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Research Papers

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## JUSTICE MINISTRY AND WOMEN CARE MEASURES

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### ABSTRACT

*The organization of Justice Party in 1917 marked a significant stage in the political development of Tamil Nadu. To begin with, it was the culmination of a parallel socio-economical movement due to the impact of western education and study of political institutions. The changed attitude of the British administration in granting constitutional reforms, motivated the aspirations of all the people. In an attempt to compete with the Brahmin-dominated Madras Provincial Congress, the Non-Brahmin leaders projected the problems of backward, weaker and depressed sections of the society. Through press propaganda, and organizing conferences and meetings, the Non-Brahmin programme consolidated itself into a counter socio-political movement.*

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The women care measures of the Justice Party impelled the women of Tamil Nadu to plunge into the National Movement. The ministerial measures of the Justice Party improve the condition of the women to a large extent.

With much ambition and hope, the leaders of Justice Party occupied ministerial position in the face of Congress opposition in Madras Presidency. To maintain its stand in the political arena, it launched frequent and incessant attacks on the Congress and its partner, the Swaraj Party. At the same time, it undertook welfare measures in the social, economical, religious and educational fields in order to promote the cause of Non-Brahmins, marginalized and weaker sections of the Society. To enhance the socio-economic life of Non-Brahmins, it passed communal orders. To keep religion and temples from the shackles of Brahminism, it passed bills related to the Hindu religious endowments. In order to give primary, secondary and university education, it started various elementary and secondary schools and established two universities to satisfy the needs of Tamils and the Telugus. Likewise to improve the condition of the women, the weaker section it took the needful women care measures.

A remarkable social measure of Justice ministry was its support to the enhancement of the marriage age through the introduction of the Age of Consent Bill in the Imperial Legislative Assembly. The Imperial Government required the opinion of the provincial council in matters of any controversial bill in order to assess the public support. In earlier times, the efforts to amend sections 375 and 376 of the Indian Penal Code related to marriage age, ended in failure due to partial support of the public and the rigidity and intolerance of the caste system and the fear of social ostracism.<sup>1</sup> It was in this context that H.S. Gaur introduced a bill in the Central Legislative Assembly in 1921, to amend the special marriage Act. According to this bill, the age of marriage was to be raised from twelve to thirteen years,<sup>2</sup> instead of ten to twelve years under the previous Act. While introducing the bill, H.S. Gaur uttered an eloquent speech. He said that "preaching equality and brotherhood of men sounds hollow, if the checks and restraints caused on society by legislation or custom against early marriages are disregarded". Further he argued that the physical faculties of a female could not be fully developed for consummation until the completion of sixteen years of age. He further warned that if proper age of marriages were not fixed

higher, it would increase the rate of fatality amongst young married wives and their newly born children. The result of such consummation before bodily development not only weakened the health of the girl but also often produced children who were weak and sick and in large number of cases, they could not resist any illness of an ordinary type or any inclement weather.

Generally the Hindu members did not desire the marriageable age to be fixed because early marriages were already acceptable in the Hindu society to a great extent. V.N. Mutalik, a member of the Central Legislative Assembly, attacked H.S. Gaur's bill. He said that the aim of the mover of the bill was due to two reasons viz; infant mortality and health of girls. He said that the infant mortality was due more to economic causes, lack of sanitary condition and want of proper supply of milk. Similarly the health of the young girl suffered due to insufficient feeding, congestion and want of exercise, etc. Therefore, it would be better for the reformers to turn their attention first to these matters than to rush all at once to the Legislature.<sup>3</sup> Devaprasad, another Hindu member of the Council, said that the Government should not impose the Age of Consent Bill on the Hindu society and he said that "if the Government imposed the bill, it would shake the Hindu manners and customs and religious principles". But the Non-Hindu members and Non-Brahmins generally supported the bill of H.S. Gaur. Members like William Vincent, Romesh Chandra endorsed the Age of Consent Bill. They did not raise any objection to the legislative measures for the marriage at certain age. Finally, based upon the discussions in the Central Legislative Assembly, the British Government as usual referred the bill to the opinion of the Provincial Councils to assess views of the public on the controversial Bill. In this connection, the Madras Legislative Council passed a resolution on August 3, 1921. It urged the Madras Government to represent to the Government of India the necessity of getting H.S. Gaur's Bill passed into a law at an early date.<sup>4</sup>

The Bill introduced by H.S. Gaur became a law in 1923, known as the Special Marriage Amendment Act of 1923. The Act contained the following provisions. 1) The marriage age of women was raised from twelve to thirteen, 2) The marriage of unmaturing girl was not desired. The man, who married a girl before the age of thirteen, was to be considered a culprit and this matter was to be taken as a rape case and he was to be punished with imprisonment of one year or more. In 1929, on the recommendation of the Age of Consent Committee, the Sarda Act was passed which fixed the marriage age of males at eighteen and females at fourteen.<sup>5</sup>

While implementing the law in Tamil Nadu, the Justice government faced great opposition from orthodox Brahmins. Firstly, the Hindu system did not recognise the married couple under this law. Secondly, those who were married under this law ceased to be the members of the joint family to which they previously belonged. Thirdly, the age long custom was a great barrier to the working of the law. Hence, the educated Non-Brahmins organized propaganda among the illiterate and weaker sections of the society to facilitate the acceptance of the Act on age of consent for marriage.<sup>6</sup>

The Justice Government also felt that the idea of self-government could be mooted only when the rate of literacy was increased. The introduction of political reform before that of educational changes would be like building a house without the necessary foundation. Hence the government was very anxious about the lesser literacy among Non-Brahmin women. The Justice Government initiated necessary measures for women's education.<sup>7</sup> The Panagal ministry introduced free and compulsory women's education in order to avoid social inequality between women and men in the educational field.<sup>8</sup> The Muslims opposed this move as they considered that the sending of Muslim women to schools would undermine their religious beliefs and sentiments.<sup>9</sup> But the Madras Government encouraged parents to send their daughters to school.<sup>10</sup>

The Justice Government felt intensely about the denial of social equality also. Therefore in 1921, on the formation of its first ministry, the Justice Government passed a law which gave right to women to vote and to contest in the elections.<sup>11</sup> As a consequence, women stood as candidates in the elections to the Legislative Council, the Legislative Assembly and in the local institutions like the Corporation of Madras.<sup>12</sup> Creating political consciousness and public interest among them, their participation in the public affairs increased for the first time in the social life of Tamil Nadu. In 1926, S. Muthulakshmi Reddy became a member of the Madras Legislative Council and later became the Vice-President of the Council. Besides her, Alamelumangai and Muvalur Ramamirtham were very prominent political women leaders of the Justice Party. Thus the sex disqualification of women to become members of the local Legislature was removed during the Justice ministry.<sup>13</sup> In fact, the entry of women leaders such as S.

Muthulakshmi Reddy contributed significantly in the abolition of devadasi system.<sup>14</sup> Thus the Justice Party was a pioneer political party in India which worked for the eradication of the social ills associated with women, and struggled for the elevation of the women in the orthodox Hindu Society which was saturated in the traditional beliefs and outdated customs. The social measures of the Justice Party was aimed at the care of women from all the onward attacks of the male dominated society. The empowerment of the marginalized and weaker sections of the society was priority motive of the Justice Party while it was in Power<sup>15</sup>

#### END NOTES

1. According to the Age of Consent Bill of 1860, the marriage age of women was fixed at ten years. The marriage age was increased from ten to twelve by the Age of Consent Act of 1891. This age limit was endorsed by the high class people. But the low class people felt that the minimum age of the girl for marriage could be raised to sixteen years. (Government Order No.1041, Judicial Department, 13 September 1922, Tamil Nadu State Archives, (TNA).
2. G.O.No.1041, Judicial Department, 13 September 1922, TNA.
3. Darul Islam, 25 January 1929, Madras Native Newspapers Report, (M.N.N.R.),1029, p.164.
4. Gopala Menon, 'Non-Brahmin Movement and Justice Party' in Justice Party Golden Jubilee Souvenir, Madras, 1968, p.99.
5. Andhra Patrika, 22 June 1929, Madras Native Newspapers Report, (M.N.N.R.), 1929, p.906.
6. Pillai, K.K., The Caste System in Tamil Nadu, Madras, 1977, p.59.
7. Nyaya Dipika, 4 July 1922, M.N.N.R., 1922, p.769.
8. Azad Hindu, 29 January 1925, M.N.N.R., 1925, p. 157.
9. Mukhbir I – Deccan, 10 December 1924, M.N.N.R.,1924, p. 1622.
10. Qaumi Report and Azad Hindu, 1 November 1926, M.N.N.R., 1926, p. 1498.
11. Thangavelu, G., Tamizh Nila Varalaru, (Tamil), Madras, 1976, p.485.
12. Dravidian, 3 August 1922, M.N.N.R., 1922, p.906.
13. Report on the Administration of the Madras Presidency, 1925-1926, Madras, 1926, p.xvii.
14. Anbazhahan, K., "Neethiyin Adippadayil", (Tamil), in Justice Party Golden Jubilee Souvenir, Madras, 1968, p.175
15. Selvamuthu Kumarasami, L., 'De-Sanskritization : Dravidian and Non-Brahmin Identity in Late Colonial Tamil Nadu, in Shodhak : A Journal of Historical Research , Vol.39, Jaipur, September- December 2009, p.207