

Child Marriage in Tamilnadu – A Historical Perspective Upto 1929



History

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ABSTRACT

Marriage is an important event in the life of a person. It is a blending and agreement between two persons to live together and produce offspring. Marriage determines the fate of a person. In Indian society marriage is considered as a sacrament and as an important religious duty. Various forms of marriage prevail in the Indian society. Child marriage was one such form. Child marriage was an evil form of marriage because it hinders the growth of the children. This form of marriage existed in the society from time immemorial. A number of causes have been attributed towards child marriage. But still it has severe consequences in the society. It was only during the British period efforts were taken to put an end to this evil. The child marriage was banned in the society by passing the Child Marriage Restraint Act of 1929.

Child marriage is a marriage of individuals before they attain the age of adulthood. At present the Indian law recognizes the age of marriage as 18 years for girls and 21 years for boys and any marriage before this minimum age is called child marriage. The free growth of women was curbed by child marriage. It is a form of violation of the rights of the child. Child marriages became popular during the medieval period and continued during the British period and it still prevails in the society. Dr. Muthulakshmi said that the Child Marriage robbed off the brightest period of their girlhood and youth, from a period of infancy they were forced to produce infants.

According to the 1881 census of India, The average age of marriage for females among Brahmins was between 6 and 7. Until 1860's many girls were married below the ages of eight or nine years. In 1881 among 23% of widows 2% were child widows. The Janamitran a weekly of Tanjore published a letter from a correspondent who said that a marriage was celebrated in Venantankari, in the town of Tanjore on 5th July 1889 between an old Brahmin of 70 years who is a stamp- vendor in Panruti, in the South Arcot district and a young girl of 13 years old. It is said that an officer who exercise the powers of a magistrate in the Tanjore district caused the betrothal to take place by putting forward a cook aged 23 as the intended bridegroom.¹

By the year 1898 there were 24257 married girls below four years of age in the Madras Presidency. According to the census of 1921, 24 ½ per cent of Hindu girls between the ages of 10 and 15 were married in the Madras Presidency.²

CAUSES FOR CHILD MARRIAGE

When we see about the causes there are so many social, economic and religious causes behind this ill-practice. Firstly knowingly or unknowingly Indian people are deeply traditional minded. They do not adopt any new way of thinking very easily. For example they like child marriages because their ancestors liked. Secondly the practice was more prevalent among the economically weaker sections. The reason was that the poor families felt a girl was a much a burden to her parents.³ Thirdly various social factors made the system popular. People felt by giving them in marriage at an early age the society would retain its moral purity. Several myths also contribute to the promotion of this system. There was a strong belief that a man can be cured of certain diseases and mental disorders by having a sexual relationship with a virgin. Another notion which prevailed among the people was that salvation can be attained by marrying of at young age.

HISTORICAL EVIDENCE

There are different opinions regarding the origin of this practice. There were times in ancient India when girls selected their own

husbands. For a considerable period in ancient history, there was perhaps no system of early marriage except a few exceptions. Rig Veda mentions that a girl could be married only when she was fully developed-both physically and mentally. Thus the custom of child marriage was unknown in the Vedic period. But by the time of the Manusamhita the custom had already become so familiar that the marriageable age for girls had been prescribed as twelve or even eight. Gradually, early marriage became an established custom. The most respected Hindu epic, the Ramayana says that its hero and its heroine were married to each other at the ages of twelve and six respectively. Even the heroine of Silapathikaram of Sangam age, Kannagi was married at the age of 12. Whatever be the causes, child marriage was a widely prevalent system during the medieval period. Hindus and Muslims alike practiced it. The Emperor Akbar tried to abolish the custom during his reign. By the eighteenth century it had become more deep rooted than ever.

CONSEQUENCES

Early marriage and early motherhood **hindered the full participation of women** in certain important fields of social and cultural life⁴. It is said that the proper child bearing age is from 20 to 30. Although a girl attains puberty at the age of 13, her body is immature and the bones of the pelvis properly develop only at the age of 20. Before the age of 20 the strain of child birth is too much for a girl and she may die. Another evil consequence was pre-puberty marital rape of the child wife by the uneducated and selfish husband. This was treated as equally with adulterous rape and is equally punishable. The system of child marriage was also responsible for the large percentage of illiteracy in India⁵. Early marriage hinders the education of both the girl and boy. The greatest evil arising out of child marriage was the growing number of child-widows. Widows in Hindu society were the victims of perpetual misery and humiliation and were not allowed to remarry however young they might be. The large proportion of widows during the 19th century was partly owing to early marriage.

LEGISLATIVE MEASURES ADOPTED UPTO 1929

Opposition to child marriage and to the consummation of marriage of girls below the age of puberty began from nineteenth century. Social reformers pressurized the British authorities to bring about legislations against child marriage. The colonial government in pursuance of their policy of neutrality and non-interference with the social and religious practices of the people expressed sympathy but was reluctant to legislate. However two important events made the British government to take some steps against the child marriage. One was the case of Rukhma Bai and the other was the Phulmoni case. Rukhma Bai refused to go with her husband saying that her marriage was solemnized at an age of 11 when she was not in a position to give a valid consent. Her husband filed a case against her. After the trial the

judge ordered her to go with her husband or to go to the prison. The whole India was shocked about this. Finally the Orthodox leaders tried to compromise the case and the case ended without punishment.⁶ The next case was a pathetic one. Phulmoni, a girl of 11 years was raped by her 35 years old husband. She died of injuries due to forcible intercourse. The husband was found guilty for the rape, instead he was charged for the murder of the girl and he was given only one year of imprisonment.⁷ These two issues provoked the Colonial government to increase the age of marriages.

The Indian Penal Code which was drafted in 1860 laid some provision regarding child marriage. The IPC made it an offence to have intercourse between the husband and wife if the wife is below 10 years.⁸ After this legislative action in prohibiting child marriage came in 1872 when by the Native Marriage Act popularly known as Civil Marriage Act marriage of girl below the age of 14 and boys below 18 years were forbidden.

By this time B.M. Malabari, a Parsi reformer and journalist started a crusade against Child Marriage. In 1887 he published a report on "Infant Marriage and Enforced Widowhood". This was a collection of opinions for and against received by Malabari.⁹ Malabari argued that early marriages were sapping the vigour of the Hindu race.¹⁰ When the proposal of Malabari was made public many papers appealed to the British to take appropriate action to raise the age of consent. As usual the orthodox section of the society opposed this move. But majority of the Indians who replied to the notes of Malabari favoured legislation or some form of severe action to restrict child marriages.

Again B.M. Malabari moved another bill in the Governor-General's Legislative Council asking for the age of consent for girls must be raised from ten to twelve. There were lots of objection against this bill. However the then Governor-General, Lord Landsowne, supported Malabari's Bill and sanctioned legislation. The bill was passed on 19th March 1891 as Act of 1891. Again in 1914 V.S. Srinivasa Sastri, a lawyer and member of the Madras Legislative Council took up the cause and introduced a bill to legalise post-puberty marriage of girls. The Orthodox section once again did not accept for such a bill. Somehow the bill was carried through at last.¹¹

Nearly after three decades of Malabari's Bill, Harbilas Sharada introduced a Bill to increase the minimum age of marriage for girls to fourteen.¹² The bills of Gour and Sarda were referred to a committee which, in its report to the assembly in 1929, recommended that 15 years be the minimum age for marriage and 21 the age of consent outside marriage. The final bill was amended and it fixed the age as 14 for girls and 18 for boys. The Child Marriage Restraint bill passed by the legislature received the assent on 1st October 1929. The bill was approved and the Sarda Act came into effect on 1st April 1930. The Sarda Act was the first legislation against Child Marriage in British India.¹³

CONCLUSION

The social reformers played an important role in bringing about legislations against child marriage. They pressurized the British government to put an end to the practice and finally they enacted the law against child marriage. However, inspite of the legislation against child marriage, it still prevails in the society. A number of child marriages and marrying girl child to age old men were conducted till today in the society. For example, the newspaper 'The Hindu' dated 3rd June 2012 has reported the marriage of a sixteen year old girl with a forty two year old man.¹⁴ This shows the prevalent of child marriage in the society.

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