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MADRAS RECORD OFFICE

(GOVERNMENT OF MADRAS)

Tamil Nadu Archives

PUBLIC DEPARTMENT

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18TH OCTOBER 1884, No. 2270, PUBLIC.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—the following paper:—

From A. MACKENZIE, Esq., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to Government, dated Simla, 11th September 1884, No. 39-1506.

I am directed to forward, for the information of His Excellency the Governor in Council, and for such observations as His Excellency in Council may desire to make, a copy of a paper on "Infant Marriage" and "Enforced Widowhood" in India by Mr. B. M. Malabari of Bombay.

2. The subject is one of great importance to the social well-being of the people, and the Governor-General in Council would be glad to receive any observations which His Excellency the Governor in Council may desire to make on it.

3. If His Excellency the Governor in Council should think it desirable to consult a certain number of official and unofficial persons well acquainted with native feeling on the question, there would be no objection on the part of the Government of India to this being done.

ENCLOSURE.

25, HORNBY ROAD,
BOMBAY, 15th August 1884.

DEAR SIR,

I beg to submit, for your consideration, my Notes on Infant Marriage and Enforced Widowhood in India.

There cannot be two opinions as to the existence of the evils and their disastrous effects. The question is how best to mitigate these, without calling in the aid of direct legislation and without offending the susceptibilities of the orthodox.

I have ventured to make a few suggestions in these papers, and trust that, in your turn, you will not fail to advance the cause by giving me the benefit of your practical experience. I submitted these notes some time ago to prominent members of the Government of India, and am much encouraged by their sympathy and their readiness to do everything in their power, on proper representation, consistently with the declared policy of the British Government in this country.

I have no right to count upon your entire approval of these views—all that I hope for is that you will not set them aside as impracticable or unworthy of consideration.

Yours respectfully,
BEHRAMJI M. MALABARI.

NOTE I.

INFANT MARRIAGE IN INDIA.

The British Government put down infanticide by law. That was a great gain to society, apart from higher considerations. But we find infant marriage in practice—a more serious evil than infanticide. For, whereas the latter was one short struggle, in which the victim was almost unconscious, an ill-sorted infant marriage entails lifelong misery on either or both parties. Infant marriage is the cause of many of our social grievances, including enforced widowhood.

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The argument, that such an arrangement forbids the exercise of free will on the part of those most concerned, may not commend itself readily to all practical reformers. For parental control is necessary and mostly beneficial even when the parties have come to years of discretion. Absence of choice, therefore, is not my only complaint. But the area of selection is so narrow where society is split up into numerous castes and sub-castes, that practically Hindu parents have to make Hobson's choice of it: to accept the first boy or girl available, or to buy one who comes the cheapest, all things considered. There may be physical defect or moral taint on one side or the other. But so long as this and no other match is to be secured, why, it must be secured at all risks. What wonder, then, if many of these forced unions turn out unhappy? The physical defect may increase with age, the moral taint may grow into a malady. The wife may outgrow the husband, or "the husband may become fit for the grave when the wife becomes fit for his home." There may be total or partial absence of physical adaptability or hopeless disparity of temperament. In any of these events the "married martyrs," as they have been aptly described, are socially alienated from each other, though perhaps living under the same roof. These are some of the many dread contingencies.

But let us take the union to turn out happy, as it no doubt turns out in a large number of cases. What follows? A too early consummation of the nuptial troth, the breaking down of constitutions and the ushering in of disease. The giving up of studies on the part of the boy-husband, the birth of sickly children, the necessity of feeding too many mouths, poverty and dependence; a disorganised household leading perhaps to sin. In short, it comes to a wreck of two lives, grown old almost in youth, which might, in favorable circumstances, have attained to happy and respected age. That this is not an overcharged picture will be admitted by those who have even a superficial acquaintance with the domestic affairs of our people. Last of all comes Death to the relief of the husband or the wife. If the former, it adds one more widow to the forty million and odd, and two or three orphans to the fraternity of unprotected infants. Here we are confronted with that grave economic problem—over-population in poverty. If over-population is felt as an evil in advanced and wealthy countries, where natural and artificial means exist to hold it in check, what must be the effect of over-population in a poor and backward country, where the evil is actively stimulated by unnatural means? Can the State take no cognizance of this economic phase of the evil?—apart from the social aspect with which a foreign Government may well hesitate to meddle.

We are often told by benevolent Let-Alone-ists that the only remedy possible is to educate public opinion on the subject, and then to set this educated public opinion to cope with the evil in operation. This is no doubt a very sound doctrine. But where such a very small portion of the population of India have received elementary education after so many years, the chances of bringing educated public opinion as a force to bear upon the question are extremely slender. The higher classes of Hindus, the more educated amongst them, feel the necessity of discountenancing child marriage; and most of these would undoubtedly act up to their convictions if they only could. But caste is too powerful even for men in that position. Where the girl's parents are enlightened, the boy's may be the reverse; and as that is the only eligible boy in the caste, the former are obliged to sue for terms. Amongst the illiterate mass early marriage obtains most widely, and amongst them, least able to bear the strain, the consequences of such marriage are most far-reaching. They tell disastrously on the physical and social well-being of not only the contracting parties, but even their children and their children's children. We occasionally hear of a debt incurred by a man towards the marriage expenses of his youngest son having to be repaid by his grandson or great-grandson.

I have never heard an argument in favor of infant marriage as a national institution, except that it is enjoined by the Shastras. But, so far as I have been able to see, no Shastra enforces marriage proper on a girl under 12 years of age, when presumably the boy must be between 15 and 20. So much as to the social or so-called religious aspect of the practice. In India every custom that is unintelligible, practically indefensible, becomes a religious question, the merits of which we are not supposed to appreciate in this *Kali-yuga*. But taking infant marriage as a purely economic question, as a source of over-population and consequent disturbances, can the State do nothing to check it? I would not propose a legal ban to be placed upon it. But an enlightened Government might well show its disapproval of the practice indirectly. To begin with, the educational authorities might rule that due notice being given, no married student shall be eligible to go up for University examinations, say five years hence. This would be some check. Several other departments of the State might also devise similar means to discourage this pernicious custom of modern India. I have little doubt that some such expedient would be welcomed by leaders of Native society in all parts. An enlightened Hindu friend writes to me from Bengal cordially approving the proposal.

Our educated young men can do a great deal to strengthen the hands of authority in this direction. An excellent suggestion was made only the other day, that University graduates and others should form themselves into an association and take a pledge not to marry under a certain age. To which another suggestion, equally good, has been added as a rider, namely, that no educated man should marry a girl too much under his age. This would be a fair beginning for the educated class.

It appears to me that the State has a right to insist upon having the best available servant, if not the best available citizen. If so, the head of a department may prefer the unmarried candidate to the married, all other qualifications being equal. I am not blind to the risk to which this proposal is open; but the advantages far outweigh every possible inconvenience. Then, again, the Educational department may give a few chapters in its school books, describing the evil in its various forms. The State may offer indirect inducements to students remaining unmarried up to a certain age. There are ways in which the executive can do a great deal towards the mitigation of social martyrdom, without invoking the aid of the legislature. Let the officer evince personal interest in the matter, keeping his official position in the background. It is such friendly sympathy, in my opinion, more than anything else, to which we owe what little progress we have made socially during the last fifty years, especially in the matter of female education. And I suspect that something very like gentle moral pressure had to be exercised by friendly officials when girls' schools were first opened in the mofussil and pupils were hard to find. Parents would not allow their daughters to be out of sight for a few hours every day. But the thing had to be done, and we have now a girls' school in almost every large village. Shut up these schools today, and I dare say the villagers will make a grievance of it.

The most obnoxious amongst early marriages (which are often unequal in point of age) are: one, the marriage of an infant girl with an old man—the object generally being for the bride's father or relatives to secure money from the bridegroom. This is much the same as selling the child, selling her into slavery and worse. Now the State may not directly interfere with the transaction. But indirectly, I think, it can aim a deadly blow at the practice itself. For instance, by ruling that the money received from the bridegroom, the price of the girl disposed of, is not to belong to the seller, the parent or relative of the victim, but to be safely deposited in her name and for her exclusive use. Some such ruling will discourage marriages of the kind. And where the marriage does take place the money paid by the bridegroom, the cost of the bride's sacrifice, will be a comfort to her in widowhood. For, in all human probability, the girl must become a widow, in which case she has at present to be so fully dependent on her male relatives. This suggestion was made to an English friend by a competent Hindu authority at Madras about a year ago.

2. Another objectionable form of marriage, so called, is—a girl of 12 to 15 married to a boy of 8 to 10. When we know that the marriage is brought about by the father or the elder brother of the boy, who (the father or the elder brother) is a widower, we may guess the object. It is a criminal arrangement, leading to sin all round, and to much suffering for the unfortunate girl who must in name remain the wife of the boy. When the boy-husband realises his position, he may murder the wife, the father or the brother. For proof positive the reader may search the records of a Magistrate's Court here and there: of presumptive evidence there is no lack. The evil is limited in area, but it is none the less a horrible thing. How long will society and the State put up with it?

BOMBAY, 15th August 1884.

BEHRAMJI M. MALABARI.

NOTE II.

ENFORCED WIDOWHOOD.

I may begin this Note by saying that personally I do not approve of Remarriage in either sex under ordinary circumstances. Nor do I endorse the vulgar prejudice that the Hindu widow is necessarily a social danger and must therefore be remarried by force. As a matter of fact the Hinduani is, by blood and tradition, an excellent type of womanhood in all relations of life. But in modern India woman seems to have become, as if by common consent, the inferior of man as a social unit. She is married in infancy. In case of early death of the husband she has perpetual widowhood before her, even though still an infant. Her life is a social failure. In most things she is at the mercy of others, because the average Hindu widow is not able to appreciate and protect her rights as a member of society. To many it is a wonder that the world hears so little of the results of such social inequality. I believe this is so because woman is the sufferer. It is not in her nature to publish her wrongs, however great. A Hindu woman complains little. But that little, in the present case, is too much for those who know. The widows of Gujarat and of Maharashtra, of Bengal and North-West, of Punjab and Madras, have often set forth their grievances, in prose and verse, in odes and elegies, in piteous appeals and memorials to the Collector of the district, to their Mother-Queen, and to their gods and goddesses without number. To be sure there are thousands of young Hindu widows leading pure, if not happy, lives. We hear of a case now and again in which the widow is the guardian angel of the house and the street; who, having lost the sharer of her joys and sorrows while yet a girl, consecrates her womanhood exclusively to works of charity, cherishing the hope of union in a better world. But if there are thousands of such saintly beings in Hindustan, there must be millions of simple misguided creatures, exposed to all sorts of trials and temptations, whose lives are a curse to themselves and, in some instances, a standing menace to society.

Hindu parents deplore no misfortune so much as they deplore the widowhood of a young daughter. But it is a common misfortune. And its consequences are generally so inevitable, that exposure is a rare occurrence. When every village almost may be covering its shame, or may be in daily dread of having to do so, connivance is the only hope of the community. Direct evidence being nearly impossible in a suspected case, the policeman finds free scope for the exercise of mercy or cupidity. Yet, how many cases of infanticide do we hear of every month? And these are only exceptional cases that come to be known. The unknown ones may be twenty times more. There is a regular system of freemasonry maintained for the purpose—the removal of the widow in trouble on visits to distant relations or on pilgrimage—which baffles detection. When all attempts fail, the mother's health is ruined for life, or she dies with the babe unborn.

It is sometimes urged that enforced widowhood must be accepted as a necessary evil. If so, the question arises—Is Hindu Society reconciled to the evil? No; Society is and has long been in revolt against this inhuman custom. Educated young men, and many of the orthodox old, are anxious to be saved from its demoralising effect, if for no higher purpose, at least for their own interest. Why don't they, then, shake off the evil? Because the Hindu is hard to move. Caste exercises overpowering influence. Caste is more potent in its secret persecution than was the Inquisition of Spain. Not only are the offending couple excommunicated, but their relations and friends too may become outcasts henceforth and for ever (unless they can afford to buy readmission) in life and in death. They are shunned like a moral plague. No European can have an idea of the operation of this dread award; it is more bitter than the bitterness of death.

Such are the results virtually of the abolition of Suttie by the British Government. Had Mountstuart Elphinstone and Lord William Bentinck anticipated them, they would have paused before enforcing the law without its legitimate corollary. For, whereas Suttie was one single act of martyrdom or heroism, as the victim committed it, and an act of religious merit popularly believed, the life which caste imposes on an unwilling widow is a perpetual agony, a burning to death by slow fire, without any chastening or elevating effect on the sufferer or any moral advantage to the community at large by way of compensation.

Now, my contention is, has caste the power to punish an act which the State recognises as legal and natural, and for which, in fact, the State has presumably rescued the widow from the flames? The plea as to remarriage of all widows being forbidden by the Shastras has long been known to be untenable. The only rational objection that is urged against remarriage is based on the theory of over-population. But all remarried couples do not necessarily transgress the laws of population. Caste has no objection to the widower marrying again, as often as he likes, and more women than one at a time if he so wishes. Its cold-blooded philosophy is reserved only for the woman who has lost her husband, that is, for all in life. Here, then, is a conflict between State and Caste. Who is stronger?

It has often been asked—why does not the remarried widow or her friend seek the protection of the law against her persecutor? My answer is a simple question—Why at all do you allow the oppressor to oppress the weak and the innocent? Government save the widow from compulsory immolation. Henceforth the widow becomes a ward of the State, and has the power, if she have the will, to enter into another honorable contract. And yet, caste condemns her to an unnatural, if not an ignoble course of life, may be for its own purposes, and tramples upon her finer instincts. Why should caste be allowed to do this?

We are again told that the custom has a purely religious bearing. No such thing. It is more a freak of the priestly class and of a set of social monopolists. At any rate, this is what it has come to. And how many bad customs and usages have already been put down which were all alleged to have had their origin in religion? Suttie, infanticide, the rolling of the Juggernaut car; the suppression of these raised a howl of indignation at the time. Government were threatened with mutinies and rebellions. What became of those hostile national demonstrations? By all means, let us respect and preserve all that is good in a custom. But the British Government belie their cherished traditions in putting up with what is harmful simply because it is sanctioned by that custom.

Now, I am not one of those who are for violent interference by the State or for abrupt reforms from amongst the people themselves. We must move with the times, carrying the people with us. And I say that in this matter the people are ready to go a step further. Our progress, since the abolition of Suttie, has not been quite perceptible. But still I hold that a move forward has been maintained all along the line. There have been a number of remarriages in Bengal, Madras, Bombay, and elsewhere, in spite of the stringent prohibition of caste. But this progress has been far too slow. And there are so many obstacles in the way, that those who have watched the movement closely apprehend a res-action if the people are left much longer to struggle on by themselves. Karsandas Mulji, our foremost social reformer on this side, died broken-hearted under implacable persecution. Happily we have Societies and Associations working in aid of this particular reform. The widow's cause has enlisted the sympathy of notable men, official and non-official, European and Native, who think it cruel to take full cognisance of the errors and irregularities incidental to enforced widowhood. All that now seems to be needed is the interposition of authority to a small extent. Let Government rule:—

- (1) That no Hindu girl, who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will.

Here I need not be reminded of Act XV of 1856. It is a fairly adequate provision in itself. But what has it done for the re-married widow and her friends in the course of the last 28 years? Practically it has remained a dead letter. I ask for little more than that the existing provision be made known to the victims and enforced in their favor by all possible means. That the secret opposition of caste be met by some indirect encouragement to them from the Government. Show your dissatisfaction at the prevailing state of affairs and your anxiety to do something on proper representations being made. At present there is a struggle between caste and the code. It is an unseemly encounter. The practical impunity—the feeling that Government cannot and will not interfere—encourages the aggressors quite as much as it discourages the aggrieved seeking redress from the tyranny of caste.

- (II) That arrangements may be made, in suspected cases, to ascertain whether a widow has adopted perpetual seclusion voluntarily or whether it has been forced upon her.
- (III) That every widow, of whatever age, shall have the right to complain to the authorities of social ill-usage (over and above excommunication), and that proper facilities shall be afforded her for the purpose, such as the gratuitous service of counsel, exemption from stamp duty, attendance at court, and so on.
- (IV) That the priest has no right to excommunicate the relations and connections of the parties contracting second marriage, besides excommunicating the principals.

Unless some such protective measures are adopted in time, I repeat there is fear of re-action at least on this side of the country. What little progress has been achieved after thirty years of arduous struggles may be washed away by one wave of the returning tide of fanaticism. If Government fail, as guardians of the unprotected, to rescue the widow from this terrible thralldom, they will, in no small degree, be responsible to the Supreme Authority above and to the civilised world for the results of a vile custom in working.

For, there is scarcely a village in India, scarcely a hamlet, whose shrine is not desecrated by murder; where the blood of the innocent does not pollute the sanctuary of its God. Emaniculate the women of India, ye English rulers! Restore to the widow her birth-right of which she is robbed by usurpers who owe no allegiance to God or to man. Give her back the exercise of free will. Is it meet that in the reign of the most womanly Queen the women of India should remain at the mercy of a foul superstition? Raise the status of our women, and in time England shall be furnished with a Volunteer Corps a million strong. Win the blessings of India's women—the most grateful amongst a grateful nation. You are following in the steps of your predecessors. Then complete the reform inaugurated by them, carry it to its logical conclusion. Declare that the widow, being the State's adopted daughter, shall not be wronged by caste, and that even if custom allows the wrong to be perpetrated, the victim shall be avenged by law.

But I am afraid what I ask in the last paragraph is a question of time. Government may not at present go beyond the four suggestions made above. Nor would it be advisable to press the authorities. I believe an advance would have been made before now by the people themselves but for certain conditions which have always operated adversely on the progress of the Native community. In the first place, it is a mistake to trust entirely to the educated agency. Education by itself has failed to secure influence in the country. Our educated young men want position. They are no match for the priestly class, who are, in a sense, better educated. Nor are the orthodox Pandits so devoid of sympathy as young reformers seem to fear. Be that as it may, it is a fact that the mass of the people look up to the Pandits and Shastris as their guides. The priest is a friend of the caste, the custodian of its honor and integrity. He directs the affairs of many a household, and is instrumental in maintaining the patriarchal relations between old and young, rich and poor. The priest is an institution whom the poor man worships, and the rich man thinks it a privilege to bow to his teachings. Besides, so long as this priestly class been on the defensive against attacks from within and without, that organisation—that is the power to work together—has become the law of their very existence. Has the average educated man, the young reformer, any two of these advantages to offer for our purpose? Modern education has made him impatient and offensive. He has no hold on the popular mind. Not only have his orthodox neighbours no confidence in the educated young reformer, but they look upon his doctrines with positive distrust. Then, again, in many cases his acts fall short of his words. Last of all, the educated class lacks the means for organisation—the different elements are generally so incohesive. I hope and believe that these are only temporary difficulties. But there they are, and one is obliged to recognise them as seriously interfering with the usefulness of the educated class in matters social.

If an earnest reformer, therefore, wishes to carry the mass with him, he finds the support and co-operation of the priest indispensable. And such support he may not seek in vain. The priest is not so bigoted as to deprecate social progress. But he is rather shy of outside light and wants gentle handling. The reformer must go to him as a friend, and perhaps as a suppliant.

At this stage I would propose the establishment of a national association for social reform, with the existing societies as branches, and get most of the prominent members of Government to join as sympathisers, from the Viceroy and the Governors downwards. I am not without hope that our cause would interest them so far. Indeed, we might look further up, going to England

for similar countenance. An institution like that would have a certain prestige—people would deem it an honour to be associated with distinguished members of the ruling race. Besides its direct practical advantage, the presence of English friends might deter Native members from backsliding when the time came for action. This wealthy and influential association may then try the usual plans of operation, lectures, tracts, &c., *for the people*, under the sanction not only of their secular rulers, but also of their spiritual guides. All such attempts in the past have been all but useless as directed upon the small educated class who knew the evils full well but had no power to remedy them. Let the people be addressed directly in their own vernaculars. Let the poet and the pandit go hand in hand, scattering the seeds of true knowledge broadcast amongst the mass, to bear fruit in time. Let Government move to some extent under a sense of humiliation that a hundred years of British rule could do but so little towards the amelioration of the social condition of the subjects. And let the people, too, now move for very shame, remembering that there is no hope of political elevation for us so long as we live, and apparently love to live, in such social degradation.

BOMBAY, 15th August 1884.

BEHRAMJI M. MALABARI.

ORDER—dated 18th October 1884, No. 2270, Public.

The foregoing letter from the Government of India, and the papers therewith received, will be communicated to the Hon. Mr. Justice Muttuswami Aiyar, Raja Sir T. Madhava Rau, and Messrs. A. Seshaya Sastri, P. Chentsal Rau, Ananda Charulu, and R. Raghunatha Rau, with a request that they will favor Government with their opinion on the subjects touched on by Mr. Malabari.

2. Mr. Justice Muttuswami Aiyar will also be requested to suggest the names of any other native gentlemen who in his opinion might with advantage be consulted on the subject.

(True Extract.)

Chief Secretary.

To the Hon. Mr. Justice Muttuswami Aiyar, J.E.
 „ Raja Sir T. Madhava Rau, K.C.S.I.
 „ M.R.Ry. A. Seshaya Sastri Avargal, C.S.I.
 „ „ P. Chentsal Rau Pantulu Garu.
 „ „ P. Ananda Charulu Avargal.
 „ „ R. Raghunatha Rau, Dewan Bahadur.

Exd. J. Wright.

Govt. of (1884) Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 18th October 1884, No. 2270.

OCTOBER.

Infant Marriages in India.

Communicating to certain native gentlemen papers from the Government of India on infant marriage and enforced widowhood in India, and requesting Mr. Justice Muttuswami Aiyar to suggest the names of any other native gentlemen for consultation on the subject.

25, HORNET ROAD,

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DEAR SIR,

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have come to years of discretion. Absence of choice, therefore, is not my only complaint. But the area of selection is so narrow where society is split up into numerous castes and sub-castes, that practically Hindu parents have to make Hobson's choice of it: to accept the first boy or girl available or to buy one who comes the cheapest, all things considered. There may be physical defect or moral taint on one side or the other. But so long as this, and no other match, is to be secured, why, it must be secured at all risks. What wonder, then, if many of these forced unions turn out unhappy? The physical defect may increase with age, the moral taint may grow into a malady. The wife may outgrow the husband, or "the husband may become fit for the grave when the wife becomes fit for his home." There may be total or partial absence of physical adaptability or hopeless disparity of temperament. In any of these events the "married martyrs," as they have been aptly described, are socially alienated from each other, though perhaps living under the same roof. These are some of the many dread contingencies.

But let us take the union to turn out happy, as it no doubt turns out in a large number of cases. What follows? A too early consummation of the nuptial troth, the breaking down of constitutions and the ushering in of disease. The giving up of studies on the part of the boy-husband, the birth of sickly children, the necessity of feeding too many mouths, poverty and dependence; a disorganised household leading perhaps to sin. In short, it comes to a wreck of two lives, grown old almost in youth, which might, in favourable circumstances, have attained to happy and respected age. That this is not an overcharged picture will be admitted by those who have even a superficial acquaintance with the domestic affairs of our people. Last of all comes Death to the relief of the husband or the wife. If the former, it adds one more widow to the forty million and odd, and two or three orphans to the fraternity of unprotected infants. Here we are confronted with that grave economic problem—over-population in poverty. If over-population is felt as an evil in advanced and wealthy countries, where natural and artificial means must be held in check, what must be the effect of over-population in a poor and backward country, where the evil is actively stimulated by unnatural means? Can the State take no cognisance of this economic phase of the evil?—apart from the social aspect with which a foreign Government may well hesitate to meddle.

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I have never heard an argument in favour of infant marriage as a national institution, except that it is enjoined by the Shastras. But so far as I have been able to see, no Shashtra enforces marriage proper on a girl under 12 years of age, when presumably the boy

must be between 15 and 20. So much as to the social or so-called religious aspect of the practice. In India every custom that is unintelligible, or actually indefensible, becomes a religious question, the merits of which we are not supposed to appreciate in this *Kali-yuga*. But taking infant marriage as a purely economic question, as a source of over-population and consequent disturbances, can the State do nothing to check it? I would not propose a legal ban to be placed upon it. But an enlightened Government might well show its disapproval of the practice indirectly. To begin with, the Educational authorities might rule that due notice being given, no married student shall be eligible to go up for University examinations, say five years hence. This would be some check. Several other departments of the State might also devise similar means to discourage this pernicious custom of modern India. I have little doubt that some such expedient would be welcomed by leaders of Native Society in all parts. An enlightened Hindu friend writes to me from Bengal cordially approving the proposal.

Our educated young men can do a great deal to strengthen the hands of authority in this direction. An excellent suggestion was made only the other day, that University graduates and others should form themselves into an association and take a pledge not to marry under a certain age. To which another suggestion, equally good, has been added as a rider, namely, that no educated man should marry a girl too much under his age. This would be a fair beginning for the educated class.

It appears to me that the State has a right to insist upon having the best available servant, if not the best available citizen. If so, the head of a department may prefer the unmarried candidate to the married, all other qualifications being equal. I am not blind to the risk to which this proposal is open; but the advantages far outweigh every possible inconvenience. Then, again, the Educational Department may give a few chapters in its School Books, describing the evil in its various forms. The State may offer indirect inducements to students remaining unmarried up to a certain age. There are ways in which the Executive can do a great deal towards the mitigation of social martyrdom, without invoking the aid of the Legislature. Let the officer evince personal interest in the matter, keeping his official position in the background. It is such friendly sympathy, in my opinion, more than anything else, to which we owe that little progress we have made socially during the last fifty years, especially in the matter of female education. And I suspect that something very like gentle moral pressure had to be exercised by friendly officials when Girls' Schools were first opened in the mofussil and pupils were hard to find. Parents would not allow their daughters to be out of sight for a few hours every day. But the thing had to be done, and we have now a Girls' School in almost every large village. Shut up these schools to-day, and I dare say the villagers will make grievance of it.

The most obnoxious amongst early marriages (which are often unequal in point of age) are: 1, the marriage of an infant girl with an old man—the object generally being for the bride's father or relatives to secure money from the bridegroom. This is much the same as selling the child, selling her into slavery and worse. Now the State may not directly interfere with the transaction. But indirectly, I think, it can aim a deadly blow at the practice itself. For instance, by ruling that the money received from the bridegroom, the price of the girl disposed of, is not to belong to the seller, the parent or relative of the victim, but to be safely deposited in her name and for her exclusive use. Some such ruling will discourage marriage of the kind. And where the marriage does take place the money paid by the bridegroom, the cost of the bride's sacrifice, will be a comfort to her in widowhood. For, in all human probability the girl must become a widow, in which case she has at present to be solely dependent on her male

relatives. This suggestion was made to an English friend by a competent Hindu authority at Madras about a year ago.

3. Another objectionable form of marriage, so called, is—a girl of 12 to 15 married to a boy of 8 to 10. When we know that the marriage is brought about by the father or the elder brother of the boy, who (the father or the elder brother) is a widower, we may guess the object. It is a criminal arrangement, leading to sin all round, and to much suffering for the unfortunate girl who must in name remain the wife of the boy. When the boy-husband realises his position, he may murder the wife, the father or the brother. For proof positive the reader may search the records of a Magistrate's Court here and there: of presumptive evidence there is no lack. The evil is limited in area; but it is none the less a horrible thing. How long will Society and the State put up with it?

BEHRAMJI M. MALABARI.

Bombay, August 15, 1884.

Submitted for consideration.

NOTE II.

ENFORCED WIDOWHOOD.

I may begin this Note by saying that personally I do not approve of Remarriage in either sex under ordinary circumstances. Nor do I endorse the vulgar prejudice that the Hindu widow is necessarily a social danger and must therefore be remarried by force. As a matter of fact the Hinduani is, by blood and tradition, an excellent type of womanhood in all relations of life. But in modern India woman seems to have become, as if by common consent, the inferior of man as a social unit. She is married in infancy. In case of early death of the husband she has perpetual widowhood before her, even though still an infant. Her life is a social failure. In most things she is at the mercy of others, because the average Hindu widow is not able to appreciate and protect her rights as a member of society. To many it is a wonder that the world hears so little of the results of such social inequality. I believe this is so because woman is the sufferer. It is not in her nature to publish her wrongs, however great. A Hindu woman complains little. But that little, in the present case, is too much for those who know. The widows of Gujarat and of Maharashtra, of Bengal and North-West, of Punjab and Madras, have often set forth their grievances, in prose and verse, in odes and elegies, in piteous appeals and memorials to the Collector of the district, to their Mother-Queen, and to their gods and goddesses without number. To be sure there are thousands of young Hindu widows leading pure, if not happy, lives. We hear of a case now and again in which the widow is the guardian angel of the house and the street; who, having lost the sharer of her joys and sorrows while yet a girl, consecrates her womanhood exclusively to works of charity, cherishing the hope of union in a better world. But if there are thousands of such saintly beings in Hindustan, there must be millions of simple misguided creatures, exposed to all sorts of trials and temptations, whose lives are a curse to themselves and, in some instances, a standing menace to society.

Hindu parents deplore no misfortune so much as they deplore the widowhood of a young daughter. But it is a common misfortune. And its consequences are generally so inevitable, that exposure is a rare occurrence. When every village almost may be covering its shame, or may be in daily dread of having to do so, connivance is the only hope of the community. Direct evidence being nearly impossible in a suspected case, the policeman finds free scope for the exercise of mercy or cupidity. Yet, how many cases of infanticide do we hear of every month? And these are only exceptional cases that come to be known. The unknown ones may be twenty times more. There is a regular system of freemasonry maintained for the purpose—the removal of the widow in trouble on visits to distant relations or on pilgrimage—which baffles detection. When all attempts fail, the mother's health is ruined for life, or she dies with the babe unborn.

It is sometimes urged that enforced widowhood must be accepted as a necessary evil. If so, the question arises—is Hindu Society reconciled to the evil? No; Society is and has long been in revolt against this inhuman custom. Educated young men, and many of the orthodox old, are anxious to be saved from its demoralising effect, if for no higher purpose, at least for their own interest. Why don't they, then, shake off the evil? Because the Hindu is hard to move. Caste exercises overpowering influence. Caste is more potent in its secret persecution than was the Inquisition of Spain. Not only are the offending

couple excommunicated, but their relations and friends too may become outcasts henceforth and for ever (unless they can afford to buy readmission) in life and in death. They are shunned like a moral plague. No European can have an idea of the operation of this dread award: it is more bitter than the bitterness of death.

Such are the results virtually of the abolition of Sutte by the British Government. Had Mountstuart Elphinstone and Lord William Bentinck anticipated them, they would have paused before enforcing the law without its legitimate corollary. For, whereas Sutte was one single act of martyrdom or heroism, as the victim conceived it, and an act of religious merit popularly believed, the life which caste imposes on an unwilling widow is a perpetual agony, a burning to death by slow fire, without any chastening or elevating effect on the sufferer or any moral advantage to the community at large by way of compensation.

Now, my contention is, has caste the power to punish an act which the State recognises as legal and natural, and for which, in fact, the State has presumably rescued the widow from the flames? The plea as to re-marriage of all widows being forbidden by the Shastras has long been known to be untenable. The only rational objection that is urged against remarriage is based on the theory of over-population. But all remarried couples do not necessarily transgress the laws of population. Caste has no objection to the widower marrying again, as often as he likes, and more women than one at a time if he so wishes. Its cold-blooded philosophy is reserved only for the woman who has lost her husband, that is her all in life. Here, then, is a conflict between State and Caste. Who is stronger?

It has often been asked—why does not the remarried widow or her friend seek the protection of the Law against her persecutor? My answer is a simple question—why at all do you allow the oppressor to oppress the weak and the innocent? Government save the widow from compulsory immolation. Henceforth the widow becomes a ward of the State, and has the power, if she have the will, to enter into another honourable contract. And yet, caste condemns her to an unnatural, if not an ignoble course of life, may be for its own purposes, and tramples upon her finer instincts. Why should caste be allowed to do this?

We are again told that the custom has a purely religious bearing. No such thing. It is more a freak of the priestly class and of a set of social monopolists. At any rate, this is what it has come to. And how many bad customs and usages have already been put down which were all alleged to have had their origin in religion? Sutte, infanticide, the rolling of the Juggernaut Car: the suppression of these raised a howl of indignation at the time. Government were threatened with mutinies and rebellions. What became of those hostile national demonstrations? By all means, let us respect and preserve all that is good in a custom. But the British Government belie their cherished traditions in putting up with what is harmful simply because it is sanctioned by that custom.

Now, I am not one of those who are for violent interference by the State or for abrupt reforms from amongst the people themselves. We must move with the times, carrying the people with us. *And I say that in this matter the people are ready to go a step further.* Our progress, since the abolition of Sutte, has not been quite perceptible. But still I hold that a move forward has been maintained all along the line. There have been a number of remarriages in Bengal, Madras, Bombay, and elsewhere, in spite of the stringent prohibition of caste. But this progress has been far too slow. And there are so many obstacles in the way, that those who have watched the movement closely apprehend a re-action if the people are left much longer to struggle on by themselves. Karsandas Mulji, our foremost social reformer on this side, died broken-hearted under implacable persecution. Happily we have Societies and Associations working in aid

of this particular reform. The widow's cause has enlisted the sympathy of notable men, official and non-official, European and Native, who think it cruel to take full cognisance of the errors and irregularities incidental to enforced widowhood. All that now seems to be needed is the interposition of authority to a small extent. Let Government rule:—

- (I.) That no Hindu girl, who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will.

Here I need not be reminded of Act XV. of 1856. It is a fairly adequate provision in itself. But what has it done for the re-married widow and her friends in the course of the last 28 years? Practically it has remained a dead letter. I ask for little more than that the existing provision be made known to the victims and enforced in their favour by all possible means. That the secret opposition of caste be met by some indirect encouragement to them from the Government. Show your dissatisfaction at the prevailing state of affairs and your anxiety to do something on proper representations being made. At present there is a struggle between caste and the code. It is an unseemly encounter. The practical impunity—the feeling that Government cannot and will not interfere—encourages the aggressors quite as much as it discourages the aggrieved seeking redress from the tyranny of caste.

- (II.) That arrangements may be made, in suspected cases, to ascertain whether a widow has adopted perpetual seclusion voluntarily or whether it has been forced upon her.

- (III.) That every widow, of whatever age, shall have the right to complain to the authorities of social ill-usage (over and above excommunication), and that proper facilities shall be afforded her for the purpose, such as the gratuitous service of counsel, exemption from stamp duty, attendance at Court, and so on.

- (IV.) That the priest has no right to excommunicate the relations and connections of the parties contracting second marriage, besides excommunicating the principals.

Unless some such protective measures be adopted in time, I repeat there is fear of re-action at least on this side of the country. What little progress has been achieved after thirty years of arduous struggles may be washed away by one wave of the returning tide of fanaticism. If Government fail, as guardians of the unprotected, to rescue the widow from this terrible thralldom, they will, in no small degree, be responsible to the Supreme Authority above and to the civilised world for the results of a vile custom in working.

For, there is scarcely a village in India, scarcely a hamlet, whose shrine is not desecrated by murder; where the blood of the innocent does not pollute the sanctuary of its God. Emancipate the woman of India, ye English rulers! Restore to the widow her birth-right of which she is robbed by usurpers who owe no allegiance to God or to man. Give her back the exercise of free will. Is it meet that in the reign of the most womanly Queen the women of India should remain at the mercy of a foul superstition? Raise the status of our women, and in time England shall be furnished with a Volunteer Corps a million strong. Win the blessings of India's women—the most grateful amongst a grateful nation. You are following in the steps of your predecessors. Then complete the reform inaugurated by them, carry it to its logical conclusion. Declare that the widow, being the State's adopted daughter, shall not be wronged by caste, and that even if custom allows the wrong to be perpetrated, the victim shall be avenged by law.

But I am afraid what I ask in the last paragraph is a question of time. Government may not at present go beyond the four suggestions made above. Nor would it be advisable

to press the authorities. I believe an advance would have been made before now by the people themselves but for certain conditions which have always operated adversely on the progress of the Native community. In the first place, it is a mistake to trust entirely to the educated agency. Education by itself has failed to secure influence in the country. Our educated young men want position. They are no match for the priestly class, who are, in a sense, better educated. Nor are the orthodox Pandits so devoid of sympathy as young reformers seem to fear. Be that as it may, it is a fact that the mass of the people look up to the Pandits and Shastris as their guides. The priest is a friend of the caste, the custodian of its honour and integrity. He directs the affairs of many a household, and is instrumental in maintaining the patriarchal relations between old and young, rich and poor. The priest is an institution whom the poor man worships, and the rich man thinks it a privilege to bow to his teachings. Besides, so long has this priestly class been on the defensive against attacks from within and without, that organisation—that is the power to work together—has become the law of their very existence. Has the average educated man, the young reformer, any two of these advantages to offer for our purpose? Modern education has made him impatient and offensive. He has no hold on the popular mind. Not only have his orthodox neighbours no confidence in the educated young reformer, but they look upon his doctrines with positive distrust. Then, again, in many cases his acts fall short of his words. Last of all, the educated class lacks the means for organisation—the different elements are generally so incohesive. I hope and believe that these are only temporary difficulties. But there they are, and one is obliged to recognise them as seriously interfering with the usefulness of the educated class in matters social.

If an earnest reformer, therefore, wishes to carry the mass with him, he finds the support and co-operation of the priest indispensable. And such support he may not seek in vain. The priest is not so bigoted as to deprecate social progress. But he is rather shy of outside light and wants gentle handling. The reformer must go to him as a friend, and perhaps as a suppliant.

At this stage I would propose the establishment of a national association for social reform, with the existing societies as branches, and get most of the prominent members of Government to join as sympathisers, from the Viceroy and the Governors downwards. I am not without hope that our cause would interest them so far. Indeed, we might look further up, going to England for similar countenance. An institution like that would have a certain prestige—people would deem it an honour to be associated with distinguished members of the ruling race. Besides its direct practical advantage, the presence of English friends might deter Native members from backsliding when the time came for action. This wealthy and influential association may then try the usual plans of operation, lectures, tracts, &c., for the people, under the sanction not only of their secular rulers, but also of their spiritual guides. All such attempts in the past have been all but useless as directed upon the small educated class who knew the evils full well but had no power to remedy them. Let the people be addressed directly in their own vernaculars. Let the poet and the pandit go hand in hand, scattering the seeds of true knowledge broadcast amongst the mass, to bear fruit in time. Let Government move to some extent under a sense of humiliation that a hundred years of British rule could do but so little towards the amelioration of the social condition of the subjects. And let the people, too, now move for very shame, remembering that there is no hope of political elevation for us so long as we live, and apparently love to live, in such social degradation.

BEHRAMJI M. MALABARI.

Bombay, August 15, 1884.

FROM

A. Mackenzie Esquire,
Secretary to the Government of India,

TO

*The Chief Secretary to the
Government of Madras.*

Simla, the 11 September 1884.

Home Department

Public.

SIR,

I am directed to forward for the information of His Excellency the Governor in Council and for such observations as His Excellency in Council may desire to make, a copy of a paper on "Infant marriage" and "Enforced widowhood" in India by Mr. B. M. Malabari of Bombay.

2. The subject is one of great importance to the social wellbeing of the people and the Governor General in Council would be glad to receive any observations which His Excellency the Governor in Council may desire to make on it.

3. If His Excellency the Governor in Council should think it desirable

desirable to consult a certain number
of official and unofficial persons well
acquainted with native feeling on the
question, there would be no objection on
the part of the Government of India to
this being done.

I have the honor to be
Sir

Your most obed^t servant

A. Munro

Secretary to the Gov^t of India

Handwritten notes at the top left of the page.

Public

Circular

For order whether the opinions of leading native gentlemen should be taken on these questions.

From the Govt of India Home Deptt No 31 1406

A-I-24-J-84 A vigorous controversy on this subject has been lately conducted between Mr Ananda Charlu & Mr Raghunatha Rao. Perhaps both these gentlemen: Sir T. Madhava Rao, Mr Justice Krishna Rao, Mr Chintamani Rao & Mr Justice Krishna Rao have consulted S. F. W.

Of 16th September 1861 11/20 September 1861

Yes let this be done with justice & without any technicality. It will be asked to suggest other names you

The subject of 'Suffragan' and enforced widowhood in India

Very truly Yrs

25/9/61

6 P

no 3283

Order 18 6th/36 No 2270

The foregoing letter from the Govt of India and the papers therewith received, will be communicated to Mr. W. Justice Mulla, Mr. Wami Aliyar, Mr. J. Marthanda Rao, Mr. Chintamani Rao, Mr. Ananda Charlu and Mr. Raghunatha Rao, with a request that they will favour Govt with their opinion on the subjects touched on by Mr.

Malabari.

12
Mr. Justice Mathe
swami Aiyar will
also be requested
to suggest. ~~to suggest~~
The names of any
other native gentle
men ^{in his opinion} who might
be ^{to and} called on
the subject. —
For

To The Hon. Mr. Justice Mathe swami Aiyar C.I.E. 1
Raja Sri T. Madhava Rao B.C.S.I. 3
Mr. P. T. Seshaya Sastri B.C.S.I. 1
Mr. P. Chintal Rao Pantulu Jara
Mr. P. Ananda Charulu B.C.S.I. 1
Mr. P. Raghunatha Rao B.C.S.I. 3

Dec 29/10

11-17-10