CHAPTER VIII

CONCLUSION

The last part of the 19th century was a crucial period in the history of Tamil Nadu. The society during this period was in a stage of transition. It witnessed the end of the age. It is during this period that Medievalism gradually vanished and the Modern Era was ushered in. The transition was very slow and it was very difficult to recognise the change.

The process of change became evident only from the advent of the West. The contact with the West enabled Tamil Nadu to bring about modernisation slowly in the administrative system as well as in social life. The traditional values of castes and customs underwent a gradual change with the spread of English, noticed especially among the higher caste whose members had the greatest share of higher education, who substituted the New values in place of the old ideas.

The period under study witnessed the British administration of sixty two years in Tamil Nadu. The British had brought with them their own laws for the settlement of disputes among themselves. The Hindus and Muslims in Presidency towns were to be governed by their own laws in respect of inheritance, succession and in other matters relating to caste. As the whole system of legislation
relating to Hindu and Muslim Communities had grown up along different schools of thought, and as their were also customs and usages varying from caste to caste, the Regulation of 1781 directed that the judges should act according to justice, equity and good. Conscience while disposing cases.

In the matter of legislation, Colonial rulers had to face new problems: A part from the lack of uniformity in law, certain important branches of law such as evidence, contract and limitation were in a rudimentary state. The inheritance rights of converts to Christianity and the position of the aliens and the new class of Anglo-Indians which had sprung from marriages between Native women and Europeans were to be provided through legislation.

A Law Commission was appointed in 1833 to prepare General Codes and make appropriate laws to meet the requirement of society. A second Law Commission was appointed in 1853 to consider and report about the application of the Civil Procedure Code and the Criminal Procedure. Through the efforts of Macaulay was prepared the Indian Penal Code which came into force in 1861. Thus, for the first time, as against the Dharmasastra, legislation to suit the needs of society was introduced through the initiative of the British rulers. The rule of law introduced by legislation did away with the distinction made between the upper and the lower castes in dispensing justice which prevailed since ancient times.
While framing laws for the Indian people, the Colonial rulers made use of the indigenous law at their own instance. The power to find, declare and apply law became a monopoly of government in the development of modern Indian legal system. Attempts were made to rewrite the whole body of Hindu law which included also the laws of Manu and Yagnawalkya, two of the most prominent codifiers of Ancient India.

There was a popular feeling among the Hindus that any attempt to legislate on Hindu law (Dharmasastra) might be discouraged since fresh legislation affects Hindu religion. There was the belief that religion was in extricably mixed with civil law. The British were disinclined to enter upon legislation which would affect the personal law of the Hindus. The British legislation established the great principle of equality of all before law. In the eye of the British law, the zamindar and the ryot, the Brahmin and the Pariah (the untouchables), the prince and the peasant were equal. British law paid no regard to distinction of caste or rank or wealth among the people.

An important development that facilitated the task of social reforms in the state of the non-Brahmin Movement which dominated South India and particularly Tamil Nadu in the early decades of the present century. The non-Brahmin classes which came to the fore-front during this period were
less orthodox and demanded many for reaching social changes. Under the influence of this movement the Madras presidency brought about a number of social legislations for the uplifitment of the Backward classes and the downtrodden. The Depressed classes received the attention of the reformers and were benefited to a great extent.

The achievement of Tamil Nadu in the field of education was also not dismal. The Christian Missionaries had created a very good atmosphere for the spread of education and the government continued on these lines. It not only established a large number of schools but made education free and compulsory. The most significant achievement of the presidency was in the field of uplifitment of the Depressed classes through education. The British rulers not only provided free education to these unfortunate people but also provided free hostel including boarding, books and many other facilities. Similarly the work of the government in the field of education of the handicapped was also laudable. Spread of education further speeded up the process of modernisation. It was the educated middle classes which took a leading role in the social reform movement in Tamil Nadu.

Improvement in the field of public Health and Sanitation is generally considered as a conspicuous feature of modernisation. Side by side with the educational facilities many legislations were introduced in the field of
public health and sanitation. For the first time concerted efforts were made to control, if not eradicate completely, some of the great epidemics like plague, Cholera which frequently appeared and took a great toll. The policy of compulsory vaccination which was enforced in the teeth of strong opposition turned out to be a great boon to the people of Tamil Nadu. It is significant to note that the medical facilities provided to the people of the Madras Presidency were for superior to those that were available in many other Indian states. The Per capita expenditure on public health and sanitation in Tamil Nadu was almost double that of the per capita expenditure in the neighbouring Province of Bombay which the British considered as a show piece of efficient administration. A notable feature of this aspect is the determined effort of Tamil Nadu to extend medical benefits to the rural areas in Tamil Nadu.

Under the influence of Western ideas the government was able to take up significant legislations to eradicate many social evils. The abolition of Devadasi system, the Prohibition of Beggary Act and the rehabilitation of the beggars and legislation banning untouchability were some of the noble reforms during this period. It is true that all these legislations did not yield the desired results but the intention of the reforms were certainly very noble and laudable. It should also be remembered that the government was struggling against formidable opposition of the Orthodox section of Society while bringing in these legislations.
Another field where the Madras government achieved significant success was in the field of women and child welfare. The legislations like Prevention of Infant Marriages Regulation Act of 1891, and the Widow Re-Marriages Act were far reaching steps in this field. Even here the government could not wipe out the existing social evils completely but it was a decisive step which started the process of reform in the welfare of women. The state also came forward to offer tangible benefits like Maternity Benefit to the women. Thus several social legislations were introduced during the period of this study to remove the disabilities and dis-advantages of the women folk, and improve their position. Several Welfare Schemes for children were also launched by the state at the same time.

The record of the Madras Presidency in the field of labour welfare might not equally impressive. Considering the slow growth of labour movement and development of Trade Union Movement, the measure undertaken by the government were quite useful and helpful. The Labour Act of 1922 recognised trade union activity and unions. The Workmen's Compensation Act and the Provident Fund were some of the concrete benefits offered to the working class in the state.

A notable feature of the reforms in Tamil Nadu was its indebtedness to many of the social and Political movements of the country. The Indian National Movement obviously
influenced the legislators to a considerable extent. The idea of prohibition, village upliftment, swadeshi etc., were adopted and many social legislations owed their inspiration to the freedom struggle. Mahatma Gandhiji's philosophy of rural reconstruction, women welfare echoed in some of the important legislations of the Presidency. The non-Brahmin Movement of the twenties of the present century also influenced the thinking of the rulers and the ruled in the Presidency. The work of Christian Missionaries also provided stimulus for many reforms in the field of education, removal of untouchability and welfare measures for the backward classes and the depressed classes.

While assessing the performances of the Madras government the limitations and disadvantages against which it was fighting should also be considered. It should be remembered that the Brahmins of Tamil Nadu were orthodox and to some extent conservative. This aspect inhabited their vigorous activity in the field of some social legislations. Moreover in the early period the Madras Government was controlled to some extent by the British Crown's interest. There was lack of complete co-operation from the administration also. The bureaucracy which was dominated by the higher caste did not evince keen interest in initiating and implementing many social legislations. Paucity of funds also hindered the progress of many reforms. The local self institutions did not function effectively and similar fate
occurred to many other reforms. Above all the majority of people of Tamil Nadu were not enlightened enough and did not participate enthusiastically in the measures undertaken by the British government. Even the beneficiaries did not extend their full co-operation as in the case of prevention of Beggary and Prohibition, Juvenile delinquency etc. The success or otherwise of the social legislations should be viewed therefore in the background of these social, economic political limitations on them.

In the present Thesis social legislation during the British rule in Tamil Nadu is examined under three broad divisions, namely (a) Social Welfare Legislation for the general welfare of the society, (b) Social Defence Legislation against social evils and (c) Social Security Legislation relating to industrial class.

Under social welfare legislation several subjects are dealt with including Medical and Sanitary service, Welfare of the handicapped, poverty and unemployment, protection of animals and wild life. Social defence laws are concerned with the protection of society from the social evils. The main aim of social defence is the correction and recalculation of individuals rather than their punishments. The British in the Madras Presidency legislated on important subjects coming under this head. Some of them are juvenile delinquency, crimes, prison reforms, gambling, Beggary,
Untouchability, slavery, prohibition of Alcoholic drinks and drugs. The Colonial rulers of India took steps also to eradicate social evils coming under the personal law of the Hindus. Laws were enacted to abolish sati or widow burning, female infanticide, child marriages, polygamy, and polyandry. Legislations were introduced providing for widow remarriage, intercaste marriages and divorce.

Social security legislations are related to the welfare of the people in general and cover security for workers and labourers also. The Royal Commission on Labour was appointed in 1929 to examine labour problems and the report submitted by the Commission gave valuable suggestions for the enactment and administration of labour laws. The National Planning Committee of the Indian National congress appointed in 1938 recommended various programmes for the improvement of wages, welfare and working conditions of labour.

The British generally followed the model of the English law in legislating for the people of India, as much as, the Hindu law was reoriented to suit the modern needs of the changing society. No attempt had been made, until the British undertook legislation, to tinker with the law laid down by Manu and Yagnavalkya which was followed through the many centuries which rolled by. "Many of the old ideas had given place to new, and we find a series of enactments
making inroads into the statute book for the modification of
the Hindu Law". The urge for the reorientation of the Hindu
Law had been created early in the nineteenth century and
couraged later on by leaders of the Indian community, such
as Raja Ram Mohan Roy and others. The movement gained
momentum with the spread of English language and the study
by the Indians of the "ideals saturating the modern
jurisprudences of the west". The need for legislation was
all the more urgent, for the several institutions which had
outlived their usefulness in the old framework of the Hindu
system and some of the serious defects in the mechanism of
the system called for radical and immediate repair.

That legislation is the backbone for keeping the
society in progress and order, refined and civilised had
been the ideal embodied in the British Administration. Crude
laws gave place to radical laws has been the salient feature
of the legislative system which the British gave to the
Indian people.