CHAPTER III

GENDER SPECIFIC DISCRIMINATIONS AND SOCIAL REFORMS

Women are often described as the better half of man. But today this assumption is seriously under threat. In Indian society the problem of violence against women in the family is not new. Women in our society have been the victims of humiliation, torture and exploitation from time immemorial, irrespective of the fact that they were also idolised and worshiped. The term “Violence against Women” refers to many types of harmful behaviour directed at women and girl children because of the gender factor. “Any act of gender based violence that results in or is likely to result in physical, sexual or psychological suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life” is the definition of violence against women as framed by the United Nations Organisation. The trend of violence against women is growing day by day whether at home, at work, on the street, or elsewhere.

Sati is another inhuman practice in which the widows immolate in the funeral pyre of their husbands. The Tamil literary sources like Tolkappiam and Purananuru testify to the fact that Sati existed in the Tamil society even during the Sangam period. It was Rajaram Mohan Roy, who in 1818 first spoke publicly against the injustices perpetrated on women in India in the name of tradition and religion.\(^1\) Because of the movement of Rajaram Mohan Roy, who fought a battle against Sati, in 1829, Lord William Bentinck, the Governor General of India abolished Sati by Regulation No. XVII of 1829. In the Madras Presidency, at the initiative of Stephen

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\(^1\) Basu, Aparna, *The Role of Women in Indian Struggle for Freedom*, Delhi, 1926, p. 15.
Rumbold Lushington, the Governor of Madras, a regulation was passed in the year 1830 to abolish Sati legally.²

At the instance of Ishwar Chandra Vidyasagar, on 17ᵗʰ November, 1855 the Hindu Widows Marriage Bill was introduced by Grant in the Central Legislative Council.³ There was a hue and cry raised against the Bill as it was protested by orthodox Hindus. A section of the people supported the move and sent memorials.⁴ The Bill was ultimately passed as Hindu Widows Marriage Act on 19ᵗʰ July, 1856. The regulation did bring some protest from the orthodox Hindus as expected by the government but caused no serious troubles. Instead nearly 1.100 residents of India (300 Hindus among them) sent congratulatory letters to Bentinck. Though the main credit of abolishing Sati goes to Bentinck the contributions made by the Christian missionaries and a section of Hindus were also more significant. However, the general public did not come forward to get widows remarried as the religious sentiment and the social perception was against widows getting married. Kandukuri Veerasalingam established a widow’s home in Rajamundry in which the widows were given education. In the year 1884 he established the Widow Marriage Association for propagating and conducting widow remarriages.⁵

Child marriage

Child marriage, a bane in Indian society continues to be solemnised in spite of the existence of law against such practice. Manu prescribes the age of eight as the minimum age for giving a girl child in marriage. The maturity level of the bride and

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groom is vast since girls even below the age of 5 are given in marriage to men of the age of 20 or above. The reasons attributed to child marriage are the Muslim invasion during which young girls were subjected to invasion on their modesty etc. and the apprehension of the parents that if the girl remains unmarried she would have the risk of getting pregnant, which would earn bad name to the family. Another reason for child marriage is the dowry system prevalent in the society. More dowry needs be given at the latter stage as it is easier to get suitable boy with lesser dowry when the boy is young. The child brides soon become child mothers and some such mothers die during delivery as they conceive at a very early age. The misery of the child mothers continues as the husbands die early bringing them early widowhood since the age gap between them used to be vast. The young widows are subjected to cruelties such as forcing them to wear white dress and shaving off their hair to thwart their being sexually attractive.

Swami Vivekananda once said that the nation was seriously affected by child marriage. This applied to educated persons also, whom under religious pressure gave their daughters in marriage while they were still children. According to Sir John Megaw, 100 out of every 1000 young mothers were destined to die in child birth. The maternal mortality was 24.5 per thousand in India as compared to 4.5 per thousand in England.

In the year 1884, the Tamil newspaper _Vettikkodiion_ condemned the practice of child marriage and appealed for suitable legislation to combat the problem. John Gorst, a member of British Parliament spoke in the House of Commons appealing to the British Government to take appropriate measures for raising the age of consent in

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Thereafter the Government decided to raise the age of consent of girls to 10 years by appropriate amendment to section 375 of Indian Penal Code. The implication of the proposal is that if anyone has sexual intercourse with a girl under the age of 10 even with consent it would be construed as rape even if the offender is the husband of the girl. A number of representations were sent for raising the age of consent to 14 years. In Madras, Justice Muthusamy Aiyar, Sashaiya Sastri, the Dewan Regent of Pudukkottai, V. Sashyam Aiyanger, Subramanya Aiyar and Sankiaran Nair supported the Bill. In spite of objection to the Bill from various quarters, the Bill was passed on 19th March, 1891 raising the age of consent to 12 years. Since the legislative measure did not prohibit child marriage and it only criminalised sex with a person below 12 years irrespective of consent, the legislative measure has a very limited utility to combat the problem of child marriage.

The question of child marriage was examined by Joshi Committee comprising Sir Morophant Viswanath Joshi as its chairman and Romeshwari Nehri as its sole women representative besides 8 other members. In the year 1926, due to the misbehaviour of 25 year groom, 13 year old bride had a premature death. Gandhiji observed on the incident that the tragedy would not have happened had there been resistance to child marriage. Such types of child marriages were known as ‘plantain marriage’ among the Hindus as the bride who is so young used to cry and she used to be given banana to induce her to stop crying. In one incident, one 11 year old girl Phulmani Dasi died as a result of her rape by her aged husband. This incident resulted

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11 Swadesamitran, (Tamil), Chennai, 26 February 1891, MNNR 1891, pp 42-44.
12 Kaul, Vinita, Women and the Wind of Change, New Delhi, 2000, p. 32.
in lady doctors sending a memorandum to the Government requesting for suitable legislation to combat the menace. This request was supported by 1500 women who sent a representation to Queen Victoria requesting her to introduce reforms in the area.\textsuperscript{14} Veterans like Muthulakshmi Reddy had to address so many meetings eliciting public opinion for the passage of the bill. As a result, the Child Marriage Restraint Act of 1929 (introduced by Harbilas Sarda) was enacted (came into force on 1\textsuperscript{st} April, 1930) according to which marriages in which the boy was under 18 years and the girl was under 14 years were illegal. The Hindu Marriage Act of 1955 raised the minimum age for girls to 15 years. By an amendment made in the year 1978 the age for girls was further raised to 18 and for the boys to 21. The Child Marriage Restraint Act was very significant in the women’s movement as it was the first Act, which was passed after the public opinion was mobilized to eradicate child marriage and the legislatures abiding by the public opinion declared child marriage as illegal.

The most important feature of the social reform movements in India is the struggle against inequality based on caste and gender. Casteism, which has divided the Hindu society vertically has brought with it a number of inequitous fallouts. Child marriage afflicted Indian society in an endemic manner. It deprived children of their childhood and in many cases education. Widowhood in Indian society deprived women of their freedom and dignity. Women education was never attempted and looked down upon.\textsuperscript{15} From time to time the movements for social reforms were spearheaded by activist individuals who influenced the movements to a very large extent. They were the inspiration for the success of the movements. Raja Ram Mohan Roy and Keshab Chandrasen are prominent among them. They fought for gender equality and the evil

\textsuperscript{14} Kaur, Manmohan, \textit{Women in India’s Freedom Struggle}, New Delhi, 1992, p. 15.
social practices that deprived girls and women of their due right of parity and dignity of women.

The arrival of British hastened the social reforms in the country. The western thought influenced the ideas of formation of associations and interest groups for fighting social practices that are against the interest of women and their development. The appearance of a number of news magazines and journals helped in sensitizing the people about various social issues. In the year 1852, the Madras Native Association came into existence. Swadesamitran, a Tamil news paper, which later on played a very crucial role in the fight against the social evils like gender discrimination and deep-rooted social practices, came into existence in the year 1882. This was followed by Crescent, which appeared in the year 1884. The Madras Hindu Social Reform Association was established in the year 1892 in order to fight against social evils like child marriage, isolation of widows and promotion of female education. In the same year Adi-Dravida Mahajana Sabha, another social reformatory institution was also established. The non-Brahmin Caste-Hindus of the Tamil districts were increasingly aware of their social and political position due to social reform activities and the Hindu revivalist activities.\(^\text{16}\)

Justice Party was formed in Madras Presidency to counter Brahminism and to assimilate the non-Brahmins in public life. The important leaders who were instrumental in forming Justice Party were Sir P.T. Thiagaraya Chettiar, Sir P.T. Rajan, and V.V. Ramaswami Nadar. In 1921, The Justice Party, demanded communal representation in government services with a view to attract non-Brahmin voters.\(^\text{17}\) By the 1940s, the propaganda of the Party evolved into a demand for a separate Dravida

\(^{17}\) Ramamurti, P., The Freedom Struggle and the Dravidian Movement, Madras, 1987 p. 44.
Nadu. During this period that E.V. Ramaswami ‘Periyar’ came on the political scene of Madras Presidency. Attracted by Gandhi and his non-cooperation movement, he plunged into the activities of the Congress Party. He opposed the injustices meted out to the *Harijans*, including instances where they were not allowed to walk in the streets inhabited by upper caste Hindus and were not allowed entry into temples. Periyar expressed unhappiness over the report that at a school run by V.V.S Iyer, a Congress leader, Brahmin and non-Brahmin boys being fed separately.\(^\text{18}\) Periyar took over Justice Party and named it a ‘Dravidar Kazhagam’ in the year 1944.

Self-Respect movement of Periyar emerged as a result of discriminations meted out to non-Brahmins. Soon Self-Respect movement started social reforms like widow remarriage, equality of the sexes, marriage without rituals etc. Periyar organised a number of conferences on topics such as abolition of *Zamindari* System and abolition of money lending, which attracted large crowds, especially the youth.

The objective of the Self-Respect movement was establishment of a casteless society and total equality of the people irrespective of their caste, colour, creed or gender, which is to be achieved by the eradication of social evils and freeing the society from the shackles of superstitions and blind faith in God and religion. It fought for equality of women in education, employment and property rights. It also asked the people to practise self respect marriages conducted without priests and religious rites. It demanded reservation in educational institutions and in government jobs for previously excluded communities. Periyar spent most of his life trying to make people understand that the lack of education had resulted in their backwardness.

When first Congress ministry in the Madras Presidency was formed in the year 1937 under Rajaji, the new Government prescribed Hindi as one of the subjects in one

\(^{18}\) Ibid.
of the high schools in Madras to begin with. Rajaji was a firm believer in Hindi being the national language. This was firmly opposed by stalwarts like Periyar and Somasundara Bharati. It was their argument that the people of Tamil Nadu felt that they would lose employment opportunities in other places if Hindi became the national language. Periyar and his followers started anti-Hindi agitation against imposition of Hindi on non-Hindi speaking people.

The Dravidian movement encouraged women to express themselves on public platforms. Women successfully debated on public issues and were involved in social work. They were enthusiastic at par with men in bringing about social reforms. Women were able to function as an independent group in organising their own conferences. In these conferences women’s issues were discussed and this spirit encouraged women’s participation in politics. In the first provincial Self-Respect conference held at Chengleput, near Madras in 1929, along with political issues, issues such as caste oppression and equal property rights for men and women were discussed. In the Conference held at Virudunagar in 1931 it was raised that women should not be recruited only for jobs like teaching and medicine but that they should be inducted into the army and police. A demand was also made that local magistrates should identify those temples which encouraged the devadasi system.19

The anti-Hindi agitations were overwhelmingly attended by women. The women wore sarees with the Tamil flag printed on it and chanted anti-Hindi and pro-Tamil slogans.20 A meeting organised in Madras on September 11, 1938 in the matter was addressed by prominent women personalities such as Ramamritham Ammaiayar, Narayani Ammaiayar, Va. Ba. Thamaraikanni Ammaiayar and Munnagaara Azhagiayar.

20 Ibid., p. 33.
About 73 women activists were arrested during the agitation and prominent among them were Daramambal, Ramamirthammaiyyar, Malar Mugathammaiyyar, Seethammal, Unnamulaimmar, Bhuvaneswari Ammaiar, Sivasankari, Sarojini Ammaiar, Damakoti Ammaiar and Jayalakshmi Ammaiar. Thirty seven women went to jail with infants.

Devadasi System

The practice of concubinage is quite common in Tamil Nadu by which a man cohabits with a woman without undergoing the institution of marriage. Judicial precedents partially protect such relationship by which the son of the concubine is able to inherit the property of the paramour. Such concubinage is resorted to persons who want to circumvent legally married relationship. In some cases Zamindars and other landed class people keep devadasis as concubines21.

The practice of devadasi, in which a girl, usually before reaching the age of puberty, is dedicated or married to a deity or to a temple, continues in several southern states. Literally meaning "female servant of god," devadasis usually belong to the Dalit community. They had to undergo a dubious ceremony known as ‘pottukattu’ by which they are married to the deity. During the ceremony, the temple priest would tie a mangalyasutra around the neck of the devadasi. The devadasi who underwent pottukattu was never allowed to have a marriage ceremony with anyone else.

Thereafter they become ‘nityakalyanis’ which mean they would never become a widow in their lifetime. Once dedicated, the girl is unable to marry, forced to become a prostitute for upper-caste community members. The devadasis also used to entertain others by their music and dance performances. During British rule, the English soldiers

21 Economic and political weekly, vol XX, no. 44, 1 November 1985
arranged dance and music programmes of the devadasis in their cantonments for entertainment.\textsuperscript{22}

In the earlier period when the devadasis were patronized by kings their economic position was sound. They were enjoying temple inams, presents given by zamindars and other rich people and earnings through performance of music, dance etc and prostitution.\textsuperscript{23} Since 18\textsuperscript{th} century their economic condition began to decline due to absence of royal patronage. Their excessive promiscuous life led to their degradation.\textsuperscript{24}

Since the beginning of the 20\textsuperscript{th} century there had been a public outcry against the devadasi system. According to the activists of the Dalit women's movement the nexus between caste and forced prostitution is quite strong and that the devadasi system is no exception. Like other forms of violence against women, ritualized prostitution is a system "designed to kill whatever vestiges of self-respect the untouchable castes have in order to subjugate them and keep them underprivileged."\textsuperscript{25}

While Muthulakshmi Reddy was the deputy president of the Madras Legislative Council from 1927 to 1929, she raised the issue of abolishing the practice of devadasis. Muthulakshmi Reddy moved a resolution in the Madras Legislative Assembly\textsuperscript{26} which was unanimously adopted and became the Act of 1929. This Act was neither prohibitive nor penal. It was a permissive legislation which left the option of service in

\begin{itemize}
\item \textsuperscript{22}Spear TGP, Nababa: A Study of the Social Life of the English in the Eighteenth Century India, London, 1932, pp. 35-87.
\item \textsuperscript{24}Francis Buchanaan, Journey from Madras through the Countries of Mysore, Canara, Malabar, Vol. II, London, 1807, p. 267.
\item \textsuperscript{25}Ruth Manorama, Dalit Women Perpective, a paper presented at the Global Gathering on Women Under Racism and Casteism, 1992.
\item \textsuperscript{26}Madras Legislative Council Proceedings (MLCP), Vol. XXXVIII, 4 November 1927, p. 414.
\end{itemize}
the temples to the devadasis themselves from the obligation of service. It also did not apply to all the temples in the Presidency.\textsuperscript{27}

In Karnataka the girl is offered to the Goddess Yellamma in a village ceremony. In 1992 the Karnataka State Government passed the Karnataka \textit{Devadasi} (Prohibition of Dedication) Act, for abolition of the practice.

In reviewing India’s third periodic report to the U.N. Human Rights Committee, submitted under Article 40 of the International Covenant on Civil and Political Rights (ICCPR) in July 1997, the Human Rights Committee regretted "the lack of national legislation to outlaw the practice of \textit{Devadasi}, the regulation of which is left to the states," and added that "it appears that the practice continues and that not all states have effective legislation against it." The committee emphasized that the practice was incompatible with the ICCPR and recommended that "all necessary measures be taken urgently" toward its eradication.\textsuperscript{28}

\textbf{Trafficking in Women and Prostitution}

Prostitution is another nefarious activity which degrades the dignity of women. Historically it thrived in Tamil Nadu to cater to the European soldiers and civil servants who due to paucity of European women used to cohabit with locals. As a result the European cantonments in the Madras Presidency and other parts of the country including district headquarters and the Presidency capital were flooded with prostitutes, majority of them being from poor families.\textsuperscript{29} Women are brought in to this world’s oldest profession due to various reasons such as poverty, early widowhood, desertion of wives and girl children, divorce etc. In the present day market conditions this practice

\textsuperscript{27} Madras Legislative Assembly Debates (MLAD) Vol. LXIII, 7 August 1939, p. 290.
\textsuperscript{28} Consideration of Report by India to the Human Rights Committee, CCPR/C/79/Add.81 4 August 1997.
\textsuperscript{29} Government of Madras G.O. No. 814, Public Department, dated 14 05.1878
thrives due to demand for various reasons and professionalism being employed by brothels and pimps. The nexus between the people run this racket and the police men who are supposed to take action against such activities are also one of the reasons due to which uprooting this practice/ profession is an uphill task.

Act No. V of 1930 titled the Madras Suppression of Immoral Traffic Act\textsuperscript{30} made keeping brothels or allowing premises to be used as brothels an offence liable for punishment of imprisonment which might extend to 2 years or with fine which might extend to one thousand rupees or with both. It was the view of a section of the public that Government should give financial assistance to those who wanted to set up rescue home for girls, which was reflected in the Hindu.\textsuperscript{31} The Government of the Presidency of Madras did not want to take the responsibility of taking care of the girls rescued.\textsuperscript{32} In order to put pressure on the Government, the Women’s Indian Association sent a deputation, which included Muthulakshmi Reddy.\textsuperscript{33} It was the view of the Government that an amendment to the law would be necessary to make it suit for application in the Madras city.\textsuperscript{34}

Due to an amendment made to the Madras Suppression of Immoral Traffic Act on 30\textsuperscript{th} October, 1931, and was implemented with effect from 1\textsuperscript{st} April, 1932, a number of prostitutes were deported from the Madras city, who migrated to other urban centres of the state.\textsuperscript{35}

During the implementation of the Madras Suppression of Immoral Traffic Act it was noticed by the Government that due to certain weaknesses of the Act persons who

\textsuperscript{30} Fort St. George Gazette, Madras, Part IV, 22 April 1930, pp. 223- 228.
\textsuperscript{31} The Hindu, 1 February 1930.
\textsuperscript{32} India (Tamil), 2 June 1931.
\textsuperscript{33} Stri Dharma, Vol. XIV, No. 7 May 1931, p. 297.
\textsuperscript{34} Ibid., p. 228.
\textsuperscript{35} Stri Dharma, Vol. XV, No. 9, July 1932, p. 174.
induced immoral traffic could not be punished due to absence of sufficient evidence.\textsuperscript{36} A Bill for appropriate amendment of the Act was introduced in March, 1938 and during the debate on the Bill, one member highlighted the need for establishing a central rescue home for the victim girls.\textsuperscript{37} The Bill became Act No. VII of 1938. The Act was implemented in small town also.

An amendment was made to the Act by the Suppression of Immoral Traffic Amendment Act (no VIII), 1940 vide which power was given to the police officers who were empowered to raid a brothel to rescue minor girls confined within the premises. During the Second World War, the prostitution thrived in all the important cities and urban centres as the soldiers generally went after prostitutes. Government declared that the provisions of the Act are equally applicable to the military camps also.\textsuperscript{38}

After Independence the Act was amended by Act No. XXXV of 1947, which brought so many changes in the Madras Suppression of Immoral Traffic Act. Important among them were, increase in the term of imprisonment from two months to two years, power of the Magistrate to send a women who has not attained the age of 30 to vigilance homes, management of vigilance homes, training to the women who undergo jail term etc.

Since the number of convicts were declining year after year, on 10\textsuperscript{th} March, 1950, the Government of Madras appointed a committee to examine the provisions of the Act with the view to remove defects if any and to suggest amendments.\textsuperscript{39}

Consequent to India signing the International Convention on the Suppression of Immoral Traffic on Women and Girls (9\textsuperscript{th} May 1950, New York), the Suppression of

\textsuperscript{38} G.O. 2793, Home Department, 27 October 1943.
\textsuperscript{39} G.O. No. 708, Home Department, 22 February 1950.
Immoral Traffic in Women and Girls Bill was introduced in the *Lok Sabha* on 20th December, 1954.\footnote{Lok Sabha Debates, Government of India, New Delhi, Vol. IX, 1954, Column 3462.} The Bill was passed by the *Lok Sabha* on 30th November, 1956 and by the *Rajya Sabha* on 18th December, 1956. Under section 25 of the Suppression of Immoral Traffic in Women and Girls Act, 1956, the existing State Acts on the subject were rendered ineffective and the State Governments were given the power to frame rules. Accordingly, the Government of Madras framed Suppression of Immoral Traffic in Women and Girls (Madras) Rules, 1958.\footnote{Fort St. George Gazette, Rules Supplement to Part I, 14 May 1958, Government of Madras.} The Act came into force in the State of Madras on 1st May, 1958 and gazetted officers of the rank of Deputy Superintendent of Police were appointed as special officers to administer the Act.\footnote{Report of the Administration of Police of the Madras State 1959, Madras, 1961, p. 11.} In spite of the legal and administrative initiatives, still prostitution thrives in the state under innovative practices such as call girls. The call girls are available over phone or internet etc and they visit the males to their places or a public place such as park, beach etc.

**Violence against Women**

Women in Tamil Nadu face a number of forms of violence, such as female infanticide, female foeticide, rape, wife battering, eve-teasing, molestation, pornography, trafficking in women, child-marriage, forced marriage, dowry-related harassment and witch hunting. As per the records of the Director General of Police, the incidence of reported crimes against women has gone up from 2494 in 1990 to 5074 in 1998. The rise is particularly sharp in the number of cases of dowry deaths, molestation, eve-teasing, torture and kidnapping of women. Molestation and eve-teasing account for 65 per cent of reported cases of crimes against women.\footnote{Tamil Nadu Human Development Report, Delhi, 2003. p. 100.} The thinking that after marriage women are their husband’s personal property is strong in
Tamil Nadu. Suspicion of infidelity, infertility (of the couple), alcoholism, dowry and instigation by in-laws are some of the immediate causes of violence against women, signalling the deep-rooted patriarchal values that underlie the same. The result is that wife beating is considered normal, even by women themselves. Portrayal of women as objects of sex and different forms of violence in films have also played a role in perpetuating and increasing violence against women. Violence leads to income loss for women and break-up of families, both of which also affect children adversely. Violence has significant effects on the mental and physical health of women. Studies in Tamil Nadu show that abortions often occur due to battering.\textsuperscript{44}

**Discrimination against Girl Child**

Nutritional denial such as inadequate breastfeeding and early weaning, insufficient or delayed medical care, lack of attention, causing emotional deprivation and insufficient investment in resources are various forms of discrimination against girl child. All these lead to higher mortality in the female child. Higher female child mortality has been reported mainly from South Asian countries. There are no satisfactory data on the number of cases of female infanticide in India. A rough estimate of sex-specific abortions and female infanticide together has been obtained by using indirect demographic techniques on census data, indicating that there have been about 1.2 million 'missing girls' in India during the decade 1981-1991.\textsuperscript{45} The current practice of female infanticide in Tamil Nadu has become much more widely acknowledged in recent years.\textsuperscript{46}

\textsuperscript{44} Ibid., p. 101.
Female Infanticide

Whenever a son is born it is an occasion to celebrate and if a daughter is born the eyes of everyone in the family are sunk indicating arrival of bad luck to the family. From the day one the girl child is born she is an unwelcome member of the family, who throughout her life has to face discrimination and indignity. In certain rural families successive delivery of girl children results in desertion of the children and mother by the father and his family. In societies in which female foeticide and female infanticide are practiced the child is put to death by certain age-old methods. In certain communities female children are killed by strangling with umbilical cord. It was practised in most parts of Northern India as well as in Southern India. A son carried on the family name. So the birth of the son was celebrated with a lot of pomp and show. Putra (son) was needed to perform certain religious ceremonies to enable the parents to go to heaven after death. If there is no son in the family one had to adopt one. So the son was a “spiritual and religious necessity” in the Hindu family. Thus, man came to possess all the importance. On the other hand, the birth of a girl was looked down upon. It is pointed out that they consider girl children as curse and birth of sons as blessings.

During the 19th century the British reported the existence of female infanticide in Madras Presidency among certain communities, for example, the Kallars and the Todas. It suggests the plausibility of a long history of the practice. The surprising aspect about female infanticide in Tamil Nadu is that the traditional methods of killing are remarkably similar whether in north, central or south Tamil Nadu. For instance,

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48 Ibid.
paddy (rice with its husk) soaked in milk or the poisonous sap of the calotropis plant is used. Probably, the knowledge has been handed down over several generations.49

Female infanticide in Tamil Nadu in this century was first highlighted in the national media in 1985 by the leading newsmagazine *India Today* which reported the existence of the practice in Usilampatti, Madurai district, of southern Tamil Nadu. Female, infanticide was primarily prevalent among Kallars, the dominant caste of this area. This report shocked the general public because women in Tamil Nadu are known to be better educated and to have a greater degree of autonomy than their counterparts in northern India. From 1990 onwards, anecdotal reports of female infanticide in Salem district in central Tamil Nadu were published, initially in the Tamil media and later in the English language newspapers. A large proportion of the practice occurred, among the Kongu Vellala Gounders, the dominant caste, of that area. A 1995 study of 1320 newly delivered women in Salem district found that the number of girls who died in the early neo-natal period was three times that of boys.50

When *India Today* exposed female infanticide in Usilampatti in 1986, the state government downplayed the report stating that the practice was confined only to that particular place in the state. The government of Tamil Nadu reportedly brought false and baseless charges against the Society for Integrated Rural Development (SIRD), an NGO based in Usilampatti that was instrumental in getting the information published.

A significant proportion of female infant deaths in the neo-natal period are due to female infanticide. In the last three or four decades, there has been a steady decline in the juvenile sex ratio (defined as the sex ratio in the age group 0–6) in some districts of Tamil Nadu like Salem. Female infanticide deaths account for 7 per cent of all infant

49 Ibid.
50 Ibid.
deaths in the state, 14 per cent of all female infant deaths, and between one-third and two-thirds of all female infant deaths in Salem and Dharmapuri districts. Data indicate that the practice occurs in about one-third of the state’s 385 blocks, spread over the districts of Dharmapuri, Salem, Namakkal, Theni, Madurai, Karur, Dindigul, Erode and Vellore, with stray incidence in some other districts.

In 1992, the State Government under Chief Minister Ms. Jayalalitha, acknowledged existence of the practice in the state.\textsuperscript{51} Earlier that year, the state government had launched the 'Cradle Babies' scheme, whereby families were asked to abandon unwanted female infants in cradles provided for that purpose in government primary health centers, rather than kill them. The government has sought to address this issue through a combination of legal action and community mobilization and motivation. The DANIDA TNHCP initiative of \textit{kalaipayanams} in Dharmapuri is a good example which has been followed up by involving elected local body leaders in a sustained campaign.\textsuperscript{52}

\textbf{Female Foeticide}

Another form of gender discrimination against girl children is sex-specific abortion of female foetuses. It is also called “criminal abortion” or causing miscarriage. The term foeticide means an abortion of the foetus which has been done deliberately. It is as old as of the marriage institution in human society. In past it was committed to hide illegitimate sex relational and to control unwanted children.

During the late 1970s, cases of abortion of female foetuses were reported from many of the major cities of India.\textsuperscript{53} In view of the availability of technology that

\textsuperscript{51} Ibid.
\textsuperscript{52} Tamil Nadu Human Development Report,\textit{opcit.}, p. 49.
enables the identification of the sex of the foetus, the practice of female foeticide emerged in many parts of the country, especially Maharashtra, Punjab, Haryana and Delhi more than a decade ago. In the states of Punjab and Haryana, there are reports that mobile ultrasound units regularly visit rural areas for identification of the sex of foetus, which ultimately lead to its abortion.\textsuperscript{54} Abortion of female foetuses is no longer an urban phenomenon in those parts of India. In recent years, it has also spread to Tamil Nadu. It is reported that female foeticide is being practiced in some districts in the name of ‘genetic counselling’. The data on sex ratios at birth confirms that the practice has acquired significant dimensions in some parts of the state.

To deal with the issue, the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994, a Central Act was enacted in the year 1994, which prohibits sex determination tests. It came into force on 1 January 1996. Urgent action is needed to ensure both registration as well as strict compliance with the Act, and to mobilize and motivate the community against the practice of female foeticide. Both female foeticide and infanticide stem from and reflect the patriarchal nature of Tamil Nadu society and its strong preference for male child, with women consequently being given a low status. Thus, any strategy to tackle female foeticide and infanticide must also address the larger issue of weakening patriarchy and empowering women. It must take the nature of a social mobilization campaign, involving community participation.\textsuperscript{55}

Tamil Nadu’s sex ratio has improved from 974 to 986 between 1991 and 2001 (Table 4.2). There has been an improvement in the sex ratio in some of the districts prone to female infanticide. Salem’s sex ratio improved from 925 to 929, Dindigul 976 to 986, Madurai 964 to 978 and Theni 964 to 979. However, Dharmapuri has defied

\textsuperscript{54} Mitra A, Female foeticide. A primitive trend practised the world over, \textit{Down to Earth}, 31 October 1993, p. 43.
\textsuperscript{55} \textit{Ibid.}, p. 49.
any positive change.\textsuperscript{56} Though the state’s sex ratio has improved in the last decade and is much higher than the all-India figure of 933, the adverse female–male sex ratio is still of concern. Among the major states, however, only Kerala’s sex ratio has consistently been above 1000.

While the overall sex ratio has increased in Tamil Nadu between 1991 and 2001, the juvenile sex ratio has decreased from 948 to 939. Salem has the lowest juvenile sex ratio of 826. Other districts with very low juvenile sex ratios are Dharmapuri (878), Theni (893) and Namakkal (896). This trend of declining sex ratio has been attributed to a number of factors: missing women through undercounting, the lower status of women contributing to their being considered dispensable, higher mortality during childhood because of less care and nutrition, higher mortality during childbirth, female infanticide and recent technological developments that aid sex-selective abortions.\textsuperscript{57}

\textbf{Property Rights}

There is disparity in inheritance by the Hindus so far as females are concerned. Prior to enactment of Hindu Succession Act 1956 Hindus in India were governed by Shastric and customary laws which varied from region to region and sometimes it varied on caste basis. The multiplicity of laws in India diversified in their nature; made the property laws even more complex. A Hindu wife was not capable of holding any property separate from her husband. In fact the wife was considered to be a cattle and property of her husband and she could not own property herself. Of the two types of property women were to hold - Streedhan and women’s estate, the holder of the later enjoyed the right during her lifetime and she could not alienate the same. In the

\textsuperscript{56} Ibid., p. 41.
\textsuperscript{57} Ibid., p. 42.
constitution of India equality to women was guaranteed for the first time. To secure equality of status to improve Hindu women’s right to property, Hindu Succession Act 1956 came into force.

At the time of enactment of this Act, daughters could not become members of the co-parcenery and the Act did not afford right of natural inheritance to daughter because of the very concept of right by birth and by reason of sex as only males can be coparcener. To do away with this obstacle in achieving equality right of inheritance for women and to give right to the women by birth as coparcener was demanded in order to bring equality before law as a fundamental right.

Periyar was strongly of the view that if the right to education, right to property and inheritance rights are given to women, they would not wish to confine their lives to the kitchens, bedeck themselves with jewels and end up with innumerable problems of marriage. In his struggle against women inequality, he appealed for property inheritance rights for women at par with men. In a meeting held on 28th November, 1927 at Tirunelveli district, he appealed to the government to confer equal rights on women to inherit or possess property which would make them economically independent. Resolutions were passed to the effect that in Hindu families where the widows do not remarry, they should be given the right to inherit the property of their deceased husbands and properties in the Hindu families should be equally distributed between men and women without any discrimination. In his editorial in Kudi Arasu in December, 1929 he wrote that like men, the women should have property rights and like women, men should also possess virtues and good character and laws be made and enforced for the purpose without any delay. In a marriage he attended at Virudhunagar he said that the parents of the bride should give a share of their property

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58 Kudi Arasu, 29 December 1929.
to her. Like men, women too have the right to property and right to work and without that how would women live with self respect in the society.\textsuperscript{59} He appealed to the Central Government to pass social legislations for establishment of equality in the society and added that government should introduce a law giving equal property rights to women at par with men.\textsuperscript{60}

Against the opposition of the government to the bill introduced by Harbilas Sarda in the Central Legislative Assembly in 1932, Periar wrote as given below in Dravidian:

“The objection of the Government to this bill has no doubt caused much dissatisfaction to all. Government should strive for progress in the country by accepting at least bills introduced in the Assembly for the effective social reforms. Though they do not facilitate such reforms, at least, they should not have opposed the bill and should have empathized with its objects.”\textsuperscript{61}

In 1937 Periyar commended passing of the Hindu Women’s Right to Property Act in the Central Legislative Assembly in the following words:

“The Bill that was forwarded by Bhagawan Das at last emerged into an Act against strict reactionary opposition and it has established the necessity of Hindu women’s right to property on a firm ground.”\textsuperscript{62}

There exists discrimination against women in the matter of inheritance/succession of property amongst members of a Joint Hindu family. Prior to the Act of 1956, Hindus were governed by \textit{Shastric} and Customary laws, which varied from region to region and caste to caste. There were different schools of law like \textit{Dayabhaga}

\textsuperscript{59} \textit{Ibid.}, dated 28 July 1930.
\textsuperscript{60} \textit{Ibid.}, dated 5 October 1930.
\textsuperscript{62} \textit{Kudi Arasu}, dated 7 February 1937.
in Bengal and adjoining areas, Mayukha in Bombay, Konka and Gujarat, Marumakkattayam or Nambudri in Kerala and Mitakshara in other parts of India with slight variations. The two important schools under the Hindu Law are- Dayabhaga and the Mitakshara. The joint family forms the nucleus around which the property rights are built. Under the Hindu Law, women have no absolute rights of property except over stridhan. Dharmashastra did not permit women to enjoy the right to property. Yajnavalkya observed that he who forsakes a wife, in case of her being obedient to his command, diligent in household management, mother of an excellent son and speaking kindly should be compelled to pay one-third part of his wealth or if poor, to provide a maintenance for that wife. If the partition is made during the lifetime of the husband, according to Mitakshara school, the wife would get an equal share along with her sons. Dayabhaga school also subscribes to this view.

Widows under the Hindu law are in a miserable state even in the case of inheritance of property. Kautilya strongly supports widow’s right to inheritance. Under Dayabhaga School, the widow could inherit the property of the husband under all circumstances.

Under the Mitakshara law, on birth, the son acquires a right and interest in the family property. A son, grandson and a great grandson constitute a class of coparceners, based on birth in the family. No female is a member of the coparcenary in Mitakshara law. The Mitakshara law recognizes inheritance by succession to the property separately owned by an individual. Females are included as heirs to this kind of property. However, in the family property, the daughter does not have any right.

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64 Dayabhaga, Chapter XI, Sec (i), para 44.
65 Indra (ed.), The Status of Women in Ancient India, Delhi, 1955, p. 169.
66 Dayabhaga, Chapter III, Sec (i), 16.
Under the *Dayabhaga* and the *Mitakshara* schools of Hindu Law, the widow would succeed her husband’s estate in the absence of son, or son’s son of the deceased. Even when she inherited, it should be kept during her life time only and after she died, the property would go to the relatives of the deceased husband and not to her own relatives. Further, under the Hindu Law, only a chaste wife is entitled to succeed her husband’s estate.\(^{67}\)

There has been a demand from women rights activists to do away with the discrimination shown against women in inheritance of coparcenary property under the *Mitakshara* law. In 1929, Habilas Sarada introduced a bill on Hindu Law of Inheritance in the Central Assembly, which was protested by the orthodox Hindus. Under the leadership of Muthulakshmi Reddy, women leaders like C.N. Nallamuthuammal, Mrs. Jesudas, Mrs. Jinarajadasa, and Bhagirathi Sivaram fought for the passing of the bill. However, the bill did not become a law.

In 1937, Deshmukh introduced a bill on ‘the Hindu Women’s Right to Property’. An article in *Grihalakshmi* supported Deshmukh’s bill in the Central Assembly.\(^{68}\) The Bill was referred to a special committee. The final provisions of the Bill disappointed the women activists. They agitated for appointing a committee to examine the position of women under Hindu Law. Radhabai Subbarayan, a member of the Central Assembly toured all the places in Madras Presidency to sensitize people about the issue. Ultimately, responding to the public outcry, the government appointed a committee to examine the Hindu Women’s Right to Property Bill, 1937 to remove injustice to women. B.N. Rau headed the committee.\(^{69}\)

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\(^{68}\) *Grihalakshmi*, February 1937, Vol. 1, No. 2, Madras, pp. 74 - 75.

\(^{69}\) Poorinima Mohan, (ed.), *op. cit.*, p. 58.
and All India Womens’ Conference held meetings for demanding, to bring agricultural lands within the purview of the Bill. On the recommendation of the Rau Committee, Hindu Code was modified in the year 1944 and on 2nd April, 1946, Deshmukh’s bill was passed to confer on Hindu women certain property rights under certain circumstances. The Hindu Succession Act of 1956 though brought about changes in the law of succession, it did not abolish the concept of joint family. Since the women in India started occupying major offices, the rights of women and their protection gained more importance. Right from the President to other offices which were considered that such offices can only be occupied by male, has remained an imagination to women and the women have occupied the same and therefore new Acts have been enacted by the legislature. And in order to lay down a uniform law and a comprehensive system of inheritance; the Hindu Succession Act came to be amended which applies to any person who is a Hindu by religion in any form or developments including Veershaityva, Lingayat or follower of Brahma, Prarthana or Arya Samaj or a person who is a Buddhist, Jain or Sikh by religion wherein the daughter shall have the same right as that of a son and she shall be considered as a coparcener of the joint Hindu family. Due to this amendment, the discrimination between the male and female has been removed due to which the imbalance in the ratio of male and female could be curtailed.

From July 2005 the new Act has come into force and the daughter is allotted the same share as is allotted to a son. The daughter shall have a right to claim partition in the joint family properties as well as the right to claim right of partition in the dwelling house of the joint family and she shall also have a right to claim partition during the lifetime of her father. This privilege is only given to Hindu women. The laws applicable to Muslims & Christians do not give equal status to women.

70 Government of Tamil Nadu, Tamil Nadu Economic Appraisal 2005-2006, Chennai, p.206
Transgender activism in Tamil Nadu

As a result of the transgender movement demanding the recognition of their individual civil identities and ongoing engagement with issues of economic justice, Tamil transgender women (*aravanis*) have become the most vocal section of sexual minorities in the state of Tamil Nadu. A group of *aravani* activists have forged a social movement in this decade which succeeded in obtaining certain benefits such as the possession of ration cards, voters’ identity cards, passports, and the constitution of a special welfare board with the specific task of addressing their social exclusion at the state and local level.

In the year 2003, a group of transgender who had worked in the HIV field decided to work with an NGO in the Theni district of Tamil Nadu called Arogya Agam for setting up self-help microfinance groups and small businesses for transgender. While applying to register the organization, they were informed that without a bank account, ration card, or electricity bill to confirm their identities, they would not be able to register Arogya Agam. As transgenders, they would be unable to procure official forms of identity—because they present themselves as women but are forced to call themselves men for the sake of legal identification, their documents have no legitimacy\(^1\).

In response, this foundational group of activists decided to petition the Chennai High Court for the right to choose their gender identity in official documents. On March 6, 2004, a writ petition was filed in the Chennai High Court asking for ration

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\(^1\) *The Hindu*, dated 7 March 2004; writ petition filed in Chennai High Court, dated 6 March 2004.
cards for trans-genders. In their petition the group had asked for a third gender to be added to official documents.

Simultaneously, this foundational group of 15 transgenders, was involved in other initiatives to create visibility and a support network for transgender women in Tamil Nadu. They registered an organization, namely, the Sudar Foundation for transgender advocacy and economic empowerment, and also formed a theatre troupe, Kanadi Kalai Kuzhu. In July 2004, the High Court of Madras ruled that transgender individuals could choose either ‘male’ or ‘female’ as their gender when applying for official identity documents.

As a result of the efforts of the transgender community, a body known as Aravani Welfare Board was established by the Government of Tamil Nadu in May 2008 to address the issues of the transgender community in Tamil Nadu. A few transgender associations came together under the banner of the Federation of Indian Trans-genders (FIT) to facilitate the proper functioning of the Aravani Welfare Board as well as to lobby for government initiatives for the welfare of transgender community.

Millions of women world-wide, in all socio-economic and educational classes are deprived of their basic human rights in addition to their gender specific rights. Violence against women cuts across all barriers including cultural and religious barriers, and manifests itself in a variety of forms that range from domestic abuse and rape to child marriages. Violence against women is universal problem and leads to the violation of their basic rights and is an obstacle to the achievement of the objectives of equality, development and peace in the society. Through the efforts of organizations – Governmental and Non-Governmental awareness was created for the need to curb
immediately and eliminate eventually the domestic violence. The Government of India responded to the clarion call issued by leaders from different sections of the society.