

Price Re. 1-6 or 2s. 6d.

With the compliments of Mr R. S. Bajpai, O.B.E., Offg: Director of Public Information, with the Government of India in the Home Department.

NOTE.

The cost of this Committee, including the cost of printing the report, the appendices and the evidence is estimated to have been Rs. 2,88,614.

Government of India Publications are obtainable from the Government of India Central Publication Branch. 3. Government Place. West. Calcutta, and from the following Agents :---

EUROPE.

OFFICE OF THE HIGH COMMISSIONER FOR INDIA, 42, GROSVENOR GARDENS, LONDON, S.W. 1. And at all Booksellers.

INDIA AND CEYLON : Provincial Book Depôts.

MADRAS:--Superintendent, Government Press, Mount Road, Madras. BONBAT:--Superintendent, Government Book Depôt, Town Hall, Bombay. SIND:--Library attached to the Office of the Commissioner in Sind, Karachi.

UNITED PROVINCES OF AGRA AND OUDH :- Superintendent of Government Press, United Provinces of Agra

URITED PROFINCES OF AGRA AND OUDH :--Superintendent of Government Frees, United Frovinces of Agra and Oudh, Alkahabad.
 PUNJAB:--Superintendent, Government Printing, Punjab, Lahore.
 BURMA:--Superintendent, Government Printing, Burma, Rangoon.
 CENTRAL PROFINCES AND BERAE:--Superintendent, Government Printing, Central Provinces, Nagpur.
 ASSAM:--Superintendent, Assam Secretariat Press, Shillong.
 HIHAE AND OBISSA:--Superintendent, Government Printing, Bihar and Orissa, P. O. Gulzarbagh, Patna.
 COORS :--Office of the Chief Commissioner of Coorg, Bangalore.
 NORTH-WEST FRONTIER PROVINCE:---Manager, Government Printing and Stationery, Peshawar.

- Thacker, Spink & Co., Calcutta and Simia. W. Newman & Co., Ltd., Calcutta. R. Cambray & Co., Calcutta. S. K. Lahiri & Co., Calcutta. The Indian School Supply Depot, 309, Bow Bazar
- Street, Calcutta. Butterworth & Co. (India), Ltd., Calcutta.

Rai M. C. Sarcar Bahadur & Sons, 90-2A, Harrison Road, Calcutta. Standard Literature Company, Limited, Calcutta.

Standard Literature Company, Limited, Calcutta. Association Press, Calcutta.
 Chukervertiy, Chatterjee & Co., Ltd., 13, College Square, Calcutta.
 James Murray & Co., 12, Government Place, Calcutta. (For Meteorological Publications only.) Ray Chaudhury & Co., 68-5, Ashutosh Mukerji Noad, Calcutta.

Scientific Publishing Co., 9, Taltola Lane, Calcutta.

Chatteries & Co. 204, Cornwallis Street, Calcutta. Standard Law Book Society, 8-2, Hastings Street,

Cal cutta.

The Hindu Library, 3, Nand Lai Mullick Lane,

Calcuta. B. O. Basak, Esq., Proprietor, Albert Library, Dacca. Mitra Brothers, Rajshahi. Hirginbothams, Madras. Rochouse & Bons, Madras. G. A. Nateson & Co., Publishers, George Town, Madras.

Theosophical Publishing House, Adyar, Madras.

- P. Varadachary & Co., Madras.
 S. Murthy & Co., Madras.
 Bright & Co., Trivandrum.
 The Booklover's Resort, Taikad, Trivandrum, South India. E. M
- M. Gopalakrishna Kone, Pudumandapam, Madura. Madura. Central Book Depôt, Madura. Vijaput & Co., Vizagapatam. fhacket & Co., Ltd., Bombay. D. B. Taraporevala, Sons & Co., Bombay. Sunder Panduraug, Bombay. Bam Chandra Govind & Sons, Kalbadevi Road, Kombar.

Bombay. N. M. Tripathi & Co., Booksellers, Princess Street,

Kalbadevi Road, Bombay. New and Secondhaud B okshop Kalbidevi Road,

- Boncha Mrs. Ra ihabai Atmaram Sagoon, Kalbadevi Road.
- Bombay. J. M. Pandia & Co., Bombay.

- Gatual & Co., Bombay.
 A. H. Wheeler & Co., Allahabad, Calcutta and Bombay.
- Govind & Co., Sandhurst Road, Girgaum, 9. Combay. Proprietor, New Kitabkhana, Poona

The Manager, Orlental Book Supplying Agency, 15, Shukrawar, Poona City. Rama Krishna Bros., Opposite Vishrambag, Poona

R. B. Umadikar & Co., The Bharat Book Depôt, Dharwar. The Standard Bookstall, Karachi, Quetta, Delhi, Murree and Rawalpindi.

The Karachi Book Depôt, Elphinstone Street, Camp, Karachi.

- Karachi. The English Bookstall, Karachi. The Standard Bookstall, Quetta. U. P. Malhotra & Co., Quetta. J. Ray & Sons, 43 K. & L., Edwardes Road, Rawal-pindl, Murree and Lahore. The Standard Book Depót, Lahore, Nainital, Mussoorie, Dalhousie, Ambala Cantonment and Deibi Delhi.
- N. B. Mathur, Supdt., Nazir Kanun Hind Press, Allahabad.
- The North India Christian Tract and Book Society,

The North India Christian Tract and Book Society, 18, Clive Boad, Allahabad. Ram Dayal Agarwala, 184, Katra, Allahabad. The Indian Arnuy Book Depôt, Julindane City. Manager, Newal Kishore Press, Lucknow. The Upper India Publishing House, Ltd., Literature Palace, Ammuddaula Fark, Lucknow. Rai Sahib M. Gulab Singh & Sons, Mußd-I-Am Press, Lahore and Allahabad. Rama Krishna & Sons, Booksellers, Anarkall, Lahore. Puri Brothers, Booksellers and Publishers, Katcheri Hoad. Lahore.

Furi Brothers, Booksellers and Fublishers, Katcheri Road, Lahore. The Standard Bookshop, Lahore. The Standard Bookstall, Lahore. The Proprietor, Punjab Sanskrit Book Depôt, Saidmitha Street, Lahore. The Insurance Publicity Co., Ltd., Lahore. The Punjab Religious Book Society, Lahore. Manager of the Imperial Book Depôt, 63, Chandni Chawk Street, Delhi.

- Fono Book Agency, New Delhi. Oxford Book and Stationery Company, Delhi and Calcutta.
- Calcutta. Supdt., American Baptist Mission Press, Bangoon. The Modern Publishing House, Ltd., 30, Phayre Street, Bangoon. Burma Book Club, Ltd., Rangoon. Manager, The "Hitavada," Nagpur. Bhisey Brothers, Booksellers and Stationers, Sita baidi, Nagpur. S. C. Talukdar, Proprietor, Students & Co., Cooch Behar. The Manager Cevion Observer, Colombo

The Manager, Ceylon Observer, Colombo.

- The Manager, The Indian Book Shop, Benares City-Nand Kishore & Bros., Chowk, Benares City.
- The Srivilliputtur Co-operative Trading Union, Ltd., Srivilliputtur (S. I. R.).

Raghunath Prasad & Sons, Patna City. The Students' Emporium, Patna. K. L. Mathur & Bros., Guzri, Patna City. Dandekar Brothers, Indore City. Pustakalaya Sahayak Sahakari, Ltd., Baroda. The Hyderahad Book Depôt, Chaderghat, Hydera-hed (Decean)

- a trianta Fros., Opposite Taintanbag, Poona
 P. Brokstall, 21, Budhwar, Poona
 P. Brokstall, 21, Budhwar, Poona
 Thakur & Co., Amraoti.
 Banzaldas & Sons, Booksellers and Publishers, hhaga Talao, Surat.
 The standard Book and Stationery Co., 32-33, Arbab Koad, Peshawar.
 - Trichinopoly.

<u>з</u>₹.,

LIST OF CONTENTS.

CHAPTER I.

INTRODUCTORY.

PAGE	
T VAB'	

1. Appointment and personnel of the Committee	•	. 1
2. Terms of reference	•	. 2
3. Procedure adopted for obtaining opinions	•	. 2
4. Itinerary of the Committee	•	. 3
5. Lady witnesses and Purdah parties	•	. 3
6. Visits to villages and institutions		. 3
7. General nature of evidence	•	. 5
Non-Muslim evidence	•	. 5
Muslim evidence	•	. 6
Views of Muslim theologians	•	. 7
8. Two remedies-Law of Consent and fixing a minimum	agə	of _
marriage	•	. 7
9. Why Law of Marriage considered	•	. 8

CHAPTER II.

HISTORY OF LEGISLATION REGARDING THE AGE OF CONSENT AND MARRIAGE.

1. Ancient Law of Consent				•	•		•	•	•	9
2. Marital rape and age lim	it			•			•	•	•	9
3. Legislation in 1891 .		•	۰.					•	•	10
4. Bill of 1922		• •		•	•	•		•	•	10
5. Attitude of Government in										11
6. Awakening among women									.•	12
7. Dr. Gour's Bill of 1924					•	٠		•	•	12
8. Attitude of Government i	n 19	924			•	•	•		•	12
9. Amendment of 1925 .			•		•	•				13
10. Dr. Gour's Bill of 1927		•							•	14
11. History of Marriage Law					•		•			15

CHAPTER III.

THE LAW OF RAPE AS AMENDED IN 1925.

1. Opinions of local Governments on effects of amend	ment	of	1925	
and Dr. Gour's Bill of 1927	•	•	•	16
2. Amended law ineffective	•		•	17
3. Why Law has largely failed	•	•	•	17
Ignorance of the law	•		•	17
Increase in age not striking			•	18
Nature of the offence			•	18
Reluctance of wife or her parents to complain .	•	•	•	19
Difficulty of ascertaining age of girls	•			20
Other reasons				20
4. Dissatisfaction not general but confined to persons	ofa	adva	nced	
views	•	•	•	21

OHAPTER IV.

PROVINCIAL CONDITIONS AND NATURE OF EVIDENCE.

	Conditions a	nd evid	lend	ne in-	_						•		PA	GB.
	Punjab	• •		•			•			•		•		23
2.	North-West	Frontie	e r]	Provi	nce	•		•		•			•	30
3.	Delhi Provi	nce .						•	••	•			•	33
4.	Ajmer-Merwa	ara .		•	•	•	•			•		•		35
5.	Bombay			•			•	•					•	36
6.	Madras					•	•				•	•	•	53
7.	Assam .	• •		•		•		•	•	•	•			61
8.	Bengal					•		•		•	•	•	•	65
9.	Bihar and	Orissa			•			•	•	•			•	77
10.	United Prov	vinces		•		• .	•		•	•		•	•	80
11.	Central Prov	vinces a	nd	Bera	r	•			•	•	•	•	•	87

CHAPTER V.

THE PRACTICE OF EARLY MARRIAGE AND CONSUMMATION.

1.	Nature of a Hindu Marriage .	•	•	•			•		92
2.	Origin of the custom of early marria	ge		•	•	•			92
	Vedic period			•	•			•	93
	Smriti period and later .	•	•				•	•	93
3.	Extent of prevalence of the custom								94
	Females affected or likely to be	affe	cted 1	by ea	ırl y r	narri	age		94
4.	Early marriage only gradually aban	adon	ed	•	•	•	•	•	96
5.	Pace of progress slow	•			•		•	•	96
6.	Age of consummation	•		•		•	•	•	96
	Pre-puberty consummation		•		•			•	96
	Consummation soon after pube	erty		•	•	•	•	•	97
7.	Customs deferring consummation	•	•	•	,				97
8.	Reasons for early consummation	•		•			•		98
	,								

CHAPTER VI.

OBJECTIONS TO THE LAW OF CONSENT AND TO A LAW OF MARRIAGE.

1.	Grounds of objections 9	9
2.	Is legislation the proper remedy? 10	0
3.	Legislation justified only for proved evils	1
4.	Is Government forcing legislation? 10	2
5.	Is contemplated legislation against Queen's Proclamation and	
	religious usage? 10	3
6.	Is the Legislative Assembly representative of the people? 10	4
7.	Can a mixed Legislative Assembly deal with social customs of	
	particular communities? 10	4
8.	Texts on Hindu and Muslim laws and interference with religious	
	usage 10	5
	Hindu law texts 10	5
	Conjeevaram Parishad 10	6
	Tiruvadi Parishad 10	7
	All India Brahmin Conference, Benares	8
	Islamic Law	2

		PAGE.
9.	Is maternity soon after puberty detrimental to mother or child? .	113
10.	Will the morals of girls suffer by late marriage?	114
11.	Will the new law cause dissatisfaction?	115
12.	Early marriage secures unadulterated love towards husband and	
	members of his family and preserves the Joint Family system .	116
13.	The law derogates from the natural rights of a husband	116
14.	Age of marriage already going up; Why legislate?	118
15.	Interval after enactment of 1925 too small to effect changes	118
	Abuse of law by false accusations or Police oppression	118
17.	The law of Age of Consent a dead letter in marital cases, now	
	and hereafter	119
18.	With a Law of Marriage, Age of Consent Law superfluous	120

•.

,

CHAPTER VII.

SUGGESTIONS AND RECOMMENDATIONS.

1. Age of	Consent Law			•		•		•	•	•	•	123
(a)	Nomenclature			•	•		•				•	123
	Punishment			•			· ·					123
.,	When girl	below	12									123
	When girl									•	•	124
	Alternative			18		. •				•	•	125
(c)]	First offender	8.		,			•			-		127
	Modification	ns in S	ectio	n 56	2. Cı	rimin	al P	roced	ure (Code		128
	Bonds for s									•		128
	Power to r	-						custo	ly an	nd it	3	
	conditions			•	•	•	•	•	•	•	•	129
	Bonds whe		used	is	sent	ence	d in	Ma	rital	Mis	-	100
	behaviour			•	•	•	•	•	•	•	•	130
(d) 1	nitiation of	prosec	utio	n	•	•	•	•	•	•	•	130
	Cognisable	• • •	•		•	. •		• • •	• • •	•	•	130
	Liability of dure Code		e un	ider	Sect	10n 4	44, (nar 1	roce	-	131
	Obligation of	• ·	tors.	nur	ses.a	nd d	lais .		-	-		132
	Social Refor								ociat	ions		13 2
	Curtailment										•	13 3
(c) E	hould the of	-		-		poun	dable	9		•	•	133
(/) F	orum for and	l natu	re of	i tria	als				•	•	•	134
G / -	Matrimonial	Court	ts .									134
	Village Pan			Civil	Cou	rts	•					135
	Women Mag	-	-									136
	Women juro	-					•					136
•	In-Camera t	rials										137
	Summary ti	rials					•		-	•	•	137
(y) I	Prevention of	vexati	ious	and	frive	olous	com	plain	ts .		•	137
	Fear of vex	atious	and	friv	oloua	con	plain	its .	, ,			137
	Deposit by	compla	inan	ts .	, ,	•	•	•				138
	Preliminary						•					138
	Previous sal	nction				•						138

		Page.
(h) Suggestions to make the law more rigorous .		139
Abetment by facilitating offence		139
	mmon	
residence		139
Registration of consummations		140
Guardianship of girls		140
Restitution of conjugal rights		141
(i) Auxiliary recommendations	• •	141
Women Police		141
Medical examination		142
Separate accommodation in court houses .		143
(j) Time limit for prosecutions		143
(k) Transitory provision	• •	143
(1) Time when law should come into force		144
2. Law of Marriage		144
3. Suggestions to help the administration of both laws .		145
Registration of Births and Deaths		145
Registration of marriages		147
Publicity of the laws of Marital Misbehaviour a	nd of	
Marriage	• •	149
Educational propaganda	• •	150
General spread of education	• •	151
4. Alternative suggestions to achieve the object of the proposed	laws .	152
Contraception		152
Marriage age for boys alone		154
5. Miscellaneous suggestions		154
Exclusion of married boys from University Examination		154
Prizes to the poor for late marriages		154
Rewards to complainants		155

CHAPTER VIII.

.

REASONS FOR ADVANCE.

I. Age of Consent in other countries how far a precedent for Indi	я.	156
2. Arguments for advance in the Age of Consent		157
B. New outlook of Indian women-a plea for advance		157
1. Conflict between views old and new	-	158
5. General reasons affecting women's health		158
3. Physiological and Eugenic considerations		159
Age of puberty		159
Is onset of puberty sufficient to justify cohabitation?		160
Is cohabitation by itself detrimental?		161
Are there any evil results from maternity before 16? .		161
Still births and neo-natal deaths	•	162
Maternal mortality		162
Weak progeny		163
Infantile mortality	•	164
High maternal mortality under 15		165
Relation between early marriage and maternal and infar	ntile	
mortality	•	165
Excess of female deaths over male deaths during child b	еаг-	
	•	165

	PAGE.
Sex proportions in death	16 6
Illness, sterility and general debility of mothers	168
Early cohabitation and maternity harmful	168
7. Social and Educational reasons	169
Knowledge of married life and its responsibilities absent in early marriage	16 9
Early marriage and early consummation curtail the freedom and joy of girlhood	169
Disintegration of Joint Family system necessitating higher	
ago	170
Evil of early widowhood	170
8. Economic reasons	171
Unwillingness of youngmen to marry without economic independence Necessity of girl's capacity to earn before marriage	171 171

CHAPTER IX.

CHOICE OF REMEDIES.

1.	Favourable circumstances for advance by	legisla	tion		• .		172
2.	Age of Consent or Law of Marriage?			•			173
3.	Why Law of Marriage recommended				•		174
4.	Why the orthodox object more to Law	of Ma	rriage	and	less	to	
	Law of Consent	•	•		•	•	175
5.	Lower Marriage age with higher age of Co	onsent			•		176
6.	Puberty the Age for Consent		•			•	176
7.	Penalizing gaona or consummation before	a cer	tain a	ge	•		177
8.	Minimum age for marriage		•		•		177
9.	Muslim opinion				•	•	178
10.	Should the law apply to Muslims only a Legislatures?	after a	agreeme	ent .	by loo	cal	179
11.	Exemptions in Marriage Law				۰.		180
12.	Conscientious Objectors		•			•	180
13.	Marriages not to be declared void .				•		180
14.	Punishment for violation of Marriage Law	₩.					181
15.	Bonds under Marriage Law		•				181
16.	Act XV of 1872 to be amended						182
17.	The Age of Consent in marital cases .		•	•		•	182

CHAPTER X.

AGE OF CONSENT OUTSIDE MARRIAGE.

1.	Nature of offence											185	
2.	Severity of ancient l	aws		•					•			185	
3.	Evidence in favour of	i adva	ince			•			•			185	
	Reasons for advance											186	
	Physical and Phy	siolog	ical	•					•			186	
	'Consenting Mir	nd'a	bsent		•							186	
	Social changes a	nd ne	ed fo	r gre	ater	prot	ection	n	•	:		187	
	Serious conseque	nces	of of	fence		•		•				188	
5.	The amended law n	ot to	app	ly to	o un	ions	befor	re 1	narrie	ige	in	•	
	Assam and elsewhe	re	•	•	•	•	•	•	•	•	•	188	

в

6. Parity with other laws		•			Page.
7. Objections and answers	• •		• •	•	188
Ciple come l'answers	• •		• •	•	189
Girls sexually mature at 14 and can	realise	nature	of act	•	189
Danger to boys and young men	• •	•	· · .		189
Prostitute classes and blackmail	• •	•			190
Living of prostitutes affected .		•	• •		191
8. Punishment in extra-marital cases .	• •	•			192
9. Defence of reasonable cause to believe		•			193
10. Punish the woman	• •				193
11. Incidence of the crime	• •	•			193
12. Amendment of sections 361, Indian Pena Procedure Code	l Code,	and 552	, Crim	inal	100
	• •	•	• •	•	194
· · ·	•				

CHAPTER XI.

- - . - .

.

•

1.	Summary of	reco	mme	ndati	ons	•	•	•	•	•	•	•		196
z.	Conclusion	•	•	•	•	•	•	•	•	•	•		۰	20 0
			•											

NOTES BY MEMBERS.

1. Note	by Rai Bahadur Kanhaiya Lal	•	•		•	202
2. Note 1	y Mrs. Brij Lal Nehru				-	232
3. Note 1	by Pandit Thakurdas Bhargava	•			•	245
4. Note t	y Maulvi Muhammad Yakub .					274
5. Note l	oy Khan Bahadur Mahbub Mian	Imam	Baksh	Kadri		286
- ••						

APPENDICES.

I.—Questionnaire	287
II.—List of witnesses orally examined	291
III.—(A) Statement showing number of witnesses for or against Marriage and Consent laws	302
(B) Statement showing number of witnesses recommending a particular age for Marriage or Consent laws	303
IV.—Statistics of cases under Age of Consent law (Section 375, Indian Penal Code) for 1925-26-27 for all Provinces	305
V(A) Female population by certain Age Periods and Civil Condi- tion for All India (All religions, Hindus and Maho- medans) and for England and Wales, and Scotland (Census, 1921)	30 6
(B) Female population by certain Age Periods and Civil Condi- tion for Provinces (All religions, Hindus and Maho- medans)	308
(C) Comparative table of Hindus and Mahomedans (male and female population of different Provinces	310
(D) Number and proportion of married and widowed girls between the ages 10 and 15 for all religions, Hindus and Mahomedans to the total population of girls of that age period for all India and for different Provinces (Censuses, 1901, 1911 and 1921)	913
 (Consuses, 1901, 1911 and 1921) (E) Number and proportion of married and widowed girls of selected castes for the Age Periods 5 to 12 and 12 to 15 to the total population of girls of those periods for 1901, 1911, and 1921 for All Provinces 	31 1 315
Love, Love, and Love for All Floorings	010

	PAGE.
(F) Proportion of unmarried girls of the Age Periods 10-15, 15-20 from 1881 to 1921 (All India)	318
(G) Number of married males and females per thousand males and females of Age Periods 0-5, 5-10 and 10-15 from 1891 to 1921 (All India)	319
VI.—(A) Maternal mortality, Preliminary study by Dr. Adiseshan	31 9 320
(B) Maternal mortality in England and Wales and Scotland .	329
(C) Relation between the number of married girls under the age 15 and female mortality between the ages 15 and	
20 (Censuses, 1911 and 1921)	330
(D) Comparison of male and female death rates between the ages 15 and 20 and 20 and 30 and in relation to the	
number of married girls below 15	331
VII(A) Infantile mortality in India and other countries	333
(B) Infantile mortality in important cities and towns of India.	334
(C) Relation between the number of married girls under 15 and infantile mortality in India (Census, 1921)	3 3 5
VIIIPuberty Age in India	3 36
IX Extracts of proceedings of the Child Welfare Committee of the	
League of Nations	338
X(A) Age of Consent in 1917 in Europe, America and Colonies. (B) Comparison of the minimum Age of Marriage with the	340
Age of Consent subject to no exception in 41 States.	343
XI.—Summaries of the Laws of Marriage and Age of Consent in Native States	344
XII.—Tables of applications for exemption and offences and infant marriages penalised, allowed and marriages after the prescribed age under the Marriage Law in Baroda	
State	348
XIIISummary of laws on Registration of marriages in British India .	349
XIV.—Opinions on texts	350

vii