

RECENT SOCIAL LEGISLATION IN INDORE.

Speech delivered by

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I stand before you this morning not because I am in any way qualified to do so but merely in obedience to the commands of Miss Caton which I found impossible to resist. She has devoted herself wholeheartedly to the welfare of the rural classes and her selfless work in that field compels our admiration.

I have been asked to tell you briefly what the Holkar State has done in the matter of social legislation. I am one of those who consider that our social evils must be removed before any progress can take place in the country. Many of our ills are directly due to the pernicious social customs which bind us. It is unnecessary to discuss the origin of such customs. What we have to realise is that they hamper our progress. Our economic and political progress would be rendered very much easier if we are not dragged down by these customs. It is much to be deplored that the social reform movement has, during recent years, been somewhat overshadowed by political movements. However, I feel that if we have to rely purely on honorary workers for the removal of our social evils we shall have to wait indefinitely. All important social reforms in various parts of the world have been effectively carried out by governments and not by private agencies. In India the customs of Sati and infanticide would perhaps not have been abolished so quickly without the help of legislation. You are also aware what the Government of Turkey has been able to achieve in the matter of social reform in a short time.

The British Government in India has been faced with peculiar difficulties in this matter. Many of our customs are inextricably bound up with so-called religion and the British Government had perforce to adopt a policy of non-interference in religious matters. It is for this reason that much social legislation has not so far been attempted in British India. The Indian States are, however, in a more favourable position in this respect; they are not hampered by the considerations which weigh with the

British Indian Government. They can safely adopt a bold line of action and set an example for British India to follow.

The Holkar State has not been slow to recognise its duty in this respect and to take advantage of the opportunities it has for this beneficent work. As far back as 1916 the Civil Marriage Act was passed. This Act secures liberty of action to those who wish to extend their social horizon beyond the limited circle of their castes and communities. The measure is intended to promote general welfare and to bring about a better understanding between the different communities. I do not know how far the Act has been made use of. The State can, however, take no direct action in the matter. It is for social workers to bring this Act to the notice of the people and to point out the benefits of it. The barriers of caste and creed are responsible for many undesirable and unhappy marriages and consequent misery. It is now well recognised that the wider the field for marriage the better will be the results from all points of view.

The next piece of social legislation passed by the State was the Indore Child Marriage Prevention Act of 1918. It prohibited marriages between boys below 18 and girls below 14, except with the permission of a Magistrate. Perhaps it was necessary to have a provision for the grant of permission for a child marriage in special cases. I find that the effect of the legislation has been that the ages of the spouses were within the prescribed limits in most cases. The figures before me show that in the year 1935, 147 child marriages were permitted and this figure rose to 204 in 1936 and again fell to 118 in 1937. I hope that Magistrates will realise the importance of their duties in this respect and will refuse to grant permission except in cases of real hardship. The disquieting feature of the situation, however, is that in the year 1935 as many as 612 child marriages were performed without permission. This number rose to 768 in 1936 and 729 in 1937. The figures for 1938 are not yet available. I however find that in 1938 there were as many as 841 prosecutions under the Act and in 1937 the number of prosecutions was 1,000. It is not possible to tally this figure with the number of child marriages performed without permission, which is given as 729.

It is clear that all the child marriages performed without permission were not registered. It was, however, realised that the machinery provided for registration of marriages and for initiation of prosecutions was somewhat defective. These defects have now been removed as far as possible and an amended Act has been passed as Act No. VII of 1938. Part I of this Act deals with registration of marriages, which has been made compulsory, and part II deals with child marriages. In rural areas, the registering officer will be the Sarpanch of the Panchayat of the village

concerned. If there is no Panchayat in the village the senior school master of the village and, in his absence, the Patwari will be the registering officer. Inspecting Officers have been appointed to supervise the work of these Officers. The Amin will supervise the work of registering officers in rural areas. It will be the duty of registering officers and the supervising officers to file complaints in cases of non-registration of marriages.

As for child marriages, the provision regarding grant of permission has been retained but its scope has been greatly restricted. The provision in the old Act regarding the appointment of assessors has been removed. The Magistrate has now to exercise his own discretion though he cannot refuse to grant permission without the concurrence of the Sessions Judge. ~~It has been definitely laid down that no permission shall be granted unless the bride has completed her twelfth year and the bridegroom his fifteenth year.~~ The amount of fine for celebrating a child marriage in contravention of the Act has been raised from Rs. 100 to Rs. 500. A new provision has been introduced with a view to preventing the evasion of the law by celebrating marriages outside the State. A provision for the issue of injunctions prohibiting child marriages has also been made. In order to encourage social reformers to see that the provisions of the Act are made effective, a provision has been made for giving rewards to successful complainants and complaints have been exempted from court fees. In order to check false complaints, it has been provided that a Magistrate may, for reasons to be recorded, require the complainant to execute a bond as security for the payment of compensation which he may be directed to pay to the accused if the complaint is found to be false or frivolous. The new Act is the result of the labours of a committee appointed to overhaul the old Act and make proposals for its amendment. The members of the committee, and also the members of the Legislative Council who passed the Act, are to be congratulated on producing this excellent piece of legislation. The Act is now an improvement on all such Acts in India so far as I am aware. I hope that the fullest advantage of this useful measure will be taken and that child marriages in the Holkar State will become impossible except in those rare cases where permission is granted for special reasons. I also hope that there will be fewer and fewer applications for permission as time goes on.

It is no longer necessary to dwell on the evils of child marriage. It is the root cause of many of our troubles and no progress is possible unless it is wholly eradicated. It causes a progressive deterioration in the national health. Early widowhood and its miseries are directly attributable to it. It hampers girls' education and without education no progress is possible. I hope that the Government will take steps to make the provisions of this Act widely known through schools and other Government

agencies. It would, perhaps, be desirable to issue a leaflet explaining the important provisions of the Act.

I regret that the figures of convictions in the cases brought under the old Act are not available. I am taking steps to see that deterrent sentences are imposed in such cases. It is, however, not always possible to arrive at a correct finding about age without a proper system of registration of births. In municipal areas a machinery for registration of births and deaths has been provided (Vide Notification No. 28 G. M. O. dated 30th July 1929). For rural areas there is a provision in the Police Manual, which makes it the duty of a village Chaukidar to report all births and deaths. It is difficult to say how far the officers concerned perform their duties in this connection. I hope that superior officers will pay due attention to this important matter and see that accurate statistics are maintained as far as possible. I am convinced that if the evil of child marriage is removed, many other evils will disappear automatically.

It is a matter of common knowledge that extravagance is displayed more on child marriages than on adult marriages. The Holkar State has on its Statute Book an Act called the Indore Marriage Expenses Controlling Act. It has now been made applicable to the whole State. It is somewhat difficult to prevent extravagance by legislation, but the Act makes salutary provisions for restricting the number of persons forming a marriage party and the number of persons to be feasted. The prohibition against display of presents is also useful under present conditions. It may perhaps be said that the Act has been more or less a dead letter. In answer to this criticism, I can only say that the State has provided a weapon to kill the evil and it is for the people to use it effectively.

We have also an Act called the Indore Nukta Act which is designed to check extravagance on funeral feasts. A death in the family hardly provides a suitable occasion for feasting. But old customs, whatever their origin may be, die hard among an ignorant people. I found that 27 cases under this Act came before the courts in 1938 and 22 cases in 1937. More vigorous action on the part of social workers seems to be required in this connection. The conscience of the people should be awakened and reactionaries should be suitably punished when the law prescribes a punishment. There is a wide field of work before village panchayats and co-operative societies in this direction. We have a Panchayats Act and a network of Panchayats has been established. There is a separate staff for the purpose of guiding and controlling the panchayats and for starting new ones. The Co-operative movement is also making steady progress in the State. Much, however, remains to be done but if we go ahead in the

spirit of service, undaunted by the immensity of our task, we can look upon the future with a ray of hope.

I have given you a short account of the existing social legislation in the State, but I have no doubt that the legislature will readily lend its aid for the eradication of other evil customs.

The welfare of the rural classes is the special concern of His Highness and, under his inspiration, legislation is undertaken not only for the removal of social evils but also for the improvement of the economic condition of those classes. I would only refer to the Indore Land Revenue Act, the Indore Moneylenders' Act and the Indore Usurious Loans Act. ~~These Acts have had a far-reaching effect on our rural economy and are being fully utilised for the benefit of the agriculturists. They play an important part in the programme of rural reconstruction. It is very gratifying, indeed, that governments all over the country are now fully alive to the needs of the situation. This Conference will, I hope, give a much needed impetus to the movement in this part of the country.~~

We are fortunate in having Mr. Brayne among us. His indefatigable efforts and his missionary zeal have achieved great things in the Punjab within a short time. His guidance will be of great value to us and I hope that this Conference will have far-reaching effects and that we shall all make our contribution towards rural uplift, which will mean the regeneration of this vast country.

In the end, I express the hope that the Government will seriously consider what further steps it should take to enforce the social laws on its Statute Book to the fullest extent. You must, however, realise that without active co-operation from the people no great results can be achieved. I earnestly appeal to you to give up your apathy and do your bit towards the regeneration of this great country.