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# COLLECTION

CONTAINING

*THE PROCEEDINGS WHICH LED TO THE PASSING OF*  
ACT XV. OF 1856,

(An Act to remove all legal obstacles to the  
Marriage of Hindu Widows.)

With an Introduction

BY

M. G. RANADE, M. A., L L. B.,

AND AN APPENDIX.

COMPILED BY

PANDIT NARAYAN KESHAV VAIDYA,

AUTHOR OF "THE LAMENTATIONS OF HINDU WIDOWS" &c.

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Bombay.

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To

( B. M. MALABARI Esquire.,

BOMBAY.

, Sir,

*It is to your disinterested labours that we owe the approaching solution of the problem of Social Reform in India, which has engaged some of the greatest intellects of an intellectual nation. With a rare combination of faith, insight and benevolence, you undertook this crusade; and by God's grace, and under the guidance of enlightened Hindu reformers, you have carried it to an important point. Courage, brave heart! Struggle on a little while longer, clearing the jungle of Ignorance and crossing the waters of the Dead Sea of Apathy. The promised land is now within sight. Be not dismayed by senseless opposition; you have the sympathy of all that is wisest and best, from HER MOST GRACIOUS MAJESTY THE EMPRESS downwards. To those who call you an alien and an enemy—You, whose every work they once described as a national benefit, pray show this book which I dedicate to you as a tribute of fervent admiration. You have thousands of admirers in this country, who will doubtless do you more fitting homage. And by the daughters of India, especially, your name will be ever cherished as of a guardian saint.*

*Sir, do not desert the cause now which you have gallantly espoused so long. The Hindus are a grateful race. They will soon forget your mistakes, if any; but your merits they will enshrine in their memory.*

I remain,

Sir,

Your humble Aryan brother,

NARAYAN KESHAV VAIDYA

Bombay, 15th October 1885.

## CONTENTS.

|  | Page. <sup>c</sup> |
|--|--------------------|
| INTRODUCTION. ... ..   | III—XXIII          |
| Authorities from Hindu Law on Marriage generally.  | xxv                |
| Petition from Īswarchandra Vidadiasagar and others,<br>dated 4th October 1855, regarding the propriety<br>of passing a law to remove all legal obstacles to the<br>Marriage of Hindu Widows ... .. | 1                  |
| Bill to remove all legal obstacles to the marriage of<br>Hindu Widows, with Statement of Objects and<br>Reasons. ... ..  | 3                  |
| Proceedings of the Legislative Council of India, dated<br>17th November 1855, relating to the FIRST<br>READING of the above Bill... ..   | 7                  |
| Ditto—Ditto—dated 19th January 1856,<br>on the 2nd READING of the above Bill. ... ..   | 30                 |
| Petition from Raja Radhakant Bahadur, and others,<br>dated 17th March 1856, <i>against</i> the above Bill...   | 31                 |
| Ditto—from certain Professors of Hindu Law and<br>inhabitants of Nuddea, Trebani, Bhatparrah,<br>Bansbarriah, Calcutta and other places <i>against</i><br>the above Bill. ... ..                   | 37                 |
| Report of the Select Committee on the above Bill,<br>dated 31st May 1856. ... ..   | 43                 |

|   |         |
|---|---------|
| Proceedings of the Legislative Council of India, dated<br>12th July 1856, relating to the above Bill. ...                                   | 57      |
| Ditto—Ditto—dated 19th July 1856, relating to<br>the <i>Third</i> READING of the above Bill ... ..  | 72      |
| Ditto——Ditto——dated 26th July 1856,<br>regarding the assent given by His Excellency the<br>Governor-General of India to the above Bill. ... | 79      |
| The Bill, as finally passed, as Act XV of 1856....  | 80      |
| APPENDIX ... ..   | I—XVIII |

# INTRODUCTION.

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The past twelve months have been notably distinguished for the warmth and freshness of light thrown upon many of our most cherished social institutions by free discussion. As is usual in the case of all discussions on social evils, much declamation and invective have been employed on both sides, to supply the place of calm and critical investigation, and the merits of the questions really at issue have been obscured by clouds of words and figures, and empty boasts of self-satisfied complacency. These questions really reduce themselves to two points of inquiry, first, whether or not the institutions assailed produce on the whole more of evil than good, and secondly, whether the evil that is in them admits of a speedier and more effective remedy than is implied in the advice of those who would let things alone, and would drift along with the stream of events, but neither exert themselves, nor permit others to make an effort, to regulate the current and make it run steadier and stronger in the desired direction. On the first point, taking the general sense of those who have spoken out on both sides, there appears to be a general agreement. The dispute here is confined to the alleged extent of the evils, which are freely admitted to be so: On the second point, the difference of views is radical, and there does not appear to be any great likelihood of an agree-

ment ever being arrived at which will satisfy both parties. When one sees how men, who had grown grey in the denunciation of these evils, turned round immediately a suggestion was made for practical action, and joined the orthodox majority in their praise of the existing arrangements, the Political Rishi's warning about the defects of Hindu character seems to be more than justified. There appears to be no ground for hope, under such circumstances, of seeing any genuine reform movement springing up from within the heart of the nation, unless that heart is regenerated, not by cold calculations of utility, but by the cleansing fire of a religious revival. However, there is really nothing strange in all this outcry. There will always be, and there always have been, as Lord Ripon in another connection observed, a clean and an unclean party in small municipal, as well as in large social, arrangements. If the population of our cities were entirely left to themselves, and each man's or woman's vote was as good as another's, the good sense of the men of light and leading would no doubt prevail in the end, but, in the earlier stage of discussion and argument, we should doubtless hear many an appeal to the glory of our ancestors, their long life and vigour maintained, it might be proudly observed, in spite of, or in the absence of, municipal conservancy. Even in European countries, there are anti-vaccination doctors, Shakers, who take no medicine, but leave the body to cure itself, physical science pedants who still question the truth of the motion of the earth round its sun centre, and its motion round its own axis. A love of paradox is a weakness which clings to many great minds, grows with their other excellences like a parasitic excrescence. Leaving these un-



natural developments aside, it is clear that there is a chance of producing a reasonable conviction among not the vast majority of those who do not think, but among the considerable minority who in every country lead opinion by informing it and setting it in proper form before the community in general.

Viewed in this light, there is abundant reason for hope that an historical study of these institutions will dispel many a false conception of the antiquity and sanctity of the existing arrangements.

The early celebration of child marriages, the forcible disfigurement of widows and absolute prohibition of remarriage in the higher castes, the occasional and local practices of polyandry and polygamy, are all admittedly corruptions of recent growth unknown to the best days of our country's history. The Hon. Rao Saheb V. N. Mandlik, who speaks with an authority which few will dispute, has freely admitted that the Hindu girl's marriageable age is 12, and that the corresponding age for boys has been reduced from time to time as the period of Brahmacharya studies was more and more curtailed. Taking the most narrow acceptation of the Grihya Sutra rules, this period could not well be legally curtailed below 12 years, thus making the marriageable age for boys 20 years. In regard to the question of widow marriage, it is admitted by the orthodox leaders of the opposition that the prohibition forms part of the Kali Nisheda, or prohibitions intended for the Kali Yug. The writings of Manu and Yajnavalkya show, what the Itihasas and Purans confirm, that monogamy is the natural con-

dition of Aryan life, and that both polygamy and polyandry are disreputable excrescences. Nobody can, under these circumstances, contend that, on the strictest interpretation of the texts, the local usages which obtain at present agree with our best traditions of the past. Those who advocate a return to the old order of things are thus in good company, and are not foreign imitators.

We have to consider, next, how it came to pass that the Aryan population in course of time departed from the vigorous and healthy usages of their ancestors. Such an enquiry alone will enable us, who now aspire after a higher life, to trace our way back without risk of failure or disappointment. The Hindu community has always been self-contained, if not original, in its grasp of social matters, and no analogies drawn from Christian or Mahomedan nations can have any convincing force, unless they are supported by reasons and associations of our own venerable past.

The rise and fall of female rights and status in Hindu Aryan Society has a history of its own, at once interesting and suggestive in its analogies to the corresponding developments in the institutions of another kindred stock, the Roman Aryans, who have so largely influenced European ideas. Both began by a complete subordination of the women in the family to the men, and of the men themselves to the head of the family. In early Vedic times, the woman was, like the deformed or the sickly member of a family, devoid of rights, and, being incapable of self-protection, was disentitled to share the inheritance. The succession in a united family after the death of its chief

went to the surviving male members, his sons, and brothers, and in their default to the more distant agnate males.

The earlier Sutrakars, Baudhayana and Apasthamba, clearly re-affirmed this exclusion from inheritance and asserted the perpetual subjection of every woman to her father, her husband, and her son. Gradually, however, as the Aryans settled in the land, and the necessities of war gave place to the gentler virtues and victories of peace, the earlier Smritis found admission by express texts for the wife, the mother, the grand-mother, the daughter, and the sister, and finally to the female relations of the male Gotraja Sapinda. It is hardly necessary to follow this growth step by step. Corresponding with this recognition of the claims of family affection, a chivalrous regard for women, and for their personal comfort and liberty, was asserted in other ways. The women took equal part with the husbands in solemn religious rites, and as queens took their places in great religious sacrifices and the deliberations of State on occasions of display and power. They were permitted at their choice to remain single and unmarried, and neither the father nor the mother would interfere by exercising their power of choosing husbands for them. They were poets, philosophers, and Rishis, and composed hymns and wrote works, and studied and argued with men on equal terms. This went on for many centuries, and the proofs of it are too numerous in all our Purans and Itihasas to admit of any hesitation on the part of even the most hostile critic. Marriage was optional with man as well as with woman.

The text of the Marriage ritual, the rule for selecting brides or rather bridegrooms, the practice of Swayamwar in mature age, the liberty to be married again on the death, or absence, or incurable impotency, of the first husband, both before and after consummation, the strictness of the monogamous tie, all these privileges were conceded to women in the natural growth of things.

Thus far there was no break of continuity, and all was smooth sailing. The analogies between the Roman and Hindu developments were complete so far. In course of time, the Aryans like the Romans, having overcome their enemies, fell to fighting among themselves, and long and murderous wars between Brahmins and Kshatriyas devastated the land. Under the pressure of these complicated difficulties, the strong love of the active virtues of fighting and hunting, chivalrous regard for women, and the enjoyment of the pleasures of life generally, gave way to a philosophy which regarded life and being itself as a pain and a calamity, the bustle of the arts of peace and war as unrelieved weeping and lamentation. And naturally weak woman, from being the soul of chastity and virtue, came to be described as a snare and a burden. The gods who had cheered the conquering and militant Aryans with their countenance, retired with the Rishis to the Himalayas and beyond. They could no longer be seen, and gave way to a fatalistic belief that man was the slave of his own miserable *kārma*, and must bear it patiently till he learned how best to throw off this mortal coil. The great excess of bad passions which

had deluged the land with fratricidal blood demoralized society, and lowered the status of women in the family, the state, and in the social arrangements generally. The Aryan ideals lost their charm, and a lower type of character and morality asserted its predominance as the down-trodden races, which had been driven to the hills, issued from their haunts, and fell upon the demoralized and disunited Aryan kingdoms on all sides. At the same time, a new race of invaders from Central Asia, partly Scythian and partly Mongolian in stock, entered India by the north-west, drove before them the old Aryans, and established their power and colonies in the Panjab, in Sind, in Rajputana, and Central India, Guzerat, and even parts of Maharastra. This process of the upheaval of non-Aryan races, and the invasion and settlement of barbarian Scythian conquerors, was in active development for many centuries, and these ethnic and political forces have profoundly modified the institutions and usages of modern India. They brought to the surface races of men with a lower civilization, more patriarchal, and therefore less chivalrous, ideals of life. Polyandry has always been a normal institution of the non-Aryan or Scythian races. It derived new dignity from the rise to power of these backward races. The woman's lot has always been one of dependence and misery in barbarous countries. It could not be otherwise here. Women in these ruder races were bartered in marriage as chattels moveable or slaves. They were burned with their deceased lords, with his bows and arrows, his horse and weapons, to provide for his comfort in another world. When these

races rose to power, the better minds were driven to seek shelter in asceticism and abandonment of the world which had for them no charms, and only misery, life-long and unrelieved, and instead of being the deity of peace and goodwill in the family, women became the symbol of corruption and vice. Optional celibacy and Swayamvar were out of the question. The old state of pupilage and dependence was re-affirmed. Late marriages, and the liberty of second marriage to widows, were denounced, though here and there they were allowed to associate with their husband's surviving brother for the purpose of procreating children for him. The well-marked four-fold divisions of life lost their meaning and their sanctity, and baby and child espousals could not but come into fashion, and bring in their train polygamy and concubinage. Things thus settled themselves on this lower level of barbarous usages.

Gradually the better and the Aryan portion of the community recovered from the surprise and discomfiture, and the dark clouds of the Middle Ages of Indian History, the dreaded Kali Yug of the Purans, began to clear up. The Aryan Religion, social polity, and marriage institutions were reformed on a footing of compromise, and those who guided the course of events tried their best to re-assert the dominion of the Vedas and of the Brahmins, who represented in their persons the highest civilization of the olden days. This form of restoration and renaissance was again interrupted by the Mahomedan invasions, which repeated for some centuries all the horrors of the previous dark period. Before the license of Mahomedan outrage, women shrank

from public gaze, and it became necessary for their safety to secrete them within the dark recesses' of the house. Polygamy and illicit concubinage became once more fashionable.

It will be clear from this review that internal dissensions, the upheaval of non-Aryan races, and the predominance acquired by barbarous Scythian and Mahomedan conquerors, degraded the condition of the female sex deprived them of their rights of inheritance and freedom, and made woman dependent on man's caprice, instead of being his equal and honored helpmate. Political and ethnic agencies of great power have wrought the evil, and we cannot afford to lose sight of this fact in our attempts to elevate the status of the female sex. Fortunately, the causes which brought on this degradation have been counteracted by Providential guidance, and we have now, with a living example before us of how pure Aryan customs, unaffected by barbarous laws and patriarchal notions, resemble our own ancient usages, to take up the thread where we dropped it under foreign and barbarous pressure, and restore the old healthy practices, rendered so dear by their association with our best days, and justified by that higher reason which is the sanction of God in man's bosom.

The next question is, as stated above, a more difficult one to deal with. How is this gentle revolution to be effected without breaking with the past, is a problem which admits of difference of views. There are two schools of thinkers among those who have discussed this subject. One set would utilize all the active and passive agencies which tend

to encourage and vitalize reform ; the other set would leave things to take their own course, firm in the confidence that the passive agencies at work would secure all our ends just as we desire, slowly but surely. Those who feel the full force of the ethnical and political causes mentioned above, and also feel how necessary it is at certain stages of man's progress to secure the assertion of right ideas by the highest sanctions, advocate to some extent the help of State regulation, as representing the highest and most disinterested wisdom of the times, working to give effect to the other tendencies, concentrating and popularizing them. Those who are not sufficiently alive to these considerations would trust to education and the gradual development of better ideas by their own internal force, to achieve all that we desire. It is needless to state that the publication to which these remarks are prefaced is intended to strengthen the hands of the first set of thinkers, and to show, by the example of what occurred in the past, that timely State regulation is not attended with the mischiefs which people attribute to it, and that it co-ordinates and vivifies the healthy action of the other agencies. It becomes, in this connection, necessary to consider briefly the several objections urged by the advocates of the let-alone school in their order of relative importance.

The first objection urged on this head is that these are social questions, which it is not the duty of the State to regulate. We answer that this argument is not open to those who welcome, as the vast majority of this class of opponents freely acknowledge, State regulation of *sati* and widow marriage, of infanticide, the self-murder of



jogees on the Ganges, and hook-swinging before idol-shrines, or to those who propose compulsory education, and compulsory vaccination, and sanitary precautions generally. Individual liberty of action is no doubt a great force, but this liberty has its limitations imposed by the fact that no man's liberty should encroach upon the liberty of those who surround him. Whenever there is a large amount of unredressed evil suffered by people who cannot adopt their own remedy, the State has a function to regulate and minimize the evil, if by so regulating it, the evil can be minimized better than by individual effort and without leading to other worse abuses. The State in its collective capacity represents the power, the wisdom, the mercy and charity, of its best citizens. What a single man, or a combination of men, can best do on their own account, that the State may not do, but it cannot shirk its duty if it sees its way to remedy evils, which no private combination of men can check adequately or which it can deal with more speedily and effectively than any private combination of men can do. In these latter cases, the State's regulating action has its sphere of duty marked out clearly. On this, and on this principle alone, can State action be justified in many important departments of its activity, such as the enforcement of education, sanitation, of State undertakings like the Postal service, or subsidizing private effort in Railway extension and commercial development. The regulation of marriageable age has in all countries, like the regulation of minority, or the fit age for contracts, been a part of its national jurisprudence, and it cannot be said with justice that this question lies out of its sphere. The same observation holds true of

the condition of the widow rendered miserable in early life, and thrown helpless on the world. More legitimate than minors, the widows are the wards of the nation's humanity, and to the extent that the evil they suffer is remediable by man, it cannot be said that this remedy may not be considered by the State as fully within its proper function.

The next argument urged on the other side is that the evil is not so great as some people think, and that it really needs no State action. There can be no doubt that, to some extent, Mr. Malabari has laid himself open to this side attack. The evils of child-marriage, and enforced widowhood, and unrestricted polygamy, are not quantitatively, and calculating them by statistical returns, so great as Mr. Malabari described them to be. But this does not go to show that, after making due allowance for all exaggerations, the residue of unredressed wrong which calls for remedy is not sufficiently great to justify action. Much the same thing was said when it was proposed to prohibit Sati or Infanticide. Wherever there is undeserved misery endured in a large number of cases, there is a ground for State interference, always supposing that the interference will lead to the redress of the wrong, better than any individual effort can accomplish.

A third way of stating the same objection is that the parties who suffer do not complain of it, and strangers have therefore no business to intervene. This is a very old line of defence. It was urged as an argument against the abolition of slavery, as well as against the laws which rendered Sati and Infanticide crimes, and validated widow

marriages. Perhaps the worst effect of injustice is that it depresses the down-trodden victims to such an extent that they lick the hand of the oppressor. The slaves fought on the side of the Southern planters against their Northern liberators. No wonder then, if the helpless women and widows side with the orthodox majority. If the State contemplated forcible action in spite of the wishes of the victims, the argument might be urged with some effect. But nobody in his senses can, or does, contemplate any such method of procedure. Widows and children are not the proper persons who can seek their own relief under the wrong that is done to them, and to society, and this argument therefore falls to the ground.

Fourthly, it is urged that admitting the fact that such regulation falls within the province of State action, and that these evils, after making all allowances for exaggeration, and the apathy of the victims, are still sufficient to justify State action, if such action can remedy the wrong without leading to other and greater abuses, and that it is not proper to wait till the victims rebel—it is urged that a foreign Government cannot be trusted with this power. This jealousy of foreign interference in social matters is not altogether a bad sign, and if the interference was of foreign initiation, the force of this argument would be irresistible. (In this case, however, the foreign rulers have no interest to move of their own accord.) If they consulted their selfish interests only, they would rather let us remain as we are, disorganized and demoralized, stunted and deformed, with the curse of folly and wickedness paralyzing all the healthy activities and vital energies of our social body. The initiation is to be our own, and

based chiefly upon the example of our venerated past, and dictated by the sense of the most representative and enlightened men in the community, and all that is sought at the hands of the foreigners is to give to this responsible sense, as embodied in the practices and usages of the respectable classes, the force and the sanction of law. These considerations weighed with our leaders in the past when they welcomed this co-operation in the abolition of Sati and Infanticide, and in the recognition of the validity of widow marriages. If we are to abjure such help under all circumstances, we must perforce fall back behind the Parsis, Mahomedans, and Christians, who have freely availed themselves of the help in recasting their social arrangements. Further, as it is likely that foreign rule will last over us for an indefinite length of time, we reduce ourselves, by accepting this policy, to the extreme absurdity of shutting out a very useful help for many centuries to come. In such matters, the distinction of foreign and domestic rulers is a distinction without difference. It has a meaning and significance when foreign interests override native interests, but when the foreigners have no interest to serve, and the initiative is to be all our own, the recognition of State help is not open to the stock objection urged by those who think that we forfeit our independence by seeking such regulation on lines approved by us.

Fifthly — It is further urged in deprecation of State action that in this matter we must not lose sight of the fact that institutions, like constitutions, must grow, and cannot be made to conform with foreign ideals to order. There is a great force in this observation, and it would

be a fatal-objection if the argument for change were based on the ground that we must copy the foreign exemplar. (The remarks which have been made above are, however, a sufficient answer to this allegation. The change is sought not as an innovation, but as a return and restoration to the days of our past history.) Those who advocate it justify it on the authority of texts revered, and admitted to be binding to this day. The intermediate corruption and degradation was not of the nation's seeking. It was forced upon it by the predominance of barbarous influences, and by the intolerance of ruthless conquerors. That force having ceased to be operative, we must now return to the old order of things, if we are to grow to our old proportions. The history of the suppression of Infanticide and of Sati shows that these institutions, which had grown as excrescences upon the healthy system of ancient Hindu Society, were checked, and could be checked, only by the strong arm of Law, and once they were denounced as crimes, they disappeared from the face of the country. Before Government made up its mind to deal finally with these evils, the usual arguments that Institutions grow, and cannot be made to order, were urged, and the duty of religious neutrality was held up *in terrorem* to frighten the timid and arouse the passions of the ignorant and the prejudiced. (The diseased corruptions of the body cannot, and should not, be dealt with in the same way as its normal and healthy developments. The sharp surgical operation, and not the homœopathic infinitesimally small pill, is the proper remedy for the first class of disorders, and the analogy holds good in the diseases of the body politic, as well as the material body

as also in dealing with the parasitical growths of social degeneration.

Sixthly—The apprehensions against State legislation expressed in some quarters might have been most reasonable if, as a fact, Hindu Society was really not governed by any law, and it was proposed for the first time to regulate these matters by subjecting them to the regulating action of the State. The fact, however, is that a law, a written law, and a very stringent one too, does regulate these matters, and it is enforced much in the same way as other laws. The courts are bound to give effect to that law, and decree personal rights and disabilities in strict accordance with it. What is now proposed is to substitute the more ancient and righteous law for a later corruption, cancel a law which is condemned by a law more reasonable, at least more amenable to reason, utilize the force of State sanction as a final support. No private understanding can prevail against the coercive power of this corrupt law. The new law proposed is itself not a foreign importation, but is only a revival of the ancient law of the country as laid down in the texts, and all that the Government is called on to do is to revert from the times of corruption to the times when Hindu Society was more healthy and vigorous.

There is another incidental and an important advantage likely to accrue in consequence of the change proposed. All progress in social liberation tends to be a change from the law of status to the law of contract, from the restraints of family and caste customs to the self-imposed restraints of the free will of the individual. Nay more, the present confusion of judicial authorities on

ancient Hindu Law and custom furnishes the strongest argument for a definite pronouncement on the subject by the legislature. There is not a custom however absurd which cannot be defended by some strong text of law. The usual practice of reconciling texts intended for different ages and countries, and the loss of the spirit of true criticism, have benumbed the power of judgment. The liberation from superstitious thralldom, which will result from the changes proposed, is not likely to be the least of its benefits. It will be necessary to be very circumspect in graduating the change desired to meet exactly the extent of the evil crying for redress. The past century or half a century has effected a change in national sentiment, which, if not recognized to the extent it has gone, will only lead to a catastrophe and revulsion of feeling that will be simply irresistible, and may involve the ruin of many interests dear to the nation's heart.

There is only one more objection - which we think deserves a passing notice. It is said that all previous legislation was directed against positive crimes, or was only of a permissive nature, while the evils now sought to be remedied are not crimes, and the remedies proposed are not of a permissive character. On the first point, we must urge that the practices now complained of are in some respects far more criminal than those which State action has checked. Sati was committed under temporary insanity caused by grief, while infanticide was in too many cases dictated by a similar mad impulse. They were both offences not committed in cold blood, and their effects spent themselves in a single act of violence, which inflicted the greatest shock on the

perpetrator himself or herself. In most cases, enforced widowhood and disfigurement, the destruction of home sanctity by polygamous connections, the stupidity of baby marriages, are not impulsive acts, they are done in cold blood, and they inflict lifelong and undeserved misery on helpless victims, while the offenders suffer but little. So far as their moral heinousness is concerned, they are inflictions of injustice without any redeeming features, and the criminal responsibility of the nation is beyond all reprove.

As regards the question of permissive *versus* compulsory legislation, we have no patience with those who can find consolation in empty words. The remedies proposed are in their nature permissive, and need give offence to nobody. If the law lays down strictly that no polygamous connections shall be entered into except for reasons specially permitted by the ancient law of Manu, we fail to see how such legislation is more compulsory than permissive. When the law lays down that no widow may disfigure herself except of deliberate choice, and at a fit time of life, say after she is 25 years old, where indeed is the compulsion? When the law lays down that marriages shall not be celebrated below a certain age, 12 for girls and 18 for boys, under penalty that earlier celebrations will not meet with the recognition of the Civil Courts in cases of disputes, where again is the compulsion.

We have thus noticed and answered all the usual objections urged by those who honestly support the continuance of the existing order of things. (The question of principle is one which must first be argued out in all its bearings. Once the principle is recognized, the details of



legislation may safely be left to the common sense of the community. (It is with this view that the compiler of this publication has addressed himself to the task of placing before the public, in an accessible form, the literature of the subject in the shape of the debates that took place when the Widow Marriage Bill was just introduced in the Legislative Council 30 years ago. The arguments then urged and refuted have a curious family likeness to those we hear at present, and just as the apprehensions then entertained were disappointed, so surely we trust to see that all our ignorant prophecies will be falsified.) The directions in which the marriage law needs reform have been already briefly indicated. Diwan Bahadur Raghunath Rao has already sketched out a draft Bill in which some of the reforms urgently required are set forth in full detail. The late Maharaja of Burdwan submitted 30 years ago a scheme for abolishing polygamy, which will be found in the Appendix to these papers. The views of those who have given thought to the subject on this side of India may be briefly thus summarized.

(1) We would fix 12 and 18 as the minimum ages of marriage for girls and boys. These periods are in full keeping with the most approved practice, and the more respectable orthodox sentiment of the present day. Even Rao Saheb V. N. Mandlik has stated 12 years for females as a permissible limit, and for boys we do not think he will regard 18 years as an unreasonable limit.

(2) Marriages contracted before this age should be discouraged not by pains and penalties of the criminal law, but by the attendant risk of making them liable to

be ignored in case of disputes in the Civil and Criminal Courts.

(3) Marriage, unless consummated by actual cohabitation, should not be recognized as a perfect union before the limits laid down above are reached. Before such consummation, the girl should not be recognized as having become one with the husband in Gotra, Pinda, and Sutaka. This is the ancient law, and our reversion to it will do away with the superstition which paralyses the action of parents in dealing with the misery of child widows.

(4) We would on no account permit disfigurement except after 25 years, when the female is really alive to the circumstances of her position, and can choose deliberately the celibate course of life.

(5) Under no circumstances should one wife be superseded by a second connection, except under the safeguards, recognized by Manu and other writers.

(6) The widow's forfeiture of her husband's estate as a consequence of her second marriage should be done away with, and her life interest in her husband's inheritance should remain intact, whatever her choice of life might be.

These are the several reforms we advocate. We are fully aware that the details of legislation will not be easily settled, without suggesting many difficulties and doubts which will have to be provided against. The time, however, for suggesting these details has yet to come. We think the discussion has now reached a stage when all sides may well agree in asking for a

Commission of Inquiry. Such a Commission, composed of representative Natives and Europeans, on the model of the Education Commission, will pave the way for practical suggestions. Its inquiries will give point to the discussion, and tend to preserve the interest that has been aroused in all quarters.

M. G. RANADE.

*Poona, 15th September 1885.*

6. No female is competent to marry before she is 10 years old.

Rig Veda, 10-85, 21, 22, 40, 41.

Manu, 3-5, quoted by Vydyanath Dikshita.

Samvarta, p. 589 & 590, Calcutta Edn.

Atri, p. 29,——Ditto.——

Yajnavalkya, 1, 52, Commentary by Vijnaneswara, Mitakshara, Bom., p. 9.

Parasara, Chap. 7, p. 24, Calcutta Edn.

Vashista, Chap. 8 and 17, p. 471 and 489, Cal. Edn.

7. She can give herself in marriage, if her guardians neglect to give her away before the expiry of three years after she attained puberty.

Manu, 9-90, 91.

Goutama, p. 423, Cal. Edn.

Vishnu, Chap. 24.——Do.

Yajnavalkya, 1-64.——Do.

Mahabharata, Anoo, Chap. 44, &c.

Matsya Puran, Chap. 227-27, 28.

8. Marriage is defined to be a solemn contract entered into by the Bride and Bridegroom to become one and continue one, after her gift, either by her guardians or by herself, the contract being completed by sacrifices and by consummation on or after the fourth night from the commencement of the ceremonies, when she becomes one with her husband in Pinda, Gotra and Sutaka.

Rig Veda, 10-85.

Yajur Veda Mantra Prasna.

Sama——Ditto.——

Aswalayana, 1-8-10, 11, 12.

Apastamba Grihyasutra, & Dharma Sutra 2-6-15-10.

Gobhila 2-3-13, 15; 2-5-1, 7. Cal., p. 321.

Manu, quoted by Bhavadev Bhat.

Kattyayana, 5-5. Cal., p. 608.

Yajnavalkya, 1-81.

Likhita, Cal., p. 377.

- Yama, Bom., p. 29.  
 Mahabharat, Gada, Chap 53.  
 Harivamsha, V. 5 104-108.  
 Vishnu Puran, 4-27.  
 Sanskara Coustubha, pages 16-17.  
 Viramitrodaya, quoted by Colebrooke in p. 306  
 Mitakshara.  
 Fatva given by Pandit Venkatesh, Shastri of the late  
 Sadar Divani Adalat, in 1805, vide page 305  
 Vol. II of Sir T. Strange's Hindu Law, Edition  
 of 1830, London.

9. A woman may be married, if she likes, more than once in the case of the death of her betrothed husband, with Vedic marital rites, *provided* she is a virgin, but without them, if she be a non-virgin.

- Rig Veda, 10-18-8 and 9.  
 Taitiriya Aranyaka 6-1, pages 651 to 653.  
 Atharva Veda, 14.  
 Manu, 8-226, 9-76, 16.  
 Manu quoted by Madhava and Vydyanath Dikshita.  
 Yajnavalkya quoted by Krishnacharry.  
 Parasara, Chap. 2, page 31.  
 Ditto—of the place of Tanjore.  
 Vishnu, 15-92, 93.  
 Vashista, Chap. 17.  
 Narada, Chap. 12, 96 to 100.  
 Shatatapa of the Tanjore palace.  
 Bodhayana quoted by Vydyanath Dikshita  
 Anandatirtha charriar, Mahabharat Tatparyanirnaya,  
 Chap. 20, 155.  
 Mahabharat, Adi. Chap. 120, 122, 123.  
 Ditto.—Bhishma, Chap. 90.  
 Sri Bhagavat, 9-9-29, 30, 34.  
 Agni Puran, Chap. 154.

10. A marriage contract becomes valid the moment the gift of a girl is made either by herself or by her guardians with her consent, and it is accepted by the bridegroom; and it ceases to be in force, the moment one of the couple is dead or becomes an apostate.

The definition of a Punarbhu by Kassapa and  
 Boudhayana, quoted by Madhava Tel. 106, & 107.  
 The Mahabharat Vana, Chap. 293, 294, & 295.  
 The Mahabharat, Ood. Chap. 173, 174, 175, 176, 177.  
 Savitri Oopakhyana.  
 Amba Oopakhyana.  
 Sanaskara Coustubha, page 172.  
 Dharma Sindhu, part I. p. I. II., page 59.

11. The children of the re-married women are  
 legitimate.

Manu, Chap. IV. 22.  
 Vishnu, Chap. XV. 7.  
 Yajnavalkya, 2-131 to 135.  
 Parasara, Chap. VI, p. 182; Chap IV. 22, Madhava's  
 commentary thereon.  
 Vasishtha, Chap. XV. 11-12-18, 25.  
 Bodhayana, II, 23, 27-32.  
 Narada, Chap. XII. 45 to 47.

12. A virgin widow, marrying a second time and  
 cohabiting with the second husband, becomes of *his*  
 Gotra, Pinda and Sutaka, *after* sexual intercourse with  
 him.

Rishyasringa, quoted by Tollapper in Sudhivilochan.

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# APPENDIX:

*A brief analysis of the several petitions relating to the Act.*

(a) *Petitions in favour of the Act.*

(1)—Petition from certain inhabitants of Bengal, in favor of legalizing the Remarriage of Hindu Widows, dated 5th October 1855.

(2)—Ditto—from certain Brahmins resident at Poona, expressing their cordial approval of the principle upon which the proposed Bill is based, dated 24th November 1855.

(3)—Ditto—from certain Hindu inhabitants of Kishnagar, dated 8th December 1855.

(4)—Ditto—from the Rev. E. Storrow, Chairman and the Rev. D. Ewart, Secretary Calcutta Mission Conference, in favor of the Bill, dated 22nd December 1855.

(5)—Ditto—from certain Hindu inhabitants of Calcutta and its vicinity, in favor of the Bill. } dated 19th  
January  
1856.

(6)—Ditto—from Ditto—Baraset. }

(7)—Petition signed by the Chief of Vinchur and others, in favor of the Bill, dated 2nd February 1856.

(8)—Ditto—from the Raja of Kishnagar and certain Zemindars, Talukdars and others in and about Santipore, in favor of the Bill, dated 16th February 1856.

(9)—Ditto—from certain Hindu residents of Murshedabad. } dated 23rd  
February  
1856.

(10)—Ditto—inhabitants of Dhulia in Khandesh. }

(11)—Ditto—Ditto—Chitagong, dated 29th February 1856.

(12)—Petition from certain Hindu inhabitants of Secandrabad, dated 8th March 1856.



(13)—Ditto—residents of Midnapere, dated 5th April 1856.

(14)—Ditto—Ditto—Hoogly 12th—Ditto.

(15)—Ditto—Ditto—Ratnagiri.

(16)—Ditto—Ditto—Rangpore.

(17)—Ditto—Ditto—Satara

(18)—Ditto—Ditto—Ahmednagar, dated 31st May 1856.

} 17th May  
1856.

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(b) *Petitions against the Act.*

(1)—Petition from several inhabitants of Calcutta, Nuddea and other places, dated 29th February 1856.

(2)—Ditto—Ditto—of the Lower Provinces of Bengal and Rangpore, dated 29th March 1856.

(3)—Ditto—Ditto—Tipperah dated 5th April 1856.

(4)—Ditto—Ditto—Foonah, dated 12th—Ditto.

(5)—Ditto—Ditto—Mymensing.

(6)—Ditto—Ditto—Murshedabad. } 19th—Ditto.

(7)—Ditto—Ditto—Chitagong, dated 10th May 1856.

(8)—Ditto—Ditto—Pabna, Decca, Orissa, Ratnagiri, dated 17th May 1856.

(9)—Ditto—Satara, dated 7th June 1856.

(10)—Ditto—Ahmednagar, ,, 28th—Ditto.

(11)—Ditto—Thana, ,, 2nd August 1856.

(12)—Ditto—Surat, ,, 9th ,,

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**EXTRACT** from an Official Report dated 11th February 1858, regarding Improvements effected in the Administration of India during the last 50 years, prepared at the India Office, for the information of both the Houses of Parliament, illustrating certain social and religious matters in which the British Government interfered for the public good;—

(a) "*Infanticide*—Equal vigour has been displayed against many barbarous usages of the Natives. Special measures have been carried on during a long series of years; for the suppression of female infanticide, a crime which had become a positive custom among several of the higher castes in various parts of India from motives, not of religion, but of family pride. The co-operation of the Native Princes has been urgently invited, and to a great extent obtained, for the suppression of this practice. In the places, and among the castes, in which the practice was ascertained to exist, means were taken to obtain an annual census of female children. A report of all births, of all deaths of infants, and of the causes of deaths, was required under stringent regulations and penalties. Engagements were taken from the influential person of the castes to preserve their own children, and to aid in enforcing the same conduct on others. Honorary rewards and marks of distinction have been conferred on Chiefs and others who have exerted themselves for the promotion of the object. By great efforts of persuasion and address, the heads of castes and tribes have been prevailed on to agree to a limitation of that favorite subject of vanity, marriage expenses; and grants of money are regularly made to poor persons of the castes, in aid of the marriages of their daughters. These efforts have been rewarded by a continual diminution of the number of infanticides, evidenced by a constant increase in the number of females in existence of the formerly delinquent castes."

(b) "*Sati*.—Sati, or the voluntary burning of widows on the funeral piles of their husbands, after having been long discouraged by every means short of positive prohibition was finally made a criminal offence in all who abetted it, by a

Legislative Act of Lord William Bentinck's Administration, and has now entirely ceased in the provinces subject to British Administration. Unremitting efforts have been used to induce the Native Princes to follow the example, and have been at last successful with all of them except one, the Maharana of Odeypore, the representative of the oldest and proudest dynasty in India; and this Prince Professes himself willing to abolish the rite, when the cessation of existing differences between himself and his feudatory Chiefs shall enable him to obtain their concurrence in the measure. Various other modes of self-immolation practised in India,—by drowning, burying alive or starvation,—have been, with equal success, prohibited and suppressed."

(c) "*Witchcraft*.—The pretence of supernatural powers was a source of great evil in India, not only as a means of extortion and intimidation, but also by the numerous murders perpetrated on persons suspected of practising on the lives and health of others by magical arts. The acts of fancied retaliation have been, with a gentle but powerful hand, repressed, and great progress has been made towards their extinction. The fraudulent pretence is now punished as a substantive crime."

(d) "*Tragga*.—The insecurity of rights and the imperfection of the tribunals, under the Native Governments, had introduced, on the part of those who were, or believed themselves to be, injured, a singular mode of extorting redress. They hired a person of one of the religious classes to threaten, that unless the demand, whatever it might be, was complied with, he would kill or wound himself or some one else; thereby, it was supposed, entailing the guilt of murder or of wounding on the persons whose alleged injustice was the original cause of the act. If the threat proved ineffectual, the honor of the threatener was engaged to carry it into practical effect; and many suicides or murders were committed from this cause. This barbarous practice, known by the name of *Tragga*, has been almost entirely suppressed, partly by penal laws, and partly by affording more legitimate means of enforcing just claims."

(e) "*Neria's Sacrifices*.—Among the barbarous tribes who occupy the hill tracts of Orissa, on the south west frontier of Bengal human sacrifices prevailed until a very recent period. By a well devised and judicious series of conciliatory measures, worthy of a more lengthened record than can be given to them in this place, the extinction of this enormity has been effected."

(f) "*Abolition of Slavery*.—After a full consideration of the subject of slavery in India, by the Indian Law Commissioners and by the Government of India, an Act was passed in 1843, which entirely abolished slavery as a legal status. The Courts of Justice are forbidden to recognize it; no fugitive, claimed, as a slave, can be forcibly restored; and every act which would be an offence if done to a free person, is now equally an offence when done to the persons formerly considered slaves."

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Extract from a Lecture delivered by the Hon<sup>ble</sup> W. W. Hunter, LL. D., C. I. E., entitled, "England's work in India."

"Widow-burning, infanticide, hook-swinging, self-mutilation, and human sacrifice, these are a few similar relics of the old bondage under which the Indian intellect cowered and the Indian heart bled. Great as has been the material progress of India during the past century its emancipation from ignorance and priest-craft forms, to my mind, a far more splendid memorial of British rule."

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*Extract from Pandit Ishwarchandra Vidyasagar's pamphlet on the Remarriage of Hindu Widows:—*

"Every one, having the senses of sight and hearing, must acknowledge how intolerable are the hardships of our widows especially of those who have the misfortune to lose their husbands at an early age; and how baneful to society are the effects of the custom which excludes them from the privilege of marrying again. Reader! I beseech you to think seriously for a while upon the subject, and then to say whether we should continue slaves to such a custom, regardless of the precepts of our Shastras or should we throw off the yoke, and resting on those holy sanctions,

introduce among ourselves the marriage of widows, and thus relieve those unfortunate creatures from their miseries. While forming your decision, you should bear in mind that the customs of our country are not immutable in their nature. No one can assert that they have never undergone any change. On the contrary, the present inhabitants of India would appear to be altogether a different race, were you to compare their customs with those that prevailed in days of old amongst their ancestors. One instance will suffice to illustrate the truth of this statement. It was considered a heinous offence in a Sudra, if, in ancient times, he durst be seated on the same carpet or mat with a Brahmin; but the Brahmins of these days, like menial servants, content themselves with sitting on the carpet or mat, while the Sudra occupies a raised seat upon the same.\*

Changes in our customs have taken place even within a recent period. The Vaidyas, from the time of Raja Rajbullab, have commenced to reduce the period of their Asaucha (impurity) to fifteen days, and to wear the sacred thread. Before his time, the period of their Asaucha was a month, and they did not wear the sacred thread. Even now, there are families among the Vaidyas who stick to the old custom. Have these innovators and their descendants ever been treated as men degraded and having no claim to the privileges of their caste. Again, before the appearance of the Dattakachandrika, all Hindus in adopting sons were obliged, in order to make the adoption valid, to take them before the age of five, and to perform the rite of Chura karana (ceremony of Tonsure) on them. Since the publication of that work, if a son is adopted in the case of a Brahmin, before the ceremony of the sacred thread, and in the case of a

\* This custom is opposed to the Shastras. It is not only the Sudras and Brahmins ignorant of the Shastras that follow this custom, but those Brahmins and Sudras who are reputed as versed in them, act in accordance with it without compunction. Manu has said:—

सहासनमभिप्रेप्सु रुत्कृष्टस्यापकृष्टजः ॥

कव्यां कृताङ्गो निर्वास्यः सिक्चं वास्यावकर्त्तयेत् ॥८१२८.

that is, If a Sudra seats himself on the same seat with a Brahmin his loins should be branded with heated iron and he should be banished or his loins cut asunder.

Sudra, before the marriageable age, he is still admitted to be within the proper limits of age, and his adoption considered as valid.

In these cases, new customs were adopted according to a new interpretation of the Shastras, not because they were absolutely needed by the society at large, but merely because they suited the convenience or caprice of certain individuals. For, if the Vaidyas did not reduce the period of their Asau-cha, or wear a thread, or if sons were not adopted after five years of age, society could neither gain nor lose. But what an amount of misery and evil does the country sustain from the non-prevalence of the marriage of widows? Here you have a positive evil—evil of a magnitude passing our imagination to conceive. Now, if you could adopt customs that at best suited but your convenience, you should do any thing for the removal of this awful evil, when you have your Shastras most explicitly permitting your widows to marry again.

But I am not without my apprehensions that many among you at the very sound of the word “custom” will consider it sinful even to enquire if the change should take place. There are others again, who though in their hearts agree to the measure, have not the courage even to say that it should be adopted, only because it is opposed to the customs of their country. O what a miserable state of things is this? Custom is the supreme ruler in this country: Custom is the supreme instructor: The rule of custom is the paramount rule: The precept of custom is the paramount precept.

What a mighty influence is thine, O custom! Inexpressible in words! With what absolute sway dost thou rule over thy votaries! Thou hast trampled upon the Shastras, triumphed over virtue, and crushed the power of discriminating right from wrong and good from evil! Such is thy influence, that what is no way conformable to the Shastras is held in esteem, and what is consonant to them is set at open defiance. Through thy influence, men, lost to all sense of religion, and reckless in their conduct, are everywhere regarded as virtuous and enjoy all the privileges of society, only because they adhere to mere forms; while those truly virtuous and of unblemished conduct, if they disregard those forms and disobey thy authority, are considered as the most irreligious, despised as the most depraved, and cut off from society.

What a sad misfortune has befallen our Shastras! Their authority is totally disregarded. They, who pass their lives in the performance of those acts which the Shastras repeatedly prohibit as subversive of caste and religion, are every where respected as pious and virtuous: while, the mere mention of the duties prescribed by the Shastras makes a man looked upon as the most irreligious and vicious. A total disregard of the Shastras and a careful observance of mere usages and external forms is the source of the irresistible stream of vice which overflows the country.

How miserable is the present state of India! It was once known to nations as the land of virtue. But the blood dries up to think that it is now looked upon as the land of depravity, and that from the conduct of its present race of people. From a view of its present degradation it is vain to look for a speedy reformation.

Countrymen! how long will you suffer yourselves to be led away by illusions! Open your eyes for once and see, that India, once the land of virtue, is being overflowed with the stream of adultery and fœticide. The degradation to which you have sunk is sadly low. Dip into the spirit of your Shastras, follow its dictates, and you shall be able to remove the foul blot from the face of your country. But unfortunately you are so much under the domination of long established prejudice, so slavishly attached to custom and the usages and forms of society, that I am afraid you will not soon be able to assert your dignity and follow the path of rectitude. Habit has so darkened your intellect and blunted your feelings, that it is impossible for you to have compassion for your helpless widows. When led away by the impulse of passion, they violate the vow of widowhood, you are willing to connive at their conduct. Losing all sense of honor and religion, and from apprehensions of mere exposure in society, you are willing to help in the work of fœticide. But what a wonder of wonders? You are not willing to follow the dictates of your Shastras, to give them in marriage again, and thus to relieve them from their intolerable sufferings, and yourselves from miseries, crimes and vices. You perhaps imagine that with the loss of their husbands your females lose their nature as human beings and are subject no longer to the influence of passions. But what instances occur at every step to show, how sadly you are mistaken. Alas! what fruits of poison you are

gathering from the tree of life, from moral torpitude and a sad want of reflection. How greatly is this to be deplored! Where men are void of pity and compassion, of a perception of right and wrong, of good and evil, and where men consider the observance of mere forms as the highest of duties and the greatest of virtues, in such a country would that women were never born.

Woman ! in India, thy lot is cast in misery !

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HIGH COURT, APPELLATE SIDE, 25th MAY 1881.

*Imperatrix versus Vijia Lakshmi.*

(BEFORE MR. JUSTICE WEST & MR. JUSTICE PINHEY).

The above case which excited much attention came on for confirmation of sentence before the High Court. Mr. Shantaram Narayan appeared on behalf of the prisoner to appeal against the sentence, and the Hon'ble Rao Saheb V. N. Mandlik, C. S. I., represented the Crown.

The facts of the case as stated by Mr. S. Hammick, C. S., the Sessions Judge, in his finding, are briefly these. The accused Vijia Lakshmi, is a Brahmin woman, aged 24, who was left a widow in 1876-77. Four or five months ago, the Police Patel Umar heard a rumour that she was pregnant, and having seen the woman and satisfied himself that such was the case, he reported the matter to the Chief Constable, who issued instructions for the purpose of preventing foul play and sent on the report to the Magistrate. It does not appear, however, that any further steps were taken until the 30th March last, when the body of a newly born baby, with a gaping wound across its throat, was found on a mound lying among the rubbish in the Ghanchis' quarters. Suspicion pointed to the accused, as the murderer of the child, and the Chief Constable went to her house. He questioned her strictly, and she then made a statement to him which induced him to send her to the second class Magistrate. Before that officer she confessed that she had given birth to the child, and that to avoid shame and infamy in the world it had been killed by the point of a *tabilha* (a cooking implement) being thrust into its neck, after which a Dubla woman, named Manli (accused No. 2) had thrown the body away among the rubbish. After an interval of four days, Vijia Lakshmi repeated her confession, but in greater detail, before the first class Magistrate, stating that the child had lived about a *ghari* (i.e. 24 minutes) after birth; that she had

killed it by pressing the end of the *tabilha* on its throat, that she had then put the body in a basket, covered it up with rubbish: and that she had on the following morning hired Manli to throw it away.

The Sessions Judge, on the above grounds, found Vija Lakshmi guilty. Her case was a deplorable one and was another instance of the sad results of not allowing Hindu widows to remarry; but nothing was left to him but to pass the sentence of death.

M. Shantaram Narayan drew the attention of the Court to the fact, that in all the five cases of infanticide which had come before the Court since 1876, the Court had recommended the extension of the clemency of Government, and he trusted that this course would be allowed in the present case. The culprit being a woman who was prevented by the hard bondage of custom from legitimate marriage, it was peculiarly a case for an extension of clemency.

The Hon'ble Mr. Justice West in a lengthy and elaborate judgment, remarked that, "people who belonged to castes which visited the offence of libertinism with such extreme severity and did not allow the Remarriage of Widows, were of course labouring under peculiar disadvantages. Society was bound in its own interest to look at the matter calmly and judicially and bring pressure to bear, if it could be done with advantage upon castes which had these rules, which were said to be very cruel. If they were so, the remedy ought to be brought by society itself."

"The case was not to be distinguished from the great number of cases which came before them of a similar description and the Court did not think it was necessary that the extreme penalty of the law should be carried into execution. They did not think the crime of child murder was yet so common that forfeiture of life should follow in every instance where a woman was found guilty of it; but they did think that the case was not one in

which they would be justified in making a recommendation to Government.. Their determination therefore, was that the conviction was confirmed and that the sentence of death was not confirmed, but was commuted to transportation for life."

There were numerous petitions submitted to Government, for the reduction of the above sentence. The Poona Sarvajanik Sabha, in a long letter, No. 31 dated 5th June 1881, addressed to the Chief Secretary to Government Judicial Department, thus observed:—

"In Vijia Lakshmi's case, it is to be noted that she became a widow at twenty, a time of life when youthful passions are apt to get the better of discretion and calm judgment regarding consequences. The law of her caste condemned her to perpetual widowhood accompanied with hardships, social and physical, which do not fall to the lot of her sisters in any other part of the world. Mr. Justice West in his judgment has drawn a harsh inference from the circumstance that Vijaya Lakshmi had given birth to a daughter in her husband's life-time, and therefore had known what marital happiness was. This circumstance however, does not furnish any useful test as to the time of life when Hindu widows of higher castes may be considered as secure against temptation. Unless the Hindu child widows in such castes are from the first educated to a life of self-abnegation, a brief enjoyment of marital happiness fails to furnish a sufficient safeguard against temptation."

The Judges, who tried the appeal were asked to give their opinion on the petitions, when they replied that "the case was not one deserving of the exercise of the prerogative of mercy."

Thereupon, the Government of Bombay in their Resolution No 4645 dated 18th July 1881, "commuted the sentence of transportation for life passed upon Bai Vijaya Lakshmi to one of rigorous imprisonment for five years."

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## AN APPEAL FROM THE WIDOWS OF SURAT, 1885.

Substance of a petition addressed to Sett Dwarkadas Lalubhai, Nagarsett of Surat, and other Mahajans, by helpless widows belonging to different sects of the Bania Community residing in that city:—

“They allege that their life is one of extreme misery, which has become now intolerable. They attribute this state of things to the male sex, for it is they who molest them and make them suffer. They complain that their parents got them married at an early and tender age when they knew nothing of the world and when they were minors. Three out of the whole lot of petitioners were married to husbands whose age was the same with theirs; that two were married to husbands whose age was thrice as much as theirs. Two had husbands who were five times older than they and their parents received Rs. 1000 and 1500 for giving them in marriage. In disposing of their daughters to such husbands, money was a primary consideration with the parents, and not the happiness of their daughters.

They state that at the time of marriage they were uneducated and did not understand the drift of the *mantras* which were recited on the occasion by the priests. That the husbands of four of the petitioners died immediately after the marriages were solemnized—they hardly knew what married life was but when they arrived at majority their sufferings have been indescribably horrible. Their dress and ornaments were taken out—they were subjected to the horrible atrocity of *Shaving* at the hands of the inhuman Monster, the *Barber*, to whose ruffian treatment they had quietly to yield. Shorn of their beauty, deprived of their dress, and what is worse, they have been deprived of their liberty. They are under a system of espionage and treated as prisoners. Quantity of ordinary food is at times denied to them and they are thinned by inches. At times matters reach to such a pass that sometimes they feel an inclination to put an end to their existence, but as suicide is sinful, they are deterred from resorting to so heinous a crime. They have therefore submitted this their appeal detailing therein a recital of their woes, lamentations and miseries to the Mahajans or headmen of the community, in order that

the subject may receive some consideration and that some means may be devised for mitigating their present sufferings. They further maintain, that if males have the option of remarrying as many times as they may wish, why females are precluded from this privilege. It is not desirable to recount the evil deeds committed by males on helpless widows. Instances with full particulars can be cited and published, if needed. The result of this brutal custom of the prohibition of the marriage of Hindu widows has been that incest and adultery are rampant—crimes in their most revolting character are committed and the state of society becomes disgraceful in the eyes of all right thinking men. Quotations are given from ancient writings illustrative of the fact that widow marriages are allowed by the Shastras and that the so-called prohibition has no foundation. It is simply an invention of the priests to place woman under their subjection and control. It is therefore necessary to follow a good and righteous course which will tend to our future happiness. We do not ask any thing more than the reintroduction of a system which did exist before, and does at present exist in some of the Vaishnavas. They pray that the Mahajans will take the subject of their appeal into their deliberate and favorable consideration and thus redress the wrongs of the poor, innocent and helpless widows. If however they hesitate or do not take any action in the matter now brought before them, they will lay their grievances before the benign British Government whose protection they will claim as the daughters of Her Most Gracious Majesty the Queen Empress of this large and vast Empire, the land of the ancient Aryans, who as history and the Shastras relate did not prohibit the Remarriage of Women.

PETITION FROM HIS HIGHNESS THE  
 MAHARAJA OF BURDWAN AND OTHERS  
 AGAINST POLYGAMY.

To

THE HONORABLE THE LEGISLATIVE COUNCIL OF INDIA.

The humble memorial of *Maha Rajadhi Raj*

*Malitab Chand Bahadur, Raja of Bardwan.*

Sheweth,

That your Memorialist has long been engaged in the consideration of the state of marriage among the Hindus in Bengal, and is impressed with a conviction that the interference of the Legislature is absolutely required on the grounds of humanity towards helpless females for the correction of the abuses to which that institution has become subject.

2 That according to the doctrines of the Hindu Law, every Hindu is required to marry one wife but is authorized in the event of certain contingencies and on certain conditions to marry a second, third or fourth time.

The contingencies and conditions are specified in the Laws of Manu, whose authority in such matters is paramount, it being expressly declared that the authority of no Sage or Legislator can be recognized if at variance with his doctrine.

3 That it has become the practice in Bengal to marry several wives without regard to the restrictions imposed by the Hindu Law. The practice obtains specially among the class of Brahmins called Kulins. Although the sacred writings of the Hindus recognize no distinctions among the Brahmins, or even the classes below them in rank, Raja Bullal Sen, a little time before the Mahomedan conquest established distinctions among the Brahmins and Kaysths by which a portion of them under the name of Kulins were declared to be superior to the rest of their tribes. These distinctions, rendered general in course of time among all classes of Hindus by the sanction of example, have been universally adopted in Bengal and are to the present day scrupulously followed and to them may be traced those enormous abuses of the marriage institution which your Memorialist deplures.

4 That the Kulins among the Brahmins are by these

modern innovations on Hinduism prohibited, under pain of degradation, from marrying their daughters to Brahmins of an inferior class. On the other hand, Brahmins of the inferior classes are anxious to marry their daughters to persons of the superior class, and pay large sums of money to secure such alliances. The evils which result from the prevalence of these notions which are at once absurd and contrary to the sacred writings are numerous and flagrant. Those Kulins who cannot get persons of equal caste willing to effect matrimonial alliances with them nor afford the large marriage gratuities which are demanded are obliged to let their daughters arrive at old age without being married. Inferior Brahmins are unable to get wives from inability to pay those large gratuities, and many of them are forced to sell the whole of their property for the purpose. Kulin Brahmins never marry without receiving large donations and multiply wives for the sake of obtaining those gratuities without knowing or caring what becomes of the women to whom they are united by the most solemn rites of the Religion. They have been known to marry more than a hundred wives each, and it is customary with them immediately after going through the nuptial ceremonies and receiving their gratuities to leave the houses of the girls they have married, never to see their faces more. Again the Kulins of some of the Sudra caste enjoy the privilege of disposing of their sons and daughters in marriage for large gratuities. Instances do not unfrequently happen of children only six months old being thus given away.

5 That the state of a Society in which such opinions and practices prevail may be readily imagined. Marriage is a traffic. So far from being entered into as the most solemn transaction of life calling into exercise the purest affections of the heart and furnishing the readiest sources of domestic comfort and happiness, and to be regarded as an indissoluble engagement except in cases of failure of the objects of the institution, the Kulins marry solely for money and with no intention to fulfil any of the duties which marriage involves. The women who are thus nominally married without the hope of ever enjoying the happiness which marriage is calculated to confer, particularly on them, either pine away for want of objects on which to place the affections which spontaneously arise in the heart, or are betrayed by the violence of their passions and their defective education into immorality. To conceal the effects of their vices the practice of abortion is exten-

sively resorted to, the inmates of the family being too willing to afford them aid towards removing the infamy which would attach to them and that even at the hazard of destroying the life of the guilty mother with that of the unborn child of sin and shame. These abortions though more commonly practised than can be imagined, are carefully concealed by the family even from the knowledge of the neighbours; and if concealment becomes impossible, the neighbours and tenantry are strictly cautioned against divulging them. So strict are the precautions taken, that the Police are quite ignorant of deeds of darkness that are committed around them, and the most vigilant Magistrates would be baffled in their attempts to penetrate the veil which covers the atrocities.

6. That your Memorialist is assured that every feeling of humanity make your Honorable Council anxious to suppress evils of such magnitude and it is therefore incumbent on him to point out the means by which crimes of so deep a dye may be prevented and the rights of humanity supported. The obvious remedy is to enforce strictly the Rules of the Hindu Law, on the subject and in accordance therewith to pass a Law the provisions of which may appear to your Hon'ble Council to be calculated to repress the existing evil as above pointed out.

7. That the remedy though obvious and perfectly consistent with the Hindu Law, cannot in the disorganized state of Hindu Society be applied by the force of public opinion or any other power than that derived from the Legislature.

8. Your Memorialist therefore appeals to the humanity of your Hon'ble Council to deliver the Hindus of Bengal from the opprobrium which hangs over them, and females of that community from the ruin and degradation entailed on them by the practice of polygamy and its attendant crimes.

And your Memorialist as in duty bound shall ever pray.

Bardwan,  
Rajbari.  
27th December 1855. }

