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AIWC AND ABOLITION OF CHILD MARRIAGE

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ABSTRACT:

Even as the first AIWC session sat to discuss educational reform, it became clear to members that if women's education was really to progress, they had to be freed from the social evils that enslaved them. In her presidential address, Maharani Chimnabai stressed that eradication of practices such as child marriage and purdah was a precondition to progress. Resolutions adopted at this and subsequent sessions reflected this socio-political awareness. Ever since the prohibition of sati by William Bentinck in 1829, Indian social reformers looked to the government to pass legislation for bringing about social reforms. The task before the AIWC, therefore, was 'to create public awareness so that pressure would be put on members of the central legislature to introduce and support reform measures.



KEYWORDS: AIWC, Reform, Child Marriage .

INTRODUCTION :

Since the Nineteenth Century there had been opposition to child marriage and to the consummation of marriage of girls below the age of puberty. Moral issues, problems of health, birth control, mistreatment of women, all became associated with the issue of child marriage.¹ Social reformers argued that child marriage had not existed in ancient India and was not sanctioned by the sacred texts. First, they pressurised the British authorities into appending a clause in the Indian Penal Code (1861)

that defined statutory rape as sexual relations with a woman, married or unmarried, below the age of ten. As a result of Behramji Malabari's campaign in England and India, the age of consent of marriage for girls was raised to twelve years by an act in 1891. Between 1922 and 1927, the Indian Legislative Assembly debated a number of bills concerned with raising the age of consent, or the age at which intercourse was legally permissible. In 1927, Rai Saheb Har Bilas Sarada introduced the Hindu Child Marriage Bill which, he claimed, struck at the real problem of child marriage. This bill and the one on age of consent by

Hari Singh Gour were both referred to a committee which, in its report to the assembly in 1929, recommended that fifteen years be the minimum age for marriage and twenty one the age consent outside marriage. The final bill was amended to read age fourteen for girls and eighteen for boys. The bill was approved and the Sarda Act came into effect in 1930. Speaking on the issue at the Poona session, Maharani Chimnabai told the delegates of the AIWC thus "the age of consent should be made by law a minimum of sixteen. Many, of the constituent conferences have done well in placing this question in the forefront of their deliberations. It

is also now known that Sir Hari Singh Gour, to whom the women of India owe a great debt of gratitude for his very valuable services, is going to bring the question of raising the age of consent inside and outside marriage to sixteen in the next assembly. We have not merely to pass a resolution giving our whole-hearted support to the proposed resolution of Sir Hari Singh, but we have to organize a regular campaign of propaganda throughout the country in favour of the resolution with a view to getting it accepted both by the assembly and the Government of India. I cannot urge you too strongly to advocate this by every means in your power, by persuading individuals, by holding public meetings in the provinces from which you have come, by the formation of societies pledged to the cause of this and other allied reforms, and by urging your representatives in the Councils to take all necessary steps in this matter, to bring such a law into being with proper safeguards to see that it is enforced. On the reform in our marriage system, will, I believe, rest the success or otherwise of our educational programme, and it is therefore that I recommend the Conference to make this a live question in its deliberations.²

A resolution was passed at this session deploring the effects of early marriage on education and demanding the raising of the age of consent to sixteen. It whole-heartedly supported Gour's Bill and resolved to send a deputation to the assembly to convey to its members the demands of women on this vital subject.³

At its second session held in Delhi in 1928, the Begum of Bhopal in her presidential address held child marriage responsible for the lack of education among girls and for retarding their physical, mental and moral growth.⁴ The Rani of Mandi proposed a resolution deeply deploring the effect of child marriage on education which was passed unanimously.⁵

At both these sessions members deplored the effect of early marriage on education and condemned the custom of allowing immature boys and girls to become parents and called upon the central government and the provincial legislatures to follow the precedent set up by the states of Baroda, Mysore, Rajkot, Kashmir, Gondal, Limbdi, and Mandi which had raised the legal age of marriage. They demanded that the legal age for girls and boys be made 16 and 21 years respectively. They pointed to the sheer inequity of child marriage, its terrible effects on the physique of the race, the tragedy of premature widowhood, the bearing of unfit children by immature and uneducated women, and finally the utter impossibility of carrying on any real and successful far-reaching plans of education as long as girls were to be claimed at an early age by marriage. Child marriage had no sanction in the shastras and hence it was, in fact, a negation of the sacred laws. The members suggested :

(i) The Conference should elect a small standing committee to watch and report on the progress of the Child Marriage Bill, to co-ordinate and direct the activities of the provincial committees and to urge their views upon the legislatures.

(ii) The delegates be charged to urge upon their provincial constituent bodies the formation of similar provincial and local committees to carry on an intensive educational campaign against child marriage and to bring their views urgently and constantly to the attention of the provincial and central legislative bodies.

Suggestions for the campaign included:

(a) Propaganda meetings and lectures;

(b) Writing literature and posters;

(c) Petitions;

(d) Postcard campaign urging people to sign postcards or write to their representatives in the legislative assembly demanding passage of the Child Marriage Bill; and

(e) Allocation of some part of the finances for this purpose and seeking of special donations to the campaign fund.

A deputation on behalf of the AIWC waited on the Age of Consent Committee on 8th January 1929 at Patna. It began by stating that the AIWC wished to emphasize the fact that it had, at each of its

three Conferences, recorded its support to the Age of Consent Bill with the proviso that the age of consent within marriage should be sixteen years and outside marriage eighteen. It had also strongly supported the bill to raise the age of marriage and recommended the ages of sixteen and twenty one for girls and boys respectively. The AIWC was of the firm opinion that it was ineffective to raise the age of consent without fixing the age of marriage. The deputation then clarified their opinion on various points. Age of consent within marriage being sixteen years and outside eighteen, they said they would prefer eighteen in both cases for practical purposes and not due to physiological reasons. As for orthodox ladies, the deputation members held that as parents were afraid of social ostracism they would welcome the change if it came as a law. To the argument that raising the age may lead to immorality, members of the deputation said that young girls would be looked after as young widows were being looked after. They added that child marriage was not sanctioned by the shastras. Raising the age of marriage ensured that guardianship of the girl remained in the hands of the parents, which would not be so if only the age of consent was raised.

The ladies persisted in their demand for legislation, and would not allow religion to intervene. They would allow no exemption to the rule they desired to have enacted as law. The act was hailed by reformist opinion throughout the land. Many of the princely states, realising the importance of such an act, took up the task of introducing similar legislation within their boundaries. Baroda and Kotah had already passed acts prohibiting child marriage. But there were conservative and unprogressive sections of Hindus and Muslims who were busy wrecking it.⁶ The AIWC urged that Muslims and other communities also be brought under the purview of the Child Marriage Act.

11th February 1928 was a red-letter day in the history of the AIWC when a deputation representing almost every province of India waited on different political parties in the country to seek their cooperation in putting down the custom of child marriage by legislation. The first deputation was to the Viceroy and was headed by the Rani of Mandi. It included Mrs. S.R. Das, Rameshwari Nehru, Sarla Devi Chaudhrani, Mrs. Ambalal Sarabhai, Begum Hamid Ali, Kamaladevi Chattopadhyaya, Margaret Cousins and eleven others. A second deputation led by Indira Bhagwat met the non-official European members of the assembly and leaders of political parties including Mohammed Ali [Jinnah], Pandit Madan Mohan Malaviya, Motilal Nehru, Srinivas Iyengar, Lajpat Rai, M.R. Jayakar and the Raja of Mahmudabad.⁷ A third deputation consisting of Sushma Sen, Kamaladevi Chattopadhyaya and Srirangamma and others met the Age of Consent Committee to press their views and counter the arguments raised by the opponents of the Bill based on grounds of religion and popular sentiment.

As soon as the Sarda Bill was introduced in the legislative assembly, the AIWC started mobilising support for its passage. All through 1929-30, branches of the AIWC formed small committees to watch and prevent child marriages by persuasion and pressure, by propaganda through press and platform, by means of magic lantern lectures and popular songs and holding protest meetings. When the Sarda Act was passed, women leaders claimed it as their victory and felt that their victory was firm evidence of nationalist support for women's rights. The act, however, was ignored after it was passed.

The AIWC and other women's organisations concerned about this petitioned the government to amend the act so that it would be easier to prosecute offenders, and formed vigilance committees. Despite their efforts, there were few prosecutions. The Sarda Act's greatest lesson ironically was perhaps to show the women who supported it how powerless they were when it came to actually effecting social change through legislation. A number of influential Muslim members presented a petition to the Viceroy against the proposal to exempt Muslims from the purview of the Sarda Act. The AIWC passed a resolution in 1931 urging the government to keep the act intact and to enforce it strictly.⁸ It urged all its branches, the youth, women social reform associations and others to educate public opinion and persuade individuals to obey the law and to report cases of violation of the act. Protest meetings were held in practically every constituency and telegrams were sent by them to the Viceroy, the Home Member and the Secretary to the Legislative Assembly.⁹

To conclude, the child marriage is an important social evil which affected the health of the women. Because of the child marriage, sometimes the women became child mothers and child widows.

As it was one of the social evils, the Indian Social Reformers and AIWC worked for the abolition of the child marriage. Due to their efforts, Sarda Act was passed and Child marriage was legally prohibited.

END NOTES AND REFERENCES

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