CHAPTER ONE -

INTRODUCTION
“Just as a bird could not fly with one wing only, a nation would not march forward if the women are left behind.”

Today, all over the world, specially in developing countries woman is the backbone of the society, her leadership is budding forth in many different ways and spheres of life. And there is so much that the world can learn from her: attitudes of compassion, creativity, new ‘caretaking’ styles of leadership, concern for nature and respect for life. So in the present thesis attempt is made to focus on woman in Goa.

Goa is popularly known as Gowa or Gova in Marathi, Goven, in Konkani Goem. The Madras Glossary connects it with Sanskrit “go” a cow in the sense of cowherd country. The usually accepted derivation of the term gomantaka is from go + manta + ka “go” means cattle, gomanta meaning herd of cattle owners with ka as taddhita affix added to the noun to express diminution, deterioration and similarity. Goa, also known in the bygone days as Gomanchala, Gopakattam, Gopakapuri, Govapuri, etc., abounding in a rich historical heritage.
Goa before the advent of Portuguese to India, was under the control of various Hindu and Muslim rulers. The Satavahanas, the Kadambas, the Rashtrakutas, the Chalukyas, the Silaharas, the Yadavas and the Khiljis.

After the discovery of the sea-route to India by Vasco da Gama in 1498, many Portuguese expeditions came to India. In 1510 Afonso de Albuquerque with the help of the Hindu Chief of Vijayanagar, Timmaya attacked and captured Goa. With the arrival of the Jesuit priest, Francis Xavier in 1542 proselytisation began in Goa. However, the Portuguese continued to rule over the territory except for an interlude during the latter half of the 17th century when Shivaji conquered a few areas in and around Goa. Even after India’s independence, Goa continued to be in the hands of the Portuguese. However, they could not fulfill the aspirations of the Goan people and ultimately on 19 December, 1961, Goa was liberated and made a composite union territory with Daman and Diu. On 30 May 1987, Goa was conferred statehood and Daman and Diu was made a separate union territory.

Goa is situated on the western coast of the Indian Peninsula. On its north runs the Terekhol river which separates Goa from Maharashtra and on the south lies North Canara district Karnataka. On the east lie the Western Ghats and in the west the Arabian Sea. (MAP) (FIG 1)

Goa is indeed a miniature world of its own right, a little paradise with its scenic beauty. People have laboured here through centuries to build unique institutions. Its towns, villages, churches, temples, shrines, forts and beaches are renowned world
over. Its art, architecture, sculpture, music, dance, drama and painting are a class in themselves. All these are the products of people working in societies in their enchanting environment, which have got to be revalued in the light of fresh developments and new ideas. Several scholars have thrown light on the variety of subjects ranging from religion, society, art and culture.

Despite the harsh impact that took place on political, social, economic and religious institutions as a result of the grafting of the European power on the placid structure of Goa, the creative cross fertilization of ideas from the west brought about a mighty transformation in the value system of Goan life. The Portuguese had come to India not merely for spices and for evangelisation but also for inculturation and colonisation which they did more effectively than any other European power in India.

Keeping in mind the geographical and historical background. We shall now examine the position of women in Goan society particularly during the Portuguese rule.

The Position of women in post – 1836 in Goa

The Portuguese conquered Goa in 1510 from Adilshah, a Muslim ruler. The conditions of women in Goa at this time were the same as those of their counter parts elsewhere in India. Women were exploited, taken for granted suppressed and
subjected to cruel rules and unreasonable customs. Women had no individuality of their own in a male dominated society. They were considered a property that could be disposed off. Throughout their life they played different subordinate roles.

Infanticide existed in certain uneducated sections of the Hindu society. The daughters were regarded as source of all misery and source of unending trouble by the ordinary or not so well to do family, since they had to provide daughters with heavy dowry at the time of marriage.

In the early period girls received some elementary education. Girls were married very young, therefore, there was no time to educate them. Lack of education affected their all round development. The result was a gradual deterioration in their position in the society. Girls played practically no role in the house until they were married.

To marry off the daughter at a very early age was the custom and primarily religious duty of the father. There are several reasons that encouraged child marriages. Child marriages were carried out in order to protect women from the Muslim invaders. During this period the chastity of the women was given a great importance. It was decreed that marriages should be performed before puberty. Since it was not possible to perform marriages on the eve of puberty, marriages were held much before the time. It was felt that if the father of the girl died early, and the mother followed him in his funeral pyre at least there would be a husband and his family to take care of the girl.
The joint family system prevailing in India also seems to have encouraged child marriages. Since the joint family took care of the financial needs of all its earning and retired members, a boy could get married much before he could start to work. In addition, it was believed that a girl at early age would adjust more easily in the new family. Marriages were carried out at a very young age, when girls should have been on the lap of their parents and playing with their toys.

The reason for this difference in treatment appears to be the fact that the girls had to face greater risks in the society than an unmarried man. The Hindus believed that a father who arranged his daughter’s marriage would earn *pritvi-dana* – the gift of the earth.

When the Portuguese arrived in Goa, child marriages were popular in India. Child marriages were one of the causes of high maternal deaths at the time of delivery. During this period marriage was almost a requisite for girls. Child marriage was the root cause of the degradation of the society. The young women committed *sati*, after their husbands’s death. The existence of *sati* and hero stones, proves that *sati* was prevalent in Goa. (FIGS. 2 & 3)

The Portuguese rule in Goa made the difference as far as the conditions of the women were concerned.

Afonso de Albuquerque, (FIG. 4) the founder of the Portuguese empire in India showed much consideration towards the status of women in Goa. His successors also contributed towards the improvement of the position of women in the society.
SATI - STONE at Assolda, Quepem
3(a) HERO - STONE at Assolda, Quepem.
3(c) Sati-stone at Molkern, Quepem

3(b) Hero-stone, called Mulavira, at Loliem, Canacona

3(d) Hero-stone from Betgi, Ponda (at present in museum at Old Goa)
Afonso de Albuquerque, Governor

Source: José Nicolau da Fonseca
An Historical & Archaeological Sketch of the
City of Goa.
Bombay: Thacker & Co. Ltd., 1979
Consequently, the status of women in Goa was better than the women in other Indian states, where all social evils prevailed, such as *sati*, female infanticide, polygamy, etc. During this first century of the Portuguese rule in Goa, the women were given right to their father’s property. Only in the mid twentieth century, the women in other parts of India were granted right to their family property.

The foreign traveller, Tomé Pires, for example, furnished us with the interesting account about the status of women, particularly in the capital city of Goa. The conditions of women in the Goan society depended on their socio-cultural and religious position.

The society was divided into four castes namely, Brahmins, Kshatriyas, Vaisyas and Sudras. The division of society was not rigid. There was some mobility during this period. When some of the Hindu women were converted to Christianity they continued with this caste system. Nevertheless, for the purpose of this study the society is divided chiefly on religious basis rather than as per caste system. Generally speaking, women in the Goan society could be placed in two groups. Christian women and non-Christian women.

Christian women were further divided into: (i) *reinois, castiças* and *mestiças* (ii) Native Christian women. *Reinois* were the women who came from Portugal. These were the wives of the officials, orphans sent from Portugal to marry Portuguese men in India and a few others who came to India on board of Portuguese ships. *Castiças* were those born to Portuguese parents in India and *mestiças* were those of mixed
blood. *Mestiças* were looked down upon by *reinois*, and *castiças*. These were a small group. Women born of a union between the Portuguese and the black were known as *mulatas*. Portuguese women and those of mixed blood were less traditional than the local women. They were pleasure loving people.

The native Christian women were those who were christianised. Their life style depended on their economic status. The women of upper and the middle class were more conventional than those women who belonged to the lower class.⁸

Non-Christian women formed the majority, including the Hindus and Muslim women. Similar to their Christian counterparts their position, too, depended on their economic conditions. They were orthodox in their attitudes. In addition to these, there lived in Goa, the women of other nationalities, who belonged to the dominant business community of Gujarat and the slave women. Female slaves were involved in all kinds of occupation, mainly household work in Goan society.

**Legislation on women from the sixteenth to twentieth centuries**

During the Portuguese rule, the State and the Church worked in collaboration with each other. Various reforms were introduced in order to improve the conditions of women. *Sati* was abolished and widows were permitted to remarry. Laws were passed granting women some rights, primarily, right to family property. These rights were
granted with some reservations. Initially, they were extended to women who were Christianised and later to non-Christian women.

Let us consider the various laws issued by the state government to upgrade or direct the activities of women during the Portuguese rule in their colonies. (FIGS. 5).

In the early centuries of the Portuguese regime in Goa, laws granted property rights only to Christian women.

They enjoyed the equality before the law as their counterparts in Portugal, however, the non-Christian were deprived of their property rights. Most of these laws were not executed well or were disregarded during the early period of Portuguese domination.

It was difficult to enforce laws on women due to the attitude of men towards women. In a patriarchal society like India, men opined that women should be given a secondary place. Hence rights were denied to them. They tried to find ways and means of not executing certain laws, for instance, those laws that gave daughter and sons, equal rights of inheritance or property or those that condemned sati and permitted widow remarriage. Sometimes the government too, was disinclined to execute laws, in order to avoid the hurt feelings among the people in Portuguese India.

Some of the laws were promulgated by the Portuguese crown, while others were passed by the Viceroy of the state of India. These laws issued by the Portuguese
5 PORTUGUESE SETTLEMENTS IN COASTAL INDIA.  
16th & 17th Centuries

(The places that have been underlined indicate the Estado da Índia at the time of its liberation in 1961)

Adapted from: The Oxford School Atlas. Delhi: Oxford University Press, 1984, p.15
Map by Kimberly's Computer Services, Margão.
kings and administrators aided considerably to elevate the position of women, mainly the Christian women. They were the first lot, to gain much from these laws.\(^9\)

**The Civil Code of 1867**

The most significant feature in the process of improving the condition of the women in Portuguese Goa was the Civil Code. It was started in Portugal (FIGS. 6(a), 6(b) on 1\(^{st}\) July, 1867 and the code was extended to the colonies on 18 November, 1869 with the effect from 1 July, 1870.\(^{10}\) Over fifty years have passed since India achieved her independence from colonial rule, yet, to date, the leaders have been unable to comply with the call enshrined in Article 44 of the Constitution of India for a uniform Civil Code. The liberation of Goa, followed fourteen years after that the rest of India. Interestingly, forty years of freedom of Goa and 57 years of Independence of India, Goa, Daman and Diu are the only regions that have a Uniform Civil Code in places, a legacy of their Portuguese colonies. Under the Goa, Administration Act; 1962, as per section 5, all laws are maintained save those that have been amended by the competent legislature. Since their Liberation, a number of Central status have been extended to Goa from time to time, but the Central government has not extended different personal laws in force in the rest of India to Goa, for instance, the Marriage Act, Hindu Succession Act, Indian Succession Act,
6(a) Portugal in the Sixteenth to Eighteenth Centuries
Map by Kimberly's Computer Services, Margão.
Divorce Act and so on. And, neither has the state government repealed or moved any amendment to the family laws in force in Goa.

Both the Central Government and the state government of Goa, and for that matter the predecessor governments styled as Union Territories of Goa, Daman and Diu, deserve to be complemented for their vision.

Indeed, the object of having a Uniform Civil Code is to introduce a uniform law governing family laws such as those of marriage, divorce, succession, protection of children, for the purpose of national consolidation. Article 44 proceeds on the assumption that there is no necessary connection between religion and family laws in a civilized society. The Constitution does guarantee freedom of conscience and of religion, but it seeks to divorce religion from family laws and social relations and from laws governing marriage, divorce, succession, protection of children.

In 1979, the former Chief Justice India, Y.V. Chandrachud inaugurated a conference on family laws of Goa, Daman and Diu organized by the Goa, Daman and Diu Advocates Association, He said: “It is heartening to find that the dream of a uniform Civil Code in the country finds its realization in the Union Territory of Goa, Daman and Diu only. How many outside Goa are aware of this, I cannot guess.”

In Portuguese Goa, family laws had been the same for all the communities, unmindful to which religion they belong. Since 1870 when the Portuguese crown for the first time introduced an uniform Civil Code. It was applicable to citizens of Portugal as well as its overseas colonies, though it recognized the sacramentality of
marriage in accordance with the Canon Law. Civil marriage, came now to be regarded as the only valid marriage for all purposes. Every individual had to perform the act of civil marriage before the religious marriage. It was the precondition for a religious ceremony.

The Civil Code assured equal rights to daughters and sons with respect to property, in marital life, the wife was subordinate to her husband. The Civil Code incorporated laws pertaining to the family, protected the interests of the widows, young girls and raised the age of marriage.

Even though Portuguese rule was brought to an end in Goa, the Civil Code was kept permanently enshrined in their law book. There were different series of family laws for members of every religion.

Four decades later, Monarchy was overthrown in Portugal and a Republic was established. The constitutional change of 1910 brought about alterations in the structure of the Civil Code of 1867. The Civil Code was more liberal and egalitarian. It granted more freedom to women and introduced changes regarding laws on marriage and laws giving protection to children.

The Republic introduced reforms, at the same time compulsory civil registration of marriages came into force by Decree No.35461. For centuries the Christian marriages would take place only in the Church. In order to abide by the republican law, they would first complete their civil marriage in the register’s office and then the Church marriage celebration with all the religious rites.
Since 1870, the Hindus and Muslims marriages took place in a similar way, once before the public officials and second time before their priests. With the republicans laws, the Catholics joined the other communities in performing their marriages twice and thus appeased both the religious political authorities.\textsuperscript{13}

It further helped, to better the conditions of women in Portugal as well as in her overseas colonies. The Civil Code was further amended in 1930\textsuperscript{14} and again when the \textit{Concordat} was signed between the Portuguese government and the Holy See, additional changes were made in the laws of marriage and divorce.\textsuperscript{15}

If marriages were solemnised in the Church, a divorce would be out of question, since the Roman Catholic faith did not allow a break up of a canonical marriage except by death. The Portuguese Civil Code is still effective in Goa, despite the fact that the Civil Code of 1867 has been substituted or changed in Portugal.

\textbf{Features of the Civil Code}

Property ownership and inheritance of the Christians was regulated by the Civil Code, which was based on the European Continental system known as the Napoleonic Code. In order to support the woman and to protect the property owned by her at the time of marriage, the Civil Code gave women the choice of four different ownership categories.
The property is owned commonly by both the husband and wife, no matter who contributed more or less to the common pool. However, when the marriage is preceded by the pre-marital contract, the administration of the property is in accordance with that contract.\textsuperscript{16}

The second, the wife could safeguard full ownership rights in her property by choosing complete separation of property and framing a pre-nuptial deed to this effect.\textsuperscript{17}

The third, was the separation of properties between the husband and wife. By this option the properties owned before the marriage were kept separate and acquired after the marriage were owned in common. The last option allowed for the constitution of dowry for the bride given in cash or kind by the bride herself or her family or any person. This dowry comprising immovable wealth was not to be sold but had to be returned to her in the event of the dissolution of the marriage.

According to the Civil Code, the husband was given all rights to administer the property, including the property owned by the wife, even when there was separation of property by a pre-nuptial deed. This right was introduced in order to preserve the economic stability of the family.\textsuperscript{18}

The wife was permitted to administer the property, only in the absence of the husband or when he was incompetent to do so. However, this was not to discriminate as it might appear to be as it is spelled out by the following points. Though the husband administered wife’s property, she had the right to receive, as pocket-
expenses, upto one-third of her net income. Still there was another article 1219 of the Civil Code which empowered the wife to demand for separation of the property if she found herself in impending danger of losing whatever belonged to her, due to the mismanagement by the husband. In case of separation materialize she could be the administratrix not only of her properties but also of the commonly owned properties. The separation of the properties did not absolve the wife from contributing towards the expenses of the couple, from the income of her properties. The husband also was not permitted to transfer immovable properties or move the court in connection of squabble regarding ownership of the said property without the consent of the wife. Hence to give unity to the household properties, their administration was in the hand of the husband, who was the head of the family and the stronger partner.

**Payment of debt**

The debt incurred before the marriage were to be paid from the respective share of the debtor husband or wife from the acquired properties, while the debts incurred is the liability. At the same time, the payment of the wife’s debts were charged on the husband’s exclusive property but not the other way round.

The approval of the husband was required for a wife to acquire or alienate properties or contract obligations or continue with business activities. If the husband refused to give a just reason for withholding his approval, the wife could move the
court and the judge could grant or reject it, as he thought fit, after hearing the husband.

Division of the property

On the death of the husband the wife had the right to half of her husband’s property and daughters and sons equal shares. The Portuguese called this half share *moiety.*\(^{25}\) Although the Civil Code prescribes complete equality between daughters and sons, in practice, sons are made heirs to all the landed property. While daughters are only provided with dowry and gifts. In such cases, daughters of landowners generally get far less than the value of their share of property. A complicated system of pre-nuptial contracts and other deeds, was resorted to, so that the daughter of her family on her husband’s side will not claim any share of the ancestral property on the death of her parents and the property was distributed only among the sons. However, the daughter did not lose her right to inheritance by any such declaration.

Article 2042 of the Civil Code said: “No one shall, not even by anti-nuptial contract, renounce the right to succession of a living person, or alienate or charge the rights, which he eventually might have to be the inheritance of that person.”

There have been cases in which daughters have sued their brothers for a share in the property of their parents. In less rich families, many a time daughters get more than the sons, because while the latter do not get any property worth the name from
their parents, daughters take away fat dowries and gifts on the occasion of their marriage. For this reason up to this date, the birth of daughters is not welcome while those of sons is considered profitable for the house-hold, as they are regarded to be the bread-earners and supporters of the parents in their old age. In reality, the old parents are taken care of by the daughters, fortunate are the parents, who are looked after by the sons, nowadays.

In certain families of higher castes only one or two boys or girls marry and others remain unmarried, in order to prevent distribution of wealth which will bring down the standard of living of the family. In such cases generally, the unmarried girls and boys take up jobs, such as primary teachers, open nursery classes, pharmacists, etc. to maintain themselves. However, later in life, they become frustrated, lonely particularly in their old age.

Abolition of child marriage

According to the Portuguese Civil Code of 1867, women less than twelve years of age were not allowed to marry. This code was a help to decrease early marriages in the Portuguese dominated areas. It was lawful for girls to marry once they reach adolescence.

The Civil Code emancipated the women in Portuguese India from the traditional impediments. The age of majority was twenty one years and the girl had full freedom
to deal with her resources or assets. From this, it is evident that the women enjoyed the right to possess, inherit and bequeath her possessions. As it is mentioned earlier, in 1940, the Portuguese government signed a Concordat with the Holy See.

The Concordat said “The Portuguese state grants civil effects to the marriages celebrated in conformity with the canonical laws, provided that the record of marriage is transcribed in the competent registration of the civil status.\(^ ^{27}\)

Civil marriage was considered as only lawful marriage for all official purposes.

**Civil Code and the rights granted to women**

Under the Republic, the Civil Code granted to the married woman the right to publish her writings\(^ ^{28}\) and to appeal for without the consent of her husband. At the same time, the wife enjoyed all the honours of the husband, which are not mere privileges attached to the posts held and could maintain them until she gets married again.\(^ ^{29}\) Likewise, the husband could no longer officially make his wife return to him, if she had no desire to do so. However, if she had been thrown out of the house by her husband, she could solicit the Court’s assistance in compelling him to accept her back.\(^ ^{30}\)
The Control over the minor children

The parent’s consent was needed for the marriage of the children below twenty one years of age. If there was a clash of opinions among the parent with regard to the marriage, the court had the final word. The mother had the right to exercise the rights and duties involved in parental control in regard of her lawful issues.

The right to control, support and protect minor children was given to the father—the head of the family. Only in the absence of the father these powers were entrusted to the mother. In case of remarriage the mother forfeits the right to manage the property of minor children unless she was empowered to administer over it, by the family council. Thus, it was apparent that the law recognized the liberty and equality of the husband and wife, as long as they safeguarded the property and did not endanger the unity of the family.

Assistance given to unmarried/single mothers

The Republican government protected the unmarried and single mothers. Those of them who were financially poor, had the right not only to demand maintenance from the father of the child but also compensation for all expenses incurred during the
pregnancy and delivery. They could claim for all the damages ensured due to this fact.

The position of the widow

According to the Civil Code, the widow was given right to administer the common assets till their legal division. After the partition she was to manage only her own half of the property and that of the minor children until her death or remarriage. In some circumstances/situations, the widow was allowed to ask for maintenance share from the property of her deceased husband.

The widow who re-married, used maternal authority over her children. The article 200 of the Civil Code authorized a grandmother to be the lawful trustee of her minor grandchildren.

Right to divorce

The Civil Code gave the women the right to divorce their husbands on valid grounds. The equality of the sexes and the religious neutrality made Goa’s family law stand out from those in the rest of the country. They merely did not guarantee the share in the matrimonial and inheritance but also allowed for divorce and maintenance. The partners were allowed to apply for divorce or both of them did so
jointly. The latter was known as divorce by mutual consent and the former as litigated divorce.

The litigated divorce may be obtained on the following ground: adultery committed by the husband; conviction and sentencing of the partner to major penalties; ill-treatment or serious injuries; complete abandonment of the conjugal domicile for a period of not less than three years; absence, where nothing has been heard of the absentee, for a period of not less than four years; incurable unsound of mind when at least three years have elapsed after its pronouncement by judgement; de facto separation, freely consented to, for ten consecutive years, whatever the cause of separation; chronic vice of gambling and contagious incurable disease.

A Christian marriage could be declared invalid/annulled only in the Ecclesiastical court, according to Article 25 of Concordat.

The law of divorce in Goa, gives the right to the partners to claim a subsidy and permanent maintenance from the other. The amount of such maintenance depends on the needs of the spouse who has to receive it and the position of the one who has to provide it. In no case the amount of permanent allowance/allotment can exceed one-third of the total income of the one who provides. But the amount fixed is not variable. If in the future the provider proves that his circumstances do not permit him to continue paying the amount earlier fixed or that her needs are lesser than this amount, the court may suitably reduce it.
In the same manner, if in the future the receiving partner proves that her needs are
greater than the amount fixed as the maintenance for her and that the spouse can
afford to pay her a bigger allowance in view of his improved financial position, the
court can increase it.

The right to maintenance ceases if the providing partner is no more in a position to
continue paying it or the receiving partner does not need it. It also ceases if the
receiving partner remarries or becomes unworthy of such benefits by her moral
conduct.40

Countless women suffered and accepted the harassment from their husband
patiently, without even appealing for separation due to the fear of losing their
legitimate issues altogether. Instantly, if the children were taken away from the
mother’s care which seldom occurred, she was able to meet them and even supervise
their class-work41 and in the conditions proposed in the decrees of the Church
followed in Portugal. The process of annulment was elaborate and took a long time to
settle the marital affairs.

The verdict/judgement of the Ecclesiastical Court was to be effected by the civil
authority. After the annulment of marriage, both the partners had the right to marry
again and produced the same result as that of dissolution of the marriage after death.

Having discussed the reformatory changes that took place due to the
application of the Civil Code among the Christians in Portuguese India, now let us
examine, how the Civil Code was made applicable to the non-Christians in Goa.
**Code of Usages and Customs**

Though the Portuguese in the initial stages of their rule, did not consider it necessary to make the Portuguese Civil Code applicable to non-Christians. The Civil laws in respect of Hindus were based on *Manu Smriti, Parashura Smriti, Yajnyavalkya Smriti*, etc. These *Usages and Customs* of non-Christians of Portuguese India including Hindus were codified in the *Usages and Customs Code* of non-Christians of 1854. It was further amended in 1880. (It was approved by Decree 16th December, 1880). However, in general, the provisions of the Civil Code of 1867 were made applicable to Hindus to the extent they were not in conflict with the *Code of Usages and Customs* in 1880.

Even though the Hindus who lived in the Old Conquests were administered by the common laws of the place, the Hindu women living in the New Conquests were ruled by the *Usages and Customs*. The customary two sets of laws for the Hindus caused confusion. So, in 1880 the government made the essential changes and used the *Usages and Customs*, to the Hindus of Old Conquests as well as the New Conquests. Nevertheless, the Hindus had the opportunity to opt out of the *Usages and Customs* and to obtain justice under common Civil Code.
Property rights of the non-christians

Under the Civil Code, Hindu marriage was not considered as a sacrament but it was considered as a contract, a contract with material relations. After marriage, the hereditary as well as self-earned property of both husband and wife was considered together and both of them got an equal share in the property. However, there was a provision under which property, hereditary as well as a self earned could be treated independently if the couple had entered into an anti-nuptial agreement before the marriage. It may be mentioned here that this provision was hardly taken advantage of in Portuguese India.

Under the laws of inheritance, if any one of the couple died earlier, that particular share was equally distributed among the children. If there were no descendants, the right was passed on to ascendants. In such circumstances, the property used to be inherited by the father or the mother of the deceased and in the absence of both descendants as well as ascendants, the right of the inheritance used to go to the counterpart. However, it may be mentioned here that the division of property was avoided and the property used to be inherited on the husband’s side only. Being co-owners, husband and wife could jointly sell out their property. Either of them was free to give one’s own share to anyone or dispose one’s own share to one’s liking under a will.
The position of the widow and property rights.

The Hindu widow was permitted to adopt a child. When there was no competent male, the wife could act as the head of the family. The Hindu widows and eldest unmarried daughters of a gaunkar or a culachari of a village communities of Tiswadi (Goa) were entitled to jonos in the case the deceased died without a son.

Polygamy was allowed, however, it was very much restricted. All the co-wives had an equal right of inheritance to the property of the husband and the separation was allowed only in case of adultery by the wife.

Women were not educated nor they had the boldness to demand for their rights when accused of adultery. They were ousted from the house as a result they lost all the assets received from the parents or the nuptials benefits.

The Indian Constitution guaranteed equality for women, prohibited discrimination and ensured social justice. So many other laws flowed there from, which were beneficial to women and were meant to remove the obstacles in the way of their emancipation. For instance the Special Marriages Act (1954); The Suppression of Immoral Traffic Act (1956); The Dowry Prohibition Act(1961); The Hindu Succession Act (1956); The Medical Termination of Pregnancy Act (1971); The Equal Remuneration Act (1976); Amendments on the Criminal Law on maintenance and Rape (1983); The Family Courts Act 1984 and so on.
It would be a matter of pride for Indians if the whole of India there was one Civil Code. That was the ambition and the intention of our founding fathers of the Constitution while enacting article 44.

Although the Civil Code as such in force in Goa had some traces of Roman Law, and though it was inspired by the French Civil Code, it has an originality which neither the Roman law or the French Civil Code possess, and this is clearly manifested in article 359 dealing with natural rights, systematization and by scheme of the Code and finally the individual being subject of rights having a dominant place.

**How beneficial was the uniform Civil Code towards the women?**

In general, the Civil Code and the other laws became a means to achieve what was normally unattainable. The Christian women were the first beneficiaries than their Hindu counterparts because the latter were governed by the *Usages and Customs*, so the changes took place at a slower pace. Thus, the rights of inheritance, egalitarianism and certain amount of education aided much to bring about gradual transformation of women from those who merely remained within the four walls of their homes to face the challenges of the modern world.
Education of women

A uniform Civil Code gave the Portuguese Indian women a more comforting situation in procedures of marriage, divorce and inheritance. However, the Portuguese Government did not introduce significant measures in promoting education for women, except to make the women read and write in Portuguese. This was evident from the *Alvará* of 1684 issued by Viceroy Conde de Alvor with the motive of promoting mixed marriages. The *Alvará* ordered that all had to speak Portuguese within three years. This act of the Government was upheld by the Catholics Church in Portuguese India. Archbishop. Dom Frei Lourenço de Santa Maria promulgated a Pastoral Order of 21 November, 1745 due to this order the Portuguese Priests were unwilling to learn local languages.  

In the earlier part of the Portuguese Rule girls did not receive formal education. A few were taught to read and write at the Convent of Santa Monica (**FIG. 7**) but a great number of them, who were rich, were educated in their homes by private tutors.

Even though the girls did not receive the formal education, regardless of religion, caste or class, certain values were instilled in the girls during the Portuguese rule. They were supposed to learn some artistic skills and be proficient in them. At an
7 Convent of the Monicas (founded in 1627)
early age they were trained to be good house-wives and mothers. Further more, Christian girls were given religious instruction at the church.

In a similar way the non-christians were instructed in their homes. Girls belonging to rich and higher class families were given lessons in music, they learnt to play some musical instruments such as, piano, violin, organ and so on. They learnt to sing hymns and other folk songs. Girls were taught sewing, embroidery, crochet, knitting, etc. They spent their time productively. Others took up professions such as teaching, nursing and so on.51

Primary education for girls

The first primary school for girls was set up in 1846 in the capital city Panaji.52 There were no lady teachers. At that time very few educated were available. Even these few elite women belonged to high class families, did not go out to work but remained within the precinct of their house.

After eight years, when Vila Nova de Ourem was the Viceroy, two more primary schools for girls were set up in Margão (Salcete taluka) and the other at Mapuça (Bardez taluka). Very few girls made use of these facilities extended to them. Parents too, were unwilling to send their daughters to educational institutions far away from the house. Other than these primary schools, there were no schools for girls in Goa.
In 1882, the provincial Government gave its consent to a plan present by the General Provincial Board, to establish special schools for girls in Bardez, Salcete and Tiswadi, however, it was not carried out.\(^5\)

In 1887, at the initiative of the Holy House of Mercy, the Sisters belonging to the Congregation of Franciscan Hospitalers started the college of Our Lady of Piety, for girls.\(^5\) (FIG. 8) Originally, it was situated at Chimbel, (FIG. 9) later it was shifted to Panjim. (FIGS 10, 11, 12) Apart from primary education in Portuguese, there were language courses in French and English. Students were taught History, Geography, Grammar and Arithmetic. The girls were taught music, sewing and similar other artistic skills.

A decree was issued on 31st December 1892, by which permission was granted to establish eight primary schools for girls and set up a special curriculum for them.\(^5\)

In 1910, there was a change of Government in Portugal, which had its influence on the education of women in Portuguese India.

The Republican Government was opposed to religious congregations and so issued orders on 4 January, 1911 to close down the college of Our Lady of Piety, however, it was replaced by a secular institution namely, National School for the female sex.\(^5\)

In 1916, Feminine League was established, to develop the knowledge of the Devnagiri script. This was not successful.\(^5\) In 1920, the Institute of Female Education was founded with a curriculum including a domestic course, science,
8 College of Our Lady of Piety, Panjim
9 Convent at Chimbel & the Recolhimentos

The Façade of the Church & Recolhimento at Chimbel
Entrance to the Recolhimento da Nossa Senhora de Serra

Dona Delfina D'Aylla Diniz (an orphan from Serra)

Dona Delfina with the Superintendent at Serra Altinho, Panaji.
geography, history and fine-arts. According to a decree No.7361 issued on 13 October, 1958 primary education for students both girls and boys, between the ages seven and thirteen was made compulsory.\textsuperscript{58}

Newspapers and Magazines carried out a campaign in the early decades of twentieth century, about the need to promote women's education in Portuguese India, specially in sciences, so that they could be brought on par with the men and to make them economically independent.

Women's education left much to be desired in the third decade of the twentieth century. Education of women of upper middle class was not given much attention to and that of the lower class, was completely neglected. It was felt that many women of lower classes if given the opportunity, could do so as well as the women of the upper classes.

The Portuguese throughout their rule passed a number of laws to ameliorate the conditions of women in the areas under their domination, particularly in the nineteenth and twentieth centuries. However, lack of adequate educational institutions in Portuguese India, unemployment and other reasons too, forced the elite parents to send their daughters and women to other places such as British India, British Africa, Australia and in recent years to the Middle East.
NOTES AND REFERENCES


2. V.R. Varde Valaulikar – Marathi articles, p.282


4. Ibid., p.64


6. Ibid, p.12


10. Civil Code Art.9 which provided for its extension to the colonies. This text consists of both Civil Code and Family Laws, hereafter referred to as C.C and F.L as the case may be.


12. F.L. No.2 of 25th December, 1910
13. F.L. of 14th November, 1912

14. It was altered by Decree No. 19126, 16th December, 1930. It was to Colonies by Decree 19943 of 25th June, 1931, B 76 dated 24th September 1931.

15. Enactment No. 35461 dated 22nd January, 1946 (w.e.f. 4th September, 1946)

16. C.C. Article No. 1108

17. C.C Article No. 1127

18. C.C Article No. 1189

19. C.C Article No. 1104

20. C.C Article No. 1190

21. C.C Article No. 1191

22. C.C Article No. 1113

23. C.C Article No. 1124

24. C.C Article Nos. 1193 and 1196

25. C.C Article No. 11128

26. C.C Article No. 311

27. C.C Article No. 22

28. F.L 1 Article No. 42

29. F.L 1 Article No. 1188

30. F.L 1 Article No. 41

31. F.L 1 Article No. 138

32. F.L 2 Article No. 47

33. F.L 2 Article No. 48
34. C.C Article No. 1222
35. C.C Article No. 222
36. C.C Article No. 1231
37. C.C Article No. 162
38. Law of Divorce, Article No. 3
39. Law of Divorce, Article No. 4
40. Law of Divorce, Article No. 29
41. Law of Divorce, Article No. 22
42. C.C. Article No. 30. Decree of 1880
43. C.C. Article No. 24, Decree of 1880
44. C.C. Article No. 12, Decree of 1880
45. C.C. Article No. 18, Decree of 1880
47. C.C, Article No. 33, Decree of 1880
48. C.C, Article No. 5, Decree of 1880
50. Denis L. Cottineau de Kloguen. *An Historical Sketch of Goa*, (Bombay: B.X Furtado and Sons, 1910 p.113),
53. Ibid., p.101


56. Ibid. p.49

57. Figueiredo, op.cit, p.63

58. P.S. Varde op.cit, p.19