CHAPTER II

EMANCIPATION OF HINDU WOMEN UNDER THE JUSTICE PARTY'S RULE (1920-1937)
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Formation of Justice Party

In the beginning of the twentieth century, the socio, economic and political conditions of Madras Presidency among different caste groups were found imbalanced. The non-Brahmin Communities were socially and educationally backward. Hence, they were not competent enough to occupy some coveted posts in the administration. The press and political platforms were also not much at their disposal.

According to the Census of India 1911, the 3.5 per cent of Brahmin Community occupied dominant positions of Government services relegating over a large majority of 96.5 percent to the status of a backwardness.

In order to find a social equilibrium, The South Indian Liberal Federation was started by T.M. Nair and P. Theyagaraya Chettiar. It worked for the upliftment of the non-Brahmin people. They started three publications, 'Justice' an English Daily, 'Dravidan' a Tamil Daily and 'Andra Prakasini' a Telugu Daily. These publications awakened the political consciousness of the masses for the assertion of their rights. P. Theyagaraya Chettiar
issued the aims and objectives of the South Indian Liberal Federation, in his famous declaration 'The Non-Brahmin Manifesto' (December 1916). In this Manifesto he had strongly injected the Non-Brahmin feelings into the veins of masses other than the Brahmins. T.M. Nair called the Non-Brahmin to "Awake, Arise or be forever fallen".¹

The Hindu condemned the contents of Non-Brahmin Manifesto as 'Non-Brahmin Chaunism'. "It can serve a good purpose but it is bound to infuse bad blood between persons belonging to the same great Indian Community".² Hindu Nesan observed "we see no reason why such a Movement should be started at this juncture when the Hindus and Muhammadans have united together to ask for self-Government of India".³ New India the organ of the Home Rule League and an opposing force of the Justice Party stated in its vertibulated statement that the birth of Justice Party as 'already a pent up force' and cursed for its premature death.⁴

Since the ideologies of the South Indian Liberal Federation were widely published in the 'Justice', in course of time the

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South Indian Liberal Federation was called as Justice Party.

The Hindu, New India, Swadesamitran and Andhra Patrika were pro-Congress and regarded as Brahmin Newspapers. They described the Justice Party as a 'Mischievous Movement' and The Hindu refused to give publicity to the Justice Party and called anything that appeared in Justice as Communalism. On the other hand, Kerala Sanchari, Kerolodayam and Malayali propagated and promoted the ideology of the Justice Movement.

The objectives of the Party were defined as follows:

(1) to promote the educational, social, economic, political, material and moral progress of all Communities in Southern India other than Brahmins;

(2) to discuss public questions and make a true representation to Government of the views and interests of the people of Southern India with the object of safeguarding and promoting the interest of all Communities other than Brahmins; and

(3) to disseminate by public lectures, by distribution of literature and by other means, sound and liberal views in regard to public questions and thereby create and direct public opinion.  

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Within a short period, the Justice Party became very popular and thousands of members were enrolled in the Party. It demanded for Communal representation of Non-Brahmins. When the Montague-Chelmsford Report of 1919 was published, there was no provision for Non-Brahmins in that report.\textsuperscript{6} But the Justice Party was continuously agitating for the creation of a separate Non-Brahmin electorate. So, Lord Meaton, Chairman of the Franchise Committee in his report recommended that 24 seats should be reserved for Non-Brahmins. This was the first political victory for the Justice Party that helped the Party to win the election and set up Dyarchy in 1920 under the Act of 1919.\textsuperscript{7} The Justice Party Government was in Power from 1920 to 1937 with short interval. But in course of time, Justice Party had strengthened its position and in 1927 it refused the method of reservation and contested in general seats. Therefore, Justice Party was not for Communalism but for 'Social Justice' or 'Social Equilibrium'.

It encouraged the education of girls and uplifted them equal to that of men by passing legislations such as Women's Enfranchisement, Abolition of Devadasi System, Suppression of Immoral Traffic in Women, to uphold the morale of womenfolk. Communal Government Order and the Temple Entry Bill etc., were only to find 'Social Justice' to materialise the philosophy of liberty, equality and

\textsuperscript{6} Ibid., p.15.

\textsuperscript{7} Ibid., p.16.
fraternity. These were the main features that were announced in the Party's Election Manifesto and somehow the Party fulfilled all these ideologies within its 17 years of rule.

The Justice Party had to accept Ministership and act within the 'Transferred half' of the State Executive as against the opposition of Swarajists and Brahmin revivalists. Even then it was a casteless Government. In the First Council (1920) elected under the Act of 1919, the Justice Party won majority and the opposition was provided by the Brahmins. In the Second Council (1923) also, it won majority but the opposition consisted of not only Brahmins, but also Non-Brahmin Swarajists. In 1923 (Second Election) a 'No-Confidence Motion' was moved against the Ministry and 23 Non-Brahmins supported the motion. In the Third Election (1926) Swarajists secured 40 seats while the Justice Party got only 20 seats. Actually the Justice Party had ceased to be a powerful electoral machine and put its leaders in office by 1926. But the elimination of Brahmin domination was not reserved. Between 1920 and 1937 there was only one Brahmin Minister and one Depressed Class Minister.

THE ENFRANCHISEMENT OF WOMEN

Our Vedas and Sastras consider woman to be the better half of man, but in course of history this esteem ideology declined

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8 Swarajist Party was a dissident Congress group which wanted the entry into Legislatures, whereas the Congress did not want contest in election.
and degraded the woman as the stooge of man. She was denied equality in all respects. Social reformers had tried their best but they did not fully succeeded in their attempts to bring about equality among man and woman.

The impact of the Muslim rule in India brought out the 'Purdah' System and 'Zenana' to the Indian women as a religious respect. When British began to thrive as the rulers of the country, the Mughal Empire, the Maratha Confederacy and the Vijayanagar Empire began to decline in the south. This political change brought social changes in the south. The position of women was reduced to an inferior social status. They were forced to believe that this was due to their religious custom, usage and tradition, because the direct attack of Islamic culture was more vigorous in the north than in the south. 9

The English traders who became rulers after the battle of Plassey in 1757 did not interfere in the social affairs of Indians for more than half a century. When Lord William Bentinck (1828-1835) became the Governor General of India, he introduced English Education in India. After the introduction of English language as a medium of instruction and official language, the Indians began to follow the Western culture. In 1829 Bentinck brought an enactment against Sati and abolished it. He also abolished female infanticide and human sacrifices. These Acts were

considered as criminal offences and punished. So, he was the first person who took a bold step to interfere in Hindu social affairs and redeemed the miseries of Hindu women.  

During the Governor Generalship of Lord Dalhouse (1848-1856), two kinds of education plans were introduced. They were Sir James Thomson's general education plan which was for the growth of education in general and Drink Water Bethnu's Women's Education Plan which was particularly for the growth of women education. Both plans were sincerely executed by Dalhouse. Hence for the first time in the history of India, women's education was planned and the Indian women were educated up to Collegiate level. By the efforts of Sir Charleswood, higher education in India was well established and the Universities of Madras, Bombay and Calcutta were established in 1857 under the Directors of Public Instruction. Both English and in vernacular languages became the medium of instruction. This made the women to acquire their knowledge easily. Dalhouse, took keen interest in the upliftment of women. He banned the child marriage, and female infanticide and encouraged the widow re-marriage and female education.  

Such educational assets of women gave them encouragement to stand equal with that of men and to sink away their own age old blind faiths in the name of religion, sastra and sambradhaya. So in


the beginning of the twentieth century the percentage of educated women in the Madras Presidency was increased.\textsuperscript{12}

The Indian Constitutional Development was started with the Charter Acts and Council Acts but the Act of 1919 was the first stepping stone towards introduction to the Democratic Government to India. It considered only the male members as citizens because, this discrimination was there in England upto 1916. Until 1921, the Madras Electoral Rules for registration on the Electoral roll, this discrimination was clearly recorded. When the first election was held in 1920 under the Montague-Chelmsford Act of 1919, women raised their voice against sex disqualification and demanded the right of equal franchise. They agitated for the removal of this disqualification and demanded the exact right which entitled men to vote. Their demand for equal franchise was accepted by the national leaders. Hence, this became one of the demands of freedom fighters.\textsuperscript{13} Thus, the women's franchise became a nationwide problem in the second decade of the twentieth century.

Due to Western education and culture, some Indian women became conscious of their rights and privileges. The services of Christian Missionaries made them feel as human beings. The Missionaries were the first people who started separate girls

\textsuperscript{12} \textit{Indian Franchise Committee Report}, Vol. I, Delhi, 1932, p.83.

\textsuperscript{13} \textit{Ibid.}, pp.498-504.
schools and opened teacher training schools for women in Tamilnadu. Though they were educated, they were not organised and hence they could not agitate for their rights. This vacuum was filled up by the services of Mrs. Margaret Elizabeth Cousins, an Irish woman. She was made the treasurer of the "Irish Women's Franchise League" which was set up to obtain Parliamentary vote for women of Ireland on the same terms as the man had it.

She also became a volunteer to the Women's Social and Political Union in London. This sort of apprenticeship for her, later helped to champion the cause of women in India.

The Women's Movement in Ireland, the "Irish Women's Franchise League" turned as a violent movement called "Suffragette Movement" during 1911-'13. This was backed by her husband Dr. James Cousins. As a result Mrs. Cousins was imprisoned in Ireland. She was imprisoned for one month in England for the same violent Act. So she became a well trained fighter for the cause of women's franchise.

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*Suffragette - Woman who militarily advocated suffrage for their sex.

16 Cousins Celebration Committees, op.cit., p.5.

17 Ibid., p.4.
In 1915, Mr. and Mrs. Cousins were invited by Mrs. Annie Besant, a member of the Theosophical Society. Mr. Cousins was appointed as Sub-Editor of "New India" founded by Mrs. Annie Besant and Mrs. Cousins as a teacher at Madanapalli in Chittor District in Andhra Pradesh.

When India was marching towards achieving political freedom, women also joined with men. Mrs. Annie Besant joined the Congress in 1914 and it increased the national consciousness in womenfolk. During the First World War, the Governor of Madras Lord Pentland, roused patriotism in the hearts of women, and women took part in public processions. They joined the 'Indian Home Rule League' founded by Mrs. Annie Besant. She also formed the Women's Indian Association in 1917.

Mrs. Cousins collected about 20 women and organised them as Women's Deputation to meet Montague. Mrs. Sarojini Naidu was nominated as the speaker of the group, which met Montague in Madras City on 18th December, 1917. 18

The members of the Women Deputation came from different parts of India. They were Mrs. Annie Besant, Sarojini Naidu, Jinarajadasa, Margaret Cousins, Begum Mazrat Mohani, Hirabai Tata, Dr. Joshi and others. In their memorandum besides other things, they demanded for women's franchise as in the case of men.

16 Cousins, M.E., op. cit., p.32.
in the ensuing reforms. This was the first voting meet for Indian women, on the same terms as might be granted to men. Thus, it marked a distinct milestone in the history of emergence of womanhood in India. It raised the tide of social, educational and political honour of women of India. The participation of women in the Indian National Congress opened the flood gate of their self-assertiveness and freedom. They took part in the Indian Home Rule League and became political participants. Thus, they came out of their 'Purdah' and participated in the public functions along with men with equal terms.

When Mrs. Annie Besant was elected as the President of Indian National Congress held in 1917 at Calcutta it roused the hearts of women. Montague, the Secretary of State for India declared in 1917 that the British would secure the association of Indian in every branch of administration for the progressive realisation of responsible Government in India.

Montague, came to India as the Head of a mission to study the political situation personally. The Women's Deputation (votes for Women Deputation) met Montague then.

After six months Montague in consultation with the Viceroy

19 Ibid.
20 Murdoch John, Twelve Years of Indian Progress, London, 1922, p.36.
Chelmsford and the members of his Committee published the "Montford Scheme" in 1918. Unfortunately, the franchise right of women was not found in the scheme. Thus, it disqualified the women for franchise on the basis of sex. Therefore the cry of women ended in wilderness. However, women's suffrage resolutions were passed by the Provincial Congress Committees of Bombay, Madras, Central Provinces, Punjab and United Provinces.

The Muslim League and the Congress Conference held in Bombay in September 1918 passed resolution in favour of the enfranchisement of Indian women. By the constant demand of the Congress, the Government appointed a Committee to investigate and to include the question of woman franchise in the Montford Reforms. Since the Committee appointed to deal with election question, it was called the "Franchise Committee". When the Committee was headed by Lord Southborough, it was also called 'Southborough Committee'. When the Committee was touring India, forty branches of Women's Indian Association, Women Graduates' Union, Women's Home Rule League and other Women's Organisations submitted their representations to the effect that women should be included in the franchise.

In those days, for the right to vote, property qualification was fixed as a criteria and unfortunately this was considered

21 Herabai Tata, A Short Sketch of Indian Women's Franchise Work, Bombay, 1920, p.2.
22 Ibid., p.8.
only for menfolk and not for women. Therefore the Women Deputation submitted to the Southborough Franchise Committee, that the women tax payers must also be given the right to vote. Further they requested that the women graduates must be considered for the right to vote. 23

But, certain women representatives themselves did not like women franchise. Local Governments were advised not to extend franchise to women and at the end the Muslims also had turned down the women enfranchisement. Therefore, the Committee felt that the female suffrage would wound the conservative feelings of Hindus and brake the harmony of the country. 24

Hogg, one of the members of the Franchise Committee said that this question would be dealt by the future responsible Government. 25 In general, the members of the Committee based on the social customs of Indian women totally ignored the question of women's franchise. 26 When the report was published in April 1919, the claims of Indian women to exercise the power to vote was not found.

Thus, when women were betrayed by the Franchise Committee there was hue and cry by the Women's Associations and they

23 Ibid., p.9.
24 Southborough Franchise Committee Report, Delhi, 1919, Para 8.
25 Ibid., p.4.
26 Ibid.
sent cables to England urging the need for the inclusion of women’s franchise in the Reform Bill.  

In July 1919, the Government of India Bill, 1919 was introduced in the British Parliament. The Joint Select Committee of the members of both the Houses examined the evidences. The members of various Deputations recommended to give votes to the qualified women. Forty five branches of Women's Indian Association claimed votes for women and protested against sex disqualification.  

Annie Besant and the members of Home Rule Deputation spearheaded the Joint Committee and their arguments were published in the weekly journal United India started by Besant in October 1919. 

On 6th August, 1919 Sarojini Naidu, Mrs. and Miss Tata of Bombay, C. Sankaran Nair of Madras and Mrs. Besant submitted their written evidences to the Joint Select Committee in London supporting the women's franchise in India. Their demand was to give voting rights to about a million women who were educated and tax payers. They said that they were voting in the Municipal Councils and this should be taken as a precedent. The electoral rule stated that criminals, lunatics and children were not eligible.

27 Herabai Tata, op.cit., p.6.
28 Ibid., p.8.
29 Ibid., p.10.
30 Ibid., p.8.
to vote and so also the women were not eligible to vote. They were also unfit to consider for citizenship. The Women's Association of Great Britain urged the Joint Select Committee to extend enfranchisement to women also, so as to start the popular Government in India, without any sex disabilities. 31

On the basis of the recommendation of the Joint Select Committee, the Indian Council Act of 1919 accepted franchise for women of India and placed it in the hands of the Provincial Council. 32 The Reform Act of 1919 reoriented the provincial set up by introducing Dyarchy. For the first time under the British rule the Indian Provinces under this Act obtained a responsible Government. This Act defined clearly the subjects to be dealt with by the Central and Provincial Governments. The Provincial subjects were redivided into Reserved and Transferred *. The Reserved subjects were administered by the Governor of each Province with the help of his Executive Council who owned no

31 Ibid., p.9.

32 Madras Electoral Rules, Madras, 1920, Rule No.7, Clause 1, Sub-Clause (b), 1920.


responsibility to the Legislative Council. The Transferred subjects were to be administered by the Governor with the help of Indian Ministers who were responsible to the Legislature which was made to have 70 percent elected representatives and not more than 20 percent nominated officials. The maximum number of ministers to be appointed in various Provinces was fixed by this Act. Bombay, Calcutta and Madras had three ministers. The ministers were selected by the Governor to hold office during his period. The First Ministry of Madras Legislative Council was formed on 17th January, 1921 by the Justice Party and A. Subbarayulu Reddiar was appointed as the First Minister* by the Governor C.V. Todhunter with the recommendation of Thiagaraya Chetti.

Even before the formation of the first Ministry Mrs. Sadasiva Iyer organised a Women's Conference in Madras on 28th December, 1920 and demanded for women's suffrage. On 27th February, 1921 Diwan Bahadur M. Krishnan Nayar gave a notice to move his resolution on women's franchisement in the Madras Legislative Council. This was accepted by the Council, but as per Madras Electoral Rules a resolution could be discussed and passed in the Council only after the expiry of not less than a month since

*From 1920 to 31st March, 1937 the Chief Minister was called as the First Minister; from 1st April, 1937 to 1950 he was called as the Prime Minister because the Government of India Act of 1935 abolished Dyarchy and introduced Provincial Autonomy; and since 26th January, 1950 the Head Minister of State was called as Chief Minister.

#Mrs. Sadasiva Iyer - Wife of Mr. Sadasiva Iyer, the First President of the Hindu Religious Endowments Board and leading social worker.
the notice of resolution was given. Therefore the resolution was expected during the Easter holidays.\textsuperscript{33}

During this interval Mrs.Sadasiva Iyer organised a Deputation to meet the Law Member K. Srinivasa Ayyangar. The Women's Deputation consisted of 12 leading personalities such as Mrs.Sadasiva Iyer, Mrs.E. Ramachandra Rao, Mrs.B. Rama Rao, Mrs.Gurusamy Chetty, Mrs.Annie Besant, Mrs.Muthulakshmi Reddy, Mrs.Mahadeva Shastri, Mrs.Laxmipathi, Mrs.Jinarajadasa, Mrs.Lakshmana Rao and Mrs.Lazarus.

They met K. Srinivasa Ayyangar, the Law Member, Government of Madras, and submitted their memorandum to remove sex disqualification for the franchise of the Council of Madras. He promised them that their memorandum could be submitted when the resolution of M. Krishnan Nayar could be moved in the Council. He further assured that the name of women would be removed as in the case of criminals, lunatics and the immature.\textsuperscript{34}

Further K. Srinivasa Ayyangar said, that he could support the resolution in persuading the Council to accept it. However, he did not promise regarding the voting of Gosha women because some Muslim Members did not accept the right of franchise to the

\textsuperscript{33} G.O.\textsuperscript{Ms}.No.139, \textit{Law Department (Legislative)}, 4th July, 1921.

\textsuperscript{34} Madras Council and Women's Suffrage, \textit{Stri Dherma}, Vol. 4, No. 1, April 1921, Madras, p.14.
Gosha women. The same Deputation met Minister K. Venkata Reddi. But, he did not promise the passing of resolution. Though Minister Venkata Reddi Nayudu had patiently listened to the grievances of the Women Deputation, but stated that he could not promise to fulfil their demands as he could not dictate the British bureaucratic Government. He expressed his inability to carry out the wishes of the people though he was a minister representing the people.  

35 As for his previous notice dated 27th February, 1921 M. Krishnan Nayar had moved the resolution in the Madras Legislative Council on 1st April, 1921, for the removal of sex disqualification.  

36 Accordingly the resolution was moved. It emphasised that the women wanted only the right to vote and not the right to contest as candidates for the Council. During discussion, Nayar had pointed out the list of people that found in the Joint Select Committee Report who were not eligible for the right of vote. They were aliens, lunatics, imbelics, idiots, children and women.  

37 Then he began to refute the report of the Joint Select Committee. He pointed out that first of all women were not aliens but they were the citizen of country; secondly they were not children incapable of forming sound judgement. They were also not criminals, as criminals were enemies of society;
the women were the friends of the society. They were law abiding citizens. He argued when the men tax payers had the right to vote the women tax payers were deprived of this right.38

When Muhammad Usman Sahib raised his doubt about the modesty of women who were reluctant to come out of their houses and to appear in the public, and go to the election booths to vote. Nayar had sharply cleared his doubt, that women were the fittest persons to maintain the economic matters of the house and there was no necessity to train them to vote. He further said, the women were the best advisers to deal with the problems of maternity, child welfare, marriage and divorce and women were not the weaker section.39 Their right to vote should not be denied on these basis. For a long time they had been demanding for the right to vote and so they were so keen and earnest in their attempt. The Indian National Congress also continuously passing resolutions for this purpose in its every Committee meetings. The women were already enjoying their right to vote in Local Bodies.40 The Travancore Legislative Council had granted the power of voting to women.41 Despite the Hindus, even the Muslims also supported the women's franchise. Agakhan and Ispahani,

38 Ibid.
39 Ibid., p.1517.
40 Ibid., p.1518.
41 Ibid.
the two Muhammadan gentlemen also championed the right of women to vote. All the witnesses who went from India and gave evidence before the Joint Parliamentary Committee wanted the right of women to vote. 42 Inspite of so many violent agitations the women in England were granted the right of voting in 1918. Therefore that was the good lesson for the people in Madras to grant the right of vote to women immediately without postponing their demands. 43 Madras Presidency should take lead in this matter and be a precedent to other States of India.

Concluding his speech, Nayar moved the resolution. The resolution was seconded by Raja of Ramnad. But Lionel Davidson a member of the House conveyed his opinion that this measure was premature particularly so in the case of Gosha women. 44

Srinivasa Ayyangar supported the Bill and said that as the right of mother, sister and daughter in the House would never be refused, so also the right of women introducing to vote should not be refused. When Indians were demanding for universal suffrage, they were denying a section of Indians (women) to extend the same right. S. Somasundaram Pillai said, when men were worshipping water as Gangadevi, earth as Bhumadevi, sky as Akasavani

42 Ibid.
43 Ibid., p.1520.
44 Ibid., p.1521.
etc., why they were denying women the right to vote.\textsuperscript{45}

At the end of the long discussion the Bill was passed with the majority of 47 votes, 13 against and 10 remained neutral, and so the motion was declared and carried.

On 10th May, 1921 the Madras Government was pleased to make the following regulations:

(1) "This resolution may be called the Madras Electoral Sex Disqualification Removal Regulation" and

(2) "No woman shall be disqualified by reason only of her sex for registration on the electoral role of any constituency of the Legislative Council of Madras".\textsuperscript{46}

Thus the Madras Presidency had given a fine lead to all the other Provinces by giving franchise to the women of the Madras Province.

The press and the public appreciated the efforts taken by the Government for passing this resolution. Desabhattan expressed the hope that the privilege thus conferred on women would hasten the day for the emancipation of Bharatamata.\textsuperscript{47} Navasakthi did not

\textsuperscript{45} Ibid., pp.1522-53.

\textsuperscript{46} G.O.Ms.No.108, Law Department (Legislative), 10th May, 1921.

\textsuperscript{47} Desabhattan, 2nd April, 1921, NNFR, Government of Madras, p.468.
believe the British in this matters but stressed the faith in Gandhiji's teaching.48

Thus in the whole of British India, Madras was the first Province that granted women franchise. Emulated by this, other Provinces granted women franchise by 1926. The services of Mr. and Mrs.T. Sadasiva Iyer were to be recalled. Lady Sadasiva Iyer as the Vice-President of the Women's Indian Association headed the Deputation of Women which met Lord Willingdon who recommended in favour of their cause to the Secretary of State for India.49 She was for election of Kamala Devi Chattopadyaya and Mrs.Hanen Angelo to the Legislative Council. The Women's Indian Association, requested the Madras Government to nominate Mrs.Muthulakshmi Reddy to the Council. In 1926 Mrs.Muthulakshmi Reddy was the first Indian women to sit in the Indian Legislative Council and also the first to be elected, as its Vice-President among the democratic countries of the world.50

The Statutory Commission after entouring India submitted its report to the British Government in 1929. In its report it submitted that the question of women's enfranchisement might be

48 Navesakthi. 2nd April, 1921, NNPR, Government of Madras, p.466.


50 Frank Morees,(Ed), In Political Life - Women of India, Delhi, 1958, p.95.
referred to the Franchise Sub-Committee of Round Table Conference to be held in London, 1930-'31.

Further, the Franchise Committee submitted that (i) being the wife over 25 years of age of a man whose property qualification to vote, and (ii) being a widow over that age whose husband at that time of his death was so qualified were eligible for franchise. The educational qualification was the same for men and women over 21 years. The Committee stated that the seclusion and illiteracy of Indian women was not a bar for their enfranchise-ment. "The beginning of a Movement among certain Indian women, however comparatively few in number they yet be, to grapple with problems which specially affected his health and children is one of the most encouraging signs of Indian progress and it was believed that the Movement would be strengthened by increasing the influence of women at election". 51

Indians were not satisfied with the Simon Commission Report. So, the Viceroy Lord Irwin announced the White Hall's Report in November 1929, to hold Round Table Conference at London. Women's Indian Association, Madras Branch pressed for adequate representation of women in all fields. Begum Shahnawaz and Mrs. Radhabai Subbarayan represented in the first Session of the Round Table Conference and Mrs. Sarojini Naidu in the second Session. Their demands were met by the Conference.

51 Indian Franchise Committee Report, Vol. 1, Delhi, 1932, Para 206, p.78.
In 1932 the women's representatives appeared before the Lothian Committee and opposed Communal electorates and demanded equality between men and women to be included in the new constitution.

Since, property qualification was the criteria for right to vote, the women who owned property were given the voting right. On the basis of Lothian Franchise Committee Report, the White Paper Report for Indian Constitutional Reform was presented to Parliament by the command of His Majesty in March 1933. Hence, the White Paper Report was called as the Command Paper (No.4268) and it was published in March 1933, as proposals for Indian Constitutional Reform.

The women were given the right to vote on the basis of special qualifications and so, under the New Constitution of 1935 the men and women voters' ratio was increased from 1:20 to 1:7. The special qualifications were (i) mere literacy i.e., able to write in any language had become entitled to vote, and (ii) the property qualification to vote. This was called 'Wifehood qualification'. Thus, the women's franchise was given over to four million women voters. But, this qualification was considered as a temporary expedition.

The struggle for enfranchisement of women was supported by the Indian National Congress and other voluntary bodies and
the Women's Associations at large. At first, in the Presidency the deadlock was based on customs, tradition and religion. The Muhammadans opposed women's franchise. As for the Justice Party, it made sincere attempt, but granting the women franchise or their universal suffrage was not laid with its power. So, the question became an all India problem during the transition period of Constitutional Reforms. However, the Justice Party Government gladly granted the right to vote in its Council. Hence, the controversy was completely absent in its proceedings. There was no pressure group against this reform. It was the time for democratic growth. The policy and principle of democracy and Parliamentary form of Government was found in alround growth. Anyhow, the credit goes to the Justice Party Government. Therefore, E.F. Irschick says, "this measure illustrates the broad-visioned liberal spirit of the Justice Party, stands as a supreme piece of legislation with an vowed social reform bias". 52

But the public opinion was against the women's equality with men. This was based on the religious customs and traditions for anything and everything. Thus the religion stood as a deadlock, but it was compromised over the Justice Party Government. This was done only after the compromise made between Government and Society. Some Muslim members opposed it, as equality of

women was not permitted by Kuranic Cannons but some others supported the franchise of women.

The Indian Women's Franchise Movement had struggled for women franchise and got it, but it did not plan further programme. However, the women discarded social and political restrictions and attained their goals in education and politics. They joined in the National Movement and displayed their capability to struggle and achieve freedom and equal status with men. They stood behind the Government for social legislation. This had resulted in the political awareness among women. The awakened womenfolk began their continuous struggle and after Independence the Women's Movement came to limelight. Equality of sex was recognised by the constitution, which guaranteed their voting rights and right to stand for election.

ABOLITION OF DEVADASI SYSTEM

The word Devadasi means a servant of God or slave of God, dedicated to His eternal service. A Devadasi was an unmarried Hindu female who had undergone the ceremony of marriage with an idol in a Hindu temple or in a place of Hindu worship. The ceremony was called 'dedication'. Devadasis were popularly known as 'dancing girls'. During processions, festivals and

pujæs they used to dance in front of the idols. As a Customary Law, the dancing girls were not permitted to marry human beings for they were already married to God. The Devadasis were called Nityasumangalai.54

In Tamilnadu it was not common to all castes to dedicate their daughters as Devadasis. Only certain castes like Mudaliars, Vellalas and Naidus used to dedicate their daughters as Devadasis.55 In the Sucindram Temple in Kanyakumari, a considerable number of Dasis were Nairs and the rest Tamil Vellalas.56 In Tanjore, the Melakkara castes and the Isai Vellalas dedicated their girls to temples.57

Before puberty, at the age of six to eight years, the girls were dedicated to the temple after obtaining the sanction of the temple authority. The temple authority used to give the parents of the girl some paddy and five panams to meet the expenses of the ceremony. The temple priest would tie the Mangalasutra, a triangular Tali (Sacred dollar) bearing the image of the God on both side. After this ceremony was over, there

54 Pillay, K.K., Sucindram Temple, Madras, 1953, p.287.
would be a feast and other celebrations for two to three days depending on the financial status of the family. This ceremony was called pottu-kattu or gajju puja.\textsuperscript{58} In many cases, some rich men would meet the expenses and keep the girl as their concubines. If a Devadasi had no female child she used to adopt a girl child from a relative or purchase one from her caste group or from among the castes. Normally the girls were purchased from weaver's caste (Kaikkolas). The adopted girl child would be trained in all the interest of Devadasis and even in the act of prostitution.\textsuperscript{59}

The Devadasis were educated and up to nineteenth century, education of females was possible only among the Devadasis.\textsuperscript{60} This was one reason why many parents did not educate their daughters. When female education was introduced in India during the later half of the nineteenth century, parents of other girls objected to the admission of Devadasi children in schools where their girls too were enrolled.\textsuperscript{61}

Devadasis had been patronised by kings, zamindars and

\textsuperscript{58} Thurston Edgar, \textit{op.cit.}, p.143.

\textsuperscript{59} Board of Revenue Consultation, Vol. 832, 20th September, 1819, p.149.

\textsuperscript{60} \textit{Ibid.}, Vol. 932, 2nd December, 1822, p.10910.

\textsuperscript{61} G.C.Ms.No.2099, \textit{Financial Department}, 15th December, 1874.
rich men. When the English developed their Port Towns, Cantonments and their Presidency Capital Madras, the glory of the old temple towns and cities lost their importance. So, the Devadasis lost their customers and source of income in their temple towns and cities. Most of their customers had migrated to Port Towns, Cantonments and Capital City.

Devadasis in Colonial Government

During the Colonial period the religious and legal status of Devadasis began to change. The Colonial Government wanted to eliminate Devadasi System. But it had religious expression and so the British Government could not directly interfere in its affairs. Therefore, the High Court which was established after the Great Mutiny of 1857 administered certain uncodified Civil Law based on either Hindu or Muslim religious texts. The High Court recognised the Customary Laws of the Devadasis such as the absolute ownership of property by Devadasis; the right to adopt one or more daughters; inheritance of property from mother etc. These Customary Laws were accepted by the Civil Court. But when the Indian Penal Code was introduced in 1861, Sections 372 and 373 restricted the adoption of female children to become Devadasis and dedication of minor girls to idols. 62

But, however, in certain cases these Sections could not

62 G.O.Ms.No.852, Judicial Department, 26th April, 1887.
be enforced on the basis of their Customary Laws based on religious texts when the Criminal Code was based on secular sources, but the Civil Law was based on religious sources. In order to solve this ambiguity the Government thought of bringing a social legislation for the abolition of Devadasi System.

Attempt made by Central Government

After the Sepoy Mutiny, in 1858 British Crown assumed the direct rule of India. Queen Victoria made her Proclamation assuring that the British Government should not interfere in the socio-religious affairs of Indians. Further she assured religious freedom to Indians.

Therefore Central Government began to follow the non-interference towards Indian's socio-religious customs. But, however, it wanted to maintain the individual safety and common standards of law and morality. It wanted the State Governments to carry out such social reforms. 63

In 1912, the Indian Penal Code was amended with a view to abolish the Devadasi System and to encourage legal marriages among the members of the Devadasi Community. The Devadasis used to adopt minor girls for prostitution mainly for purposes of sustenance in old age. It was forced them even to go out of British Madras Presidency and adopt them in Princely or other

European territories. In order to prevent this practice, on 18th September, 1912 Dadabhai Naoroji a famous social reformer introduced the Protection of Women and Girls Bill in the Legislative Council of the Governor-General.  

It was a private Bill. This Bill was supported by both officials and non-officials in Madras. But the Governor-General of Madras suggested that the age limit for dedications as 16 years, in Sections 372 and 373 of the Indian Penal Code, should be raised to 18 years in the proposed legislation.  

On 17th September, 1913 Reginold Craddock introduced The Indian Criminal Procedure Code (Amendment) Bill on behalf of the Government with provisions in it to prevent the dedication of girls under 16 years of age. Unfortunately these two Bills came to nought, as First World War intervened to take away Government's attention from the issue of social legislation.  

After the First World War, Devadasi reform was again discussed in 1922. Governor-General-in-Council enacted a Law prohibiting the whole traffic in minor girls ostensibly intended as Devadasis but in reality used for indiscriminate immoral purposes.

65 G.O.Ms.No.276, Judicial Department, 10th February, 1913.
The Law was proposed by a Hindu Attorney, Har Singh Gour. He said, that the Devadasis were prostitutes and their existence was inconsistent with the Hindu temples. Further he said, that there was no use of amending Indian Penal Code by increasing the dedication age of Devadasis from 16 to 18, because after eighteen they might be used as prostitutes.

In 1927 V. Ramadas Pantulu, a Hindu Legislator from Madras, proposed a resolution recommending the Government enact legislation prohibiting the dedication of unmarried minor girls as Devadasis. But the Colonial Government denied any new legislation and suggested that the existing Laws should be enforced. Therefore Ramadas Pantulu had to withdraw this Bill from consideration.

**Devadasis under the Justice Party Government**

After the attempts of Central Government it was understood that the Devadasi System could not be easily abolished. But the Constitutional Reforms (1919) which gave political rights to Indians had gained power to enact Laws on socio-religious affairs. The prime motive and politics of the J.P. Government was to remove the social ups and downs and to find social equality. Naturally, it ought to enter into religion so as to refine the society.

69 From 820 Legislative Assembly Debate, Vol. IV, No. 9 (Judicial Home), Delhi, 1922, p.13.

by removing the stigma of Devadasi System.

The Customary Law of the Land was that the temples or religious institutions had their own jurisdiction and that should not be passed by any other agencies even the State and Central Governments. But the temples were the heart of the society and the State Government was the custodian of the society and therefore the society was forced to interfere into the religious matters and enact a Law against dedication of girls as Devadasis became an inevitable duty of the State. The Devadasis were believed that they were performing an act of worship and the custodian of ancient culture and civilization. But in course of time they became an image of immoral, illegal and inhuman act. They amassed wealth by the trade and even donated to temples. Thus when the highest motives were degenerated into something highly objectionable and the Devadasis became concubines, it was decided to abolish the Devadasi System.

At this juncture in 1927 Mrs. Muthulakshmi Reddy, India's first female Legislator and the Vice-President of the Madras Legislative Council organised meetings in different places in the Presidency and enlightened the public on the evils of Devadasi System that spoiled both the religion and society. The Women's Indian Association also entered into the anti-Devadasi agitation. Mass meetings were conducted. Stri Dharma, the voice of the Association carried articles refuting the authenticity of Vedas, Agamas and Sastras that supported the Devadasi System. Therefore
people from all walks of life including the Devadasi Community itself began to support Mrs. Muthulakshmi Reddy. Devadasi Women's Association and Devadasi Men's Association came forward to help Mrs. Muthulakshmi Reddy.  

In 1927 these Associations organised conferences and meetings in different places and urged Mrs. Muthulakshmi Reddy to adopt legislation to put an end to the system of dedication of young women and girls.

All the attempts made by the Government of India at the national level had brought no fruitful result. Moreover, it was pointed out that the Devadasi System was confined mainly within the Madras Province. And so the Madras Government took it as its responsibility to do away with the system. The Justice Party Government of Madras Presidency was fully aware that this question of abolishing the Devadasi System was closely connected with the society and religion. Mrs. Muthulakshmi Reddy under anti-Devadasi Movement had gathered momentum. So the Government thought that it was a rightful time to enact legislation against the Devadasi System.

The following public awakening, further encouraged the

71 Sundara Raj, M., Prostitution in Madras - A Study in Historical Perspective, Delhi, 1992, p. 128.

72 Ibid.
Government to enact legislation for the abolition of Devadasi System. On 8th July, 1927 a Conference of Devadasis was held at Chidambaram and supported the abolition of Devadasi System. On 2nd November, 1927, the Manimekala Sangam, a Devadasi Women's Association organised meeting at Coimbatore under Chowdari V. Konembeil. Issai Velalar Sangam of Tanjore and Mayuram, Sengunthar Mahajana Sangam in Coimbatore also supported Mrs.Muthulakshmi Reddy despite many memorials from the Devadasi Community and from others were sent to Mrs.Muthulakshmi Reddy.

But all efforts did not bring immediate result because, the Justice Party lost its election in 1926 and resigned on 3rd December, 1926. The new ministry was formed under the First Ministership of P. Subbarayan (Swarajist) on 4th December, 1926. His ministry and the Executive Council desired the social and religious purification but they were reluctant to enter the religious and social matters. But P. Subbarayan took bold step to do away with this evil system.

On 4th November, 1927 when Mrs.Muthulakshmi Reddy moved the resolution in the Madras Legislative Council proposing that

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74 Sundara Raj,M., op.cit., p.129.
the system of dedicating girls and young women to Hindu temples for immoral purposes should be stopped by legislation at an early date. She remarked, "It is a piece of injustice, a great wrong, a violation of human rights, a practice highly revolting to our senses of morality and to our higher nature of countenance and to tolerate young innocent girls to be trained in the name of religion to lead an immoral life, to lead a life of promiscuity, a life leading to the disuse of the mind and body".  

But the tide turned against Mrs. Muthulakshm Reddy's resolution. Suddenly, the same Devadasi Community which once supported Mrs. Muthulakshm Reddy opposed the resolution tooth and nail. The Devadasis conducted protesting meetings throughout the Presidency and submitted their memorials to all channels. This joint memorial was called "Devadasi Memorial of 1927". It was submitted to C.P. Ramaswami Ayyer, the Law Minister, Government of Madras, Member of Legislative Council, Fort St. George and P. Subbarayan, the First Minister. In the memorial they stated that the Devadasis were not prostitutes and they led saintly life by serving God in the temples; the abolition of the Devadasi System would be a danger to religion; for the sake of very few offenders the whole community should not be condemned; if the system was abolished they would become paupers and the cultural

78 Ibid., p.470.
heritage of the country would decline. They insisted the Government for maternal education and thereby to get better prospect in life. 79

Hence the question of abolishing of the Devadasi System became an acid test of the Government and the politicians in particular. So, they had to rethink to touch the religion and society.

Their request for the perennial sources of income was considered by the Government favourably. The lands given to the Devadasis by the temples in return for their services were permanently granted to them for their service. The Customary Law of the temples was, if a Devadasi could no longer render service in the temple, due to sickness (or) old age, her inām would be stopped and the land she enjoyed hereditarily would be taken back by the temple. But now, the Government decided to grant the land permanently to facilitate this decision in the form of an order and so the Hindu Religious Endowment Act of 1926 was amended.

On 5th September, 1929, Mrs. Muthulakshmi Reddy introduced a Bill in the Madras Legislative Council to amend the Hindu Religious Endowment Act of 1926. The object of the Bill, therefore, was to discourage the dedication of girls as Devadasis for

79 G.O.Ms.No.4079, Law (General) Department, 20th December, 1927.
the service in Hindu temples, by freeing the lands, if any held by them for such service from the condition of service and making them as owners thereof and thereby removing an important inducement for the perpetuation of the system of dedication.\(^{80}\)

On the recommendation of the Select Committee a New Section 44(A) of Principal Act of 1926 was added. Accordingly, that in the case of ināms granted by the State, the Devadasis were to pay quit rent to the temples and in the case of lands granted by private persons or temples themselves the Devadasis were to pay rent fixed by the collector to the temple concerned.\(^{81}\) Then the collectors were given power to enforce the provisions of the Act and to direct the Trustees of temples and Devadasis to inform as to the inām held in connection with the temple.\(^{82}\)

The amended Act was called The Madras Act V of 1929. This was appreciated and applauded by the members of the Council. The resolution reads "The Council recommended to undertake legislation or if that for any reason be impracticable to recommend to the Central Government to undertake legislation at very early date to put a stop to the practice of dedicating young girls to the Hindu temples which has generally resulted in exposing to an


\(^{82}\) *Proceedings of the Government of India*, Home Department, Judicial File No.1109/29, Judicial (N.A.).
immoral life. 83 This act was wholeheartedly welcomed by the Devadasi Community, for it made them owners of lands. They requested the Government to implement the Act immediately, and to abolish the Devadasi System. By this Act the Devadasis were freed from the priests and the trustees therefore they were no more their concubines.

The Act became an eye opener to the neighbouring States. The Queen Setulakshmi Bai of Travancore abolished the Devadasi System in 1930. 84

In 1931 the State of Pudukottai also abolished this system and the lands were given to them as ināms. 85

The Act provided them the right of holding and enjoying ināms and it did not stop the practice of prostitution and dedication of girls as Devadasis on which the amended Act was also silent. So, this Act was limited in its scope and application, of course the Act freed them from the obligation of service, but in some cases the Devadasis were persisted to continue their hereditary association with the temples while in others the temple authorities forced them to continue their profession and even prosecuted them if they refused to serve. 86

85 Ibid., Vol. XIV, No. 10, August 1931, Madras, p.457.
It is crystal clear that the acts of any Government could do nothing before the traditional and Customary Laws of the society, particularly the religious customs are the most powerful organs of all these phenomenon including State Government and politics. Mrs. Muthulakshmi Reddy was very much astonished with these events. With a determined and dedicated will she once again prepared a Bill called "A Bill to prevent the dedication of Hindu women in temples in the Presidency of Madras" and on 30th January, 1930 she introduced in the Council. 87

According to the Bill, dedication of Hindu women in temples was declared illegal; persons who permitted or performed or participated in the ceremony of Pottukattu or Gajju Puja or any similar ceremony could be punished with imprisonment which might extend upto one year and would also be liable for fine, 88 whereas the Bill permitted such girls contact valid marriages.

M. Krishnan Nayar, a member of the Council moved an amendment stating that the Bill was to be circulated for the submission of the public opinion. 89

Amendment means a time consuming factor and so Mrs. Muthu-


lakshmi Reddy opposed the amendment stating that the Bill was already accepted by the Council in 1927 and also recommended to pass an Act by the Central Government. Therefore, dedicating young girls or women to Hindu temples was exposing them to immoral life. This resolution was unanimously passed by the Council. Members of all parties accepted and passed the resolution. Having accepted the Government should put a stop to the practice of dedicating young girls. In 1906 this sort of move was brought, but there was an agitation for that measure. Since, 1906 the Government of India was very active to move this Bill. Again in 1912 the question was discussed in the Imperial Legislature Council and it called due reports from various Local Governments on the matter and it was unanimously accepted as a matter for legislation.

Again in 1912 three members of the old Imperial Council Dadabhoy, Mudholkar and Madge brought three different Bills, to abolish this evil system. The Government of India then referred the whole question to Local Governments and on receipt of their opinions, it was brought forward a Government Bill in September 1913, which was referred to a Select Committee for report. The Select Committee reported in Madras 1914 but owing to the intervention of the World War, the Bill was not proceeded with. Again in the year 1922 Hari Singh Gour brought a resolution

90 Ibid.
in the Central Legislative Assembly which was supported by many members. But there were people like Siva Rao, Rangachariyar and Sir.C.P. Patro who defended the institution of Devadasi,\textsuperscript{91} to protect tradition and customs. In 1930, the resolutions of Gour to leave Sections 372 and 373 of the Indian Penal Code amended was carried by the Assembly.\textsuperscript{92}

Regarding the question of raising the age of consent, Mrs. Muthulakshmi Reddy said that the Sections 372 and 373 of the Indian Penal Code relating to the dedication of minor girls were amended and adopted by the resolution moved by Gour. And the public opinion was also in favour of such measure. In the year 1927, Ramadas Pantulu moved a resolution in the Council of the State and it was unanimously accepted with the co-operation of the Law Minister. Therefore, she requested that after accepting and passing the Bill to disperse with the services of inam-holding Devadasis in temples the Bill should be accepted without any further delay. The dilatory motion will only delay the passing of the Bill and there is no likelihood of it becoming Law deriving the life time of this Council.\textsuperscript{93}

She said, that her Bill was a very humble one. Its provision was the abolition of the dedication of girls to be

\textsuperscript{91} Ibid., pp.991-992.
\textsuperscript{92} Ibid.
\textsuperscript{93} Ibid., p.993.
declared as illegal. This was already done by the Penal Code but the Penal Code had been evaded. The minor girls below the age of 12 were not to be dedicated. But the people who took their stand behind religion did not obey the provisions of the Penal Code, and they began to dedicate the major girls above 18 and evaded the Penal Code. Here, not only the temple authorities but also the guardians of the girls were also responsible for this evil act.

She also said that the aim of the Bill was to make that kind of dedication as illegal. There was also another provision as regard their marriages to this effect that marriages which take place after dedication should be validated. 94

She said, that the Government need not be under any fear of opposition from the public because even in 1909 itself, it has been done in Mysore and there was no hue and cry. The Council perfectly accepted that the dedication made the girls to lead a life of immoral. And further, the Bill of Muthulakshmi's dealt with the inam holding Devadasis only. Therefore there should be no hesitation for the acceptance and large number of girls were taken to the temples and dedicated even after the age of 18. Of course they were not inam holders, so, the under-lying naked truth in dedication was not connected with religion but with the gainful motivation of the aged Devadasi driving

94 Ibid.
the girls for immoral life. The Bill, therefore was not entering in the arena of religious field but for rooting out the immoral stigma from the Hindu Society.

Some of the members of the Council supported the Bill but they wanted the Bill to be referred to a Select Committee. The Law Minister C.P. Ramaswami Ayyar wanted it to be circulated once again. This was opposed by R. Nagan Gowda a Member from Andhra. He said that this was wholeheartedly accepted and welcomed by the Devadasi Community itself and similar community called Kalavanhulu have been holding meetings and conferences in the districts of Bellary, Nellore and Guntur and other places in which they have been universally condemning custom of dedicating girls to temples. Therefore he said, that the opinion of the society was that this system should be abolished entirely and passing of a legislation to that effect. This would strengthen the hands of all the reformist movements in the country be assured. The Law Minister stated that since the Bill contains some drastic measures like a fine of Rs.1,000 and imprisonment being imposed it would work a severe hardship. further Naga Gowda said, if there was any controversials in the Bill it would be dealt by the Select Committee there he opposed the motion of the Law member that it should be circulated.\textsuperscript{95}

\textsuperscript{95} Ibid., p.994.
During this discussion in the Council, certain section of people both in well-wishers of Devadasis and houses of the art of music and dance, pointed out that the demolition of the institution would cause the decline of the age old art of music and dance performed by these females. But, the Non-Brahmins hated the constitution of Devadasi and propagated its evils in the nature of religion. One R. Chinniah Pillai, a member of the Kumbakonam Temple Committee moved a resolution for the abolition of the Devadasi system and also criticised the Brahmin Community. Some Brahmins wanted to retain the Devadasi system for the sake of religion and fine arts. He said, that if the services of the Devadasi was essential then the womenfolk of Brahmin priests also could take up the work and dance before the idols. Owing to pressure from the public and Government, the number of girls dedicated was declining and many temples stopped availing the services of Devadasis. Ganchiji also advocated the abolition of the Devadasi system and appealed to the people and social reformers to fight against it. In 1930, M.R. Jayakar was a member of Central Legislature gave

97 Ibid., Vol. IV, No. 1, August 1930, p.44.
98 Ibid., p.45.
notice of a similar Bill in the Indian Legislative Assembly. He wanted to introduce a Bill to prevent the dedication of Hindu Women in Temples as Devadasis. R.K. Shenmugam Chettiar, a non-official member of the Central Legislative Assembly gave notice for the introduction of such Bill on 30th December, 1930, but it was introduced only on 18th February, 1932. The provisions of the Bill were that the Devadasis were to be permitted to marry and persons who caused their dedication were to be punished or fined or with both.

On 24th February, 1929 All India Depressed Classes Conference and the 12th Madras Presidency Adi-Dravida Conference held at Victoria Public Hall, Madras passed a resolution stating that the question of abolishing Devadasi System was foreign to them. Temple dance, music, pleasure seeking and prostitution of Devadasis were their Euthopean dream.

Depressed Classes are not Hindu and had no temples with Devadasis. They are about 1/5 of the total population. Devadasi System neither affected nor effected them. So, it was only for

101 File No.5/31, Judicial of 1922, Government of India (N.A).
102 Ibid.
103 The Fourth All India Depressed Classes Conference - Resolution No.10, 24th February, 1929, Proceedings of the Adi-Dravida Mahajana Sabha, Madras, 1924.
the affluent society.

After the prolonged discussions, the Bill (No. 5 of 1930) was put for votes and secured 33 against - 9, so, the amendments were declared and valid, resolution was carried.

The efforts of Mrs. Muthulakshmi Reddy for the abolition of Devadasi System yielded desired effects gradually. A large number of Devadasis were liberated from this evil. In 1939 an Association called "Moral and Social Hygiene" in London, asked the Secretary of State for India to enquire about the demolition of the practice of dedicating girls in temples. 104 The Government of India replied that no legislative measure had been adopted by the Central or Local Legislatures and that in Madras Act V of 1929 was working effectively in checking the practice. 105 This was the result of Mrs. Muthulakshmi Reddy's consistent efforts to achieve her goal.

The Bill was moved by Mrs. Muthulakshmi Reddy while P. Subbarayan (Swarajist) was the First Minister. There were deadlocks at the every stage of its progress. As a whole, the State, and Government had lost courage to touch the religious question. Hence, the society was left in a dilemma. They often

105 Ibid.
expected the public opinion. The public or the society turned as the centre of religion, Government and State. These are all the agents of the society. So, with bold steps Mrs. Muthulakshmi Reddy tried her best and got passed her resolution after prolonged and continuous struggles.

To be precise the religion also seemed to be, in certain stage, the handmaid of influenced and affluent section of society. As it was stated, above 1/5 of the population the untouchables were not at all bothered in the abolition of Devadasi System because they were in the society but not of the society. The Brahmins wanted it because they were the beneficiaries of temples and most of the Devadasis were the concubines of the Brahmin priests and trustees. The Isai Vellalas, Sengunthars and the like classes were also hereditary tenants of this system. The Devadasi Community adopted this profession as a livelihood. But even after they granted the inams (owners of land) they wanted the profession for their lucrative income. The Devadasi System certainly not guarded or turned as the custodians of the dance, music and the life traditional cultures.

The Devadasi System was a social evil on moral and ethical ground but however it had religious sanction and so the abolition of the system was not easily achieved by legislations. Here there were triangle fights, the people, the Devadasi Community and the reformers. Hence the public opinion was not favourably
gained by the movers of the Bill and so it was dragged on and met with success only after Independence.

THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC ACT, 1930

The word 'prostitute' may denote a male or female, but it is normally used for a female. The word 'prostitution' means the offering of the body to indiscriminate hire. When woman is involved in sexual performance for material rewards of benefits, in cash or in kind she is called a "prostitute". Here, payment is the criteria for her sexual performance and it is not for sexual pleasure. Thus, prostitution became an immoral act that spoiled the morality of the society. The State passed an enactment to prevent the spread of this social evil in 1930.

Early attempts made by Colonial Government to ban Prostitution

Prostitution and the institution of brothels existed in Tamilnadu and elsewhere in India from time immemorial. The prostitutes were known as "Parathiar" in Sangam classics. They were classified as 'Pacizaiparithiar', 'Kondimakalir' etc.

108 G.O.Ms.No.2433, Home Department, 24th June, 1937.
109 Madurai Kanchi : 579, 559, 582.
110 Ibid., 581, 582, 589.
There were separate streets for them. Some were well-versed in music, dancing and other fine arts were "Kamakilathiyar" were usually kept by kings and rich men as concubines. For many men to visit the Parathiar and to keep them as concubines was a regular feature throughout history.

Thus, the prostitutes were freely employed as courtesans and enjoyed royal patronage. During the Mauryan period prostitution and professional tax was collected and they were also encouraged to learn the art of entertaining customers. The Devadasi System and the institution of prostitute existed during the Chola and Pandya period and under the Vijayanagar rule also.

During the Medieval period the Muslim rulers in India had kept a large number of concubines. After the decline of the Muslim Kingdoms their concubines mostly from Hindu originator had turned to prostitution.

112 Ibid., 6 : 125.
114 Shamasastry, Kautilya's Arthasastra, Mysore, Ed. 7, 1967, pp.139-41.
116 I.P.S. Nos.793, 814 & 841.
During the Colonial period emergence of industrial towns, port towns, and Presidency Capitals were on the model of European towns (settlements). Madras, Nagapatnam, Nagore, Pondicherry and Cuddalore in Tamilnadu became important ports and sailors in these port towns wanted to have some relaxation during their halts. They used to attend dance parties and visit some places of interest. The pimps watching their arrivals would take them to brothels. Apart from the pimps there were palanquin bearers and cart drivers who used to take them to the prostitutes.

This was the case in cantonments also. Apart from the native prostitutes in course of time some Eurasians, later called Anglo-Indians, settled down in port and cantonment towns turned as prostitutes and kept by European soldiers as concubines. Many officials and soldiers also kept them as concubines. Visiting brothels had become routine to the European soldiers in the cantonments and sailors in the port towns and contracted venereal disease (V.D). This made them unfit to active service. For protecting the health of the soldiers the Government planned


120 Brown Hilbon (Ed), The Life and Ways of the British in India as recorded by themselves, London, 1948, p.31.

121 G.O.Ms. Nos.76 & 77, Military Department, 27th June, 1876.
on their pleasure. The Company of Government granted them free licence to fulfill themselves sexually.

Due to famine, prostitution grew more and more. The prostitutes hide their diseases from customers to earn for their livelihood. 126

They experienced in the Lock Hospitals considerable hardship. Hence, they adopted all sorts of techniques and escaped from the hospitals. The daily allowance for food and other necessities was not enough to meet both ends. 127 They would not be released from the hospitals until they were cured. The matrons and police had committed atrocities on the prostitutes in the hospitals. Thus the Vellore Mutiny indirectly led to the growth of prostitution in European Cantonments.

The prostitutes outside the hospitals were more than those in hospitals. The Europeans did not want their women prostitutes to offer themselves to Indian. But on the other hand the Indians were fascinated by European women. The Indian women were preferred by Whitemen. So, V.D. was freely exchanged between Whites and Indian Blacks. The Europeans who considered themselves superior than the natives prepared to send back their

127 Ibid., Vol. 404, 9th May, 1809, p.3399.
women to Europe at Government cost. 128

The choultries in Tamilnadu became the centres of prostitution. Women and girl children were kidnapped for the purpose of prostitution. They were exported to other countries. All the stringent rules and regulations of Lock Hospitals were not strictly followed. Hence, Lock Hospitals were closed in 1835 and the prostitutes were sent out.129

The abolition of Lock Hospitals was a great relief to prostitutes and family women. Since, prostitution was not a crime in those days, public did not object prostitution and the closing of Lock Hospitals.130

In 1835 regular brothels were permitted and licence was given to them. When the prostitution menace was increased it was reported to the Court of Directors and they replied that prostitutes should neither be punished nor expelled.131 In those days there was no Law to punish the prostitutes. The Court of Directors asked the Government of Madras to study the position and submit a report.132

130 G.O.Ms.No.537, Judicial Department, 30th April, 1860.
132 Ibid., Vol. 1525, 23rd February, 1844, pp.1615-16.
The Madras Government said that the Lock Hospitals should be reopened. Therefore, in 1855 Lock Hospitals was opened at Bangalore as an experiment. Following this all the Lock Hospitals in 1835 were reopened one by one. Once again the atrocities were started in the hospitals by police, matrons and peons. The number of V.D. persons was also increased. So, the Director-General of Medical Department asked the Government to enact suitable Law to control V.D. and protect the women from police atrocities.

In the later half of the nineteenth century, both the Central and Local Governments felt the need for an Act to bring about uniformity in the civil and criminal administration of the cantonments. Hence, on 24th February, 1864 the Military Cantonment Bill was introduced in the Council of the Governor-General of India. This Bill enabled the authorities to inspect and control the prostitutes not only in cantonments but in other places where the soldiers could become infected. During discussion in the Governor-General's Council, soldiers were encouraged by the

134 *Annual Report of Lock Hospitals of the Madras Presidency in 1877*, Madras, 1878, p.34.
Council member Roberts to marry native women.\textsuperscript{137} The other members particularly Ellis and Travelyan supported this suggestion. Finally the Bill was passed as an Act.\textsuperscript{138} Then this Act was known as the \textit{Military Cantonment Act of 1864} (Act No.22 of 1864). According to this Act, Local Governments were given power to make rules and regulations with previous permission from the Governor-General of India-in-Council, particularly in matters related to inspection and control of house of ill-fame and for the prevention of the spread of V.D.\textsuperscript{139}

Following this Act, in 1866 the Governor-General-in-Council passed the Cantonment Act (Act No.1 of 1866) covering the provisions of the Act of 1864. This Act provided for the inspection and control of houses of ill-fame and for the prevention of the spread of V.D.\textsuperscript{140}

In 1865, the Governor-in-Council, Madras appointed a Committee consisting of (1) Ellis, President of the Sanitary Commission, (2) W.W. Robinson, Inspector-General of Police, (3) Pritchard, Advocate General, and (4) Scott Squarter, Master-

\textsuperscript{137} \textit{Ibid.}, p.102.

\textsuperscript{138} \textit{Ibid.}, pp.103-107.


\textsuperscript{140} \textit{Cunningham, H.S., Comp. Statutes, Acts and Regulations in Force in the Madras Presidency}, Vol. 1, Madras, 1876, p.8.
General, for forming rules and regulations related to prostitution and control of V.D.\textsuperscript{141}

This Committee had framed rules and regulations, powers of authorities in Lock Hospital, and of the police and judiciary. If a prostitute cohabited with Europeans, she would be punished. Every prostitute had to obtain permission to reside in the Cantonment furnishing her particulars to the Superintendent of Police. Her name would be registered as "prostitute". Prostitutes residing in registered brothels were designated as "Registered Prostitutes" and prostitutes who registered but not practicing in registered brothels were called "Special Registered Prostitutes", but the latter should inform their places of practice to the Lock Hospital.\textsuperscript{142}

In 1868, the Government of India enacted the \textit{Contagious Disease Act}. It was introduced by the Law Member Maine on 27th March, 1868. It became the Act XIV of 1868. This Act sanctioned the establishment of brothels and allowed prostitution in a regularised form. Powers were vested with Local Governments to control the prostitutes; their welfare was safeguarded. But this Act proved a failure due to inability of the administrators to implement it and non-co-operation on the part of both prostitutes and public. Many came forward and registered themselves

\textsuperscript{141} G.O.Ms.No.1361, \textit{Military Department}, 8th April, 1865.

\textsuperscript{142} G.O.Ms.Nos.362-366, \textit{Military Department}, 8th April, 1868.
as prostitutes for their livelihood. So, the number of brothels increased. Apart from the registered prosstitutes, there were unregistered prostitutes and their number was more than the registered prostitutes. Registered and unregistered prostitutes infected customers, and the diseased prostitutes were a menace to the public. E.G. Balfour, Inspector General of Hospitals, Indian Medical Department, Madras, met the Trustees of the Temples and requested them for the compulsory registration of the Devadasis and to get medical treatment. But his request was turned down because, the Devadasis were not prostitutes and their institution had social, religious and political recognition.

When the institution of prostitution was legally recognised, certain section of people became full time workers and so, it flourished. Thus, the brothels and common prostitutes gave ample opportunity to kidnappers and traffickers in women and children to conduct their trade with less restraint.

When Devadasis escaped from the teeth of the Act of 1869, the concubines also produced their paramours before the Health Department to prove that they were concubines. Since, concubinage was a recognised system in society, concubines were also exempted from registration as common prostitutes. This revealed the better position of Devadasis compared to the position of prostitutes in the society.
On 25th July, 1888 Charles Aitchison introduced a Bill for repeal of the Acts in the Council of the Governor-General of India. The Bill was passed on 5th September, 1888 without discussion or opposition and came to be known as "An Act to repeal certain enactments relating to the contagious diseases".\textsuperscript{143} As per the Repeal Act (Act No.IX of 1888), the whole provisions of the Municipal Lock Hospitals Act (Act No.XXIV of 1866) and the Contagious Disease Act (Act No.XIV of 1866) were abolished. By the repeal of the Act the prostitutes were let free and thereafter they need not fear for the Health and Police Departments. Therefore they began their business more freely. Hence, the public began to curse the English administrators. The social reformers looked upon the prostitution as the deadliest of evils. Some house owners preferred to rent their houses to prostitutes, who came forward to pay even double the sum, that decent tenants could afford. Thus, many important residential areas became key centres of prostitution.\textsuperscript{144} Many of the staff of the health establishment of Lock Hospitals then became unemployed, since Lock Hospitals had been closed. The public said, that though the English had introduced the same arts and sciences in India,

\textsuperscript{143} Abstract of the Proceeding of the Council of the Governor-general of India, Vol. 27, Calcutta, 1889, pp.127-128.

\textsuperscript{144} Oomdal-Ul-Akber, 14th December, 1892, NNPR, Government of Madras, 1892, pp.312-13.
they had also brought along immorality and fraud.\textsuperscript{145}

So far, no sincere attempt had been taken by the Government of India to enact an all India Law to suppress prostitution. The British policy of non-interference in the social life of the people was not correctly fulfilled. It passed Laws for the benefits of military persons. The Government was not ready to shoulder responsibility to save young girls from falling into flesh trap. It hesitated to protect the girls rescued from brothel houses.

\textbf{Attempts made by the Justice Party Government}

The suppression of prostitutes was not at all connected with religious sanctity and there were no agitations on the side of public or any particular sect. But it had no mind and so there was no way for the suppression of prostitution. When the Government of India had failed to enact an all India Law to suppress prostitution, the Government of Bengal passed the \textit{Suppression of Immoral Traffic Act, 1923}. This Act empowered the police to remove girls below 13 years of age from brothels. Accordingly, more than 2,000 girls were rescued. This action of the Government was wholeheartedly welcomed by both the press and public.\textsuperscript{146}

\begin{footnotesize}
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\item \textsuperscript{145} \textit{Shames-Ul-Akbar}, 16th July, 1888, NNPR, Government of Madras, 1888, p.168.
\item \textsuperscript{146} \textit{Stri Dharma}, Vol. 7, No. 10, 3rd August, 1924, Madras, p.146.
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Madras Vigilance Association, 1925

Edith, a social reformer from Europe, on 14th December, 1924 elaborately depicted the plight of the traffic in women and children. This, very much inspired Women's Indian Association to form the Madras Vigilance Association in 1925. The practice of prostitution had become too deep-rooted in the society that it was impossible to wipe out by mere legislation. Some of the public wanted to gain from prostitution. Hence, numerous brothels came to exist near temples, choultries, educational institutions etc. All the Acts passed against prostitution tried to regulate the prostitutes and control V.D. in the cantonments but sanctioned the establishment of brothels. The establishment of brothels in residential and commercial areas disturbed the place and tranquility of public. Moreover, the brothel keepers trapped young children from respectable families and involved them in prostitution to extract money. This was published in the Native Newspapers and the parents reported to the Commissioner of Police. The Association divided itself into various Committees and began to operate for the remedy. In 1926, the Association organised a meeting under the Presidentship of V.S. Srinivasa Sastri to support a Bill for the Suppression of Brothels and Immoral Traffic in Women and Girls, and to establish a rescue home for girls. A. Lakshmanaswamy Mudaliar moved a resolution and urged the Government to frame a Law for the suppression of brothels and
immoral traffic in women. K.V. Shesha Iyengar, another member of the Vigilance Association, also urged the same. Mrs. Dorthy Jinairajadasa, member of the Association pleaded with the Government to establish a rescue home for the girls. In 1928, the Association drafted the Bill for the Suppression of Brothels and Immoral Traffic and made it ready to introduce in the Council.

Introduction of the Bill in the Council

Suppression of Brothels and Immoral Traffic Bill was introduced on 5th September, 1928 by K.R. Venkatarama Ayyar in the Madras Legislative Council and Mrs. Muthulakshmi Reddy seconded it. But this Bill was not accepted by the Law Department because of the following flaws: (i) 'Children' (Girls) might have been adopted by Devadasis, (ii) It was not possible to turn down their legal adoption, and (iii) They adopted for the benefit of prostitution.

Therefore to make it illegal for any third party safeguard the interest of children was impossible. However, the Bill was referred to a Select Committee and sent it to the Government of India and to the Under-Secretary of State for India.

When the Bill was introduced in the Council, P. Subbarayan was the First Minister and A. Ranganatha Mudaliyar and Muthiah

148 G.O.Ms.No.307, Judicial Department, 14th June, 1928.
Mudaliar were other Ministers. It was enthusiastically welcomed by both the public and the press. During the discussion over the Bill Satyamurti, a Congress man wanted the public opinion. Moreover, he said, that the provisions in the Madras City Police Act would be enough if properly ministered, because there were provisions in the Act itself to control the prostitutes. He feared, that if the Bill was passed it would be a threat to the personal liberty of people who would be victimised by the police. He pointed out that providing protection for rescued girls was very difficult. 149

K.V. Venkaterama Ayyar (Congress) had supported the Bill and requested to seek assistance of the Madras Vigilance Association to accommodate the rescued girls, and also complained about the sudden appearance of prostitutes in the residential areas at Royapettah. 150 Mrs. Muthulakshmi Reddy said, that there was provision for accommodating them in Children's Aid Society and Junior and Senior Certified Schools* and also in the hostels run by

150 Ibid., p. 335.

* Children's Aid Society - It was run by the Government for street children and orphans. The children were given food, shelter, clothing and education. The aim of the Government was to train them as good citizens.

Junior and Senior Certified Schools - They were run by the Government to provide young criminals good education, vocational and moral training so as to make them good citizens instead of giving them punishments because they had done crimes because of ignorance.
philanthropic organisations. Though the Bill was introduced in 1928 and it was passed as an Act only in 1930.

Provisions of the Act

1. Keeping brothels or allowing premises to be used as brothels was an offence liable to be punished with imprisonment which might extend to two years, or with fine which might extend to one thousand rupees or with both;

2. Girls under eighteen years of age could be removed from brothels by the order of the Magistrate. The Magistrate could order for rescue of the girl only if a police officer reported that the girl was under eighteen years of age and was living in brothel, carrying on or was being made to carry on, the business of prostitution in a brothel or disorderly house;

3. After satisfying himself, the Magistrate might then issue an order to a police officer, not below the rank of an Inspector especially authorised by the Commissioner of Police or the Superintendent of Police, to enter the brothel or disorderly house to remove such girls from there;

4. After removing from brothels the girls were to be kept only in rescue or in such suitable place, but not in police station or jail until they were brought to trial;

151 Ibid., p.337.
5. The traffic in women and girls for the purpose of prostitution was made liable for punishment with imprisonment which might extend to two years, or with fine which might extend to two years or with both;

6. Detention or confinement of any woman (or) girl in the brothel against her will, or in any other place for the purpose of prostitution; and with holding of any of her belongings such as jewels and other items, were liable for punishment with imprisonment which might extend to two years, or with fine which might extend to one thousand rupees or with both;

7. Procuring girls or women for prostitution was also made punishable. Soliciting in any street or public place for the purposes of prostitution was declared punishable with imprison- ment for a term which might extend to two months, or with fine which might extend to one thousand rupees or with both;

8. The Act empowered the police officer authorised for the purpose, to arrest without warrant any person committing the offence. The police officer was also empowered to enter the premises of prostitutes or brothels; and

9. The Local Government was vested with the power to make rules for the establishment of rescue homes or provide girls with adequate accommodation.

The Act was appreciated by press and public and they expected that the Government would facilitate 'Rescue Homes' for
the rescued women and girls. But the Government as usual was blamed for insufficiency of funds. As a whole, without rescue homes the whole effort would be a waste. The Women's Indian Association which took effort for passing this Act did not keep quite. In April, 1931 it sent to the Home Member a deputation consisting of Mrs. Muthulakshmi Reddy, Mrs. K.C. Acati, Mrs. M.E. Cousins and others.

The Hindu on 1st February, 1930, wrote that the Act would put down the commercialised vice. It also suggested that Government should give financial aid to those who wanted to set up 'Rescue Homes' for Girls.\(^{152}\) The New India also appreciated the enactment of the Act and advocated the establishment of 'Rescue Homes' for the proper working of the Act.\(^{153}\)

The members of the Deputation wanted the Government to establish 'Rescue Homes', if not, certain institutions such as the Madras Children's Aid Society would be used. They said that the Women's Indian Association was ready to establish a

\(*\) *Rescue Homes* - Rehabilitation Centres of the rescued women and girls.


'Rescue Home'. The Home Member said, that the Act would be amended suitably.

During this period there were about 600 brothels in Madras city with minor girls even at the age group of twelve and thirteen. So, the number of clients and flow of girls increased. The rescue operation by Women's Indian Association, The Madras Children's Aid Society and the police became impossible. The press and the public turned violent and pressurised the Government for action. The Government asked Mahomed Usman, the Home Member, to introduce the Amendment Bill, so as to make it suitable for enforcement in the city.

On 3rd August, 1931 he introduced the Madras Suppression of Immoral Amendment Bill was moved in the Madras Legislative Council. While introducing the Bill and he said, "the Madras Suppression of Immoral Traffic (Amendment) Bill (Bill No.9 of 1931) and move that the Bill be taken into consideration. The amendment that is proposed is very simple. It is to meet certain difficulties that have arisen in connection with this Act. We have no

155 Ibid., p.298.
156 Tamilnadu (Tamil), 18th April, 1931, NNPR, Government of Madras, 1931, p.580.
157 G.O.Ms.No.233, Law (Legislative) Department, 24th July, 1931.
juvenile courts in the Presidency except in the Madras city. The working of the Act also requires rescue homes. There are some 'Rescue Homes' in Madras maintained by private organization who are prepared to allow them to be used in the working of this Act. If this Act is to be worked, we much have juvenile courts and rescue homes. These two conditions we find in the city of Madras alone. We shall by this amendment take power to introduce the Act in the city of Madras and then as finances permit, in other parts of the Presidency as well. With this object I have come to the House to move this amendment'.

This was seconded by M. Krishnan Nair. But Sami Venkatachalam Chetti, after a prolonged talk moved that the Bill be referred to a Select Committee. But, the Home Member said, that it was not necessary to refer to a Select Committee. He said, if Government had provided rescue homes, there would have been no difficulty at all. T.S. Ramaswami Ayyar said, that the Bill was already passed as an Act in 1930 after due consideration. And the present one was only to make amendment. Hence, he said, that there was no need to refer to a Select Committee. There were no rescue homes and juvenile courts outside the Madras city and so it would be better to restrict the scope of the Act to this city alone for them no question

159 Ibid., p.100.
of the legality of enforcement of the Act could be raised.\textsuperscript{160} Therefore, he wanted to pass the Act without referring to the Select Committee. The immoral traffic in women was eating into the vitals of society and it should be put to an end.

Finally, the Bill was passed on 30th October, 1931\textsuperscript{161} (Bill No.9 of 1931). But the Government did not implement it at once. The press and the public wanted to implement the Bill at least in the city of Madras.\textsuperscript{162}

The Act was to make workable in Madras city first and later extended to other parts of the Presidency, depending on the finance available.\textsuperscript{163} The Government of Madras implemented the Act on 1st April, 1932. Some poor and illiterate prostitutes began to run away from the city: some passed off as mistresses or concubines and others even as family women.\textsuperscript{164} But majority of them continued their business secretly under fraudulent techniques.

Due to police atrocities, poor prostitutes migrated to

\textsuperscript{160} Ibid.

\textsuperscript{161} Ibid.

\textsuperscript{162} Dravida\textit{n} (Tamil), 16th February, 1932, NNPR, Government of Madras, 1932, p.262.

\textsuperscript{163} M.L.C.P., Vol. LIVIII (Nos.1 to 30), 1931, p.97.

\textsuperscript{164} India, 16th April, 1932, NNPR, Government of Madras, 1932, p.497.
neighbouring states or towns and a large number of them were shipped to Burma and other foreign countries by traffickers. About one hundred twenty one brothels were closed through the efforts of Vigilance Associations and the Women's Indian Association, Madras and with the assistance of the police. A large number of those expelled from Madras city migrated to urban centres of Tamilnadu and Andhra. The victims in the rescue homes increased and so the Government appealed to the public and social organisations to donate liberally to meet the cost of establishment of 'Rescue Homes'.

The Act was extended to municipal towns and other urban areas. Therefore, the prostitutes began to shift their residences to nearby villages. The implementation and extension of this Act caused chain of actions from city to tiny villages.

The Girls Protection Bill, 1934

In order to suppress prostitutions in all its forms, the Central Government also took responsibility. In 1934, Raghber Singh introduced The Girls Protection Bill in the Central Assembly. Then the Bill was sent to the Madras Government to get their opinion and that of social reform agencies. The aim of the


167 G.C.Ms.No.141, Law Legislative Department, 7th April, 1934.
Bill was to restrict the sale of girls for prostitution by their parents. Some parents also sold their minor girls to old men for marriage who became widows at their early age and became easy prey to prostitution.

According to this Bill the parents who sold their daughter before she attained maturity, the parents would become liable to punishment of two months imprisonment or a fine which might extend to 200 rupees or both.\textsuperscript{168} The Bill was fully supported by the Women's Indian Association and it conducted a meeting in support of the Bill on 23rd April, 1934 at Egmore, Madras and Ammu Swaminathan presided over the meeting. Resolution were passed in support of the Bill.\textsuperscript{169} Unfortunately this was not passed into Law.

Another important Regional Conference on Traffic in Women and Children was held on 11th November, 1935 at the Government House, Madras, Lord Erskine, the Governor of Madras inaugurated the Conference. Many resolutions were passed.\textsuperscript{170} This Conference appealed to the public to donate liberally, and to co-operate to the endeavour of suppressing prostitution and to provide help

\textsuperscript{168} Fort St. Gazettee Supplement to Part III, 17th April, 1934, Madras, pp.1-2.


\textsuperscript{170} Ibid., Vol. XVIII, Nos. 12-13, October-November, 1935, Madras, 414.
to the victims. The conference asked the Municipal Bodies to form Vigilance Associations and to establish rescue homes. It requested the Government to provide financial assistance for the proper implementation of the Madras Suppression of Immoral Traffic Act and regretted for not penalising a third party making money out of prostitution. It warned the public against dangerous V.D. 171

Under the Colonial Government, the administrators cared for the health of their soldiers but not for the civilian lot under the pretext that they should not interfere in the social matters. The First Act of 1930 had some flaws and so the prostitutes and offenders could easily escape from punishment. The police took the Law in their hands and victimised the innocents, poor and family women. The Act of 1930, authorised the police to ride brothels only in the direction of the Magistrates. Hence, the prostitutes and others could easily escape. The implementation of Law was only in the city. This paved the way for the migration of prostitutes to towns and then to villages. Hence, the offence spread to the length and breadth of the Presidency.

From the very beginning, the question of accommodating the prostitutes turned as a stumbling block to the Government and the people. They ought to depend on private homes and societies. The Act could not be implemented uniformly throughout

171 Ibid., pp.400-401.
the State because there were no rescue homes and juvenile courts except in the city. Only after 1958, the Act became a full-fledged one. The maintenance of Vigilance Homes and others was taken by the Government and at present it is under the direct control of the Government.

Thus, prostitution was slowly assuming social rather than individual dimensions. But, significant features of these historical development was the spread of greater awareness to V.D. and research on them.\textsuperscript{172} Now this problem became an international question that how to prevent the deadly disease AIDS.

To this good endeavour, the role of State was lacking and but for the public (society) interest and enthusiasm, the Government would not have passed the Act of 1930 and amended it for a fourth time. The public and press particularly, the Women's Indian Association played vital role in passing the Act and its implementation. The Bill itself was drafted by this Association.

The Act of Suppression of Immoral Traffic in Women was not passed immediately after the introduction of Bill. It took up three years because, the legislators were not unanimous in their opinions their main different of opinions were that the Act was not necessary and its provisions were meted out by the Police Act and Criminal Courts. The second opinion was that every

\textsuperscript{172} Sundera Raj\textsuperscript{,M.}, \textit{op.cit.}, p.110.
chance to the police to take the Law in their hands and the third view was that without the 'Rescue Homes' the Act could not be enforced. However in the Vigilance Associations, Philanthropic Associations and Junior and Senior Certified Schools also volunteered to provide 'Rescue Homes'. Hence the theoreticals were solved and the Act passed. This slightly improved the condition of women. The loopholes in the Act were misused by some and miseries of the prostitutes continued in one way or other. Hence there was need for some amendment to improve their condition which was materialised during the Congress period.