. They extended their helping hand to women, who were harassed of dowry demand\textsuperscript{749}. The victim of dowry problem could approach them easily and state their problems freely without hesitation.

Thiru.M.Subramanian Naicker of Vadapalani, Madras registered a complaint against K.Balakrishna Naicker and B.Gopal of Irulapalayam of Kumbakonam village. When the petitioner’s sister was betrothed to B.Gopal, son of K.Balakrishna Naicker and both of them demanded that unless Rathinambal’s family paid the cash amount of ₹ .10,000/- as dowry for the performance of marriage ceremony, the betrothal, which took place on November 16, 1975 would be broken. Finally, the petitioner requested the Government to grant permission to prosecute the case under section 4 of Dowry Prohibition Act 1961\textsuperscript{750}. Over a period of time, the abuse of dowry practice has developed in India to the extent of ‘burning brides’ during the 1980s and many marriages were strained due to its acuteness\textsuperscript{751}. The number of dowry deaths in Tamil Nadu during 1980-84 was 30 and the life of 49 women were spoiled in the same period due to dowry harassment\textsuperscript{752}.

But, most of the dowry deaths or bride burning cases were not brought to light or reported. Even if the complaint was made, the police refused to register such cases. The press also remained unaware of such incidents in many cases\textsuperscript{753}. Thiru.Ramani, M.L.A., regretted during the Budget performance voting in the Assembly on July 8, 1985 for the negligence of the government and demanded the Government to take stern action against the criminals for the following dowry deaths\textsuperscript{754} in Tamil Nadu.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of person</th>
<th>Place</th>
<th>Date of murder</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Kanagavalli</td>
<td>Tirunelveli</td>
<td>05.05.1985</td>
</tr>
<tr>
<td>2.</td>
<td>Meena</td>
<td>South Arcot (Thittagudi)</td>
<td>02.05.1985</td>
</tr>
<tr>
<td>3.</td>
<td>Kamala</td>
<td>Chengleput (Velachery)</td>
<td>Not available</td>
</tr>
<tr>
<td>4.</td>
<td>Prabhavathi</td>
<td>North Arcot</td>
<td>06.05.1985</td>
</tr>
<tr>
<td>5.</td>
<td>Amsaveni</td>
<td>Erode</td>
<td>Not available</td>
</tr>
</tbody>
</table>

\textbf{Source:} TNLAD, Madras, 8\textsuperscript{th} July, 1985, Vol. XII, pp. 299-300.

\textsuperscript{748} TNLAD, Madras, 8\textsuperscript{th} July 1985, Vol. XII, Nos. 1-4, p. 375.

\textsuperscript{749} TNLAD, Vol. XII, Nos. 1-4, Madras, 8\textsuperscript{th} July 1985, p. 375.

\textsuperscript{750} Lr. No. 231, Home Department dt. 25.01.1977, Government of Tamil Nadu.

\textsuperscript{751} TNLAD, Vol. XII, Madras, 8\textsuperscript{th} July 1985, pp. 299-300.

\textsuperscript{752} Ibid., 16\textsuperscript{th} November, 1987, Vol. XI, p. 373.

\textsuperscript{753} \textit{India Today}, Madras, April, 15, 1984, p. 39.

\textsuperscript{754} TNLAD, Vol. XII, Madras, 8\textsuperscript{th} July, 1985, pp. 299-300.
Since 1985 the Police Department had been instructed by the AIADMK Government under M.G.Ramachandran to maintain the statistics of dowry cases and dowry deaths. Owing to the raising incidents of dowry harassment and dowry-deaths all over India, the Government of India recognized dowry as a social evil and wanted to strengthen the law enforcement machinery through the Act.

Therefore the existing **Dowry Prohibition Act 1961** was amended in 1983 and again in 1986 by the Government of India to protect the life of women. Moreover, the Parliament enacted an Act further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 and it was known as the Criminal Law (Second Amendment) Act, 1983\textsuperscript{755}. It also inserted chapter XX-A by the Amendment Act 45 of 1860. According to this **chapter XX-A, 498-A, sub-section (3) in section 174 and also section 198-A** were inserted. The purpose of the Government is to prevent the harassment of women by her husband and any person related to her in the husband’s family with a view to meet any unlawful demand. **Sub-section (3) in section 174** prevents the death or suicide of a woman within seven years of her marriage.

In **Dowry Prohibition (Amendment) Act, 1986** (No. 43 of 1986) dowry demand “after the marriage” or “any time after the marriage” is substituted in section 2 of the original Act (Dowry Prohibition Act 1961). This Act made a provision i.e., section 8 for appointment of **Dowry Prohibition Officers** by the State Governments. Thereby, they may appoint an Advisory Board consisting of not more than five social welfare workers to assist and advice the Dowry Prohibition Officer to perform efficiently and to prevent dowry harassment\textsuperscript{756}. This Act also inserted section **304 B** in the **Code of Criminal Procedure 1973** and considered dowry death as non-bailable offence and the criminal who commits dowry death are punished with imprisonment of not less than seven years\textsuperscript{757}. All these criminal sections are strictly followed in Tamil Nadu to protect women from Dowry harassment. But special importance is given to **section 498-A**, as said by Periyar, the parents of the bridegroom are the main

\textsuperscript{756} Ibid.
reason for the problem of dowry\textsuperscript{758}. The Government enforced this section very sternly so as to liberate women from the clutches of in-law’s harassment. R. Nataraj, the Police Officer, wrote in Dinamani that Acts regarding Dowry Prohibition and Eradication of Sexual Violence against women are always implemented effectively by the Tamil Nadu Governments and remarkably succeeded in reducing the number of such crimes in the State\textsuperscript{759}.

The Central Government enacted the \textit{Family Courts Act in 1984} to deal with the cases of women-marital-centred problems including dowry harassment cases\textsuperscript{760}. Thiru.C.Ponnaiah, M.L.A., informed in the Assembly during the session of Budget voting for 1987-88 that steps would be taken according to the order issued by the Hon.Chief Minister for the establishment of separate Exclusive Court for Women in order to deal with cases of dowry, rape and other harassment inflicted on women in the society\textsuperscript{761}. Thiru.V.P.Chitthan, M.L.A., demanded (in the Assembly that) the immediate implementation of the Parliament’s Family Court Act of 1984 in Tamil Nadu\textsuperscript{762}. He also demanded the government to enact act to provide \textit{equal property inheritance rights} to women for abolishing the dowry cruelties\textsuperscript{763} as the number of dowry deaths had increased in Tamil Nadu. Following table substantiates it.

\begin{table}
\centering
\begin{tabular}{|l|c|c|c|}
\hline
\textbf{States} & \textbf{1985} & \textbf{1986} & \textbf{1987} \\
\hline
Andhra Pradesh & 13 & 79 & 98 \\
Karnataka & 35 & 54 & 83 \\
Kerala & 55 & 4 & 2 \\
Tamilnadu & 12 & 38 & 49 \\
\hline
\end{tabular}
\end{table}

The number of dowry deaths in Kerala was very meagre whereas Andhra Pradesh has the highest number. In Tamil Nadu, the number of dowry deaths has been increasing every year whereas the problem has been suppressed in Kerala during the above said period.

\textsuperscript{758} \textit{Viduthalai}, Madras, April 1, 1959.
\textsuperscript{759} \textit{Dinamani}, Tirunelveli, 3.8.2013.
\textsuperscript{761} TNLAD, Madras, April 1987, Vol. XL, p. 860.
\textsuperscript{762} Ibid., p. 828.
\textsuperscript{763} Ibid., p. 827.
Owing to the occurrence of a large number dowry deaths and suicides in Tamilnadu, the State Government has been implementing the following criminal sections strictly to eradicate this evil.\textsuperscript{765}

<table>
<thead>
<tr>
<th>IPC section</th>
<th>Nature of the case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 302 IPC</td>
<td>Murder for dowry by burning and by other means.</td>
</tr>
<tr>
<td>Section 307 IPC</td>
<td>Attempt to commit murder for dowry by burning and by other means.</td>
</tr>
<tr>
<td>Section 304 – BIPC</td>
<td>Dowry death-by burning and by other means</td>
</tr>
<tr>
<td>Section 304-B r/w</td>
<td>Attempt to commit suicide for dowry-by burning and by other means.</td>
</tr>
<tr>
<td>511 IPC</td>
<td>Cruelty by husband or relatives of husband</td>
</tr>
</tbody>
</table>

Thiru.K.Kuppuswamy, M.L.A., pointed out in the Assembly in 1987 that the Indian Succession Act of 1956 entitles men the property on the grounds of ‘Right by birth’. He demanded that the Chief Minister should do the needful to womenfolk by extending them the right by birth in the inheritance of property right.\textsuperscript{766} But their demand was fulfilled only during the Ministry of DMK in 1989. To remove discrimination against women, to provide equal inheritance rights to women on par with men and to eradicate all the problems like harassment of dowry and to empower women, M.Karunanidhi’s Ministry enacted the \textbf{Hindu Succession (Tamil Nadu Amendment) Act, 1989}. This Act ensures women’s right to share in coparcenary right and prevents the demand of dowry during their marriage as well.\textsuperscript{767} Tmt.Pappa Umanath pointed out in the Assembly that though this Property Right Act is brought forth to undermine the problems of dowry, this cruel thought is in our blood. She, therefore, wanted all the leaders in our society to strive hard to remove this problem.\textsuperscript{768}

But the evil of dowry was acute and chronic in India. To solve this problem, \textit{Periyar} said that if women were provided with higher education and the right to choose partner of her life this problem of dowry would be mitigated. \textit{Periyar} demanded the parents

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\textsuperscript{766} TNLAD, Vol. X, Madras, April, 1987, p. 793.

\textsuperscript{767} Ibid., Vol. XV, No. 3, Madras, May 6, 1989, pp. 455-458.

to provide sound education to their daughters and to equip them with a job in order to lead independent life and to raise their status during their marriage time\textsuperscript{769}.

Since the education of girls is considered double expenses, the parents hesitated to provide education to them. It is with this intention the Dravidian Government introduced the following schemes in addition to Dowry Prohibition Acts to mitigate this evil.

\begin{itemize}
\item The DMK Ministry introduced \textbf{Moovalur Ramamirtham Ammaiayar Marriage Assistance Scheme} in 1989 by which the Government granted financial assistance of `5000/- to poor girls who had studied upto 8\textsuperscript{th} standard and for scheduled tribe upto 5\textsuperscript{th} standard for their marriage expenses with the aim to remove the economic burden of marginalised women during marriage\textsuperscript{770}.

\item The DMK Ministry introduced \textbf{30\% reservation} for women in providing employment opportunities to empower women socially and economically on the ideas of \textit{Periyar}, to establish gender equality and to liberate womenfolk from all the social evils including dowry problems\textsuperscript{771}.

\item It empowers the members of \textbf{Self-Help Group} to involve in anti-dowry propaganda in their surrounding areas\textsuperscript{772}.
\end{itemize}

Eventhough the DMK and AIADMK Governments have been taking strenuous efforts and steps through laws and rules to prevent the dowry harassment, the problem of dowry still exists. Though \textit{Periyar} got success in abolishing \textit{devadasi} system and Brahminic rituals in marriage, he could not uproot this dowry problem. \textit{Periyar} himself said that the steps to abolish dowry were a futile attempt like that of abolishing \textit{prostitution, falsehood and fraud} which lies in the society. However \textit{Periyar} gave the solution to the problem that women


\textsuperscript{770} G.O. No. 515, Backward Classes Welfare, Nutrition’s Meal Programme and Social Welfare Department, dt., 31.5. 1989, Government of Tamil Nadu. Now the amount is increased to `25,000/- and `50,000/- depending upon their educational qualification like +2and degree level.

\textsuperscript{771} G.O.No. 89, Personnel and Administrative Reforms Department, dt., 17.02.1989.

\textsuperscript{772} Tamil Nadu Human Development Report, Government of Tamil Nadu, Social Science Press, Delhi, 2003, p.107.
should attain education, employment and property rights to solve the problems. Women who gained these rights are able to challenge these problems and withstand in their life courageously. Another new problem that arose in Tamil Nadu is that the illiterate women who face such dowry evil not only commit suicide but also gave poison to their children.

**Divorce**

The peculiar problem in Indian system of marriage is dowry, which in its various manifestations and cruelties mostly lead to the breakdown of marriages.

The word **divorce** in English is derived from the Latin word **divortium** which again is derived from **dis**, which means **apart** and **vetere** which means to **turn**. Divorce simply is the dissolution of the tie of marriage. So divorce is the turning away of partners from each other. Thus, it means the legal ending of a marriage. It represents the end of the hopes that the two people had for each other; it is the certificate that says that their relationship had failed.

Hindu traditional families have attached too much importance to marriage and joint family life. But in the modern age of individual rights and liberties, education and employment, joint family system underwent tremendous changes and nuclear families have arisen with more liberties but with unending problems, overloading of mutual suspicions. So **divorce** is nothing but **breaking of the mutual bond** as husband and wife. Divorce in practice, should be understood to be different from such terms as **separation** and **desertion**. It may mean deviation from the set pattern of marriage, or a sexual alienation between the two opposite sexes, a negation of mutual bond.

Deserted women are those who are left alone by their spouses against their wish and without any reasonable cause; whereas separated women are those who may separate from their spouses voluntarily and live separately for a variety of reasons such as mental or

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physical incompatibility, family differences or simply because they do not wish to sacrifice their identity and individuality for matrimony or other similar reasons\footnote{Encyclopaedia of Social work in India, Vol. III, Ministry of Welfare, Government of India, New Delhi, 1987, pp. 374-375.}. Hence, desertion and separation occur during the subsistence of marriage\footnote{Ibid.}.

*Periyar* advocated that dissolution of marriage is essential for emancipating women and to attain human rights and **Self-Respect**. It is important for men to obtain real pleasure, love and morality in their life otherwise the purpose of marriage would become meaningless\footnote{Anaimuthu, V., *Periyar E.V.R.Chinthanaigal*, Vol. I. Chinthanaiyalar Kazhagam, Trichirappalli, 1974, p. 47.}. *Periyar* also stated that the Dissolution of Marriage Act would be an indispensable protective instrument to womenfolk. He added that individual liberty should be given for both the spouses to attain equality in life and to have mutual love\footnote{Ibid., p. 146.}. *Periyar* passed a resolution in favour of providing the right of ‘Divorce to Women’ in the first **Self-Respect** Conference held at Chengleput in 1929, to remove the deplorable condition of married women in India. It demanded that a separate law was required for the dissolution of marriage\footnote{Kudi Arasu, Erode, August 17, 1930.}. He wanted women to be given equal right to annul her marriage like a man\footnote{Meena Kandasamy, *why were women enslaved?* (Tr.), PSRPI, Chennai, p.23.}. *Periyar* stated that women in the world, particularly in our country were treated cruelly and inhumanly in their married life. The condition was very worst in our country. It was the need of the hour for womenfolk to fight against all these atrocities and oppressions in tooth and nail\footnote{Anaimuthu, V., *Op.cit.*, p. 46.}.

Influenced by the ideology of *Periyar*, A.Kaleswara Rao introduced the **Madras Hindu Bigamy Prevention and Divorce Bill** in 1947 to put an end to the most obnoxious custom, polygamy, which is prevalent in the Hindu society for a very long period. It was introduced with the objective to provide a higher dignity to woman by placing her in a status of equality with man in the important filed of marriage, the basic idea of *Periyar’s Self-
Respect Movement. The bill section 4(1) prohibits the marriage of a man or woman with another while the first one is alive and provided in section 4(2) the second marriage is punishable crime under section 494 or section 495 of the Indian Penal Code. The wish of Periyar was included in this bill that it granted the right of divorce to both man and woman under certain circumstances.

Periyar warned that if the legislation was not enacted to give right to divorce, the campaign for anti-marriage and polygamy for both men and women should be ensured. Periyar asserted that it was not a matter to find out the reason of one’s birth, but mankind should live with satisfaction and pleasure as long as they live. Thus, Thiru.A.Kaleswara Rao, M.L.A., took steps to introduce The Madras Hindu Bigamous Marriages Prohibition and Divorce Bill to grant a charter of freedom to women in the field of marriage and divorce. Since the Madras Province had produced the distinguished reformers, the people were far advanced in social reform in throwing open all the temples to Harijans, so we could pass this bill by providing equal status to women in important matters.

Majority of the members opposed the granting of divorce to women while supporting monogamy. But, Kaleeswara Rao emphasized that monogamy would be possible in a society if there was a provision for divorce. Since strong public opinion was infavour of A.Kaleswara Rao’s Bill, it was passed without any amendment in the teeth of opposition from the Assembly members. Eventually, the Bigamy Prevention and Divorce Act, 1949 provides for the dissolution of marriage in certain circumstances mentioned under sect 5(1) a 5(1) 5 of the Act.

782 G.O. No. 61, Legal Department, dt., 28.3.1949.
783 Ibid.
784 Ibid.
785 Kudi Arasu, Erode, August 17, 1930.
788 Ibid., p. 192.
789 Ibid., p. 245.
790 G.O. No. 61, Legal Department dt. 28.3.1949.
The dissolution of marriage could be claimed on the grounds of having concubine by either of the party, of desertion for three years, of cruelty, of incurable lunaticism and leprosy and veneral disease, impotence and conversion\(^{791}\) and permits a man or woman whose marriage has been so dissolved to do marriage with another after the expiry of six months from the date of the first order of dissolution\(^{792}\).

The enactment of this legislation in Madras Province was possible only because of the rationalistic movement of *Periyar*. This Act fulfilled the long-cherished ideals of *Periyar*. The Madras Bigamy Prevention and Divorce Act, 1949 became a model to the enactment of Central Legislation, Hindu marriage and Divorce Act 1955\(^{793}\). While giving opinion about this Act, *Periyar* observed that eventhough *this Act has been hailed as a revolutionary step, it is a useless Act for not containing any provision for getting maintenance allowance from her divorced husband but it gives the right women to live independently*\(^{794}\).

In the 1951 Census a separate column for divorced persons was created. Accordingly, the number of divorced persons in the districts of Madurai, Ramanathapuram and Chittoor is 5, 6 and 5 persons respectively. All other districts had only 1 or 2 persons. Indeed, it is a step forward for women’s liberation.

**The Hindu Marriage and Divorce Bill, 1952**

The Hindu Marriage and Divorce Act was introduced in the Council of States on 20\(^{th}\) December 1952. The Bill was sent to Madras Government to seek its opinion on the bill\(^{795}\).

*Periyar* raised a question: Whether marriage is for gaining pleasure and satisfaction or for maintaining ritual. If either of the spouse got a chance to marry a man or a woman who is not co-operating to live together and denied for co-habitation what will be the condition of

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\(^{791}\) Ibid.


\(^{793}\) Census of India 1951, pp. 186-187.


\(^{795}\) Lr. No. 2015, Home Cts. II/53-3, dt., 07.01.1953.
that partner? If the marriage is inseparable and pre-destined, does this kind of mistake arise? So branding of marriage as divinely ordained is very much fraudulent. The enactment of divorce law is essential for mankind to live a joyful life.\textsuperscript{796}

Sri.H. Ananthanarayana Iyer, District Judge, Tiruchirappalli was of the opinion that section 5 (2) of 1949 Act is salutary and necessary to include in this bill of Hindu Marriage and Divorce 1952\textsuperscript{797}. Clause 25 of this bill deals with the maintenance of wife which is supported by most of the people. Thiru.Sankaracharya Swamigal of Kanchi Kamakoti Peetam Mutt criticized the Hindu Marriage and Divorce Bill of 1952 as it denied the Sastras and the ideals cherished through the ages. The provision of the termination of marriage and divorce in this bill is detrimental to the social well-being of the future generation of the Hindus. It serves only material needs of the society by giving liberty to the individual to follow the reformist view\textsuperscript{798}.

Periyar criticised that people are afraid of passing divorce bill into a law. They thought that as soon as the divorce bill was passed into a law, all women in the society would divorce their husbands and they would lose chastity. Periyar counselled them that generally, the laws are enacted to give protection to the people and enable them to get relief from unbearable circumstances. People will realize the aftermath of divorce and may apply for it only where the situation necessitates\textsuperscript{799}. Finally, the Bill was passed into an Act known as The Hindu Marriage and Divorce Act, 1955. The Section 13 of the Hindu Divorce Act 1955 include legal, physical, emotional, and characters, conduct based ones. Among them mention may be made of

Adultery, Incurable disease, Insanity (madness), Bestiality, Vulgarity and Over sexuality, Non-cooperation in conjugal relationships, Verbal abuse, etc. when situations necessitate divorce, any one or more of the grounds mentioned above

\textsuperscript{797} Letter No. 1264, Home Department, dt., 17.04.1953.
\textsuperscript{798} Letter No. 1264, Home Department, dt., 17.04.1953.
are needed. They should be proven beyond any iota of doubt\textsuperscript{800}. By such provisions, women in Tamil Nadu find great relief in life.

Divorce is now more common than in previous eras. The divorce rate rose particularly from the year 1960s to the year 1970s\textsuperscript{801}. On the basis of Hindu Marriage and Divorce Act of 1955, the following percentage of people in Tabular column got divorce in Tamil Nadu\textsuperscript{802}.

<table>
<thead>
<tr>
<th>Age</th>
<th>Total Population</th>
<th>Unmarried</th>
<th>Married</th>
<th>Divorced</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>10-14</td>
<td>50.6</td>
<td>49.4</td>
<td>99.9</td>
<td>99.4</td>
</tr>
<tr>
<td>15-19</td>
<td>51.2</td>
<td>48.8</td>
<td>98.8</td>
<td>72.7</td>
</tr>
<tr>
<td>20-24</td>
<td>50.1</td>
<td>49.9</td>
<td>79.3</td>
<td>17.0</td>
</tr>
<tr>
<td>25-29</td>
<td>47.0</td>
<td>53.0</td>
<td>31.6</td>
<td>2.7</td>
</tr>
<tr>
<td>30-34</td>
<td>49.4</td>
<td>50.6</td>
<td>9.5</td>
<td>1.2</td>
</tr>
<tr>
<td>35-39</td>
<td>50.4</td>
<td>49.6</td>
<td>4.1</td>
<td>0.7</td>
</tr>
<tr>
<td>40-44</td>
<td>52.2</td>
<td>47.9</td>
<td>2.4</td>
<td>0.7</td>
</tr>
<tr>
<td>45-49</td>
<td>53.2</td>
<td>46.8</td>
<td>1.9</td>
<td>0.6</td>
</tr>
<tr>
<td>50-54</td>
<td>52.0</td>
<td>48.0</td>
<td>1.4</td>
<td>0.5</td>
</tr>
</tbody>
</table>

Source: Status of women in Tamil Nadu, The Tamil Nadu Corporation for Development of Women Ltd., Madras, 1986, pp. 130-131

*Periyar* questioned: What would be the condition of women after divorce when she was denied property right and educational rights? She should claim her maintenance rights from her husband. It is the duty of the government to enact laws to provide maintenance and property to women\textsuperscript{803}. Besides the Hindu Adoption and Maintenance Act 1955\textsuperscript{804}, Section 125 of Criminal Procedure Code in 1973, was inserted and granted the deserted or destitute wife the right to claim a maximum amount of Rs.500/- from her husband. Later it was extended to


\textsuperscript{803} *Viduthalai*, Madras, May 23, 1959.

a divorced wife by expanding the scope of the term wife to include ex-wife (or divorced wife).805

When the National Committee on status of women examined various grounds for divorce and argued for relaxations in 1974, demanded the provision of cruelty and desertion as another ground of divorce, so that the wife does not go to court twice over.806 So, the Marriage Law Amendment Act, 1976 provides extra grounds for divorce among Hindus on the basis of mutual consent as well as cruelty and desertion.807 The inclusion of mutual consent under section 13.b is a turning point in the history of divorce laws.808 The Second Self-Respect Conference held at Erode in 1930 under the presidency of Thiru.M.R.Jayakar passed a resolution and pleaded the Government to legislate a law on divorce by which the spouses could dissolve their marital relation when they lost their understanding to continue the life.809

Thus the changes brought about by the 1976 Act are revolutionary in character and made the law of divorce more speedy and liberal. The inclusion of new ground is not to change the rules of Hindu Divorce law but only to “concern women’s rights”.810 Subsequently, the Marriage Law Amendment Bill was introduced in the Lok Sabha on 27th February 1981, proposing amendments to the effect that irremovable break down should become a new ground for divorce. But the bill was not passed into a law.811

The Muslim law gives an absolute right to annul marriage at the will of the husband. But, the Muslim wife is denied that right. However, the Muslim Marriage Act, 1939 conferred the right to divorce on Muslim Women under specific conditions. The Supreme Court Judgement in the Sha Bano case by Justice Krishna Iyer in 1979 and 1980 guaranteed the divorced Muslim women’s right to maintenance. Later, it led to the

805 Flavia Agnes, Law and Gender inequality, p. 102.
811 Ibid., p. 462.
enactment of the Muslim Women (Protection of Rights on Divorce) Act in 1986. Similarly, the Christian women can sue for divorce under the Indian Divorce Act, 1969, on grounds of adultery only if it is either rape, bestiality, cruelty or desertion. But for a man adultery alone is a ground for divorce.\footnote{Rajkumar, (ed.) \textit{Violence Against Women}, Anmol publications Pvt, Ltd., New Delhi, 2000, p. 173.} 

Eventually, there has been an annual increase of about 10% in the number of divorces in Madras, the tradition-based centre. In Madras there were 800 cases filed in 1986.\footnote{Ibid., p.177.} The AIADMK Government has also established Family Courts in 1987 for the speedy trial of cases and counselling has also been given to bring the union of spouses.\footnote{Swarup, R. (ed.) \textit{Dowry prohibition}, Amar publications, Madras, 1989, pp. 7-12} In the 80s of twentieth century there has been an increase in the number of dowry deaths due to the demand of dowry.\footnote{TNLAD, Vol.xii, Madras, 8\textsuperscript{th} July, 1985, pp.299-300.} Thereby, the Hindu Marriage Amendment Act entitles the wife to plead a decree for dissolution of marriage on the grounds of dowry cruelty under section 13 (1) (1-A)\footnote{Rajkumar (ed.), \textit{Op. cit.} p. 174.}.

Woman today no longer tolerates a subordinate position in the family as they did at earlier times. Periyar’s thoughts on education encouraged women in Tamil Nadu to acquire higher education. Thereby, elitist women with a sense of their identity and Self-Respect could endeavour to claim their own rights in every field. The introduction of 30% reservation in employment opportunities in 1989 and the enactment of the Hindu Succession (Tamil Nadu Amendment) Act, 1989 by the DMK Government empower women to shine in different fields by showing their talents and skills in their jobs despite their living in servility. The attitudinal development of self-reliance and self-confidence encourage them to live more independently rather than depending upon menfolk. For happy married life mental, physical, emotional cooperation, adjustment and understanding of the parties are needed. Mutual understanding and adjustments are the corner stones of married life.
The Dravidian Governments steps towards the enactment of Self-Respect Marriage Legislation in 1967, introduction of various Marriage Assistance Schemes for encouraging widow-remarriage, Inter-caste Marriage, restraining child-marriage, steps towards the abolition of Polygamy, and Schemes for prohibiting dowry menace undermined the disgraceful and servitude position of women. The granting of right to Divorce liberated women from their age-long harassments and persuaded them to march successfully in the path of progress without any obstacles. Moreover, Periyar advocated birth control as a next step towards women’s emancipation from seclusive life.