

CHILD – MARRIAGE AND WIDOW RE-MARRIAGE

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Abstract

In ancient days, it was very common for young children to be betrothed or married at a very early age and there were instances of betrothals being performed even as soon as the child was born. One of the worst consequences of such marriages was early widowhood, due to the sudden demise of the “boy – husband”. In the nineteenth century there were many child – widows in South Travancore as there were in other states. Nowonder, the child marriage drew the attention of social reformers. Child-marriages resulted in the ill-treatment of many of the ignorant and innocent young girls. Widow-remarriage was forbidden, resulting in a community of child widows. The position of women in the medieval period was not stable. Many child widows of the lower castes existed with as *devadasis*. History has witnessed several movements against child marriage, but none of them succeeded in its total abolition. The first bill was introduced in 1927 which was known as Hindu Child Marriage Act 1927. In South Travancore child marriage was common among the Brahmins, the Vellalas and the Chettis. The advent of the British rule in India in the eighteenth century brought about changes in the Hindu and the Islamic laws. Ishwar Chandra Vidyasagar (1820 – 1891) championed the widow remarriage movement which gained momentum. Widow Re-marriage Associations were established to spread the Movement. In 1873 a Widow Re-marriage Society was founded at Nagercoil by Seshaiyengar for promoting Widow re-marriage. The first Widow re-marriage under the auspices of the Hindu Women Remarriage Association was celebrated at Mylapore on June 7, 1883.

Introduction

The women of ancient Tamilakam were usually educated and enlightened and they enjoyed a high status in society. During this period the land stretching South from Konkan along the west coast, the erstwhile Tamilakam, excelled other parts of India in the matter of female education.

Female education was popular among all castes of the people. There are various ‘theories’ regarding the origin of the Nairs and no two opinions agree. On this subject, according to Brahmin mythology, the Nairs, were born of the union between Namboothiris and the Deva, Gandharva and Rakshasa women who were introduced by Parasurama. Kerala pathi considers the Nair as the descendants of the Sudras who accompanied the original Brahmin immigrants to Kerala.

Keralaites are an agricultural society, the majority of its people have to depend upon agriculture for their livelihood. If women enjoyed social freedom in the Nair society, men enjoyed the same among the Namboothiris. The custom that only the eldest son in a Namboothiri family married from his own caste lent social sanction to other male members of the community to have liaisons with Nair women, leading to the emergence of a peculiar system of marriage, namely, *Sambandam*, meaning joining together.

In ancient days, it was very common for young children to be betrothed or married at a very early age and there were instances of betrothals being performed even as soon as the child was born. Promises were given and accepted regarding the future partner for the child. One of the worst consequences of such marriages was early widowhood, due to the sudden demise of the “boy – husband”. In the nineteenth century there were many child – widows in South Travancore as there were in other states. Nowonder, the child marriage drew the attention of social reformers. Manu the ancient Hindu law giver, sanctioned Child-Marriage. He says “to a distinguished, hand some suitor (of) equal caste should (a father) give his daughter in accordance with the prescribed rule, though she have (sic. Has) not attained (the proper age)”. If a father failed to give his daughter in marriage while she was still an infant it was considered to be a sin.

Early marriage very often led to the impairment of the young mother’s health. The children born were sickly and they remained feeble even after they reached adulthood. Early child birth resulted in premature death of the mother and infant girls married to old men were thrown into life-long widowhood after the death of their aged husbands. The enforced widowhood at a young age often led to moral lapses also. In the nineteenth century A.D. higher education of women was confined to royal, official and rich families. The middle and lower classes could not afford to educate their daughters who had to be married before they were ten or eleven years old. The sub – division of castes and the subsequent prevention of intercaste marriages between the subcastes around the eighteenth and the nineteenth centuries caused child marriage to spread.

Child-marriages resulted in the ill-treatment of many of the ignorant and innocent young girls. Widow-remarriage was forbidden, resulting in a community of child widows. They were sanctioned a share in their husband’s property so that they could live separately. However, *Sati* was forced on widows to avoid giving them a share of their husband’s estate.

The position of women in the medieval period was not stable. Many child widows of the lower castes existed with as *devadasis*. Polygamous men were not condemned by the society. The problem of child marriage was very complex in nature, and was linked to history and traditional religious practices and some other social evils like dowry enforced child widow-hood etc. History has witnessed several movements against child marriage, but none of them succeeded in its total abolition. The first bill was introduced in 1927 which was known as Hindu Child Marriage Act 1927, and its object of the act was two fold.

The first object was to put an end to child widow – hood, and accordingly the marriage of girls below the age of 12 years was prohibited, and the second object of the Act was to prevent, as far as possible, the girls physical and mental deterioration.

Abeille's observations with regard to the survival of this custom in Kerala in South India was further explored among the Christians in a full length study. This study is of special significance in view of the prevalence of the custom of child marriage among some Christians of Kerala. Christians have continued to follow local, Hindu traditions. Two other interesting findings were the relatively small number of children in the marriages and the near unanimity of the satisfaction of the couples involved with their experiences in Child - Marriage. The custom has been on the decline since the end of World War II due to the rapid development of modern education and the stricter enforcement of the law preventing child marriages in Kerala.

Owing to various reasons, child marriages were popular in India, since the parents decided to get rid of their daughters as early as possible so that they may not be a burden to them. Secondly it was believed that Child- Marriages would bring about salvation to the girls father and his ancestors. If she happened to beget a male child, it was believed that it would lead to the spiritual welfare of the family. Thirdly since marriages took place among endogamous groups, very often there was a heavy demand of bridegrooms. This compelled many parents to seek alliance for their daughters at an early age. Fourthly child marriage was practiced to avoid the danger of the girl being forcibly abducted by a member of an alien tribe.²⁶ Fifthly a girl who remained unmarried after puberty was considered to be of low caste and her father was supposed to have committed a grave sin.

Seventhly, parents wanted protection for her female children when they became grown up. Finally, since the family was patriarchal, parents desired to send away their daughters as early as possible to facilitate the division of parental property among the male members.

In South Travancore child marriage was common among the Brahmins, the Vellalas and the Chettis. The Brahmins had their female children married between the ages of six and seven which also to certain extent accounted for increase in the large number of widows. In 1881 the total number of Hindu girls married in Travancore was 157466 and the number of widows in the same year was 5621.

The advent of the British rule in India in the eighteenth century brought about changes in the Hindu and the Islamic laws. One progressive measure which the British enacted was the suppression of child marriage and enforced widow-hood. They took only cooked rice and slept on the floor.

This type of widowhood is known as *Tapatanilai* in *Tolkappiyam*. In functions like marriage or *upanayam*, since their very presence was considered as evil omen. She had to work hard, and if she happened to be a Brahmin widow, she should fast on Ekadasi day, and was lodged in a dark cabin in there ordeals of a widow were miserable.

Above all she had no legal right to her deceased husband's property, and to sum up the Hindu widow symbolized the appalling degradation of Indian womanhood and all these were done under the cover of Hindu sastras the house without any water. Ishwar Chandra Vidyasagar (1820 – 1891) championed the widow remarriage movement which gained momentum. Born in a poor Brahmin family in 1820 Vidyasagar strove

hard to educate himself, and became principal of the Sanskrit College in Calcutta in 1851. He organized a powerful movement for widow re-marriage which culminated in the enactment of the Widow ReMarriage Act. XV of 1856. Right from his early days Vidyasagar had resolved to put an end to the sufferings of the Hindu widows.

Widow-remarriage could never be thought of in a country like India where a woman could marry only once. According to Hindu customs, a marriage is valid even after the death of one's husband.

Severe restrictions were placed on widows who had lost their husbands lest they should go wrong. The Act XVII of 1829 abolished the practice of *Sati*. But the widows who escaped death on the funeral pyre of their deceased husbands, had to remain victims of blind social custom which did not allow them to re-marry. The widow re-marriage movement emerged as a remedy in the nineteenth century and became a forerunner for further social reforms.

Vidyasagar took up the challenges and made a through study of the Hindu Scriptures and found that the Hindu Shastras allowed widow re-marriage. He then published another pamphlet of twenty two pages in Bengali entitled "Whether widows ought to be married or not". In October 1855 he published his second pamphlet entitled Marriage of Hindu widows in which he stated that *Prasara Samhita* permitted re-marriage for a woman who had lost her husband.

On October 4, 1855 he submitted a *Parasarasamhita* – an ancient treatise petition to the government at Calcutta signed by 987 persons, praying for "a law to remove all legal obstacles to the marriage of Hindu widows and to declare the issue of all such marriages as legitimate".

The Government of India now felt compelled to act on the petition, and so in November 1855, a bill according permission for widow re-marriage was introduced in the Legislative Council and in January 1856 it came before the Select Committee, and the issue gained national importance. While the bill was being seriously considered by the Legislative Council, the citizens of Bengal submitted 51 petitions of which 23 (signed by 5191 persons) supported the Bill and 28 (signed by 55.46 persons) opposed it. The Select Committee went through the petitions and submitted its recommendations on May 31, 1856, and on the basis of these recommendations the Widow Re-marriage Reform Act XV of 1856 was passed. It received the assent of Lord Dalhousie, the Governor General of India (1848 – 1856) on July 25, 1856, and the Government declared that the Legislation which legalized the marriage of the widows.

Through the Widow Re-marriage Act was welcomed by social reformers as a great landmark in the Indian Social Reform Movement, it had a few loopholes which had to be plugged. The first Widow re-marriage took place in Calcutta on October 7, 1856 under the patronage of Ishwar Chandra Vidyasagar. The bridegroom was Sri Chandra Vidyaratna and the bride was Kalmati Devi. Altogether two Widow re-marriages took place at Calcutta. The orthodox section opposed the Act tooth and nail and as expected, Ishwar Chandra Vidyasagar faced severe opposition.

In spite of the defects, it could not be denied that the Widow Re-marriage Act marked a milestone in the women's march towards their emancipation. For the first time, the government accorded legal sanction to Widow re-marriage.

In 1858 the Government at Fort St. George instructed its Magistrates and Commissioners of Police to find out whether the Act had any effect. In their report, they stated that except one marriage at Salem in 1858 the Act almost remained un-implemented.

Widow Re-marriage Associations were established to spread the Movement. In 1873 a Widow Re-marriage Society was founded at Nagercoil by Seshalyengar for promoting Widow re-marriage.

Raghunatha Rao the founder of the Hindu Women's Remarriage Association believed that women were deprived of their civil rights mentioned in the Shastras and were forced into child-marriage and enforced widow-hood. He also helped that the success of the Widow Re-marriage Movement depended on preaching to the people that child marriage and enforced widowhood were not only pernicious but was opposed to the shastras.

The first Widow re-marriage under the auspices of the Hindu Women Remarriage Association was celebrated at Mylapore on June 7, 1883. Sankaracharya one of the religious heads, opposed Widow re-marriage and was prosecuted by the Joint Magistrate of Rajahmundry for libel but acquitted him. The Government appealed to the High Court which imposed a fine on him.

Conclusion

Social Reforms Movement gained an All – India status, to the Movement which was local in character even after passage of the Act for the abolition of Child Marriage Act. Charles H. Heimsath has justified that with the passage of the age of consent Act, the “Social Reforms Movement achieved national recognition and hence the social reform question was inescapably a part of nationalist ideologies.

Widow Remarriage Act XV of 1856 which deprived the remarried women of their deceased husbands property. G. Chandravarkar, a Judge of the Bombay High Court and a social reformer, wrote a letter to K. Subha Rao another social reformer expressing his happiness. The letter read thus “I am much obliged to you for informing me of the widow marriage that is to come off at Madras on the 18th instant (September 18, 1894). The bride and the bridegroom have my full sympathy....I am also sending a wedding present for the lady”⁷¹. Between 1893 and 1894 sixteen widow marriages took place in Madras.

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