ERADICATION OF SOCIAL EVILS THROUGH LEGISLATION

Social Evils in Tamil Nadu:

The Aryan Cult imposed on Dravidian Tamil Nadu and the primitive customs of Tamil Society had brought several evils which were eating the very vital force of Society\(^1\). In the 18th and the 19th centuries Tamil country was not free from the social evils which existed in other parts of India. Western culture and education very soon installed in the minds of the Indians a spirit of rational enquiry into the basis of Hindu religion and Society. Caste disparities in Madras Presidency had brought in the non-Brahmin movement, while several reformers fought against social customs like child marriage, sati, infanticide, untouchability, Polygamy and Slavery\(^2\). They desired to purge Tamil Society of the evils prevailing in it. As a result of the efforts of the social reformers and British officers with humanitarian feelings, many social evils were removed by legislation\(^3\).

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2. Devaki Jain., *Indian Women*, (New Delhi, 1975), P.80
3. Ibid.,
The Sati system was abolished. Infanticide disappeared. Women were given education and freedom. Child-marriage has been declared illegal. Widow re-marriage has been made legal. Monogamy has become the order of the day. Polygamy has become rare. Purdah system has disappeared. Inter-caste marriages are being performed. The ban on inter-dining has been lifted. Every effort is being made to remove untouchability from Hindu Society. As far back as 1923, the All India Social Worker's conference had stressed the need for the abolition of untouchability, extension of educational facilities to women, and abolition of injurious marriage customs. The press in Tamil Nadu had supported these social reforms. The details of the social evils and the legislative measures taken to abolish them form the subject of this part of the thesis.

Sati: (Widow Burning)

The most important social reform of the 19th century was the abolition of sati or the practice of burning Hindu widows on the funeral pyre of their husbands. It was generally practised in Bengal, Rajasthan, the Southern Indian Kingdom of Vijayanagar, the Ikkeri Kingdom in Karnataka. Many travellers have left accounts of this


practice as witnessed by them. In the custom of sati, strong social pressure was brought on a widow to induce her to burn herself along with her husband. Nicolo Conti who visited Vijayanagar Empire, picture Della Vello who visited Ikkeri in 1623. A.D., have Witnessed sati or Hindu Widow burning and the horror associated with it.

The rite by which a Hindu widow became sati (wife faithful to husband) had two forms: one was Saha-Marana or dying in company with the husband, the other was anumarana custom, which permitted the widow when she was pregnant to die for the sake of her husband later. In the anumarana system of sati, the widow was burned with some thing that belonged to her husband and represented him, such as his shoes or turban or some piece of clothing. "Sahamarana and anumarana were sometimes called Sahagamana and anugamana" respectively. Anumarana had its drawback, since on a mere rumour that her husband had died when he was far away from home, would induce his wife to self-immolation before his safe return.

The inhuman custom of sati must have prevailed in India from a very early period. The Greek writers have

7. Ibid., P.18.
preserved detailed accounts of a case that occurred in the fourth century B.C. It was not enjoined then as a sacred religious duty. It is only towards the close of the Ancient period, or perhaps even earlier, that the practice was definitely enjoined as a religious duty. The last stage in this tragic drama was reached when the scriptures laid down self-immolation on the funeral pyre of her husband as the only meritorious course that a virtuous woman could follow. Not only would such a woman enjoy eternal bliss in heaven along with her husband, but her action would expiate the sins of three generations of her husband's family, both on his father's and mother's side.

As a consequence of this hope, inspired by religion, every year hundreds of women met with a cruel death on the pyres of their dead husbands. In many cases the material interests of the male relations induced them to persuade and even force the unhappy victim to this tragic course. Often opium and other drugs were used to benumb the senses of the widow, so that she might be easily persuaded to adopt the fatal resolve. "Cases are on record when the woman feeling


10. "The whole wealth of a deceased husband, who has no male issue" shall belong to his widow, though there be brothers of the whole blood, "paternal uncles, (daughters), daughter's sons and other heirs".- Colebrooke's translation of the Dayabhag, chap. II Sec.1, And 3rd.
from the first touch of fire, was again forcibly placed upon the funeral pyre. At the same time the thunderous noise of the crowd mingled with sounds of drums ensured that the cries of agony from the wretched girl would not be heard by any spectator.\textsuperscript{11}

There were attempts to prohibit sati in the 16th century: In 1510 Albuquerque had prohibited it in the Portuguese territory of Goa. The third Sikh guru, Amar Das (1552-1574) condemned it as against the principles of religion. "Akbar, on one occasion, rode at top speed nearly a hundred miles and succeeded in saving the Raja of Jodhpur's daughter-in-law from burning against her will. His son and successor Jahangir, in 1602, seems to have forbidden sati pain of death from those implicated in its performance.\textsuperscript{12} However the Muslim rulers appear to have not taken serious measures to stop this evil custom.

The custom of sati existed in Tamil Nadu in the 18th century and also in the 19th century until severe measures were taken against it by legislation. Abbe Dubois, Who was in South India in the 18th Century, describes the sati performance in Pudupettah village of Tanjore district in

\textsuperscript{11} Ibid., P.817.

A certain man of the Komaty caste having died, his wife aged about 30 years desired to accompany her husband by performing sati. The widow went in a palanquin richly dressed and adorned along with the funeral car of her deceased husband. "On the way to the burning ground she was escorted by immense crowd of eager sight seers lifting their hands towards her in token of admiration and rending the air with cries of joy. She was looked upon as already to the paradise of Indra(....) ; During the whole procession, which was a very long one, the idow perserved a calm demeanour. Her looks were serene, even smiling; but when she reached the fatal place where she was to yield up her life in so ghastly a manner, it was observed that her firmness suddenly gave way. She was then made to leave the palanquin and as she was scarcely able to walk, her people helped her to drag herself to a pond near the pyre. She plunged into the water with all her clothes and ornaments on, and was immediately afterwards led to the pyre on which the body of her husband was already laid. The pyre was surrounded by Brahmins, each with a lighted torch in one hand and a bowl of ghee in the other. Her relatives and friends, several of whom were armed with muskets, swords and other weapons, stood closely round in a double line, and seemed to wait impatiently for the end of this shocking tragedy. This armed force, they told me, was intended not only to intimidate the unhappy Victim in

case the terror of her approaching death would induce her to run away, but also to overawe any person who might be moved by a natural feeling of compassion and sympathy, and so tempted to prevent the accomplishment of the homicidal sacrifice(...). The poor widow was instantly divested of all her jewels and dragged more dead than alive to the pyre. There she was obliged, according to customs, to walk three times around the pyre; during the second round her strength wholly forsook her and she fainted away(...), then, at last, senseless and unconscious, she was cast upon the corpse of her husband. At that moment the air resounded with noisy acclamations. The Brahmins, emptying the contents of their vessels on the dry wood, applied their torches, and in the twinkling of an eye the whole pile was ablaze"14.

Strangely enough, sati was forbidden to women of the Brahmin caste. Although this rule was freely transgressed especially in Bengal, its existence was ascertained by the British government and this kind of suicide by Brahmin widows was prohibited in 1817.

Teixcria who visited South India in 1611 writes: "When I was in India, on the death of the Naiquie of Madura, country situated between that of Malabar and that of Choromandel, four hundred wives of his burnt themselves

along with him. According to Jesuit writers, Tirumala Nayak of Madura (1625-1659) had 200 wives in his harem. When he died all his wives took to sati. "Martin, another Jesuit Missionery, gives a heart-rending spectacle and a moving account of the fate that overtook the queens of Ramanad in 1701 with the death of Kilavans Sethupathi, Raja of Marava of Ramand. He had 47 wives and they all committed sati. Similarly, when the Raja of Tanjore died in 1802 his two wives ended their lives in flames. Besides sati performed by royal widows, the practice was common among the common people also. Between 1813 and 1816 the number of satis in Madras Presidency were 45 in Ganjam, 6 in Vizagapatam, 2 (Brahmin widows) and 6 sudra widows in Rajamundry, 42 in Masulipatam, 14 in Guntur, 12 in Nellore, 13 in Chittore, 4 in Chinglepat, 18 in Kumbakonam. In Tanjore 24 cases were reported.

Some executive officers as well as judges of the East India company tried to prevent sati. On 14th of September 1813 Lushington, a Madras Magistrate suggested to the Government of Madras that the prohibition of sati would give

17. Ibid., P.892.
"Universal Satisfaction". But in Bengal the orthodox people were not ready to be satisfied with government's interference with their customs. Raja Ram Mohan Roy was trying to convince the people about the horrid and inhuman aspects of the sati custom. In 1818 he published his pamphlets against the rite which aroused such anger among the orthodox section of society that for a time his life was in danger.

Governor-General Lord Cornwallis (1786-93) was not willing to interfere with the religious and social customs of the Hindus. He ordered the British officers that their action must be confined to dissuasion and must not extend to coercive measures or to any exertion of official powers. In 1805 he referred the matter of widow burning to the court of Nizamat Adalat. On the basis of the replies received, the government framed regulations on the subject in 1812 and supplemented them by other regulations in 1815 and in 1817. The object of these regulations was to prevent the burning of widows who were either of tender age, or were pregnant or had infant children. The regulations also made it criminal to compel a woman to burn herself or to drug or intoxicate her for the purpose.

18. Board's Consultations No.3-4, dated 5th March 1814
20. Board's Consultations No.6-7, dated 14th January 1805.
When Lord William Bentinck was appointed Governor-General (1828-1835), he received instructions from the home Government in London, to consider definite measures for the immediate or gradual abolition of sati. Bentinck's ardent desire for reform brooked no delay. He was assisted by Raja Ram Mohan Roy a Hindu reformist of his time. On 4th December, 1829 was passed the famous Regulation XVII which declared Sati illegal and punishable by courts. As expected, Bentinck's measure evoked loud protest. A largely-signed petition of remonstrance was presented to the Governor-General, and an appeal was made to the authorities in England. Roy went to England to convince the British people and the British government that Bentinck's legislation against sati was justifiable. His tract about the "Abolition of the suttee" was published in England in 1832.

In conformity with the Bengal Regulation XVII of 1929, the Madras Regulation No I of 1830 declared the practice of sati as illegal and punishable by the criminal code. After the East India company handed over the administration of India to British government, Madras Regulation I of 1830 was circulated as Act XII of 1874 and was extended to the districts of Ganjam and Vizagapatam by the Act XIV of 1874.


The same was modified up to October 1, 1909\(^24\). The practice of \textit{Sati} gradually disappeared in Tamil Nadu with the growth of public opinion and enlightened liberal ideas.

\textbf{INFANTICIDE}

\textbf{Infanticide:}

Infanticide was common throughout India during the medieval Age and continued during the modern times also until it was put down by British legislation in the 19th century. The evil practice was found to exist mostly in Bengal, Orissa, Benares, Rajputana and among the Todas and other communities in South India, "upon the report to put down both human sacrifice and infanticide"\(^25\).

Female infanticide in the Hilly tracts of Orissa and the Toda tribe of the Nilagiris in Tamil Nadu appears to have existed from time immemorial. Among these tribes "generally the life of no female child was spared except when a woman's first child is a female, or when the head of a tribe or a sub-tribe desires to form connection by intermarriage"\(^26\). The infants were destroyed by exposure in the jungle ravines immediately after their birth. This was the condition in 1848. Polyandry was common among the Todas

\begin{itemize}
\item \textbf{25.} Carbery. F., \textit{Female Infanticide in the Hill Tracts of Orissa}, (Calcutta, 1854), P.3.
\item \textbf{26.} \textit{Ibid.}, P.54.
\end{itemize}
the Nilagiris, and in order to reduce the women population they were in the habit of destroying the female children on the ominous days of the week by some unnatural means. They left the female infants "at the door of the pen to be trampled by the buffaloes rushing out furiously when liberated". About the sex life of the Todas and infanticide among them, T. Short recorded in 1866 that polyandry perhaps pre-existed and as a sequence, the female sex became one too many in number, and to keep down the needless proportion, female infanticide arose.

According to A.S. Altekar, the custom of infanticide of girls crept into some sections of Hindu society during the Medieval period when "The daughter was regarded as the root of all misery and the source of unending trouble by the average house-holder. The temptation to do away with her became too irresistible in some uncultured sections of society".

It was only on the initiative of administrative officers that the British Government made enquires about social evils such as infanticide, sati and human sacrifice. On 27th May 1805 Lieut. Col. Walker, the Resident of Baroda

28. Ibid., P.65.
reported to the Bombay Government that the chief of Navanagar and Dheol put their female children to death according to the custom of their caste. Forced by the British Government they agreed to stop this brutal custom. Tavernier describes the custom as it prevailed in Bengal in the 17th century. "when a woman is delivered, and the infant, as it often happens, is unwilling to take it's mother's breast in order to suckle, it is carried outside the village and placed in a cloth, which is tied by the four corners to the branches of a tree, and is thus left from morning till evening. In this way the poor infant is exposed to the crows, which come to torment it, and some have been found whose eyes have been torn out of their heads."

The causes for infanticide in Rajastan are examined by Col.Tod in his history of Rajastan. He states that, "Although religion nowhere authorises this barbarity, the laws which regulate marriage among the Rajputs powerfully promote infanticide. Not only is intermarriage prohibited between families of the same clan but between those of the same tribe. The difficulty was magnified by the extravagant expenditure which Rajput Conventions demanded on the occasion of a daughter's marriage. Cheiftains and lords were constantly reminded by the priests and bards, of the

31. Tavernier, Jean Baptiste was an European Traveller of the 17th century.
munificence of their ancestors at marriage feasts. The birth of a daughter was a liability and the custom of female infanticide sprang up".

In the presidencies of Bengal, Bombay and Madras and in Rajasthan states, the evil custom of infanticide had taken an ugly turn. In Bengal daughters were killed immediately after birth by administering opium or by suffocation or by throwing them into the sea at the mouth of Ganges. In the Nilagiris of Tamil Nadu, the Todas mercilessly threw their female infants in the fence of buffaloes to be trampled by them. Though legislation checked infanticide in Tamil Nadu, there are stray cases mostly due to social disgrace, domestic discard or insanity\(^\text{32}\).

Inspite of their repeatedly declared policy of not interfering with the social and religious practices of the Indian, English rulers were impelled by consideration of humanity to Co-Operate with advanced Indian reformers in removing infanticide and other social evils which prevailed in the Hindu society under the sanction of religion or longstanding usage\(^\text{33}\). Ultimately laws had to be passed


\(^{33}\) Ibid., P.815.
prohibiting infanticide. Bengal Regulation XXI of 1795 and Regulation of 1802 dealt with infanticide, declaring it as Murder. Madras and Bombay presidencies also took immediate legislative steps to stop this inhuman practice.

There were other forms of inhuman religious practices in the Tamil Nadu during the British rule, besides the practice of throwing infants under the wheels of temple cars during the procession of deities. There was the practice of hook-swinging at certain Hindu festivals in Tamil Nadu as well as in Karnataka. Devotees, especially young men, hooked to their loins were suspended from elevated cross-bars and remained swinging with folded arms in devotional gesture. This was a horrible custom. The Madras government tried to suppress this evil custom inserting in the sanads granted for religious purposes, a clause that the land was subject to forfeiture if the hook-swinging custom continued. The result was that in several parts of the presidency, it had entirely ceased by 1859"34.

HUMAN SACRIFICE

Human Sacrifice:

The evils that dominated Indian society when the British began to rule India were time old and their origin usually untraceable. One such evil practised in many parts

of India was the human sacrifice. This crime was committed by certain backward tribes and prevested sects in the name of religion, superstition, for favours from deities or from greed for wealth. A short story by Rabindranath Tagore describes how a boy is buried alive in a cell so that his spirit may guard the treasure there. Human sacrifices in Tamil Nadu appear to have been in the form of religious ritual in the earlier centuries. In the 12th century, an elderly woman called Salini was consulted for all important functions. She was of the Marva Caste and exhorted people to offer bali (human sacrifice) to the presiding deity of the forest.

The crime took several forms: Human beings were decapitated before the altar of deities, more especially before goddess Kali. Infants were thrown under the wheels of temple cars during the procession of gods, in order to fulfil vows taken to obtain divine favours. The British government had to take intensive warfare against such "violent and cruel" crimes. Some tribes in Bengal and Madras practised human sacrifice." For the effective suppression of the crime it was essential to have a common policy and unified direction. Russel, a British official

35. Nagaswami.R., Art and Culture of Tamil Nadu, (Delhi, 1980), P.15.
37. Desikachar.S.V., Centralised legislation (A history of the Legislative System of British India from 1834 to 1861), (Bombay, 1963), P.312.
had reported in the early part of the 19th century that human sacrifices were taking place in several tribes in the westward areas. Thereupon the Madras government took action to suppress the barbarous rite. From Lieutenant Colonel Campbell's despatch it is seen that human sacrifice had been checked to a considerable extent. The Meriah and Ghond tribes were in the habit of practising human sacrifice. Campbell's despatch has recorded the following facts: "Inquiries regarding the number of Meriah's annually sacrificed, and the manner of sacrifice were constantly made, but no two person agreed in this particular, not indeed in any other".

Government of India for a long time had resisted the demand for suppressing human sacrifice by legislation. However considering the gravity of the crime, Act XXI of The Gravity of The Crime, Act XXI of 1845 was passed to suppress human sacrifice.

Child Marriage:

The origin of the system of early marriage or infant marriage and consummation has been an interesting subject for an Anthropologist. The Joshi Committee which was set up

39. Ibid., P.105.
to examine and report on the Age of Consent Bill considered that the term 'early marriage' meant a marriage where the bride is below the age of 15. Hindu marriage is not a contract but a religious sacrament. It is one of the samskaras (rites) prescribed for every Hindu. It is an irrevocable tie which makes the couple husband and wife. "In several castes, marriage is performed at any age before the girl attains puberty, but it is not necessary, not even usually, followed by consummation. At the same time, in some parts, cohabitation often takes place before the child-wife has reached the age of puberty, and almost always, very soon after. In many other castes post-puberty, marriages are common."  

It is difficult to determine how the custom of early marriage originated. It is contended that when the Aryans first came to India, they were strangers to infant marriage. "In the society depicted by the Rig and Atharva Vedas, Courtship of a modern type was fully reorganised; and the consent of a girls' father or brother as sought only when the young people had themselves come to an understanding. Neither in the dramatic, nor in the Epic literature, does child marriage play any noteworthy part, nor is it known in

41. G.O.No. 2270, Law (General) Department, dated 6th July 1928.
the legendary literature of the Buddhists. It is believed that the custom of child marriage was the result of the adoption of the practice of the people whom the Aryans conquered or the impact between the two civilisations. According to Indra, "we do not find positive evidence of the existence of the practice of prepubescent marriages." The maidens were generally in mature years when they had the right of the choice of their husbands in the Vedic period. In the Vedic Age, there was the function called "chaturti karma" or the fourth day of the marriage ceremony in which the actual consummation of the marriage took place, which indicates that the married couple were adults fit to cohabit.

The period of smriti writers (Legislators) according to P.V. Kane is between C.100 A.D. and 900 A.D. Generally, Smritis advocate the marriage of girls of 8 and 10 years of age. Whether the law-givers put forth this age as an ideal or whether it was an existing practice is not known. During the sutra period (C.600 B.C. and 200 B.C.), Manusamhita (200 B.C.- 100 A.D.) laid down that a man aged 30 years could marry a girl of twelve years, or a man of 24 years could marry a girl aged 8 years. It had been the emphatic behest of all ancient Indian law givers that a daughter must be...

44. Indra., The Status of Women in Ancient India, (Lahore, 1940), P.51.
married at the proper time. The proper time, according to Yagnavalkya, is puberty\textsuperscript{45}.

During the Epic Age there appears to have been love marriages as in the case of Nala and Damayanti, Sakuntala and Dushyanta and the custom of Swayamvara, where the girls grown up to full maidenhood, had the right of selecting their own husbands, as in the case of Samyukta who selected Prithviraj of Delhi for her husband. However, by the 11th century, Infant-marriages seem to have taken predominant place in the Hindu society.

Some are of the opinion that the custom of child marriage began in the Medieval period after the Muslim invasion, due to the fact that married girls were immune from capture of invaders\textsuperscript{46}. However, Several other causes seem to have contributed to the establishment or perpetuation of the custom\textsuperscript{47}. The economic cause was, in some cases, the marriage of a girl shifted the burden of maintenance from her parents to her husband or his parents.

\begin{itemize}
\item \textsuperscript{45} "Puberty is the period or age at which a person is first capable of sexual reproduction of offspring, in common law, presumed to be 14 years in the male and 12 years in the female"- The Random House Dictionary of the English language, (Bangalore, 1972).
\item \textsuperscript{46} Joshi-Committee Report on Age of Consent: 1928-29, P.93.
\item \textsuperscript{47} G.O.No.860, Public Department, dated 3rd June 1915.
\end{itemize}
Many of the lower castes regarded the custom as a badge of respectability and encouraged it on the account. The high value set on chastity among women by the Hindus and Muslims and the desire not to run any risk by late marriage and late consummation in regard to girls were also reasons for child marriage. Naturally, girls who attained puberty were objects of anxiety and care to mothers in Hindu and Muslim homes, which is usually the case in well conducted homes all over the world. Custom had enforced child marriage on society so tightly, that a departure from it involved social obloquy, social degradation or even ostracism.

Consummation of Marriage:

The age of consummation varies in different communities. Where early marriage prevails, there are instances of pre-puberty consummation. Such consummation was common in Bengal and Malabar. The evil existed among Hindus and Muslims. Consummation soon after puberty is common among classes which practise early marriage. During 1928 there were a number of cases, where consummation took place within a few days of puberty.

48. Memorandum No.6980-2, Public Department, dated 19th December 1914.
49. G.O.No.542, Public Department, dated 4th May 1914.
51. G.O.No.2270, Law (General) Department, dated 6th July 1928.
are invoked to prove the need of consummation soon after puberty, preferably within 16 days of the first menses. Elderly widowers usually married young girls who were not mature and consummation in such cases took place soon after marriage. The disparity in the age of husband and wife in such cases was due to non-availability of girls beyond the puberty age group. "In some cases, where young husband is going wrong, the girl is sent to the husband, though she has not attained puberty, as a steadying influence on the young man. 52

In Tamil Nadu, it was almost an universal practice among Brahmins to marry their children in their infancy, often, before they had attained the age of ten. This practice was also prevalent among the Vellalars and Komatis. Infant marriage in the Tamil country consisted of tying a Tali (Mangalyam) over the neck of a child which could not even speak, and if it cried during the marriage ceremony it was pacified by placing a plantain in its hand. This sort of infant marriage was called "Plantain Marriage" among the Tamilians. 53

In the case of Child Marriage, the bride and the groom do not begin to cohabit immediately after the marriage

ceremony. Consummation generally takes place "by a second marriage called Gauna or Vida. Between the time of her marriage and the Vida ceremony (which is roughly the period between puberty and the institutionalised recognition of her potential motherhood), the bride lives with her parents. If marriages are held late when both parties are grownup, as it is the case with educated families, the Vida ceremony is performed also at the time of the main marriage ceremony.54

Objection to Social Legislation on Child Marriage:

Reformers and Christian missionaries have tried to expose the evils of child marriage and have sought State legislation to put down the evil. The orthodox class of society has put forth objections against and opposed passing of legislation in regard to Age of Consent and the Law of Marriage.55 The orthodox people wedded to time-old customs contended that no law should encroach upon matters of domestic and social nature and that legislation is unjustifiable unless demanded by the community affected.56 It was their contention that British Government being foreign, it was not competent nor entitled to enforce social laws on persons belonging to a different race and religion.

55. G.O.No.1661, Law (General) Department, dated 10th April 1930.
56. The Fort St. George Gazette, Part IV, from July to December 1930, Madras, P.111.
Another objection was that laws proposed to increase the age of consummation and fixing the minimum age of marriage "would interfere with the religious laws, rights and customs both of Hindus and Muslims; that among Brahmins and some other castes, post-Puberty marriage is a sin and that the non-consummation of marriage within 16 days of a wife's first-menses is also a sin\textsuperscript{57}. According to them, "Consummation soon after puberty is necessary to satisfy the sexual cravings in girls; if the same is not satisfied, girls may be led to abnormal methods of satisfaction"\textsuperscript{58}.

Missionary Efforts to put down Child Marriage:

Missionaries all over India stood against child marriages and early consummation. In Madras, as in other parts of British India, the Christian missionaries wanted to prevent girls leaving mission schools before completing their education. The reason for girls leaving schools was their early marriage at the age of 10 to 12\textsuperscript{59}. "Women missionaries especially became better acquainted with the details of Hindu domestic life and more acutely conscious of the physical, mental and other effects of child marriage"\textsuperscript{60}

\textsuperscript{57} Joshi Committee Report on the Age of Consent: 1928-29, P.99.

\textsuperscript{58} Ibid., P.100.

\textsuperscript{59} Memorandum (regarding child marriage opinions) No.816. A-2, Law (General) Department, dated 25th February 1930.

\textsuperscript{60} Oddie. G.A., Social Protest in India: British Protestant Missionaries and Social Reforms: 1850-1900, (New Delhi, 1979), P.77.
At the Madras Missionary Conference held in 1887, a resolution was passed to the effect that individuals of all castes should be given opportunity to renounce unconsummated early marriage. This resolution, it was hoped, would give child widows an opportunity for re-marriage. The missionaries of Madras Presidency campaigned vigorously against the evils of early marriage. The protestant missionary Rev. T.E. Slater gave a series of lectures on the subject at Madras, Salem, Bellary, Ooty, Cuddapah, Trichinopoly, Kumbakonam and other places. The Madras Christian College magazine pressed for the reforms and published articles and comments by Ranganatha Rao and other Madras reformer. Inspite of the anti-Missionary feelings and activities in Madras Presidency, the Missionaries carried on their campaign against child-marriage between 1887 and 1890. The Christian Missionary work was appreciated by the educated class, and Ranganatha Rao, the Madras reformist, publicly thanked the missionaries of Madras for their help and co-operation in social reform.

The missionaries in Madras contributed also in regard to legislation raising the age of consent. In 1890, an American missionary, Morelle Mansell sent a petition to the government. Signed by almost all the women doctors of India.

61. Ibid., P.92.
It had profound effect. It cited in clinical detail the pathetic case histories of women maimed, crippled and even killed by premature intercourse. The efforts of Christian Missionaries were helpful to bring out the evils of child marriage and early consummation and world public opinion against those social evils.

Evils of Child-Marriage:

Speaking of the evils of child marriage in India, Katherine Mayo has remarked thus: "Take a girl of twelve years old, a pitiful physical specimen in bone and blood, ignorant, without any sort of training in habits of health. Motherhood is forced upon her at the earliest possible moment". According to the Parsi reformer Malabari, Infant marriage, in practice, is a more serious evil than infanticide. Infanticide was one short struggle in which the victim was almost unconscious, whereas infant marriage was the cause of many of the social grievances including widowhood. Early consummation saps the health of the couple.


The Physical defect may increase with age. The wife may outlive the husband or the husband may become fit for the grave when the wife becomes fit for his home. According to Edward Thomson, the Indian social system which, in making one sex the unpitied servant to the other, drains and destroys both. In the custom of child marriage, girls who are married at a very young age, before reaching Puberty are ravished, their bodies maimed and their minds mutilated. In 1921, the number of widows who were babies not even 12 months old was 612; widows between 1 and 2 years were 498, between 2 and 3 years the number was 1280; between 3 and 4 years the child widows were 2863, between 4 and 5 years of age, the child widows numbered 6758. Thus in the year 1921 the child widows under 5 years of age were 12016. On the average, the total number of widows under 10 years of age was 97596 and under 15 was 331793 in the same year. While debating on the Child Marriage Restraint (Amendment) Bill in the Constituent Assembly of India (Legislative), Pandit Thakur Dass Bhargava brought to the notice of the Assembly that in 1929 there were 396000 widows in the country below the age of 15 years.

68. Constituent Assembly of India (Legislative), 4th April 1949, New Delhi, 1949, P.2327.
In regard to the evils of child-Marriage and early maturity, the Joshi Committee reported that "Early maturity is an evil and an evil of great magnitude. It contributes very largely to maternal and infantile mortality, in many cases wrecks the physical system of the girl and generally leads to degeneracy in the physique of the race" 69. If a girl, after going through the ordeal of maternity, survives to the age of thirty, she is in many cases an old woman, almost a shadow of her former self. Sir John Megaw, who was the Medical Advisor at the India office estimated that 100 out of every 1000 girl-wives are doomed to die in child-birth before they have ceased to have babies, and about 2000 mothers die in giving birth to children every year in India 70. Medical and legal evidences are ample showing the horrors of child marriage and early mother-hood. P.C. Ray states that he has noticed almost in horror and shame "That girls should become mothers at so early an age. When a man dies leaving a young widow, she becomes the common property of the entire village caste" and a man of sixty who is a grand father may marry a girl of twelve or fourteen 71. A child-mother develops tuberculosis during

Pregnancy or lactation\textsuperscript{72}. A girl of twelve and a half suffered in labour for seven days; a girl died in labour at the age of eleven years and ten months; a girl aged twelve and a half years had to have her baby decapitated, and nearly died\textsuperscript{73}. Another horror of child marriage is that it was not unusual for girls having eighth or seventh pregnancy at the age of twenty or twenty two\textsuperscript{74}.

The social conditions of the child wife were also pitiable: there was no girlhood at all among the Brahmins. When the bride went to her mother-in-law's house her age would have been ten or eleven. The Mother-in-law treated her as if she were a woman. The domestic duties were on her shoulders. The marriage consummation took place usually when the girl was eleven or twelve years old. Being herself young, she was unable to look after her children and keep awake at night when the new-born-baby cried all the time. She had to do the whole of the domestic work from early morning till late at night.

History of Legislation Regarding Age of Consent and Age of Marriage:

\textbf{AGE OF CONSENT}

Ancient law givers, both Hindu and Muslim, have

\textsuperscript{72} Ibid., (Evidence of Dr. G.J.Campbell.M.D., Principal Lady Hardinge Medical College, Delhi), P.28.

\textsuperscript{73} Ibid., (evidence of Dr.N.H.Blair, Darjeeling), P.28.

\textsuperscript{74} Ibid., (evidence of Dr.Edith Ghosh, Calcutta), P.30.
condemned rape as the most heinous crime. "The Code of Manu condemns the ravishment of a woman and prescribes punishments which vary from the sentence of death to a fine according to the relative status of the offenders and the victim. The Muslim law equally sternly condemns it, the punishment ranging from stoning to death to the infliction of 100 stripes". 75 A Statute of 1828 which was in force in Madras, Calcutta and Bombay declared rape as an offence punishable with death, provided the girl was below 8 years, and with imprisonment in other cases. In the ancient laws of the Hindus and Muslims there was no provision prohibiting the intercourse of a man with his wife, on the basis of age. Hence pre-puberty consummation, or cohabitation of a husband with his minor bride under 12 years of age did not come under rape, which the Joshi Committee has called "Marital Rape" and some went to define it as "illicit married intercourse" and "Marital Misbehaviour". 76

In the 19th century and the first three decades of the 20th century premature consummation of marriages, "was not an uncommon practice. Many child-wives were done to death or suffered from life-long physical deformity, as a result of

76. Ibid., P.123.
it, a large number of those who survived became widows and suffered from the evils of enforced widow-hood.  

Iswar Chandra Vidyasagar was the first Indian to stand against the consummation of child marriages and influenced the Law Commission to take action in the matter. The Law Commission, who drafted the Indian Penal Code and enacted it in 1860, included in it the offence under rape, and prescribed a punishment which might extend to transportation for life for the husband who consummated the marriage, when his wife was below 10 years of age.  

Through the efforts of Keshab Chandra Sen, the Native Marriage Act of 1872 was passed. This Act abolished early marriage, made polygamy penal, sanctioned widow remarriages and intercaste marriages for those who chose to come under this Act. In 1884 the horrors of early marriage and consummation attracted the attention of Behramji M. Malabari, a Parsi humanitarian of Bombay. He initiated a movement to save infant girls from these horrors. He published in 1884 his notes on "Infant Marriage in India and Enforced Widowhood". His efforts and the efforts of

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80. G.O.No.83-84, Judicial Department, dated 27th September 1892.
other reformers like Ranade, and the pressure of public opinion induced the British Government to pass the Age of Consent Act of 1891 (Act X of 1891), which gave legislative protection to girls up to the age of 12 years.\textsuperscript{81} Veeresalingam, R. Raghunath Rao and others in the Madras Presidency supported Malabari's movement.

With the spread of education and social awareness among the people several attempts were made to bring social legislation for further improvement regarding the age of marriage and the age of consummation. On the 18th February 1922, Rai Bahadur Bakshi Sohanlal, M.L.A., moved a private Bill in the Imperial Legislative Assembly to amend Section 375 of the Indian Penal Code by raising the age of consent in both marital and extra-marital cases. The Bill was sent to the Provincial Governments for opinion. Though other provinces sent interesting and instructive suggestions, "the Government of Madras declined to express any strong opinion either way."\textsuperscript{82} The Bill was rejected, the government remained neutral. However, the agitation for the modification of the law steadily grew. A better knowledge of the evil consequences of early marriage and early consummation began to spread in the country.

\textsuperscript{81} G.O.No.55, Proceedings of the Madras Government, dated 10th August 1898.

\textsuperscript{82} Joshi Committee Report on the Age of Consent Bill 1928-29, P.11.
In 1924 Sir Hari Singh Gour introduced a Bill in the Imperial Legislative Assembly to amend Section 375 of the Indian Penal Code, on the same line as the previous Bill, raising the age to 14 years in both marital and extramarital cases. The Select Committee reduced the age from 14 to 13. Another amendment was brought raising the age in marital cases to 14, thus restoring the original provision of the Bill in this behalf. This Bill was accepted by a majority of vote in the Assembly. But the government opposed the final passage of the Bill. However, by 1925 the government understood that the public opinion was favourable for a change. Hence Sir Alexander Muddiman introduced an official Bill to amend Section 375 of the Indian Penal Code by fixing 14 years as the age in extra-marital cases and 13 in marital cases. This Bill was introduced on 1st of September 1925. The Bill was passed. The matter was not closed with the passage of the 1925 Act. Sir Hari Singh Gour introduced his Bill again to amend Section 375 of the Indian Penal Code, raising the age of consent in marital cases to 14 and in extra-marital cases to 16. The government, in order to collect opinion from the provincial Governments and the public, postponed the consideration of the Bill.

83. G.O.No.237, Judicial (Public), dated 30th April 1924.
84. G.O.No.106, Law (Legal) Department, dated 9th March 1925.
Regarding legislation on marriage, members of Imperial Assembly were active since 1924. In that year, Rangalal Jajodia, M.L.A., wanted to introduce a bill in the legislative Assembly, penalising the Marriage of boys below 16 years of age. Though he had obtained the necessary preliminary sanction of the Viceroy, for some reason, not apparent, the bill was never introduced. However, others were active regarding the subject. On 1st February, 1927, Rai Sahib Haribilas Sarda introduced the bill to penalise boys over 18 years marrying girls below the age of 14. The bill was referred to the Select Committee. The bill was pending in the Assembly, until the Age of Consent Committee appointed in 1928-29 under the chairmanship of Sir Moropant Viswanath Joshi submitted its report on marriage and age of consent. After the Receipt of Joshi Committee's Report, the "Child Marriage Restraint Act of 1929 (Act XIX of 1929)" was enacted. By this Act the Marriage of a male below 18 and a girl below 14 is restrained by prescribing penalties in respect of parents and guardians who bring about and are parties to the marriage. But the validity of the marriage itself is not affected and is beyond the scope of the Act. An amendment to this Act in 1978 (Act of 1978) fixed the age of marriage for males at 21 and for girls at 18.

86. No.F.570/29, Judicial Department, Govt of India to the Secretary, Govt of Madras, dated 15th October 1930.
Tamil Nadu's Reaction Against Central Legislation on Child Marriage:

In Favour of Legislation:

Despite the Non-Brahmin movement, the educated elite, without any distinction between caste and creed, supported the central legislation regarding Child Marriage and Age of Consent. However Orthodox Brahmins like G.Venkannasastri supported the cause of Infant Marriage on the basis of Shastras. Ranganatha Sastri and others with modern outlook found that child marriage was not only opposed to common sense but also to the progress of a respectable society. Veeresalingam started a campaign against child marriage and favoured widow remarriage. In 1892 was formed the Hindu Social Reform Association in Madras to agitate for the passing of the Age of Consent Bill. The legislative members from Madras had championed the cause of the age of consent in the Indian Legislative Assembly and had put their efforts to the passing of the Child Marriage Restraint Act of 1929 which came into force in 1930. This Act is popularly known as the "Sarda Act".

89. Ibid.,
90. G.O.No. 1945, Law (General) Department, dated 1st May 1930.
Most of the English and vernacular dailies in Tamil Nadu tried to build up public opinion against child marriage, "not by criticising the ancient Sastras of the Hindus or their practice in the past, but by claiming that such practices did not exist in ancient India and that the sastras did not support the later aberrations in the Hindu society". The post-puberty Marriage Bill introduced by V. S. Srinivasasastri in the Madras Legislative Council in 1914 was acclaimed as an important step in the abolition of child marriages.

Considering the evils of early marriage, it was suggested that the government of India should take steps to legislate to the effect that a father who gets his minor son or ward married should be punished imprisonment. Kerala Patrika disapproved the meeting held at Trichur to protest against the Age of Consent Bill and stated in its editorial that the Bill is necessary for the protection of Indian girls. There was also a suggestion that the age of consent be raised to 14 years. The Urdu paper Mazhur-ul-Ajaib desired legislation to prohibit old men from marrying young girls "similar to the Age of Consent Bill."
publishing the news that a young girl of 13 who, having become pregnant, died in consequence of the child perishing in the womb, urged the government to take steps to pass an Act for the total abolition of child marriage. A marriage between a boy of 9 years and a female child of six months having been performed at the village of Periyapolyam near Pudukkotai, the paper Vijayathwajam wrote that such social evils should be put to a stop by legislation. The Madras Urdu paper Alhami publishing about Bengal High Courts' award of imprisonment to the husband who killed his wife, who was below the age of consent, by cohabiting with her, strongly expressed its opinion that the parents of deceased girl should also be punished for allowing the crime. Regarding the Post-Puberty Marriage Bill introduced in 1914 in the Madras Legislative Council by V.S. Srinivasasastri, Andhra Patrika wrote that to counter-act the high deaths of young girl due to difficult labour, high mortality among the infants and the sufferings of child-brides, the post-puberty Marriage Bill, if passed, would be an efficient weapon.

Against Legislation:
Some papers in the Madras Presidency strongly protested against legislation measures against child

96. Varta darsani., 2nd April, 1874.
97. Vijayathuwajam., 10th October, 1895.
98. Alhami., 11th December, 1898.
Marriage and raising the age of consent. It was suggested that if the Central Government desired to raise the age of consent, it should do so consulting religious institutions and Pandits rather than being carried away by the decision of English educated members of the legislative Assembly. As the British legislation in India is prejudicial to Hindu sentiments, it was suggested that people should unite all over India to stop the passing of the Age of Consent Bill introduced by Sir Andrew R. Scoble in the supreme legislative Assembly at the instance of Behramji M. Malabari, a Parsi gentleman. Swadesamitran and another daily Komali opposed the Age of Consent Bill on the ground that the British legislators were ignorant of the social and religious observances of the Hindus. Swadesamitran very strongly opposed the Age of Consent Bill with the following Editorial on 19th February 1891: There is no doubt that the Government will have the Bill passed into an Act, and this was inspite of the clamorous opposition to it. Have not the British Government enacted several laws which are evidently opposed to our religious customs? As instances of such laws, the readers are referred to Regulation No. 21 of 1795 which prevents religious mendicants killing their children when they do not get alms from the people; Regulation No. 17 of 1819, which subjects Brahmins also to

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100. Ayulneda-Bhaskaran., 15th January, 1891.
102. Swadesamitran., 13th February, 1891; Komali of Madu 2nd February, 1891.
capital punishment when they are found guilty of murder\textsuperscript{103} Regulation No.17 of 1826, which put a stop to the vexatious nuisance of creditors sitting in dharna and threatening debtors that they would kill themselves are the doorsteps of the latter, should they fail to liquidate their debt; Regulation No.19 of 1829\textsuperscript{104}, which suppressed the evil custom of suttee; Regulation No.7 of 1832\textsuperscript{105}, which entitles even proselytes to a share in direct antagonism to our religious observances. Do not some of them lower the Brahmins in the estimation of the masses? In spite of these enactments, have not our religions and temples maintained their ground firmly? Has Act No.5 of 1843 which suppressed the slave trade, in any way, proved detrimental to our religions? Under these circumstances, No Hindu need be afraid of any serious calamity befalling the nation in consequence of the bill to raise the age of consent becoming law. The Urdu Daily Jaridah-i-Rozgar was of the opinion that the government by introducing the bill on the age of consent was interfering with the domestic affairs of the people, and that, if the bill was passed into law, it will occasion creat trouble to the people\textsuperscript{106}. Another Urdu daily declared that the Age of Consent Bill would bring dangerous

\begin{itemize}
\item \textsuperscript{103} Department of Foreign Notification No. 1762, dated 31st August 1875.
\item \textsuperscript{104} Notification No.7 of under G.O.No.51, Public Department, dated 19th January 1897.
\item \textsuperscript{105} G.O. No.929, Public Department, dated 2nd June 1897.
\item \textsuperscript{106} Juridah-i-Rozgar., 31st January, 1891.
\end{itemize}
consequences inasmuch as no family would tolerate their
daughters to go to the court to depose (on indecent) matters
relating to sex\textsuperscript{107}, while another paper condemned the bill
as it was in direct opposition to the tenets of Islam.\textsuperscript{108}
Another paper desired the government not to suppress early
marriages by legislation, as the Hindus were against the
same.\textsuperscript{109} Just on the eve of enacting the Child Marriage
Restraint Act of 1929, the Urdu daily of Madras \textit{Saiphul Islam} wrote that the Islamic faith ordains that the muslims
should not obey a law passed even by a Muslim government, if
it is contrary to the injunctions of the Faith, and that if
the Act is applicable to the Muslim, they would oppose
it.\textsuperscript{110}

The Child Marriage Restraint Act was passed on 28th
September 1929, but came into force on 1st April 1930.
Before the Act came into operation thousands of child-
marrriages were celebrated in India. Bride in embargo was
mated to the groom in the cradle, the Calcutta daily Liberty
wrote: "The Sarda Act is coming into force and the pigtailed
pandits have sanctioned - rather sanctified juvenile unions
to stave off perdition. Poor girls just learning to suck the

\textsuperscript{107} Kasim-ul-Akbar., 26th February, 1891.
\textsuperscript{108} Shams-ul-Akbar., 9th March, 1891.
\textsuperscript{109} Deshabhimani., 22nd June, 1889.
\textsuperscript{110} Saiph-ul-Islam., 13th November, 1929.
feeding bottle were being carried over to the wedding bower. Urchins are being snatched from the arms of their playmates to don the garb of a groom; Pandits have issued an edict whereby they have certified the month of chaitra to be the proper season for matrimonial alliances". In Tamil Nadu hundreds of child marriages (1930) being auspicious for marriages, 200 vakils of the Madurai town "married off their children, practically all of whom were within the age of 6 to 10".111

In regard to the Post-puberty Marriage Bill introduced by V.S.Srinivasa Sastri in the Madras Legislative Council in 1914, there was opposition from the orthodox section of the society. Some papers also wrote against the Bill: Indian any relief because they think that the custom they follow is correct. The Editor of the paper hoped that Sastri would withdraw the Bill at the earliest opportunity in the interest of the cause which he sought to promote.112

112. Indian Patriot, 12th January, 1915.
Polyandry:

The peculiar and considered as immoral from the civilised point of view the marriage customs of Polyandry and polygamy have existed in India from times immemorial. "The ancient literary evidences clearly indicate the prevalence of polyandry in both vedic and post vedic periods"113. The twin Rig-vedic gods, the Aswins, won Surya the daughter of the Sun-god and Surya accepted them as her husbands and shared a common bed114. There is also the case of the Maruts who took as their wife Rodasi, "Who with her hairts dishevelled and in mind fixed on her lords, woos them to unite with her. And the bright maruts cling to their young wife, who belongs to them all115. The Mahabharata and the Ramayana of the epic age give evidences on polyandry in ancient India. During the Mahabharata period, the Brahmin priests approved Draupadi's polyandry. Some Indologists believe that the Pandava princes who married Draupadi belonged to a non-Aryan tribe, on the basis that polyandry is practised by some non-Aryan tribes till today116. The

114. Ibid., P. 368.
115. Singh.S.D., Polyandry in Ancient India, [Lucknow
Pandavas belonged to such a polyandrous tribe where intimacy between a woman and her brother-in-law was not considered unusual, the intimacy providing a particular pattern of sexual behaviour. The birth of Bharadwaja is related to polyandry: The Adi Parva of Mahabharata mentions that Brihaspati had free and rightful access to Mamata, wife of his younger brother Utathya. Mamata was pregnant by her husband and by Brihaspati. Digha-tamas, the son of her husband (Utathya), kicked his half-brother out of the womb before his time, when Brihaspati said (to Mamata): 'Bharadwa-jam meaning Cherist this child of two fathers'.

We have also instances of Polyandry in the Ramayana: Among the vanara tribe both Bali and Sugriva shared Tara and Ruma as their common wives.

Polyandry is defined by various anthropologists. According to Berreman, it is a "form of marriage in which a woman has more than one husband at a time". Kapadia states that "Polyandry is a form of union in which a woman has more than one husband at a time or in which brothers share a wife or wives in common". This form of marriage existed in two forms in India, namely the matriarchal polyandry in the South and the fraternal polyandry in the south and the

fraternal polyandry in the North\textsuperscript{120}. In fraternal polyandry a woman becomes the wife of all brothers, if she is married to any one of them. It is more prevalent among the Khasa and some other tribes. In the matriarchal polyandry, it is not necessary that all husbands of a woman should be brothers. This type of polyandry is found in the Nayar tribe of Kerala. The Nayar woman lives with her different husbands in turns, and while she is with one of them, the rest have no right on her. Usually the father of children born by such unions is not known. According to Wester Mark, "the polyandrous unions of the Nayers can hardly be called marriage even from a non-legal point of view"\textsuperscript{121}.

The Kotas of the Nilgiri Hills in Tamil Nadu are not polyandrous in the strict sense of the term. In the Kota tribe a man may have many wives. Thus the marriage system includes true polygyny as well as fraternal Polyandry. A women lives only in the house of her legal husband and he is recognised as the father of the children she bears. The husband has precedence to his wife's attention and favours. But in the absence of the husband, any of his brothers have the right and the obligation to act in his stead. The husband may not interfere or exhibit signs of jealousy when he finds his brother with his wife. When the husband is away

\textsuperscript{120} William Crook., \textit{Things Indian}, [New Delhi, 1972], P.382.

from the village, he deligates one of his brothers to sleep with his wife. "Similarly, when a man is unable to accompany his wife on a ceremonial visit to another village, one of his brothers is duty-bound to go along with her and to remain at her side constantly, as would the husband himself".122

The British government tried to put down polyandrous marriages among the Nayars, Todas and Kotas of Nilagiris. The earlier legislation to provide a form of marriage for persons following the Marumakkattayam or the Aliyasanthana law was "the Malabar Marriage Act of 1896". It attempted to register "Sambandham" marriages. "Sambandham" means an alliance between a man and a woman by reason of which they, in accordance with the custom of the community to which they belong or either of them belong, cohabit or intend to cohabit as husband and wife".123 The Act of 1896 was repealed and the Madras Marumakkattayam (Act, 1933 Act No. XXII of 1933) was passed on 21st March 1933, and received the assent of the Governor-General on 12th April 1933. According to Section 5 of this Act, Marriage contracted by a female governed by the Marumakkattayam law with a Hindu male during the continuance of a prior marriage of such a Hindu

123. Malabar Marriage Act, 1896, Section 2.
male became void.\textsuperscript{124} The Madras Marumakkattayam (Amendment) Act of 1947 (Act XXXII of 1947) further altered Section 5 with the following conditions. (1) "During the continuance of a prior marriage which is valid under Section 4, any marriage contracted by either of the parties thereto, on, or after the date on which this Act comes into force shall be void. (2) On or after the said date, any marriage contracted by a male with a Marumakkattayam female, during the continuance of a prior marriage of such male, shall be void, notwithstanding that his personal law permits of polyandry".\textsuperscript{125}

After independence, the Hindu Marriage Act of 1955 which came into force on 18th May, 1955 and as amended in 1956, 1960, 1964, 1976 and 1978 has completely abolished polyandry existing in remote corners of India.

**POLYGAMY**

Polygamy:

In the polygamous marriage, a man marries more than one wife. This system of plurality of wives was prevalent in Tamil Nadu, as in other parts of India. In the Patriarchal societies where property rights were vested upon the male, the husband was forced to commit polygamy, if the wife bore


\textsuperscript{125} Madras Marumakkattayam Act 1947, Section 5, Clauses (1) and (2).
no male issue to him. In the 19th century, polygamy was tolerated among persons of high rank like Rajas and Zamindars and well-to-do persons. The kings were allowed five legitimate wives and not more. However, the harems of Hindu and Muslim rulers in India contained hundreds of wives. The "plurality of wives amongst the great is looked upon as an infraction of law and custom, infact as an abuse. But in every country in the world, those in power have always been able to twist the law in their own favour, however definitely it may be laid down".

Generally, most castes in South India object to their members having more than one wife, except for special reasons such as the failure of the first wife to bear a son or her affiliation with some incurable disease or infirmity. "In such cases the consent of the caste panchayat must be obtained generally, before a man marries again. Sometimes, a second wife may be taken only with the consent of the first. In such cases, the second wife is often the younger sister of the first, but her elder sister may, on no account, be married" to him.

Polygamous marriage has its disadvantages. A man with an average income finds it difficult to support many wives.

and children. The standard of living of the family and the condition of women are lowered. The quarrel among the women wedded to a man are frequent, resulting in unhappiness in the family. "An average male is not able to give adequate sexual and emotional satisfaction to more than one woman." 129.

The Native Marriage Act of 1872 made polygamy penal. In 1938, G.S. Motilal introduced the private Bill in the Imperial legislative Assembly to declare illegal Polygamous marriage among the Hindus. The Bill was entitled Hindu Polygamous Marriage Restraint Bill. It was published by the Madras Government in the St. George Gazette dated 15th November 1938 in Tamil, Telugu, Kannada and Hindustani languages 130.

Monogamous marriages are common in India, in opposition to which bigamy is practised where a man or a woman has more than one wife or more than one husband at a time. To prevent bigamy, the first attempt was made by the Bombay presidency by enacting the Bombay prevention of Hindu Bigamous Marriages Act of 1946 131. It declared bigamous marriages as void and penalised them. On March 13, 1948, the

130. G.O. No. 208, Public Department, dated 15th November 1938.
131. G.O. No. 61, Legal Department, dated 28th March 1947.
Governor-General gave his assent to the "Madras Hindu Bigamy Prevention and Divorce Act of 1949 (Act VI of 1949)". Later, the Hindu Marriage Act of 1955 establishing firmly the rule of monogamy among the Hindus. "Polygamy permissible in Hindu law before May 18, 1955 has been abolished. Custom or usage cannot save it. On the contrary, even a wife married prior to 18th May 1955 can seek a divorce under section 13(2)(i) after the commencement of the Act, provided another co-wife is alive. Bigamous marriages after the commencement of the Act are liable to be punished under section 494 and 495 of the Indian Penal code". 

PROSTITUTION

Prostitution:

Prostitution has prevailed in all societies since ancient times. In the Roman society the prostitute had a respectable place compared to the legally wedded wife. In South India the prostitute had similar position in society under the name of "Devadasi". In Karnataka they were called "Ganikas". They entertained visitors with songs and dance and went to bed with them for the money paid. The South Indian Devadasis or 'dancing girls' were in theory professional women dedicated to the service of one god or


the other with whom they were symbolically united in marriage and before whom it was their duty to sing and dance. Tanjore and Madura were centres where girls were dedicated to the service of Gods. "In Madura and Coimbatore, the sedans (Devangas) had their own dancing girls who were called Devanga or sedan girls". At the beginning of the present century Devadasis numbered over two hundred thousand in Madras.

In South India, the Devadasi custom was encouraged even by kings as is evidenced from inscriptions: Girls were dedicated to temple service from about the 9th century A.C. "When king Rajendra Chola built his famous temple at Tanjore in the 10th century A.D., he deemed it necessary to provide for temple service no less than 400 dancing girls, each one of whom was given a piece a land for her maintenance". Abbe Dubois, who was in Tamil Nadu in the 18th Century, describes a temple car procession, in front of which Devadasis performed dances. He states that the "Courtesans (devadasis) who are present in great numbers on these solemn occassions perform obscene dances".

134. ED. Dr. Muthulakshmi Reddy., Stri-dharma, Vol.VIII Nos. 3 to 8, 1925.


Prostitution had grown as a part of Indian culture and tradition as can be seen from ancient works like *Mrichchha Katika* (Toy - cart) by King Sudraka, a sanskrit drama written in about 2nd century A.D., where in the heroine is a prostitute. The term "Devadasi" does not cover all types of prostitutes. The devadasi "Proper" is the temple dancer and songstress\(^\text{138}\). The "Secular" courtesan is called *ganika* in the Kamasutra, an amatory work of 6th century A.D. The *ganika*, as opposed to *Devadasi*, is a freely operating person, highly educated in the field of performing arts and following a refined and sophisticated life\(^\text{139}\).

In tribal communities where males and females enjoyed a certain degree of sexual freedom, the institution of prostitution did not exist. Prostitution is generally classified as hereditary prostitution and non-hereditary prostitution. In the former type prostitution is practised by custom. Religious traditions and customs force young girls into prostitution. There were six groups of *devadasi* in the Tamil Nadu *devadasi* "murai" (hierarchy): They were (1) *Patiyilar*, the oldest and the most prestigious class of *devadasis*, (2) *Ishana Pattiniyar* or the wives of Ishana, (3) *Tevaratiyar* or the slaves of God, namely *devadasi proper*,


(4) Tattai or girls adapted by prostitutes for the profession, (5) Alankara dasi or "Ornamental dasi". Perhaps the term meant "an ideal prostitute", and (6) Rudraganika or the courtesan of Shiva.

Poverty, early widowhood with no scope for marriage due to social restrictions, sex-exploitation by economically well off classes, recruitment of kidnapped girls in brothels, sometimes excessive sex urge of women are some of the causes for non-hereditary prostitution. The modern socio-commercial structure of metropolitan cities have also encouraged prostitution. "In the modern industrialising society, the worst aspect of prostitution is the trend towards its increasing commercialisation". 141

The 1871 census report on the Madras Presidency throws some light on the prevailing conditions of prostitution then. According to the report, Dasis and Bhogam are prostitute classes found in large towns and villages. 142 These prostitute classes generally purchase female children belonging to any class. Certain Hindu castes have the custom of presenting their daughters to temple to fulfil their vows taken during either calamities or inillness, after they are

141. Sushila Mehta., *Revolution and the Status of Women in India* [New Delhi, 1982], P.55
142. Dravidian., Madras, 11th December, 1918.
overcome by the grace of God in answer to their vows. At an early age they are taught to sing, play on musical instruments and to dance; and in the past years were the only class of Hindu women who received any education at all. 143 The women confine their favours to Brahmans and the higher caste of Sudras. There are number of prostitutes among the Pariah (depressed class) and other aboriginal castes. 144 It is recorded in the same census report that the traffic in young girls with the object of training them as prostitutes and the Hindu parents presenting their daughters of tender years to the service of the temples or in plain language to prostitution is not a creditable state of things either to the Government or the people concerned. 145

As Otto Rothfield has stated, the Tanjore Devadasi system is associated with dancing and professional singing and is a religious institution bound up with the worship of the Gods. 146 The gestures of the dancer blend with the rhythm of the erotic songs, the subject of which is the love

143. Desabhaktan., Madras, 14th December, 1918.
145. Ibid., P.168.
between Radha and Krishna at the river side. The Devadasis of South India and the Nautch girls of northern India are courtesans who entertain customers with their songs and dance and provide sexual pleasure in return for money.

A study conducted in Bombay in the 1960's has revealed the ugliest aspects of prostitution. Girls of devadasi origin from Tamil Nadu, Mysore, Andhra Pradesh and Orissa are taken by agents from towns and villages to big cities and a part of the earnings of the girls by prostitution goes to the family members and the agents. There have been instances where poverty has induced people to temporarily mortgage women to creditors until the money is repaid. "Prostitution is the only way open to women to earn a livelihood for the family. No stigma is attached to the women, if she brings wealth or income from prostitution to her natal or conjugal home". 147

Protests Against Prostitution:

In the 19th century prostitution was in full swing in Tamil Nadu. Respectable people in Madras city and other places have complained about brothels and prostitute houses in their localities. The Press in the Madras Presidency had played effective part in bringing to the notice of the Government the harm to society by prostitutes: The vice was

"rampant in every street" of Madras in 1888, and prostitution which was rare in the days of the native rule had increased immensely under the British rule.Prostitutes used to purchase young girls to train them in their profession. The Vettikkodiyon a Madras newspaper had published this fact in 1892 for the information of the general public. Another daily had suggested in 1889 legislation to abolish prostitution. In the absence of penal restrictions public brothels had increased in Karaikal in consequence of which many young men and girls were ruined. Vrittanta Patrike had reported the strange case of a widow living by manual labour selling her female child, six months old, to a prostitute and the transaction being registered by the Sub-Registrar. The Trichy Nesan, a paper from Trichinopoly, had appealed for legislation to punish married women leading immoral life due to which affairs and murder were common in the city. As prostitutes spread venereal diseases, a suggestion had been made that the government should provide law to get

149. Vettikkodiyon, 31st January, 1892.
150. Sahia Vedanusnam, Madras, 1st October, 1889.
151. Vikta Dutan, 22nd February, 1890.
152. Vrittanta Patrike, 24th June, 1890.
153. Trichy Nesan, 15th May, 1894.
made that the government should provide law to get
prostitutes examined in hospitals periodically.\textsuperscript{154} Ravi, a daily from Kakinada sought government to protect minors in the custody of prostitutes by passing suitable laws.\textsuperscript{155} The principal streets of Madura town being studded with houses of ill-repute, the South Indian Mail wrote that the prostitutes should be isolated and kept out from respectable principal streets of Madura town being studded with houses of ill-repute, the South Indian Mail wrote that the prostitutes should be isolated and kept out from respectable localities of the town.\textsuperscript{156} In 1913, the dancing girls (Nautch girls) expelled from Lahore, Delhi, Agra and Peshwar having occupied different quarters in Madras city, such as Pycroft's Road, Muhammad Hussain Street, Mir Bakshi Ali Street and Peter's Road, the Muslim daily \textit{Shams-ul-Akhbar} had suggested the government to expell them from those quarters.\textsuperscript{157} Writing on the same subjects it was further reported by another news paper that children of respectable merchants etc., squander their parent's money on these prostitutes and that nights in these houses of illfame were spent in noise debanchery.\textsuperscript{158} A proposal of the British India Government to take dancing girls to the British Empire

\textsuperscript{154} \textit{Desopakari}, 11th October, 1903.
\textsuperscript{155} \textit{Ravi}, Kakinada, 29th October, 1903.
\textsuperscript{156} \textit{South Indian Mail}, 18th July, 1910.
\textsuperscript{157} \textit{Shams-ul-Akhbar}, 19th October, 1913.
\textsuperscript{158} \textit{Jaridah-i-Rozgar}, 22nd February, 1915.
exhibition at London was considered in 1923 by Swarajya paper, Madras, as the proposal would create in the British public a wrong impression of Indian womanhood. The public of Madras passed a resolution in 1926 to the effect that government should provide legislation to prohibit prostitution. The missionary paper Catholic Leader suggested in 1930 that girls rescued from brothels should be entrusted to the care of the nuns who would look after their moral and temporal welfare.

Prostitutes served as concubines to rich people in the Madras Presidency. They exploited the rich and created problems in their family life. In Madras the maintenance of devadasis as concubines were regarded as a status symbol. "The greater the number of concubines, the greater was the status symbol of a man".

Legislation:

The agitation for the abolition of devadasi system continued throughout the 19th century in the Madras Presidency. Inspite of several stringent legislative measures, the evil of prostitution had persisted; though not

159. Swarajya, Madras, 6th October, 1923.
160. Navasakti, Madras, 7th May, 1926.
161. Catholic Leader, 6th February, 1930.
openly as in the past: In 1911 the Madras Government proposed to pass a law prohibiting the adoption of minor girls by prostitutes.\textsuperscript{163} The Madras Children's Act of 1920 which came into force on 29th June 1920 gave protection to minor girls in this respect. \textsuperscript{164} The Madras Suppression of Immoral Traffic Act 1930 tried to abolish prostitution. \textsuperscript{165} In 1931 the Madras Brothels Act was passed to check prostitution. \textsuperscript{166} Veereshalingam and other social reformers led a movement against devadasi system, and in 1925, due to the efforts of the reformers, traffic in minor girls was made an offence under the Indian Penal Code. The Hindu Religious Endowment Act of 1929 passed by the Madras Legislative Council released the devadasi community from temple service and gave Inam lands of the temple to their families.\textsuperscript{167} The Suppression of Immoral Traffic in Women and Children Act, 1932 was again a prohibitory Act against prostitution. Another Act of 1947 the Madras Devadasi (Prevention of Dedication) Act of 1947 (Act XXXI of 1947).

\textsuperscript{163} G.O.No.3863, Law (General) Department, dated 3rd December, 1927.
\textsuperscript{164} G.O.No.2161, Law (General) Department, dated 25th June 1928.
\textsuperscript{165} G.O.No.307-308, Legal Department, dated 23rd December, 1938.
\textsuperscript{166} Letter No.506-1, dated 21st January 1939 from the Secretary Government of India, Government of Madras.
\textsuperscript{167} Letter No.13436-3, dated 29th December 1947 from Home Affairs, New Delhi, to the Government of Madras.
CASTES

Castes:
The bane of Indian society has been the caste system, for it has been a stumbling-block to social and national unity. The caste system that prevailed in Tamil Nadu during the British colonial rule was favourable for British policy of divide and rule. The upper classes dominated in the administrative field, while the lower classes were yet to claim their rights in society. The vedic varna system and the tribal Tamil castes existed side by side during the 19th century, when the British rule over Tamil country was at the height of its glory. "The Antanar (the Brahmin), Vanikar (the merchant) and Vellalal (the cultivator)" these formed the chief castes of Tamil society. Gradually, Tamil Nadu became a Brahmin dominated society which resulted in the formation of the non-brahmin associations to agitate for political and social rights. Just like the Roman society which had two principal classes, namely the Patricians (the higher class) and the Plebeians (the common people), Tamil society had two principal classes - the Brahmins (the higher caste) and the Sudras (the lower class). The Parayan belonging to the untouchable class, was virtually a slave

like the Helots of ancient Greece. In the Aryan caste system, accident of birth decided the person's status in society. However, "caste status cannot be claimed as a divine gift as is erroneously supposed by some orthodox Hindus". 169

Several taboos had crept into the Tamil society: the lower castes were prohibited from taking on the dress, ornaments and customs of the higher castes. The Harijans were forced to take water from a lower end of a river or canal,170 while the upper classes took it from the upper end. Inter-dining and inter-marriages were forbidden among castes.

During the 19th century and the earlier decades of the 20th century, towns and villages of Tamil Nadu were generally divided into quarters, each of which was occupied by separate castes. "The village is divided into three parts - that occupied by the dominant caste in the village or by Brahmins, that allotted to the Sudras, and one reserved for the Panchamas or untouchables".171 The Panchama quarters contained Pallans, Parayans and Chekkiliyans. They lived in


separate streets. The Pancham quarters was known as Para-cheri (the quarters of the Parayans or Harijans). During the 19th century Madras, the agriculturists who were called Pallis lived in separate quarters, distinctly known as the Palli-teru or the Palli Street. Castes were divided into sub-castes and the sub-castes were so distinct from one another that they hold no direct social intercourse with each other, either by marriage, or by eating or smoking together. In sub-castes, as in the case of the Vellalas, there were such distinctions that it was not possible to give a general account of the marriage and other customs applicable to all the sub-divisions. While some castes "recognise freedom of divorce and re-marriage and even polyandry, others strictly follow the Brahmanical rules". 172

The Brahmins of Tamil Nadu belonged to several religious sects, while a host of other social groups have been classified as backward classes. 173 The non-Brahmin agitation for social and political rights and the Harijan Movement have been the two major issues of the 20th century caste structure in Tamil Nadu. The dominance of the Brahmin class in all walks of life resulted in the emergence of communal organisation of various caste groups for their respective welfare and progress. 174

172. Ibid., P.21.
174. Ibid., P.42.
The caste system split the society into mutually exclusive social groups prohibiting inter-marriages, inter-dining, drinking and even smoking together and prevented social fusion more than any other institution in the world. According to Christion missionaries, caste was "the steel frame of Hinduism, a divinely ordained theory connected with the law of Karma." Caste and custom have been the two evils of the Hindu society. The Brahmin caste being held as superior, the other classes (the Sudras) adapted Brahminical customs in the process of socialisation. The custom of child marriage, prohibition of widow-re-marriage, segregation of castes, untouchability and other social taboos followed by Brahmins crept also into the life of other classes. "In all aspects of society, the Brahminical influence was more by 1880's. Those who undertook social reforms, sea voyage and defied caste practices and customs were excommunicated from caste. They were re-admitted into caste, after performing Prayaschitta or ceremonial purification.

By the end of the 19th century caste segregation in Tamil Nadu was a bit in the wane, though the die-hard customs took hold of the society firmly. The growth of the

village population into industrial cities, education and job opportunity in public offices and private firms, public conveyance provided by the introduction of railways and the tram in Madras city, families living in close quarters in the same building, known in Tamil Nadu as Morai-vasal, change of eating habits by the introduction of hotels—these factors very much lessened caste rigidity among the Brahmans and the Sudras.178

Any change in the social structure or customs by reformers and by legislation was strongly opposed by the Hindus in general. Caste customs which had introduced early marriage and consummation, and kept widows in a miserable state could not be removed during the early stages of British administration. Converts to Christianity, the Arya Samaj and Brahmo Samaj marriages were condemned.179 All those who embraced Christianity and married outside the pale of Hindu conventional marriage system were excommunicated and they lost the rights over property. But Lord Dalhousie "held that succession to property was not a religious question at all, but essentially a matter for the government to decide"180 The caste Disabilities Act of 1850 (Act XXI of


1850) was passed in the teeth of opposition. It was a blow to the Hindu social structure. As May be expected from the title, this Act did not remove "Civil disabilities existing between caste and caste, but facilitated conversion to another religion or admission into another caste."\textsuperscript{181} Notwithstanding any custom of caste disinheriting a person for change of caste or religion, this Act provided that a person does not forfeit his ordinary rights or property by loss of caste or change in religion.\textsuperscript{182}

Even after a century of passing of Acts like the caste Disabilities Act, and several Marriage Acts, which to some extent broke the rigid caste customs, the caste prejudices and segregation have persisted in the Tamil society even to this day.

**The Untouchables**

The Untouchables

When the Aryans settled in South India, They found a great number of aborigins. The Aryans considered them as culturally low and kept them at a distance. "A large number


\textsuperscript{182} Ibid.,
of rules were imposed by the Sastrakaras to keep them isolated. The system is inhuman as well as illegal. It simply raised a bar against the natural rights of a group of people\(^{183}\). People who were considered as belonging to low castes - the untouchables - were set apart outside and below the four main division of Hindu Society. "Except for the stark word 'untouchables', there never was any single name to cover this great mass of people"\(^{184}\). In the various Indian languages they are known as Panchamas, atisudras, avarnas, anyyajas, nama - sudras, adi - dravidas, Pariahs etc. , According to G.Malley, 'untouchable' is a name of comparatively recent origin, "applied generally to person in the lowest classes of Hindu society. It implies that they can not be touched by orthodox Hindus of higher castes without consequent contamination. But the idea among Hindus themselves is that the untouchables cannot touch others without making them impure"\(^{185}\). Their touch means contamination; the water touched by them is polluted.

The pariahs whose name means "drummers" are the great agricultural caste of the Tamil Nadu. The term is now

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185. O.Malley L.S.S., Indian caste and customs, [Delhi, 1974], P.137.
almost a generic one, and the caste is split up into many subdivisions, which differ in manners and ways. For instance, the koliyans and valluvans do not intermarry or eat with the other and are practically distinct castes. The pariahs were employed on degrading work. Their very touch defiled and their mere presence trained the air. Thus, the idea of untouchability in South India has been carried to an absurd length. Since these lower caste people were supposed to cause pollution and their very presence or proximity defiled the higher castes, they were kept at a distance. It was a case of unapproachability rather than untouchability. There was "even a scale of distance within which different Panchamas, as the untouchables are called in south India, may not approach Brahmins, namely eight yards for kammalns, twelve yards for Sluvans or Tiyans, sixteen yards for pulayans, thirty two yards for the parayans or pariahs."

In the twentieth century, social reformers like Mahatma Gandhi, Ambedkar, Annie Besant and others, working for the uplifitment of the untouchable classes, gave them dignifying name such "Harijan", "depressed classed" and the constitution terms them as "Schedule Castes". The upliftment of the Harijans is one Long and difficult process for the

present social reformers. Their conditions, even since the
commencement of the British rule was not very happy. Even
after Indian's independence they are suffering from social
disabilities. In 1859 there were restrictions imposed on
harijans even with regard to dress. The women belonging to
depressed classes usually went without covering the upper
portion of the body. In the same year, a proclamation was
issued to the effect that there was no objection for them to
wear jackets like the Christian Shanan women or "Covering
their upper bosoms in any manner whatever, but not like
woman of high castes". In cases of litigations concerning
the depressed caste people, the judges in outlying places
were influenced by local prejudices. The untouchables were
not permitted to enter the court hall. The parties to the
case or the witnesses were examined through a 'go -between'
who would go out, question them and come back with their
answers to the judge. A committee appointed by the Lee
Commission in 1924 to consider the question of extending
education to Saidapet, an extension of Madras, found that
the higher class Hindus had imposed social and economic
boycott to compell untouchables to withdraw their children
from public schools.

188. Ibid., P. 149.
189. Ibid.,
190. Ibid., P. 151.
The attempts of the depressed classes to improve their social status have been opposed by orthodox castes. Riots broke out in 1858 when the upper classes opposed women converted to Christianity wearing clothes above the waist. In 1899 there were riots when the claim of the depressed classes to enter temples was opposed by other castes. During the 1930's "as far as the British India is concerned" the restriction by the caste Hindus on Harijans not to use certain roads had been removed, though certain scheduled caste people, whose very sight was polluting to the Brahmins, were compelled to "follow nocturnal habits", instead of following normal social activities during day-time.

The Harijans had practically no place in the Tamil society of the 19th century. Earlier, the Zamindari system introduced by the British, deprived the "lower tenurial groups, who were mostly non-Brahmins and Harijians, of their customary rights to the soil" and exposed them "to the dangers of eviction by their new landlords". The harassment to the Harijans by the caste Hindus was so severe that many of them went over to Christianity, mostly in the

harrasment to the Harijans by the caste Hindus was so severe that many of them went over to Christianity, mostly in the Tinnavelly district. It was in 1851 that the first batch of Harijan students entered the Madras High school, when there was a strong opposition to their entry. The advantages that the Brahmins and other castes received by the Western education, scarcely touched the Harijans. Due to poverty and high caste opposition, they were given hardly any opportunity to excel in the system of education introduced by the British. Tamil Nadu Congress in the 1930's came to be depicted as an instrument of the higher castes, especially Brahmins, to perpetuate their domination over the lower castes. The Harijans, the most depressed community in Tamil Nadu, evinced hostility towards the congress, like the non-Brahmins groups. They formed their own associations, schools and newspapers and appealed to the government to initiate ameliorative measures on behalf of their community. Their social conditions did not improve until Mahatma Gandhi launched the nation-wide movement for


196. G.O.No. 325, Legal Department, dated 30th October 1939.

their progress. In Tamil Nadu there has always been bitter opposition to the Harijans as well as determined efforts to improve their lot.

PRESS OPINIONS

For and Against Harijan Upliftment:

Infavour of Reform:

The Madras Government offering free lands to Pariahs (Harijans), it was suggested that the Harijans being poor, the government should also help them with cattle and agricultural implements. 198 Commenting on the same subject, the Urdu daily Khasim-ul-Akhbar, brings to the notice of the government that the collector of chinglepet has offered similar concession to the Harijans and praises the government for its ameliorative policy towards the depressed classes. 199 Parayan, the mouth piece of the Harijans, suggests that the missionaries and others working for the welfare of the pariahs should be represented in local boards as members and the students of the depressed castes should be given an allowance of Rs.2 along with scholarships. 200 The same paper requests Governor Lord

198. Vikata Dutan., 7th April, 1894.
199. Khasim-ul-Akhbar, 11th December, 1893.
200. Pariyan, madras, 1st February, 1894.
Wenlock to appoint an educated Pariya as Sheriff of the city of Madras.  A correspondent of Pariyan brings to the notice of the Inspector General of Police that the Harijans are treated badly by the Police officers of Nattham village of Melur Taluk. The Jury in the courts consisting generally of Hindus, cast unfavourable verdict in case of Harijan prisoners, out of racial contempt towards such prisoners. The vellala and Brahmin teachers being unfavourable to the Pariah students of Nattarasankottai village in the Sivaganga Zamindari, a suggestion was made that the local fund school of the village be kept under the management of missionaries or the Madurai Pariah Reform Society. The Christian Mission homes in Chenglepet district having been destroyed by villagers and the Brahmins and the Sudras treating converted Hindus to Christianity and the pariyans like beasts, it was regretted by a Urdu paper that "the British government, which professed to be greatly civilised and just, does not adopt any effective measure to remedy such evils". The Brahmin concept of untouchability was such that a sub-Assistant school Inspector, who came to examine the Harijan school at Muthurapuram and Perun

201. Ibid., 17th November, 1894.
202. Ibid., 4th May, 1875.
203. Ibid., 19th August, 1895.
204. Ibid., 4th January, 1896.
205. Shams-ul-Akbar., 1st February, 1892.
Kannarkulam of Dharapuram circle stood at a distance from the school, examined one or two boys/without even touching their states. The Harijan having no representation in the Madras Legislative council, it was suggested that the community should have a representative in the council. The Hindu was happy to note that the movement in favour of elevating the depressed classes was steadily making its way and that the crude attitude that had been taken by the Higher castes towards the Harijans was now denounced. With the object of improving the conditions of the depressed classes. Conferences were held in the Tanjore district, for their problems were many. The government of the Madras Presidency had failed to take interest in redressing their grievances. Though poor, the Harijans are intelligent. Hence, the Government had been requested to form a committee to enquire about the grievances of this miserable class. In a public meeting of the Pariah Mahajana Sabha of Madras, Annie Besant's earlier condemnation of the Panchamas was exposed by Benjamin. He brought to the notice of the public

205. Shams-ul-Akbar., 1st February, 1892.
206. Pariyan., 15th December, 1894.
207. Ibid., 4th September, 1897.
208. The Hindu., Madras, 8th December, 1910.
Besant's statement that the panchamas were reaping the fruits of their previous evil-Karma; it would take several generations before they would be fit to associate with high caste children in public schools. 210 Commenting on the resolution brought by Dadabhoy in the Imperial Legislative, regarding the amelioration of the conditions of the depressed classes, Andhra patrika wrote that British government was hesitant to do any good to these classes for reasons social and religious, and had left the matter to be looked after by Christian missionaries. 211 The Panchamas are subjected to social restrictions imposed by the Brahmins. If Panchamas are represented in the legislative council, much of their grievance could be redressed, when "much is said of the birth right of the Indians, and the Panchama is denied even the birth right of a dog". 212 Pariah Mahasabha and its off shoot, the Adi-Dravida Mahajana Sabha being controlled by educated panchamas, who care less for their illetrate brethrn, it is suggested that the government should take steps to introduce compulsory education to this class, so that they might know their legitimate rights. 213

Naradan, a Madras daily describing the miserable conditions of the Pariahns, states that they have no permanent residence, make their living by begging, eat refuse thrown out of the houses after meals and Carcases of animals and that they are human only in shape, but in other respects worse than animals.\textsuperscript{214} The Panchamas are so poor that it was common in the early decades of the present century to find them eating the left-overs on Plantain leaves thrown out after marriage feasts.

The several government measures to provide education to the Panchamas have been futile due to prejudices on the part of the caste people, while poverty has kept the Panchamas under the mercy of landlords for whom they work as agricultural labourers.\textsuperscript{215} The higher caste people had closed the only cart track going to the paracheri (living quarters of the Parayas) of the Nandimangalam village in Lalgudi taluk. In regard to this incident Deshabhaktan wrote a bold leader reminding the Panchamas that "They should not forget that they were born in this country and that they are going to reside permanently here all along. They should

\textsuperscript{214} Naradan., Madras, 4th February, 1918.

\textsuperscript{215} Deshabhimani., 10th May, 1919.
remember that they and other Indian people are only children of mother Bharat and members of a single family. They should therefore settle their differences among themselves and it is treachery as well as foolish to seek redress by taking the matter to a Government conducted by foreigners". In 1922 the Government having sanctioned the opening of separate Schools for the panchama boys in Tamil Nadu, Swadesamitran commented that it was an unwise Policy on the part of the Government to segregate the Panchamas from the Main-stream of Society and that a feeling that the Panchamas are their own brethren must be installed into the minds of the people throughout the country and steps taken so as to prevent any one from doing mischief that would lead the Panchamas to regard the other Hindus as their enemies. In connection with the Adi Dravida congress held at Chidambaram in September 1922, Sukhodayam wrote that the government and the non-Brahmins have for saken the Adi-Dravidias. However, if the Adi-Dravidas join the Indian congress and co-operate for the freedom of India, the evil of untouchability will surely disappear from the country. The same paper wrote in 1925 that "Untouchability is a big breach in our fort

216. Desabhakatan., 4th February, 1921.
217. Swadesamitran., 18th February, 1922.
218. Sukhodayam., Arani, 28th September, 1922.
through which our enemies enter the fort and rob us. All people should realise that it is only when the big breach is closed and the fort is rendered fit for war by being repaired with the help of communal unity that Swaraj will be attained". 219

In 1932 a magistrate having pronounced judgement that the untouchables have no right to bathe in a public tank, the Tamil Nadu wrote that the orthodox people and also the foolish actions of government were obstacles to the upliftment of the untouchables.220 A Bill for the abolition of untouchability was introduced in the Madras legislative council in 1930 by R.K. Shanmugam Chettiar. Knowing that this Bill would receive cold response from the British Government, the Madras Paper Dravidian wrote: "No one can deny that the wretched caste system is mainly responsible for the present slavery and poverty of India. The cruel practice of observing untouchability has not yet disappeared, though more than 150 years have elapsed since the advent of British rule in India. This horrible state of affairs is only due to the fact that the wicked Brahmins are excercising great influence over the British Government just as they were doing over Hindu and Muslim Kings"221.

219. Ibid., 22nd January, 1925.
220. Tamil Nadu., Madras, 9th June, 1932.
221. Dravidian., Madras, 27th December, 1930.
Against Reform:

The Newspaper *Vettikkopiyan* of Madras opposed the opening of separate schools for pariahs, since Hindus of high caste did not object to their children sitting side by side with pariahs in the Mission schools run by Christians. The paper also draws attention to the fact that Queen Victoria's proclamation clearly states that all subjects under the British rule will be treated alike without any regard being paid to differences of castes and creed. Sudarshan, a paper from Udipi, South Kanara districts complains that the unclaimed corpses made over to the Pariyans for burial are not buried deep, and the bodies are exhumed by dogs and jackals. The request of the missionaries for the grant of lands in chingleput and other districts for the Pariah colonisation having been refused by the government, it was held that the object of the missioneries in such transaction was to deprive the high caste people of their privileges and lower their status and rank. Trichy Nesan an anti harijan paper remarked that it was useless on the part of the government to take steps to ameliorate the pariahs and impart education to them. The paper advised the Government to teach them agricultural

222. *Vettikkopiyan*., 16th April, 1892.
training, since the Pariahs were mostly tillers of the soil in the service of caste Hindus. The Zamindar of Bodinayakanur and other Hindus of eighteen villages in the Madurai district met in an assembly and resolved that the pariahans had grown insolent and claimed equality with the higher castes under the rule of the white-paraya (the English man). As such, if the Pariyas refused to obey them as before, "no one in the eighteen villages should give any work to be pariyas, that no articles should be sold to them in the bazaar, and none should speak to Paraya". A correspondent to Swadesamitran regreted that five pariahs were appointed as process servers in the District and sessions Judge's court in Trichinopoly and that it would cause much Public inconvenience as these pariah process servers would have to visit, in the course of their official duties, the houses of Brahmins and other Hindus, whose caste rules did not permit them to approach the pariahs.

Harijans and Temple Entry:

The Harijans were not only forced to keep distance from the Brahmins and caste Hindus, but were also forced to keep away from the temples, the houses of gods. This religious disability prevented them from making offerings to the gods directly. They brought their offerings of fruits

226. Parayan, Madras, 24th July, 1897.
and flowers and gave them to the temple priest and waited outside the shrine until he came out and gave them the Prasadam-Thirtham, the holy water. The right to enter certain parts of the temple, and the right to participate in certain ceremonies were reserved for the upper castes. In Tamilnadu, the temples consecrated to the Brahminical deities, especially Shiva, and their percinets were considered holy grounds and reserved exclusively to the caste Hindus"\(^{228}\). Such temples remained far away from the glance of the depressed classes\(^{229}\). The Pujaris (The Priests), who were Brahmins, were alone permitted to enter the inner shrine or the Garbha-griha of the temple, where the idol of the God is installed\(^{230}\). Caste Hindus were allowed to approach the steps in front of the Garbha-griha for devotional acts like prayer and prostrating in front of the image. But the panchamas and other depressed castes could worship only from outside the Gopuram. During the procession of goods, the panchamas were forbidden from approaching the god, because the wrath of the god due to their proximity was believed to cause the death of the king, bring ruin to the village and destroy the crops growing in the fields\(^{231}\).

228. Ramachandran. C.E. and Raman. K.V. (Ed).,Aspects of Indian History and Culture, [New Delhi, 1984],P.251.
The Colonial government in Madras was fully controlled by caste Hindus and did not interfere with time old customs of the Hindus. The Privileges enjoyed by the caste Hindus became the disabilities of the depressed castes and their temple entry had become a far-off dream\textsuperscript{232}. However, in the latter part of the 19th century there was religious awakening among the non-Brahmin communities like the Komatis, Nattu kottai Chettis and the Nadars as a result of western education and improvement of social status by business and commerce. They demanded the right to worship in the temples as other high caste Hindus\textsuperscript{233}. They tried to secure the freedom of worship in all the Hindu temples and due share in the administration of temples. The Komatis built separate Kanyaka Parameswari temples at different places. There were "Clashes between local vaidiki (orthodox) Brahmins and the Komatis"\textsuperscript{234}.

The Nadars of Madurai, Romnad and Tinneveli districts launched temple entry movement, and their movement became violent in some places: In 1874, they tried to enter the Meenakshi Temple in Madurai, and one of the Nadars, Mukkanadan, was beaten by the temple servants\textsuperscript{235}. A case was

\textsuperscript{232} Rashtra Bandhu, Mangalore, 16th March, 1936.

\textsuperscript{233} Joti., Chideamberam, 25th March, 1936.

\textsuperscript{234} Aspects of Indian History and Culture., Op.cit., P.254.

\textsuperscript{235} Vikata Dutan., 7th April, 1875.
filed by the temple authorities, but the accused was acquitted by Judge. In 1879 the Nadars of Tiruthangal village in Srivilliputhur taluk entered the Shiva temple and the District Magistrate prohibited them from entering the temple. The Nadars made another attempt in 1897 to enter the temple, this time the Meenakshi Sundareswara temple in Kamudi village in Ramanad district. Again they were acquitted by the Sub-Magistrate of Muthukulattur.

The temple entry agitation gathered momentum under the leadership of the Indian National Congress and the Self-Respect Movement and became a mass movement. The fortnightly reports of the Madras Government to the Imperial Government at Delhi in the 1930's show the gravity of the situation arising from agitation for temple entry. It was reported in 1932 that the Gurvayur temple had caused some excitement and there was fear of a breach of the peace. A similar fast had been carried on at the Madras temple, which attracted little attention. The Madras city had been the scene of several meetings on the subject of untouchability under the auspices of C.Rajagopalachari and others including Babu Rajendra Prasad of Patna, but inspite of Congress efforts, public

236. Vettikkodiyon., 16th November, 1880.
237. Swadesamitran, 19th May, 1898.
238. Fort nightly Report from the Chief Secretary to Govt of Madras to the Central Govt., Delhi, 1932, PP.1-19.
opinion was not in favour of temple entry. 239 At a meeting of the Harijan Seva Sangh in Madras city, the Adi-Dravidas complained that the Congress leaders who had promised them support had done nothing to help them. In the Ramanad district there were meetings for and against temple entry 240. There were some disturbances in the Trichinopoly district, when Adi-Dravidas attempted to enter Hindu temples. These were settled amicably 241. Subbarayan's Bill for Temple entry introduced in the Madras Council was rejected by the Government of India. Upon this event Muthulakshmi Reddy wrote that it was a disappointment to many in South India and that it was a matter of keen regret that the enlightened Government in its anxiety to please the conservative section of the Hindus, was forgetting its own responsibility to the poor, supressed and the depressed millions of India 242.

The Madras Hindu Temple Entry Act of 1937 extended to the whole of the Madras Presidency. In the objects and Reasons of the Act, it was stated that the "Adi-Dravidas", "Adi-Andhras", "Thiyyas", "Ezhuvas" and other classes

239. Govt order of Public (gt) Dept, Madras 4th Oober, 1932, P.139.
240. Ibid., No. P.4-20.Pub(gl), Madras, 20th October 1932, P.141.
241. Ibid., No.P.4-20, Pub(gl), Madras, 3rd April 1933.
242. Ibid., No.P.4-8, Pub(gl), Madras, 19th April 1933.
falling under the description of depressed classes and scheduled castes, all professing the Hindu religion, are at present denied the right of entry to Hindu Public temples. This had caused deep dis-satisfaction in those communities and has a marked tendency to disrupt hindu society. There was a growing feeling among caste Hindus that it was no longer just for the prudent to withhold the said right from the member of the depressed class(...) It was just and proper that the disability aforesaid should be removed without delay and the right of access to and worship in Hindu public temples granted to members of the social communities. Other Act, the Madras Temple entry Authorisation and Indemmity Act, 1939 was passed and was approved by the governor on 14th September, 1939. The Madras Temple Entry Act of 1947 conferred the right on the excluded classes "to enter any Hindu temple and offer worship there in the same manner and to the same extent as Hindus in general."

Although the object behind the Madras Temple Entry Act of 1947 was to entitle every Hindu the worship in any temple, it was held by some of the courts that, as the Act

244. G.O.155, Legal Department, dated 7-9-1939, P.4.
stood, the excluded classes such as the Harijans did not have the right to enter and offer worship in the Hindu temples. In order to remove that lacuna, K. Madhava Mennon, Minister for law, introduced the Madras temple Entry Authorisation Bill of 1949 in the Madras Legislative Assembly and it was passed into Act without any amendment.

Towards Progress:

Mahatma Gandhi made the programme of uplifting the Harijans an integral part of the national movement and started the paper Harijan to that effect. He considered untouchability as the greatest blot on Hinduism, and declared that "if untouchability lives, Hinduism dies".  

The Christian missionaries took up the cause of untouchables and elevated their status by accepting them to Christianity. Fearing that the Hindus would be converted to Christianity, reformers in Tamil Nadu, influenced by the social ideals of Brahma samaj, Arya Samaj and Ramakrishna Mission, worked for the elimination of caste difference and untouchability. Service to Harijans was made a cardinal principle of Congress ideology by Mahatma Gandhi. "Social reform became part of the programme for national development". Under Mahatma Gandhi. Though caste prejudices and


untouchability are lurking even to day in modern Hindu Society, the constitution has been the bulwark to protect the scheduled classes and scheduled tribes and integrate them with the modern democratic casteless society.

WIDOW HOOD

Widow Hood:

The time old custom of keeping widows without the social liberty to re-marry is another evil forced upon women. Child marriages resulted in the increase in the number of child widows due to high mortality of children, both male and female, due to diseases and loss of health. Among the higher classes, widow re-marriage has been looked upon with disfavour. It had been the opinion of the orthodox that "The doctrine of widow-hood, being a result of sins in past life, brings no solace to the child-widow, and the calamity had rather be avoided by deffering marriage than be mitigated by a fresh marriage". While discussing the Hindu code Bill in the Constitution Assembly of India on 4th April 1949, Pandit Thakur Das Bhargava pointed out that the evils of child marriage could not be underestimated, as there were 396000 widows below the age of 15 in the country in 1929 and

in the "census of 1941 these figures are not given otherwise". The plight of the widow in the first half of the present century was very miserable, though her position is different now. She was forbidden by custom to wear flowers, the red mark of wife-hood on her forehead. To make her unattractive her head was shaven; she had to wear red or white saree. In order to curb her sensual desires, she had to eat a frugal meal once only per day. Her presence was inauspicious; as such, she could not participate in religious and marriage functions. To meet a widow on going out of the house was considered a bad omen. Instances were not uncommon, when sex-starved young widows committed suicide having become victims of lustful men. While discussing over the Age of consent Bill in the Imperial Legislative Assembly in 1927, Kumar Garganand Sinha stated: "I shall not take the time of the House by narrating what Hindu widowhood means. There is no Hindu who does not know it from practical experience in his own house hold. It is a life of agony, pains and suffering and austerity. It is a life which has been inflicted not so much by providence, not so much by shastras, as by social custom." Muthulakshmi Reddy, a social reformer and member of the Madras Legislative council, had stated that "the saddest
consequence of all is the presence of a large number of child-widows in our midst whose lot and too painfully conscious that the child-widows, for no fault of their own, are subjected to such indignities and ill-treatment in a Hindu household that their life is rendered very miserable indeed". It was stated that there were 300,000 Hindu widows under the age of 15 years in 1923.

The history of agitation for the abolition of widowhood and for the remarriage of widows goes back to the early decades of the 19th century, the scene of the agitation being Bengal. Through the efforts of Keshav Chandra Sen, the Native Marriage Act of 1872 was passed, which abolished early marriage, made polygamy penal, sanctioned widow remarriage and intercaste marriage for those who chose to come under the Act. Pandit Ishwar Chandra Vidyasagar, the great Sanskrit scholar, was responsible for carrying on a vigorous agitation for the remarriage of widows. He quoted from the Shastras, verses to prove that widow remarriage was not banned by the Hindu shastras. When the Hindu widow's Remarriage Bill was introduced in the Central Legislative Council in 1856, there were petitions to the viceroy for and against the bill. Those who objected to

252. Ibid., PP. 129 - 130.

the bill stated that the legislative measure "would interfere with the Hindu religion"; that "this measure, though in outward appearance merely a permissive law, was in point of fact a coercive law". Those who favoured legislation for widow's re-marriage stated that it was their conviction that "the rules which prohibited the marriage of Hindu widows was not in consonance with the true interpretation of their religious books and the restriction against the remarriage of widows was absurd, unjust, cruel and, in its consequence, immoral.

The Hindu widow's Remarriage Act was passed in 1856 by which the marriage of widows was legalised, the only restriction being that, if the widow was a minor, her guardian's consent was necessary for the marriage. If the marriage did not take place with his consent, his right to avoid the marriage could be exercised only before consummation, and in the absence of such avoidance, the marriage will continue to be valid. After this Act came into force, a large number of widows were re-married. The Arya Samaj and Brahma Samaj advocated the remarriage of widows.

255. Ibid., 435.
A Hindu widow, even apart from custom, could contract now a legal marriage under the Hindu widow's Remarriage Act of 1856, and the person she marries might even be a person of her father's Gotra, because by her first marriage, her father's Gotra had ceased to be her\(^{257}\), but she forfeits on such marriage any right or interest which she had in her former husband's property\(^{258}\). But the remarriage did not disable her from inheriting the property of her daughter\(^{259}\), of her son\(^{260}\). The forfeiture under this Act could result only when there was a valid remarriage of the widow. But if the remarriage was not valid as per section 14(1) of Madras Act VI of 1949, the forfeiture of her rights in her first husband's property was not incurred\(^{261}\).

Social reformers in the Madras presidency were active about the emancipation of women and advocated remarriage of widows. They supported social legislation and welcomed the widow's Remarriage Act of 1856\(^{262}\). But the orthodox people could not accept this and excommunicated the families

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258. Section 2 of the Hindu widows Remarriage Act, 1856.
261. Ibid.,
marrying widowed daughters. Notwithstanding the anti social preassures, Sesha Iyengar, a Srivaishnava Brahmin of Nagarcoil, Travancore, married off his widowed daughter in 1873 according to Hindu rites. After the marriage, his family was "out-casted, denied the services of priests, barbers and washerman, barred from entering temples, and prevented from drawing water from well". Sesha Iyengar with stood social ostracism and forming Widow Remarriage Society, gave financial help and advice to those arranging widow remarriages. In Madras, social reformers met in April 1874 and inaugurated the Madras Hindu Widow Marriage Association. The active sponsors of the association were Rama Iyengar, Muthuswamy Iyer, and P. Chental. But the association did not last long. K. Veeresalingam Pantalu of Rajahmundry was a staunch reformer who advocated widow remarriage. In December 1881 two widow remarriages were performed in Rajahmundry according to Hindu rites, and subsequently several such marriages took place. Another social reformer of Madras Presidency was R. Raghunatha Rao, who was Deputy Collector in Madras. He organised the Hindu women's Remarriage Association in 1882. He advocated that the remarriage of virgin widows was not against the shastras.

263. Letter of Sesha Iyengar to the Editor, Athenaeum an Daily News, 19th May 1873.

264. Gurunadan. J., Veeresalingam, the Founder of Telugu Public Life, (Rajahmundry, 1911), PP. 24-42.
His association encouraged and paid the expenses "for the marriage of girls who are or who may be widowed before the consummation of marriage with their husbands, and to receive them, their supporters and sympathisers into society". During this period, the Hindu widow's Remarriage Bill (Act 1956) was being discussed at the centre. Raghunatha Rao submitted to the India government that the forfeiture of inheritance right on widows who remarried might be dropped from the Bill, for it would encourage parents to keep their widowed daughters in a state of enforced widowhood. The Association started by Raghunatha Rao continued to fulfil its limited role of promoting widow remarriage.

Regarding the inheritance right of remarried widow, the Patna High Court held that under the Hindu widow's Remarriage Act 1956 (Act 15 of 1856), a widow dies a civil death so far as her rights and interest in the family of the previous husband. But when a widow had inherited the property and remarries thereafter, there was no divesting on that account.

266. Ibid., 6th July, 1883.
In spite of the extension of the widow's Remarriage Act of 1856 to all the British provinces including Madras, the situation did not improve in Madras Province, as in other parts of the country. It was the belief of a certain widow who had dedicated her life to the noble cause of educating widows and make them useful to society that "Marriage is not a necessity and we must train up women for social service". But, it was Darisa Chenchiah's experience that most of the girls and women he rescued from brothels, who had been widows, desired to get married. He found out that it was not the desire of many widows to get the pleasures of married life, but to bring forth a child and bring her up, educate her and see that her child, when grown up, became a doctor or served in other useful ways. This was possible only by remarriage.

In the changing society women are getting their rightful share. The constitution has given social liberty to women and their position is equal to that of men in all walks of life. Women, like men, have the right to divorce; similarly on the demise of the husband, the widow has the right to remarry. The term 'widow' may symbolise loss of husband but it would never be an obstacle for a Hindu woman and deny her right to remarry.

270. Ibid., P. 135.
Kanya-Sulkam (Bride Price)

Kanya-sulkam (Bride price) and vara-sulkam of vara-dakshina (Dowry / Bridegroom Price) were prevalent in Tamil Nadu and other regions which formed the Madras presidency under the British rule. These two evils connected with marriage were responsible for the failure of marriages and economic crisis of the parents 271.

In this type of transfer of material wealth accompanying marriage, the wealth moved from the bride grooms party to the parents of the girl, while in the dowry or varadakshina system the wealth moved along with the bride to the bridegroom's household 272. Bride price was customarily prevalent among patrilineal tribes and the middle and lower castes of the non-tribal population. Theoretically this payment in cash and kind was made to the bride's father in exchange for the authority over the girl, who went as the bride. In communities which followed the marriage custom to which the Bride-price was attached, a daughter was not regarded as a burden and the parents did not dread the thought of her marriage 273.


There was nothing so mean as selling a daughter under the garb of marriage. "According to the Dharma Sastras, there was no difference between one who sells girls and one who sold mutton of Cows". Old men in search of brides, and bachelors in an advanced age in search of a wife offered money to parents to purchase girls. Some parents earned money by selling their daughters. In the process, the girls lived with their husbands as slaves without the bliss of married life. Social reformers in Madras like Veeresalingam, Gurazade Appa Rao, Raghnatha Rao and others stood against the custom of Kanya-sulkam. The editor of Ravi appealed to the government for the abolition of the nefarious practice of giving girls in marriage in return for money and wanted the offenders to be punished. In 1888 it was reported by Budhavidheyini that the custom of selling girls for marriage purposed was prevailing to a great extent in Tamil Nadu, especially among the Brahmins; and the paper appealed to Government to stop the evil custom by legislation. Another paper Sasilekha wr in 1894 that the "abominable practice of selling girls and of buying husbands for them with large sums of money was prevalent in the Tanjore


prevalent in the Tanjore district, and that even the educated men were encouraging this evil custom. The paper further went to say that the custom would remain, if the government did not interfere and legislate to the effect that people selling their girls by receiving kanya sulkam or selling boys by receiving varadakshina (dowary) were liable to be punished.  

**Varadakshina (Dowry):**

Dowry is what is given to the son-in-law or to his parents on demand either in cash or in kind. According to the Hindu Shastras, the meritorious act of dana or ritual presentation remains incomplete till the receiver is given a dakshina. So, when a bride is given over to the bridegroom, he has to be given something in cash or kind. Varadakshina has assumed enormous proportions and has become the greatest social evil in modern society even after passing of the Dowry Prohibition Act of 1961 (Act 28 of 1961), after India's Independence.

Dowry has produced far greater hardship among the poor people that among the rich. Protest and resentment against this system is stronger and more Universal among the poorer sections of Society. The first attempt to put down dowry  

system appears to have been made by Bihar, for Sukhlal Singh (Congress) introduced in the Bihar Assembly an Anti-dowry Bill in 1938. The Hindu, Madras published in its columns the objects and reasons of the bill. Subbarayan brought this fact to the notice C. Rajagopalachariar, the Prime Minister of the Government of Madras on 24th April 1939 urging state legislation against Dowry system, stating that in "South India, particularly, the Brahmin community, is perhaps the most aggrieved by the exacting dowry system. To what appalling extent moderate families are driven to dire poverty and poor families silently suffer untold hardships not infrequently, are matters that need not be expatiated upon". Upon this letter the Home Minister (Public Administration) Madras submitted his remarks: "Many Communities belonging to all regions are cursed with the dowry custom in this province. I think government may introduce a bill to abolish it".

There are regional variations in the people's concept of dowry: (A) It is a gift given to the bride and is often settled before hand and it is not regarded as her property.

280. Letter dated 232-4-1938, Pondicherry, from S.Subbarayan to C.Rajagopalchariar, Prime Minister of Madras.
(B) It is gift to the bridegroom before and at the time of marriage. (C) It is a present to the in-laws of the girl. (D) Some consider it as the bride's inheritance for the bride against any economic crises; some people think that the dowry is meant to set up a new home. However, in reality, "dowry has come to be regarded as essential to obtain a suitable match for a girl with a view to ensuring a high or a higher standard of life for her". Yet, families of moderate means are exposed to indebtedness owing to the high interest rates at which money has to be borrowed to pay the dowry and bear marriage expenses, while the groom's family demands dowry as compensation for expenditure on his education. If the girl has received higher education the rate of dowry is higher, for the boy who has obtained a higher academic degree than her demands a larger dowry.

In Tamil Nadu, during the colonial government, the menace of dowry was severe. In 1914, *Krishna Patrika* published a cartoon mentioning the dowry rates for different categories of bridegrooms. It cited the following rates of dowry: For M.A. Rs.8000; Zamindar 10000; Pleader Rs. 6000, and for a doctor Rs.10,000 .Thus the "Dowry Devil" was destroying many families. It was reported by another

paper that a girl committed suicide unable to see the
distress of her parents, who were not able to give dowry for
her marriage. Even in the Post-Independence society
dahej or dowry deaths have become common, as the brides are
teased by their in-laws to bring from her natal house more
money in form of dowry.

**Mohameddan Marriage Custom**

In Mahammadan law, Dower is called "Mahr" which means
a sum of money or other forms of property which a wife is
entitled to receive from the husband in consideration of
marriage. " Dower is an essential incident under the
Mohammadan Law to the status of marriage according to the
Judicial Committee". Karch-i-Pandan is the expenses
relating to the betal leaves box and is in the nature of a
personal allowance to the wife, customary among the Muslim
families of high rank.

The custom of dowry, which prevailed among the
Brahmins and other well-to-do classes has now spread among
all the Hindu castes, and the dahej (dowry) deaths is
defined as follows: where the death of a woman is caused by
burns or bodily injury or her death occurs otherwise than


285. Hamira Bibi Vs Zubaida Bibi. All India Reporter 1916
PC 46.
under normal circumstances within seven years of her 1marriage, and it is shown that soon before her death she was subject to cruelty and harrassment by her husband or any relative of her husband for the sake of dowry or in connection with dowry or demand for dowry, such husband or relative shall be deemed to have caused her death.286. Whoever commits dowry death is liable to be punished with imprisonment for a term not less than seven years but which may extend to imprisonment for life287.

**PURDAH**

Purdah

During the vedic period (C.400-1000 B.C) women enjoyed freedom in society and participated in social and religious ceremonies. There was no purdah custom as such, restricting women's activity to the domestic sphere alone. Kautilya (C.300 B.C. to A.D. 1000) in his Arthashastra mentions how a king's Antahpura, the inner apartment of the Palace, should be built.288 In the palaces of the Muslim rulers this inner apartment for ladies is termed 'harem'. Kautilya also gives directions as to how to guard the Ananthapura. During Asoka's time the palace had 'Avarodhana'

286. I.P.C. 1860, Section 304-B(1), Dowry Death
287. Ibid., Section 304-B(2).
which means the inner closed apartments for ladies. The Antahpura and the harem contained the King's wives who were many in number. The movements of the ladies were restricted; they lived in Purdah or behind curtains hidden from the eyes of out-siders. The custom of purdah observed during ancient times continued to be followed by royal families even during the nineteenth century and the earlier part of the twentieth century, probably "on account of a notion of prestige that the royal ladies should not come within the gaze of vulgar eyes". 289

The general adoption of the Purdah system by the aristocratic families and other classes among the Hindus, appear to be subsequent to the advent of the Muslim rule. The in-roads of the Muslim army, and the abduction of women by the Muslims appear to have brought the purdah system in the northern parts of India such as Rajasthan, Gujarat and other places. The purdah was so strictly observed in Rajasthan that Rana Ratan Singh of Mewar could only allow his queen Padmini's reflection to be seen from a mirror by the conquering All-U-din Khilji. The custom of keeping women under purdah which followed during the medieval atmosphere has persisted and can be seen in several parts of India. In Southern India the purdah system had no influence except

in the Muslim community, where it is called the 'Gosha' System. In Northern India Where the purdah system was strictly followed "the father-in-law or the elder brother-in-law could not see the face of a daughter-in-law or a younger Sister-in-law". 290.

In Northern India and other places in South India, where purdah system is observed among Hindus, the women cover their faces with the upper part of their sarees. They are to observe certain amount of reserve in the presence of strangers. They could speak with merchants and doctors and transact the necessary business, but they are to be circumspect while dealing with unknown persons. In the case of muslims, the male announces his presence before entering the house by uttering 'gosha' where upon the females of the household withdraw to their respective places.

Lack of education, as well as purdah regulations in the north and seclusion in the south preventing contact of women even with their male relatives served to stunt the outlook of women and it required tremendous efforts to open their eyes to realities. 291 However, during the freedom

290. Ibid., P. 204.
struggle under the leadership of Mahatma Gandhi, women came out of their seclusion and even faced violence and imprisonment. In Travancore, the neighbouring state of Tamil Nadu, the Nambudri ladies belonging to aristocratic families created a sensation by casting off their Purdah. They adopted modern modes of dress and visited public places and attended theatres.  

Lady Abdul Qadir, in her welcome speech at the All India Women's Conference, Lucknow in 1931, pointed out that purdah custom hampers the spread of education and is detrimental to the health of women. Muslim women in Tamil Nadu slowly realised that lack of fresh air and sunlight, from which secluded women suffer, are directly responsible for such diseases as phthisis, gross pelvic deformity and tuberculoses. Till the end of the 19th Century the institution of purdah was scarcely shaken. Improvement in the status of women through education and western ideas, and contact with Christianity have helped in removing purdah system among the Hindus and a section of Muslims in modern times. Regarding Purdah no legislation was passed during the British rule in Tamil Nadu.

SLAVERY

Slavery:

Another social evil existing in Tamil Nadu, when the British began to rule from Fort St. George, Madras, the headquarters of the Madras Presidency, was slavery. The Governor of Madras, "recognised the right of the Master to secure possession of the slave who had fled from him", for it was held by custom that the slave belonged to the master and that the slave was "a part of his goods". Slaves were registered and licensed at the choultry at Madras. Exportation of slaves from Tamil Nadu had been prohibited in 1862. But, in 1687, slave trade was sanctioned under regulations, which fixed a duty of one pagoda on each slave sent from Madras by sea to Burma and other places. The East India Company also purchased slaves for work as boatsmen and on the fortification. "It was not until 1790 that traffic in slaves in the territories of Fort St. George was prohibited".

Slavery was condemned because it was injurious to the rights of humanity, but also because it was detrimental to the country. The British government pursued an energetic policy to put down slave trade in the 18th century.

297. Ibid.,
Kidnapping of persons with a view to selling them as slaves was punished with whipping and transportation to the Andamans. But still, the practice continued unabated in the beginning of the 19th century.\textsuperscript{298} The Madras Government thought of bringing legislation on the lines of Bengal Regulation X of 1811 against Slavery. But it was feared that the people might look upon any special legislation as an infringement of their established customs and religious usages. The only course left was to direct the Majistrates, in their capacity as Justice of the peace to arrest all persons engaged in slave trade and send them up to trial before Supreme Court of Judicature. Inspite of this action, it was reported by Cotton, the Magistrate of Tanjore, that the crime of Kidnapping children and transporting them by sea for selling them as slaves was continuing.\textsuperscript{299}

Side by side with the regular slave-trade there was the evil of domestic slavery in Tamil Nadu under the vicious cloak of customary sanction. The labour class had been in a state of bondage. They were considered as the personal slaves of the proprietors. "The Pariahs and Pallas were attached to the lands of the Vellalas and the Pallis to the lands of the Brahmins".\textsuperscript{300} They were the bonded slaves of

the lands lords and the Brahmins. In 1820 circular orders were issued to the Magistrates directing them to penalise all persons who might ill-treat their domestic slaves.\textsuperscript{301} The Government also ordered the magistrate of Tinnevelley to put a stop to the practice of Selling young slave girls for the purpose of prostitutions.\textsuperscript{302} "In Bombay and Madras, a master was rendered liable to capital punishment for the murder of his slave, and certain restrictions on slaves appearing as witnesses under the Mohammadan Law were also removed".\textsuperscript{303} Slavery was abolished by the India Act V of 1843. However forced-labour continued by the British officials for the repairs of roads and for other works requiring manual work. In 1846 was passed an Act "for removing the distinction between the master and the slave".\textsuperscript{304}

Slave trade appears to have continued till the end of the 19th Century: In an article entitled "The Madras slave Trade", \textit{Andhra Prakasika}, a daily in the Madras Presidency, wrote that some brokers in Madras, Nagapatam and other

\textsuperscript{301} Circul Orders of the court of Faujdari Adalat, order dated 27th November 1820, PP.33-34.
\textsuperscript{303} O'Malley, L.S.S. (ED)., \textit{Modern India and the West}, (London, 1941), PP.71-73.
Slave trade appears to have continued till the end of the 19th Century: In an article entitled "The Madras slave Trade", Andhra Prakasika, a daily in the Madras Presidency, wrote that some brokers in Madras, Nagapatam and other coastal districts were alluring young girls and sending them against their will to Rangoon and sold them there, and suggested that emigration officers should be appointed at Rangoon to prevent slave trade thriving on the coast of Madras Presidency. As there was great demand for labour in Burma, emigration agents went about in Tanjore, Coimbatore and Mysore state and lured ignorant villagers to accompany them to Burma, which they assured was only a day's voyage from Nagapatam. They described Burma as a rich country where rubies can be picked up everywhere, and gold and silver were abundant. Anyone who went there would return very rich in a short time. The agents who sold the labourers in Burma used to get a commission of Rs.10-15 per male, and Rs.15-20 per female coolie. This was the state of affairs in 1890. The females were sold to the highest bidder. The buyers used them for the meanest Purposes, while the males worked without wages. The Editor of Vrittanta Chintamani wrote in 1897 that Indian women were taken from Nagapatam.

305. Andhra Patrika., 10th May, 1890.
harbour to foreign countries to be sold for immoral purposes, and this sort of slave trade should stop immediately.\textsuperscript{307} In 1933, Muthulakshmi Reddy in Stri-dharma, Madras gave the fact that there were about 5,00,000 slaves in the world and among them 2,00,000 were to be found in the British territory.\textsuperscript{308}

Bonded labour was abolished after India became free. But the evil of slavery has taken a different form in the 20th Century. Transportation of labourers by agents to foreign lands for forced labour is continued. Women were sent to the near East to work as domestic servants or for being used for immoral traffic, under pretext of being married to rich men.

**PROHIBITION OF ALCOHOLIC DRINKS**

Prohibition of Alcoholic Drinks: British Policy:

India had carefully nursed a long standing tradition of complete abstention from drink which is still respected by the majority of people. This tradition grew out of the hoary past, from Vedic injunctions and shastric adjurations and from Vehement condemnation of law givers like Manu, Sukracharya and others whose words were revered and obeyed

\textsuperscript{307} Vrittanta Chintamani., 27th January, 1897.

\textsuperscript{308} Muthulakshmi Reddy.(Ed)., Stri Dharma, Vol. XVI, No.11 & 12, Sept-October, Madras, 1933, P.526.
by all. The Mauriyan rules had efficiently controlled the consumption of drinks and had set up an efficient excise administration. In the 4th century A.D., Fahien, the Chinese traveller, found that the Vice of drink had been done away with. In the 10th century, Al-Beruni, who visited India with mahmud Gazni and his horde, described the 'Sobriety' of India; The society at the time of his visit, was found free from the drink-habit. During the Mughal period the situation was different: Bernier (1666 A.D), Tavernier (1676), Terry, Sir Thamos Munro and others have recorded that the use of liquor was confined to a minor section of the people. By the middle of the 19th Century, due to the influence of the English, there was a large scale consumption of alcoholic drinks. "There grew a definite deterioration in the social and moral life of the people and a large number took to liquor".

The Madras Government passed the liquor Act in 1864, levying the duty on the out turn of spirits at the time when it left the distillery. From the very beginning the British government foisted a policy of administration designed to

309. Kautilya's Arthasastra., Translated by Shamasastri PP.143-147.
310. Travels of Fahien., translated by Beal, P.55.
311. Al-Beruni's India., Edited by P.C. sacha, P.151
exact as much as possible from the liquor trade. There was increase in the number of shops—both country and foreign liquor shops, and drunkenness spread on an unprecedented scale. People were enslaved to the liquor habit. The British government attributed the cause of the increase of consumption of liquor "to the diminished price of liquor brought about by cheapness of materials used and the improved condition of people, which enables them to spend more on drinks". 313

The British Policy of excise administration was solely responsible for the unprecedented rise in the number of alcoholic addicts province during the 19th century. The intensity of the drink evil was undoubtedly the result of the altered way of life of the people. Once the "habit of drink was too deep-rooted to be eradicated, the government felt it difficult, rather beyond their power, to follow a line of prohibition or undue restriction on the fear that such measures would breed illegal activities. Under this assumption, the government had no alternative but to guarantee a regular supply of liquor". 314

313. Letter No.166, dated 25-6-1887 from the government of India to the Secretary of state for India, London.
By the early two decades of the 20th century, sale of intoxicating drinks had become the most lucrative revenue getting item for the Madras Government. The Non-Cooperation movement (1922) led by Mahatma Gandhi included also a crusade against the liquor shops. The picketing of licensed shops resulted in disturbances. With the imprisonment of Gandhiji in 1922, the liquor consumption began to advance once again. The British Police regarding excise collection has seen maximum revenue from minimum consumption.

During the Salt-Satyagraha Movement (1930), there was also the programme to picket foreign cloth shops and toddy and liquor shops, inspite of Police repression. In Coimbatore and Madurai districts picketing of toddy and liquor shops was kept up successfully for several months. Toddy sales went down considerably while toddy tapping from palm trees was prevented in all villages.


316. Rushbrook Williams., India in 1924-25, [Calcutta 1925], P.268.

In 1923 the chief Secretary to Madras reported to the centre "there has been the revival of the old forms of agitation which were associated with the non-cooperation movement in 1921 and 1922. The picketing of liquor shops has been started again in Madurai and its seems possible that this form of activity may reappear in other places, no doubt with the object of provoking the authorities to repressive action". In Madura there had been a great show of insistence on the peaceful nature of the persuasion used, but one toddy shop was partially burnt and some arrests were necessary to prevent obstruction to the public in the streets.

Several administrative Reports of the Madras Presidency show that Abkari department was fetching good revenue for the government. During the year 1885-86 the revenue from Abkari was Rs. 80,66,344 the increase being 14.13 per cent compared to the previous year. During 1887-88 the income was Rs.91,45,321. In 1888-89 the Abkari revenue was Rs. 98,66,327, while in 1889-90 it was Rs. 108,77,570. The increased revenue in 1889-90 was due

318. Fortnightly Report, Public Department from the Chief Secretary to Govt of Madras to Secretary to govt of India, Home Department,,Delhi, No. 5781-1, Dated 16-7, 1923.


320. Ibid., for the year 1887-88, P.144.
to (1) the greater quantity of country spirits issued from distilleries inspite of the enhancement of duty, (2) the higher rentals obtained for toddy, (3) larger collection under the palm-tree tax system, and (4) the increase of income from foreign liquors. 321

Agitation Against use of Liquor:

There had been nearly a century long agitation against the Abkari Policy of the British government in Tamil Nadu. Eversince the latter part of 19th Century, till the Formation of Congress Ministry in Madras, the press has fought against the evil resulting from the use of liquor.

In 1884, Vivekavardhini wrote that the English Government should pars legislation against consumption of alcoholic liquor on the lines of Swedish Government's laws. 322 As there was sale of liquor clandestinely to soldiers and sailors in Madras, and as these soldiers and sailors were causing disturbance in streets in a state of intoxication, it was suggested in 1885 that the government should bring legislation prohibiting sale of liquor to European soldiers and sailors. 323 In 1889, the department of Abkari having set up a toddy shop besides a choultry on the

321. ibid., for the year 1889-90, P.152.
322. Vivekavardhini., 21st September, 1885.
323. Vettikodiyon., Madras, 8th August, 1885.
Tiruppur-Avanasi Road, drunkards had become a nuisance to travellers halting in the choultry.  

The British Government had proposed to sell spirits on streets like other commodities and had invited in this respect the opinion of the Abkari Commission in Madras.

Inspite of protests from the public, Madras Government were setting up arrack shops and encouraging drinking habit. Due to import of liquor from Europe, there was large afflux of money from India. In Kaveripakam town the number of toddy and arrack shops had increased in 1890. Before the English come to India, toddy was the sole intoxicating liquor in South India and it was drunk by a microscopic minority. Even the Conveyance of toddy pots through public streets was prohibited. But, by 1890 the evil effects of growing intemperance were moral degeneracy, poverty, disease and Premature deaths.

Inspite of the British Parliaments' direction that the Abkari department be abolished, government of India had

324. Swadesamitran., Madras, 5th October, 1889.
325. Vijayadevaja., 8th July, 1889.
326. Swadesamitran., 7th April, 1888.
327. Ibid., 21st April, 1888.
328. Vikata Dutan., 20th November, 1890.
insisted on continuing it, since its abolition would necessitate imposition of fresh taxes. The Madras Government had done away with rewarding Abkari officers for the detection and launching of cases according to the Abkari Act. *Kerala patrika* wrote in regarded to stoppage of this reward: "As it is customary with the magistrates to convict the accused in cases brought by the Abkeri officers, irrespective of the merit of the case, the magistrates were in the way of encouraging the Abkari officers to concoct cases against innocent person." As liquor was selling at a price equivalent to present 15 N.P., it was within the reach of poor people and was demoralising them. According to the editor of *Rajayogi* of Madras, the British Government had established liquor trade on an extensive scale "in a country where drinking was unheard of and was condemned by Shastras." A correspondent of *Swadesamitran*, in 1895, mentions the British method of sanctioning permits to manufacture toddy. The Abkari Act authorities a person to manufacture toddy from coconut, palmyra and date trees, if he paid the stamping duty for stamping numbers on the trees and produced a certificate from the village Karnam, endorsed

332. *Swadesamitran.*, 10th April, 1894.
by the salt inspector of the Abkari department, mentioning the number of the site occupied by the trees.334

In 1918 the evil of liquor drinking had spread extensively and many poor families were in utter poverty. Sharma's resolution placed before the Imperial legislative council requesting the British government to take steps to put an end to the drink evil was of no avail.335 The editor of Mukhbir - i - Dakhan referring to the universal movement started against drink in England, Russia and America wrote that the Government should support the non - co-operation movement of Gandhi and take steps to stop import of foreign liquor and sale of indigenous toddy.336 In the All India Anti-Drink conference held in Lahore in 1930 during the Congress week, C.Rajagopalachariar drew attention of the Congress leaders to the pretended intention of the British government to favour prohibition.337

In 1927, the Government of India appeared to have changed its policy in regard to intoxicating drinks. The India government was primarily concerned with the

334. Swadesamitran., 17th September, 1895.
335. Krishna Patrika., 20th April, 1918.
336. Mukhbir - i - Dakhan., 8th June, 1921.
337. Mathrubhumi., Calicut, 9th June, 1930.
prohibition of consumption of alcoholic liquors, except those imported from abroad, the duty on which formed a useful item in the central revenues. From time to time the subject of alcoholic drinks had come up for discussion in the Legislative Assembly or the Council of State, and on those occasions the government of India had made it abundantly clear that its policy in such areas was to promote temperance and moderation. At different times the Government of Bombay, Madras and the United provinces had accepted prohibition or abstinence, in general terms, as the goal of their policy. In 1927 the Madras Legislative council passed a resolution recommending that total prohibitions of alcoholic drinks in the Presidency within the next 20 years should be the declared object of Madras Government's policy.  

Congress Ministry in Madras and Prohibition:

The first step that the Congress Ministry of Madras took was the ban on liquor consumption. On Mahatma Gandhi's 69th birth day (2nd October 1937), the campaign in favour to total prohibition was launched by the Madras Government. Prime Minister of Madras C. Rajagopalachariar and Muniswami Pillai initiated prohibition in Salem district and a year later extended it to Cuddapah and Chittoor districts.  

Salem was known as a notorious district for drunkenness. In the three districts put together 2151 excise shops and 8638 toddy tappers lost their licenses. The Government carried propaganda to create Public opinion against drink habit, and took steps to find employment for those who were engaged in toddy tapping and sale of liquor. In the evenings the villagers were entertained with cultural programmes to divert their attention from the drink habit. Cottage industries were started which were profitable to the villagers. Officials in charge of prohibition were directed to submit periodical reports about the progress in their work.

With the passing of the Madras prohibition Act of 1937 by the Congress Ministry Leaded by Rajagopalachariar, the Madras Abkari Act of 1886 ceased to be in force. The Inspector General of Police in Madras gave directions to his subordinate police officers about the procedure to be adopted regarding prohibition. The Deputy Inspector General of Police, South Range, Salem gave instructions to the Police Officers to Co-operate in the Prohibition movement.


341 Circular No.167/1937 dated 16th October 1937, of the D.I.G., of Police, South Range, Madurai.
Prohibition in the Madras Presidency had been considered as a successful movement by several district collectors. Dixon, the collector of Salem noted that the most noticeable effect of prohibition on the people was that there were no street brawls and family squabbles. People spent on food instead on toddy. There was reduction in indebtedness. V.S.Hejmadi, Collector of Cuddapah stated that the vast majority of the people hailed prohibition as a boon and that the few addicts considered as a blessing, while women specially welcomed. 342

The immediate concern of the Congress Ministry in Madras after the introduction of prohibition was the employment of displaced workers in toddy and liquor business. The government directed the presidents of District Boards and officers of the Public Works Departments to employ toddy tappers as water supply and drainage workers and labourers. The tappers were also taught to prepare Jaggery from palmyra juice. Several co-operative societies were opened to help the toddy tappers. 343


In the statement of the Ruling Party (Congress), laid before the Madras Legislative Assembly regarding the prohibition scheme, it was stated that prohibition had been satisfactory in the districts in which it was introduced. Before the introduction of Madras Prohibition Act of 1937, about seven lakhs of people in Salem district were addicted to the habit of drinking. Under Section 36 of the Act the cooperation of officials of other departments, village officers, board school teachers were enlisted for the work. Under section 26 of the Act, non-official help by forming taluk prohibition Committees was obtained.\(^{344}\)

After Rajaji's government (1937-39) fell, Prohibition activities relaxed and illicit distillation and distribution of liquor was on the increase. In order to check this growing evil, Section 4 and 5 of the Madras Prohibition Act of 1937 had to be amended so as to raise the maximum penalty for illicit distillation and kindred offences to two years imprisonment or fine of Rs.5,000/- or both.\(^{345}\) Strict orders were issued to prosecute offenders.\(^{346}\)

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Prohibition of Drugs:

Drug, defined in medical terms as a chemical substance administered to a person or animal to prevent or cure disease, is also defined as a stupefying narcotic. Opium, Charas, Cocaine and heroin which is termed in American slang as the "White powder" are drugs which are generally used by drug addicts.

Long before the arrival of the British, the people of India had been habituated to the consumption of opium in small quantities. Todd, in his *Annals of Rajasthan* has mentioned that the Rajputs intoxicated themselves with opium when they went to war; that was during the middle Ages. The British, for nearly a century and a half, were trying to take control over the production, transit and sale of drugs throughout India. It was a source of income for the government. The largest buyers of Indian opium were the Chinese. United Province, Rajastan and Baroda were the areas where poppy largely grown, from the pods of which opium is manufactured.

The Press in the Madras Presidency was constantly bringing to the notice of government and the public the


evils of drug addiction: Shams-ul-Akbari wrote in 1891 that the public of Madras had prepared a memorandum to be submitted before the House of Commons in London, to stop the manufacture of opium in India, as it was causing great harm. The opium manufactured in India was much used in China and Burma and the Government of India was interested in profits by the sale of opium rather than the health of the people who were consuming the drug. The news was reported in Vrittanta Chintamani in 1892 that Sunder Bai Powar, a lady of Bombay was going to England to place before the British nation the evil results of manufacture of opium by British Government in India. The British were attempting to reduce the cultivation of poppy in India, as the opium prepared by poppy was an obstacle to the sale of English liquor Jaridah-i-Rozgar brought to the notice of the public that the suppression of opium trade by the British would result in the profit from liquor trade to Government. In 1893, the Editor of Vrittanta Patrika wrote that the British would recoup the loss of revenue from opium by imposing it on tobacco. In answer to the

349. Shamks-ul-Akbari, 16th February, 1891.
350. Vrittanta Chintamani., 9th March, 1892.
351. Sarvodaya. , 10th December, 1892.
352. Jaridah-i-Rozgar., 8th October, 1892.
353. Vrittanta Patrika., 14th December, 1893.
satisfaction expressed by the secretary of state for India (in London), that there was a fall in the opium trade in India, Karnataka Patrika started that the fall in India's opium trade was due to the fact that the Chinese were growing their own opium and buying less of the Indian drug.\textsuperscript{354} The existence of a large number of opium eater's dens in Madras city was due to police inaction and Swadesamitran requested the commissioner of police to take proper action in the matter.\textsuperscript{355}

In 1893, the Royal Commission on Opium recorded that in India the average consumption of opium per head, per annum, was 27 grains, while the figure for 1923-24 was 17.2 grains. The reduction was due to enhanced prices, restricted supply and export of large quantity of opium to other countries.\textsuperscript{356} Madras was a drug addicted area, but between 1910-11 and 1923-24 the consumption of opium had fallen from 1178 maunds to 878 maunds.\textsuperscript{357}

Government of India passed the Dangerous Drugs Act in 1931, which came into force on 1st February 1931. The Act

\textsuperscript{354} Karnataka Patrika., 30th August, 1897.
\textsuperscript{355} Swadesamitran., 15th May, 1896.
\textsuperscript{357} Rushbrook Williams. L.F., India in 1932-33., [Delhi, 1934], P.172.
regulates the production and manufacture of opium for export, internal consumption and distribution. The Act also provides for provincial Government's control over illicit transactions of dangerous drugs. During the congress Ministry in Madras (1937-1939) the offences under the Dangerous Drugs Act were negligible, and illicit consumption of opium was only on a small scale. 358

Persistence of Liquor and Drug Habits:

There are practical difficulties in the way of satisfactory enforcement of prohibition in India. Toddy shops are spread all over the country, mostly in rural areas. "In certain places, the presence of toddy palm ensures a natural supply of liquor" 359 and the attempt to abolish distillation would require a large and expensive preventive staff. The majority of the people who live by liquor trade were the toddy tappers. They had followed this business for generations and were generally poor. They were tempted to follow their hereditary occupation obviously in a clandestine manner, after the introduction of the prohibition Act. "Even the most stringent of restrictions can never eliminate drinking; they can only reduce it, as

as was the aim set before their country by British leaders during the first world war."\(^\text{360}\)

With the going out of the British from India, and the formation of Independent Government, a new policy was adopted towards prohibition of the consumption of liquor and drugs. "The constitution (Article 47) enjoins on the state to endeaevour to bring about prohibition of the consumption of intoxicating drinks and drugs".\(^\text{361}\) The Control Prohibition Committee, constituted to formulate the national Policy on prohibition, recommended in 1977 introduction of total prohibition in a phased manner in four years ending with March 1982. The Union Government also formulated guide lines for implementing the prohibition policy. In order to prevent drug addiction, "opium has been banned in India since a long time, except for medical purposes. Ganja (cannabis) in any form is totally banned".\(^\text{362}\) Inspite of these prohibitor measures, drink habit and consumption of drugs are spreading in India. Many including students and women are caught in the web of this dangerous evil.


\(^{361}\) *India, A Reference Manual 1979.*, Ministry of information and Broad casting, Government of India, [New Delhi, 1979], P.120

\(^{362}\) *Manorama year Book 1980.*, Kottayam (Kerala), 1980 P.672.