



HARIMAITISM

AND



HOW TO PREVENT IT

BY

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SECOND EDITION, ENLARGED.  
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Madras:

PRINTED AT THE LAWRENCE ASYLUM PRESS, MOUNT ROAD,
BY G. W. TAYLOR.

1891.

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PREFACE TO THE SECOND EDITION.

As the copies of the first edition are all exhausted, and as the present agitation against the passing of the Age of Consent Bill necessitates the embodiment of a few more facts, I have issued this second edition, giving simply a reprint of Part I. and adding a second Part.

MURLI MANOHAR.

HYDERABAD, DECCAN, }
15th February 1891. }

HOME OF

PART I

"HARIMAITISM"

AND

"HOW TO PREVENT IT."

MEN have earned distinction by being immortalised by the coining of new words in a language after their names. History furnishes us with examples of good and bad events thus commemorated. Mr T. N. Mukherji, of Bengal, has conferred an unenviable immortality on Hari Mohan Maiti, who so lately figured so prominently in the Calcutta Courts in connection with the now famous Phulmani case, by coining the word Harimaitism. The facts of Hari Mohan Maiti's case are too well known to every newspaper reader to require any recounting of them here.

The glaring evils of Hindu society have now, for a long time, been engaging the attention of the more educated members of that society and, moved by their representations, of philanthropic and sympathetic members of other societies. The causes why such efforts have been futile and barren of fruit are not far to seek. The peculiar constitution of the caste system of the modern Hindus and the singular circumstances attendant on the national upheaval, worked upon by the influences of Western education, tempered by lethargic and often negative home influences, in great measure, account for it. Another cause, and a not unimportant factor, is the rank superstition and abject ignorance in which the mass of the male population of India is sunk. It is a well known fact

that even among well educated gentlemen, one is unwilling or unable to introduce such and such a reform because one's wife, or mother, or grandmother, or some female member of the house, individually or collectively, is against the proposed change. This deference to the opinion of woman, born of the ancient books of the Hindus, which inculcated principles not unlike those practised by the mediæval knights of Europe, has been the main cause of the deterioration of this once grand race of Aryans!

Every thinking Hindu finds himself confronted with the evils of Hindu social life, almost every moment, and he who does not consider it his duty to find some means of obviating them, and after finding it, advocating it with a tenacity and perseverance of purpose which is found too often devoted to other and not always praiseworthy pursuits, does not, in the writer's humble opinion, deserve to be classed as a patriot.

Infant marriage and enforced widowhood have come to be acknowledged as the most crying evils. The Hindu religious books only permit the remarriage of child widows; i.e., of those who have lost their husbands before consummation. Thus it will be evident that by suppressing the pernicious custom of infant marriages, the number of child widows will greatly fall off, and in the course of a generation such widows will cease to be an eyesore and a scandal to society. Thus, the one preventing the other, if Hindu social reformers, moderate and extreme, confine their attention to the problem of infant marriage, their labours will have a better chance of being rewarded with success, inasmuch as their action will be circumscribed to a smaller sphere and the enemies they would awaken in the orthodox camp will be proportionately few. It must be admitted that every reform, social or political, should make an humble beginning and progress only by degrees. A great advance has been made by the Act legalising widow remarriages. A generation has passed since the enactment, and, thanks to the civilising influences of West u

education, people have come to look upon widow remarriages as a necessary evil and to see that the sooner they surmount their sensational antipathy to it, the better it will be for their own peace of mind. This has, in a great measure, prepared the minds of the people for further legislation in this direction.

The most crying evil, therefore, appears to be infant marriages. By preventing this, we may prevent almost every other evil that is now felt to be oppressive in Hindu society. The evil consequences of infant marriage are indeed very great. It affects the mental and moral development of the nation as a whole, interferes with educational and political advancement, and, in short, renders us retrogressive as a race. Correct this one evil and a great boon will be conferred.

One thing at a time,
And that done well,
Is a very good rule,
As many can tell.

Simple as the verse is, it teaches a very important lesson. If Hindu social reformers will confine their attention to this one subject of infant marriages, they will be well advised.

I shall now briefly point out the evils arising directly and indirectly from infant marriages, which will therefore be a tolerably fair index to the benefits that will accrue by its abolition :—

- (1) Physical deterioration, consequent on the production of weak and unhealthy offspring ;
- (2) Early attainment of puberty ;
- (3) Greater probability in the increase of the number of child widows ;
- (4) The impossibility of imparting sufficient education, as girls on account of early puberty, are early withdrawn from school, to enter on the married state. It is needless to enlarge on the evil consequences of such want of education ;

- (5) Moral degradation of the people as a race ;
- (6) Poverty, premature grave, disease and dependence on others ;
- (7) Over-population.

It will be necessary first to view the question from a medical point of view. The opinions of eminent medical men go to show that early puberty and a steady deterioration in the physical and moral constitution of the race are among the consequences of infant marriages. A few quotations from medical authorities are hereunder given, in the hope that the magnitude of the evil may be more generally brought home to the minds of the public.

DR. CHEEVERS, Author of "Indian Medical Jurisprudence," wrote:—"It stands to reason that a wife ought to be a parent whom the least observant would declare to be a 'woman' and not an immature 'child.' Therefore, if safe child-bearing and healthy offspring are to be regarded as the first objects of marriage, this rite ought to be seldom allowed till the eighteenth year, the sixteenth year being the minimum age in exceptional cases."

DR. FAIRER, M.D., wrote:—"The fact having attained the age of puberty does not by any means imply that, though capable, she is fit for marriage. Physiological science, common sense, and observation, all teach that an immature mother is likely to produce weak and imperfect offspring. Before the parent gives birth to the child, she should herself have attained her full vigour. That cannot be looked for in female children of ten to fourteen years of age."

DR. J. EWART wrote:—"I am of opinion that the minimum age at which Hindu women should be encouraged to marry would be after and not before the sixteenth year. But the race would be improved by postponing the marriage of women to the eighteenth or nineteenth year of age."

DR. S. G. CH. JERBUTTY, M.D., wrote :—"It is a vicious custom that as soon as a girl menstruates she must be married. This is not done in any civilised country, nor should it be done here. The practice of abstinence, which the deferment of marriage imposes on a girl is more beneficial to mankind than its reverse in early marriage."

DR. T. E. CHARLES wrote :—"I would beg to be allowed strongly to insist on the fact that the beginning of menstruation should not be taken to represent the marriageable age. It is true that, talking generally, this may be said to be a sign that a girl has arrived at the age at which she may conceive. It is an undoubted fact, however, that out of many girls living in the married state at the time that menstruation begins, very few do conceive for many months and even years after the function has become established. *I believe that although this event may be taken to represent commencing puberty, a girl ought not to be taken as having arrived at puberty, till various changes in her organisation which take place gradually and occupy a considerable period, have been fully completed.* It is also of great importance that the fact should be kept prominently in view, that there is a broad distinction between the time at which it is possible for a child to conceive, and that at which it is expedient, from a medical point of view, that she should be allowed to become a mother."

DR. D. B. SMITH, M.D., wrote :—"Before the age specified (sixteen) a female cannot be said to be fully developed, either physically or mentally. Some parts of her osseous structure, which are essential to the reproductive function, are not yet consolidated. The first appearance of these sexual changes which mark "puberty," are by no means to be regarded as coincident with the most fitting time for marriage. They merely indicate the development of procreative power and a possible capacity for conception ; although it is to be observed that a female may conceive before she has ever menstruated

and also that infants have been known to menstruate. *The stomach digests, the brain elaborates thought, the voice gives utterance to such thought long anterior to the time at which these functions are performed with full force and in physiological perfection ; and a similar law of Nature applies to the sexual system of the female.*"

DR. N. K. BOSE wrote — "In determining the age in question, more regard is to be had to the period of life, when by its anatomical development, the female system is fitted to enter upon the functions and duties of maternity, without injury to itself, or the physical deterioration of the offspring begotten by it. I should say that *our girls should not be married before they have attained at least the eighteenth year of their age. Before this period, their system would not bear with impunity, the drain which maturity must establish in it.*"

DR. ATMARAM PANDURANG, of Bombay, wrote :—"Puberty is not the best criterion of proper marriageable age, for it is not the period at which development of the parts concerned in gestation and delivery is completed, nor is then the mind well adapted for the requirements of the mother in taking proper care of her delicate and tender offspring."

DR. WHITE, Professor of Midwifery, Grant Medical College, Bombay, wrote :—"Menstruation is no doubt the most important sign of puberty, but when it shows itself early, it is only the sign of commencing puberty, and in the absence of other indications, by no means implies that a girl is fitted for marriage and child-bearing. *It is not until puberty has been fully established that the minimum marriageable age has been reached, and this rarely occurs, in my opinion, among Native girls before the fifteenth or sixteenth year ; but if marriages are delayed until the eighteenth year, the frame would be more thoroughly developed, the danger of child-bearing would be lessened, and healthier offspring would be secured.*"

DR. MOHENDRA LALL SIRCAR wrote :—"The commencement of the menstrual function is no doubt an index to the commencement of puberty. But it is a grave mistake to suppose that the female who has just begun to menstruate is capable of giving birth to healthy children. *The teeth no doubt are intended for the mastication of solid food, but it would be a grievous error to think that the child, the moment he begins to cut his teeth, will be able to live upon solid food.* Our anxiety, on the contrary, should be that the delicate masticatory organs are not injured or broken by giving the child too hard food. So when we see a girl have the monthly flow, we should not only watch its course and regularity, but should also watch the other collateral developments of womanhood, to be able to determine the better the time when she can become a mother, safely to herself and to her offspring. For, it should be borne in mind, that while early maternity results in giving birth to short-lived or unhealthy children, it at the same time seriously compromises the health of the mother also. I can speak positively on this subject from personal experience. A host of complaints from which our females suffer life-long, or to which they fall early victims, arise from the evils of early marriage—namely, early pubescence and early maternity."

This leads us to the next question,—whether early marriage is not the cause of early pubescence. The stock argument with anti-reformers is that we must follow the call of Nature, and that marriage should be consummated immediately on the commencement of the menstrual function. It will however be evident from the medical opinions quoted above, that it is a grievous error to think so. The weight of medical opinion is very strong in supposing that early marriage is the cause of early pubescence.

DR. S. G. CHUCKERBUTTY wrote :—"The Hindu and Mahomedan girls, from the custom of early marriage, attain to forced puberty at an earlier age. This should, therefore, never

influence our opinion as to what is the proper age for puberty under normal circumstances."

DR. D. B. SMITH wrote:—"The early betrothal system and the bringing together of persons of immature age must be bad, as involving a disturbance of imperceptibly gradual sexual development, and as lighting up what in medical phraseology might be called an unnatural *erythrium*."

DR. T. E. CHARLES wrote:—"The great cause which induces early menstruation is undoubtedly early marriage. The girl is forced into menstruation prematurely by the abnormal conditions under which marriage places her."

"Horse-breeders are well aware of this physiological law; and owners of racing steeds habitually take advantage of this natural law when it suits their purposes, by confining a pony under the same roof, though separated from the mare by partition, when they desire that her ovaries should be forced prematurely into that condition which is analogous to the state they are in, during menstruation in the human species."

"I believe, in the young widow, and in the girl kept apart from her husband, menstruation occurs uniformly later than in those living in a state of marriage. I am also of opinion that the universality of early marriage has had a decided effect in determining the earlier appearance of menstruation, as it is well known that instances of early and late menstruation show themselves regularly in special families, and the age at which menstruation occurs may be regarded as in a great measure hereditary. A very large number of instances of menstruation met with before the thirteenth year is capable of very easy explanation on the supposition of early marriage having caused their premature appearance. If marriage became generally delayed till menstruation has been fully established, I am quite sure that after a series of generations, menstruation would come on habitually at a later period, and much more closely approach to a Western standard."

DR. D. B. SMITH wrote:—"I am inclined to believe that very early marriages in this country are mentally degrading as they are physiologically objectionable . . ."

"It may, I think, without any exaggeration or cynicism, be said that the present system of early marriage in Bengal (in India, likewise) panders to passion and sensuality, violates the requirements of Nature, lowers the general standard of public health, lessens the average value of life, takes greatly from the general interest of existing society, and *allows the present race to deteriorate* both to its own disadvantage and to the detriment of future generations."

DR. N. K. BOSE wrote:—"In this country the custom under notice has prevailed for centuries and generations, and it is not to be wondered at, therefore, that our boys and girls should attain to puberty at an earlier period of life, than under a healthier system of matrimonial connections they would have done."

DR. ATMARĀM PANDURANG wrote:—"In some cases puberty is known to come on as early as ten years, and in others so late as seventeen or eighteen years. In some rare instances, the *catamenia* occur regularly every month *from infancy*. This difference amongst girls is caused by some peculiarity in their individual constitution, but in a large majority of cases chiefly or entirely by social influence—the influence on habits of thought and action which society has on each individual member."

DR. A. V. WHITE wrote:—"Early marriages, as they obtain in this country, have the effect of prematurely rousing the ovaries into a state of activity, and early menstruation is the result. But this early menstruation is unaccompanied with the other signs of development or advancing puberty, such as the special growth of the reproductive organs in conjunction with the general development of the frame, and of the mental faculties. This pernicious custom has so long

prevailed that it has now become the constitutional habit of Indian girls to menstruate early; and this habit, I believe, is transmitted from mother to daughter. If Indian girls were not to marry till sixteen or eighteen, I believe that in a few generations this habit would be broken, and marked improvement in this respect would be observed."

DR. MOHENDRALALL SIRCAR wrote:—"I have no doubt in my mind that high and luxurious living, and early seeing and knowing, of child husbands and child wives, favoured by the anxiety of fond parents to see their little ones become fathers and mothers, are the chief causes of the forced puberty which we so much regret in our females rather than in our male children."

"Another argument with anti-reformers is that we Indians are living under peculiar climatic conditions, and that as under such circumstances, our girls attain puberty sooner, it is essential that early marriages should continue to take place. Here again we must be guided by medical opinion. What do doctors say? That the influence which climate has upon the early puberty of Indian boys and girls is 'so little, as to be almost inappreciable.'"

DR. N. CHELVERS wrote:—"The general opinion among physiologists is that all collateral circumstances, *except those of climate*, being equal, all women would reach puberty at about the same age."

DR. S. G. CHUCKERRUTTY wrote:—"The usual sign of puberty in a girl is the commencement of menstruation, which occurs as a general rule in all countries between the ages of thirteen and fourteen, though in some cases it may come on earlier or later. The best standard for comparison would be the Native Christian girls on the one hand, and European girls on the other, for in respect of marriage they adopt the same rule. I am not aware there is any practical difference between these two classes of girls as to the age of puberty."

DR. CHARLES wrote:—"Two points constituting grave and formidable impediments have come prominently before me while making enquiries to enable me to offer an opinion on this question. One lies in a widespread belief that the climate leads to early menstruation which points to early marriage, and the other a similarly extended opinion that the climate causes an early development of sexual passion. There is just sufficient truth in both these statements to render it impossible to give them a full and unreserved denial, and yet so little truth in them as to render the arguments based on them entirely valueless. . . . The climate and other surroundings of young girls may have some influence in leading to this result, but the great cause which induces early menstruation is undoubtedly early marriage. . . ."

"I long believed that the young Hindu female is usually totally devoid of all sexual feeling and special enquiries on the point made during the present investigation have completely confirmed me in this opinion."

DR. SMITH wrote:—"Some physiologists believe that the *catamenial* function does not occur earlier in hot than in cold climates. Mr. Robertson, whose writings on this subject are well known, is a learned exponent of this view of the case."

"Dr. Tilt compared from the works of various authors a table of the periods of first menstruation of 12,037 women, in hot, temperate and cold climates. The following are briefly the results arrived at:—

	No of observations.	Mean age
Hot climates	666 ..	13.19
Temperate	7,237 .	14.94
Cold	4,134	16.41
Grand mean of all countries	14.85"

DR. N. K. BOSE wrote:—"I do not think climate exerts that degree of influence in modifying the age of puberty in different parts of the world, which has been ascribed to it.

Some difference it will produce, no doubt; but this, on examination, would be found to range within very narrow limits. On studying the age of marriage in different countries at different periods of time, it has appeared to me, on the other hand, that early wedlock has been the result of ignorance, and of general degraded condition of the female sex, and hence at one time it was not unknown in the latitudes of England and Russia. And the mischief lies in this, *viz.*, that when the practice becomes a marked one, it tends to perpetuate itself by producing precocious prematurity (*sic*) among the children, in accordance with the organic laws which govern the hereditary transmission of physical and mental qualities."

DR. AITMARAM PANDURANG wrote:—"Climate has no influence in the matter. The history of our own people in former years, when this pernicious custom had no existence, will bear me out fully, so that I need not point to other classes or tribes in this country or other countries, savage and civilised, where the custom of early marriage does not exist, to support the assertion that climate has no influence in the coming on of puberty."

DR. A. WHITE wrote:—"Among English girls, menstruation occurs more frequently at 15 years than at any other age, while among Indian girls, in the majority of cases, I believe it occurs at thirteen or even less. The cause of this difference of two years is not so much, in my opinion, the effect of climate as a difference in the condition of the two races."

DR. MOHENDRALALL SIRCAR wrote:—"As to whether climate, the degree of latitude, the position on the surface of the earth, the nature of the soil and other surroundings have or have not any influence upon the menstrual function, its first appearance, its subsequent regularity, and its final decline, this is a question which may still be regarded as open to discussion. . . . A superficial view of available facts would seem to incline the mind to the belief that climate does influence the

menstrual function, delaying its first appearance in the cold and hastening the period in tropical climates. After weighing carefully all the circumstances which have a possible influence on the function, I am led to believe that if climate has any influence, it is trifling, not to say, infinitesimal." .

By doing away with infant marriages altogether, the number of child-widows will gradually decrease and in the course of a generation, child-widows will cease to exist. By a reference to the last Census Report (1881) it will be evident that there are about 60,000 widows under ten years of age, and 80,000 under twenty. Thus if marriages are postponed till after ten, the former class of widows will steadily decrease.

Having thus briefly sketched the great evils of early marriage, I now proceed to consider the various means suggested by reformers and others for their obviation. They propose to mitigate the evil,

- (1) By the spread of education.
- (2) By educating public opinion, by sending out Hindu Social Reform Missionaries, &c.
- (3) By the consequent revival of the ancient religious spirit.
- (4) By legislation, preventing an infant girl who became a widow before consummation, from enjoying the rights of a widow under the Hindu Law.
- (5) By withholding University honours, scholarships, &c., from married men.
- (6) By inflicting a sufficiently prohibitive fine on marriage of boys and girls below a certain minimum age.
- (7) By declaring marriages below a certain age invalid.
- (8) By the formation of Social Reform Associations. .

These remedies are excellent in their own way, but the question arises whether any or all of these remedies will be sufficient to produce the desired end. It should be the aim of every reformer to act along the lines of least resistance. It would indeed be a very good thing if, as some wish it, the

remedy is applied from within. But it must not be forgotten that obstinate diseases need equally drastic remedies. The evil of early marriage is a very deep-rooted one. The earliest books of the Hindus do not inculcate early marriage. On the other hand, the majority of text writers are in favour of marriage at about the age of 12. But spurious additions have been made by interested parties in the days of priestly supremacy, and the consequences are the physical and moral deterioration of the whole race.

The educational remedy that is proposed and its corollaries—the formation of a strong public opinion against infant marriages and the revival of the ancient Hindu religious spirit, appear futile. It will be admitted that education has made some progress among the Indians, for, is it not on this supposition that the Congress demands the introduction of a partially elective principle in our Legislative Councils? What have been the consequences of this spread of education and the so-called formation of public opinion? What have highly educated native gentlemen, who are ranged in the fore-front of the Hindu Social Reform party, and those English educated Indians, occupying high and influential positions, done towards the attainment of this object? At least, in their own families? Charity begins at home is of universal application. If one propounds a theory for the edification of one's brethren, but one is not prepared to practice it in one's own case, what confidence can one expect the public to place in one's vociferous preaching. Further, education takes such an unreasonably long time to spread, and to make its benefits felt. Even supposing education does spread to the required extent, it will be difficult to form a sufficiently strong public opinion against infant marriage. There will always be leaders and the led. It requires a great amount of moral stamina to be able to introduce a social reform and to stand by its consequences. Who among us is not afraid of Mrs. Grundy? How many are there who do not put forward

some excuse or other for not practising what they preach? The cry is often heard, "If there are a dozen people who are willing to abide by the consequences of the introduction of a particular reform, I am ready to join!" But why do you not lead the way? Who are to be the dozen people you want to follow?

Centuries of foreign overlordship have dimmed the original splendour of the Hindus. Priests and Brahmans have done the rest. Moral courage and independence of thought are at their lowest ebb among the masses. Thanks to the benevolent rule of the British Government, we are beginning to look upon ourselves more as we ought to have done, considering our glorious past. The English language has been the common medium by which the Panjabi, the Bengali, and the Madras speaking the most different language, and wearing various dresses meet upon a common platform and exchange their thoughts. We are therefore again being welded into a nation with the same political objects and aspirations. The difference between political and social reform questions lies in this, that inasmuch as politics directly affects only a particular class of people, social reform makes itself felt by every individual member of the society; and while in the one case illiterate woman holds undivided sway, in the other the field is left in the undisputed possession of man. It follows therefore that female education is the only means of bringing home the magnitude of the evil to the unites of Hindu society. Here, it is evident that, so long as the system of early marriage prevails and along with it, the custom of early consummation, i.e., as soon as the child attains to the age of eleven or twelve, girls will continue to be withdrawn from educative influences at an age when they are by no means competent to comprehend much, being but a degree removed from the infant stage. How then can education spread among the women of India, and what chance is there of a healthy public opinion being

formed in that class, in which alone it is likely to be of any value in securing the desired end?

The proposed legislation, preventing an infant girl who becomes a widow before consummation, from enjoying the rights of a widow under the Hindu Law, will be equally useless in arresting the evil. No father or guardian marries his infant daughter or ward under the idea that she will become a widow before consummation. If however such a misfortune does occur, the loss of inheritance and claim^c for maintenance which could be enforced by such legislation, but which may be waved by mutual consent, will either remain a dead letter or will be suffered quietly as an additional misfortune because no Hindu ever thinks of remarrying the daughter. It will then be a case of the sins of the father being visited upon the children. Further, the number of child-widows (*i.e.*, who become such before consummation) is so small and the legislation will only affect this little class—in which case, Government will, instead of helping the child-widow, be only causing greater misery to the helpless thing—that it cannot be considered a sufficiently strong deterrent.

The withholding of University honors, scholarships, &c., from married men will affect only that small class who are, after University education. The bulk of the people will even then be free to act as they choose.

The infliction of a sufficiently prohibitive fine on the marriages of boys and girls below a certain minimum age will place an undue advantage in the hands of the rich as against the poor. It will be a law which the rich can break with impunity and the poor dare not.

What if marriages below a certain age are declared invalid? No one acquainted with the traditions of caste and of Hindu society will for a moment suppose that any remarriages of girls will ever take place in consequence. The evil will continue unmitigated.

Too much stress is laid upon the formation of Social Reform

Associations. It is said that Government should be memorialised to enact that the articles of such Associations to which the members subscribe should be made enforceable at law against such members. It is forgotten how few will join such Associations for reasons already assigned.

*Nothing short of direct Government interference in the matter, therefore, remains for a proper solution of the problem. I shall now proceed to consider why Government should interfere and how far such interference is not against Hindu Shastras and laws, but, on the other hand, is the duty of every civilised Government.

WHY GOVERNMENT SHOULD INTERFERE.

Legislation is of two kinds—permissive and coercive. As regards Hindu social customs, we have had legislation of both these kinds. The Widow Remarriage Act is an example of the former. Examples of the latter are the suppression of suttee, infanticide, the custom of being sawn alive into two at Benares, of being crushed beneath the car of Jagganath, the practice of the buying of male children by the Jain priests to be brought up as disciples, thuggee or sacrificing of human beings to Kali Bhavani, hook-swinging, &c.

Now what is wanted in connection with infant marriages is legislation of the *coercive* kind. The Hindus are a highly conservative people and are not disposed to discard evil customs even after they are fully convinced of their evil nature. They want some authoritative person or body to point out to them the evils and to prevent them from following the custom any further. The British Government has done a great deal in this direction. The conservative population of India had no liking for sanitation or vaccination. They never liked to be taxed for education, for roads, &c. But the Government, considering it the duty of every civilised administration, have of their own accord, initiated these beneficent measures. The people have quietly submitted to these measures, as, in

the long run, they have found out that these were necessary for their well-being.

Similarly, in this matter, Government should take the initiative and legislate on this subject. There can be no doubt that the consequences of early marriage are far-reaching. The whole Hindu race is fast deteriorating morally and physically. This custom of early marriage is "incompatible with reason and humanity," and as it affects the welfare of the public, it is necessary that the Government should interfere.

The reverence that the Hindu has for the authority of the sovereign is proverbial. If the British Government had not been a foreign one, the religious objection would never have been raised. For, as the Hindus firmly believe that their king is God on earth and have the highest respect for the laws promulgated by their kings, if the Government had ever felt the necessity for such a change as is now felt, and if the Government had intended to introduce the reform, the people would have submitted to the changes, nay, would have even welcomed it, as proceeding from the wisdom of their sovereign.

Even this objection of a foreign Government does not hold in this case. It is not a question of religion, for there is a difference between the Hindu Dharma (Religion) and the Dharma Shastras (the codified laws). A student of the history of the ancient civilization of India will find that early marriage is a custom of recent growth, and that the earliest books of the Hindus make no mention of this pernicious custom. In fact, the import of the ceremony performed on the fourth day of the Hindu marriage is plain enough. The bride and bridegroom are supposed to be of full age to come together bodily. This shows that the marriages of girls used to take place after they had attained puberty. Now, the greatest objection raised by the orthodox section to the postponement of the marriage ceremony is that a Hindu,

especially a Brahman, loses his caste if he keeps his daughter unmarried till she reaches puberty. The elaborate paper on the subject of infant marriages from the pen of the Hon'ble M. G. Ranade, plainly goes to show that there is no Vedic or Shastric text of any weight that lays down such a rule. The objection is therefore purely sentimental on the part of those who ought to know.

Again, the elastic Hindu religion provides for cases in which marriages are not celebrated, from unavoidable circumstances, before the girl's attaining puberty. A certain *prayaschittam* ceremony is ordained and this provision is further evidence of the non-imperious nature of early marriage, which has come into vogue more from a keen competition for securing the best available matches for one's children, and from the fondness of parents to see their young children married and become fathers and mothers at a young age.

Precedent is not wanting of the interference by foreign kings in Hindu social customs. Colonel Malleon, in a recently published book, refers in unmistakeable terms to the interference of Jelaludeen Akbar in Hindu social customs. Thus it is evident that in the reign of one of the best Mahomedan sovereigns India ever had, the so-called religious customs of the Hindus used to be interfered with with impunity. Remembering the fact that the Mogul Empire in its palmyest days was not so firm as the British Empire in India at the present time, it is easy to understand how the Hindus, who put up with such interference in those days, will receive the same in these days when the educated public, though they form the numerical minority, heartily wish for a change.

The question of fixing the age of marriage and of what is generally known as the age of consent, is a duty which every civilised Government in Europe has accepted by extending its legislation to comprehend it. Thus, in Germany, Spain, Portugal, &c., the Government has fixed the marriageable age of boys and girls. The ages thus fixed extend in the case of

the former from fourteen to eighteen, and in that of girls, from twelve to sixteen.

It is the opinion of Sanskrit scholars that legislative interference is quite in accordance with the principles of the Institutes of Manu.

It is thus evident that the custom is an "outrage on humanity," is "productive of great evils on the community" and "contrary to sound reason and morality." The excellent minute of the Marquis of Wellesley is therefore worthy of the serious attention of the British Government in this connection—"that it is one of the fundamental maxims of the British Government to consult the opinions, customs, and prejudices of the natives, *but only when they are consistent with the principles of humanity, morality and reason.*"

Government should, by this time, have been convinced that the consensus of opinion among the educated section of the Hindu community is in favour of change in the existing social customs, though some are for direct Government interference, and others against it, though the objections of the latter appear to be dictated more by sentimental considerations than by any substantial reasons. When we find that the chances of a reform in this deep-rooted but pernicious custom, proceeding from the community itself, are very few in deed, why should we allow sentiment to override reason.

The majority of the Hindus appear to believe that it is a heinous sin to keep a girl unmarried till she attains puberty. Medical opinion points to the age of thirteen as the average period of the commencement of the menstrual function among Indian girls. The Government can, therefore, so modify its legislation in the matter of marriages so as to make the greatest allowance for this popular prejudice, by prohibiting all marriages below the age of ten or eleven as a preliminary measure. This will, in a great measure, mitigate the evils of early marriage, and we should not be satisfied with this moderate measure. No orthodox Hindu can raise any objection

to this age limit, and the Government will in consequence, meet with scarcely any opposition with the name.

The question of the age of consent is not at all religious. It is peculiarly the province of Government, legislation, and as a civilized Government, it is its bounden duty to remedy the glaring inequality existing between the Criminal Law of India, as promulgated in the Indian Penal Code, and that of England.

The following comparative statement, contrasting the provisions of the English Criminal Law and the Indian Penal Code, with respect to the seduction of girls, is taken from "The Status of Woman in India," (App. III, p. 281):—

*How girls are protected
by the Indian Penal
Code.*

*How they are protected by the
English Criminal Law
Amendment Act.*

1. A husband having intercourse with his wife, who is under ten years of age, with or without her consent, is punishable with transportation for life (sec. 376).

1. He is punishable with penal servitude for life.

2. A husband having intercourse with his wife, who is ten years of age, with or without her consent, is not punishable at all. The law in the most explicit language declares that this is not rape (sec. 375).

2. Do. do.

3. Any person, other than a husband, having intercourse with a girl who is ten years old, with her consent, is not punishable.

3. Do. do.

4. A girl under twelve years of age is not competent to consent to the commission of any offence upon her except that of rape or seduction (secs. 90, 375).

4 Any one having intercourse with a girl *under thirteen years* of age, *with or without her consent*, is punishable with penal servitude for life.

5. Any one having intercourse with a girl *over thirteen and under sixteen years* of age, *with or without her consent*, is punishable with ~~with~~ ten years' rigorous imprisonment.

Taking authoritative medical opinion as a basis for operations, the Government should raise the age of consent to *fourteen* as against the husband, and *sixteen or eighteen* in the case of others, which will be more in accordance with Vedic and Shastric texts and in conformity with reason, morality, and physiological science.

PART II.

Since writing the above, Sir Andrew Scoble has introduced the Age of Consent Bill into the Vice-regal Legislative Council. The Bill has raised a hornet's nest of opposition, especially among the Bengalis. I intend, in the short space of this paper, to discuss a few of the most salient points.

The *Amrita Bazaar Patrika* has issued certain so-called medical opinions against the raising of the age of consent collected by the Standing Committee of the Sobha Bazaar Rujbati. The medical authorities quoted are all Bengalis, with one exception, and the fact of Bengal being the stronghold of Harimaitism may in some degree explain the fact. But reading between the lines one finds an abundant display of Bengali *shrewdness*. One and all agree in making the following statement:—"During my long practice extending over years, I have not been called upon to attend any case of personal injury on a girl of 12 years of age or under, caused by sexual intercourse with her husband." The "shrewdness" will be evident on the perusal of the following letter which the "one exception" above referred to has addressed the *Statesman*:—

DR. J. F. P. McCONNEL, Civil Surgeon, 24-Pergunnahs, writes to the *Statesman*:—"My attention has been drawn to a paragraph in your paper of the 4th instant with reference to the above Bill, in which my name is mentioned as the only European medical officer who among 'several experienced practitioners' is quoted, by inference, as 'supporting the contention that the cruelty which the Bill proposes to avert does not exist, or if it has occurred the instances are so rare that the Bill is unnecessary.' As this is absolutely contrary to fact, I trust you will allow me to state that, on being asked 'whether in my professional capacity I had occasion to treat cases of injury or accident received by wives under twelve years of

age from their husbands in sexual intercourse,' I replied that I did not recollect a single case of the kind, *i.e.*, of the specific cruelty against which it is proposed to legislate. This is true, but I have met with cases of cruelty to child-wives from their husbands in other ways. For instance, only last week a little girl of about nine years of age was brought to me with marks of branding by hot iron on different parts of her body caused by her husband. And with respect to the question of raising the age of consent I am fully in accord with the promoters of the Bill, as I consider there is ample justification for the same on medical grounds. The existing custom of child-marriage I regard as both cruel and immoral, a relic of barbarism, and absolutely unworthy of any people aspiring to higher civilisation."

One of them is shrewder still, who says,—“I was never called upon to attend any case of personal injury on a child wife, &c.”—Another of these medical men admits that “By far the largest number of girls in our country, I mean in Bengal, attain their age of puberty, * * * between the age of 12 and 13.” And a “Specialist in Midwifery” writes,—“As for fixing the age at 12 in my opinion is not necessary. I have seen unmarried girls in respectable families show signs of puberty a few months earlier.” It is admitted that in Bengal 20 per cent. or more of the girls became mothers before the age of 12. Again no Hindu husband nor his parents, even the parents of the injured child-wife will be so foolish to send for a Doctor, in case of any physical injury resulting from premature consummation. The poor child-wife suffers unseen and unknown, and perhaps dies too from the after-effects of the injury, and no one is any the wiser for it. It is only in extreme cases, such as that of the unfortunate Phulmon Dasi where death resulted directly or where the party is too poor to pay the necessary hush-money, that the matter sees the scorching light of publicity. As against this array of names of medical practitioners and kabirajs with various terms c

professional experience, and who, in nine cases out of ten, are probably not above the average run of medical men who do not enjoy an over-abundance of medical practice, may be mentioned the names of Bengali Doctors who are in the forefront of their profession, such as Dr. R. C. Chandra, the officiating Principal of the Calcutta Medical College, Drs. R. L. Dutt, B. Gupta, and K. D. Ghose, the Civil Surgeons of Midnapore, Hughly, and Khulna, who are all in support of the Bill.

The opinions quoted by the *Amrita Bazaar Patrika* are therefore not worth much, and need not weigh in the balance in considering this all-important question. The opinions of eminent medical men already quoted go to show that the normal age at which Indian girls attain puberty is after 13 and not before, except of course in cases where the girl has been subjected to forced premature association. There may be exceptionally rare cases in which a girl attains puberty before that age. But to argue that for the sake of these few, the others should be left helpless and the blot on the criminal legislation of the country should be perpetuated is, to say the least of it, most foolish and suicidal.

The following additional medical opinions will no doubt be read with interest:—

SURGEON-MAJOR NICHOLSON of Dacca writes:—"My reason for raising the age of consent to 13 is that I think that no girl is fit for sexual intercourse until she has arrived at puberty, and I am of opinion that the average age at which native girls arrive at puberty is 13, as is indicated by the establishment of menstruation and the development of the sexual organs.

"I have arrived at the conclusion that 13 is the average age at which native girls reach puberty from a consideration of the following opinions and facts:—

"Several native medical practitioners, whom I have from

time to time consulted on this point, have informed me that in their experience 13 is the most usual age for menstruation to be established.

"The statistics of rape on young girls also, I think, go to show what serious injuries may be inflicted on them in the act of a first connection. Dr. Harvey, in the medico-legal reports for 1871, 1872, and 1873, mentions that in these years 133 girls of and under 12 years of age were raped. In 24 of these severe lacerations of the vagina, generally of the posterior wall, were found and in 14 the perinæum was torn. Five of these cases terminated fatally."

SURGEON-MAJOR JOUBERT, Professor of Midwifery, writes:—
 "Taking first the accepted opinion in Hindu society that the first menstruation proclaims the female to have become mature and capable of maternity; no more erroneous opinion could exist. Menstruation is at first irregular; it may appear once and then not recur for many months. The first appearance is at most an indication that the sexual organs are commencing to prepare themselves for their future functions, in the same way that the appearance of the first few teeth in the infant proclaims that dentition is in progress, not that the time has arrived for an immediate change in the mode of nutrition. Menstruation commencing, therefore, is but *one* sign of the commencement of puberty, not that the child has suddenly become mature become a woman. Indeed, so little is menstruation, the *only* reliable sign of puberty, that it is not at all uncommon for young women to attain to all the other outward signs of puberty before they begin to menstruate. I know in England a young woman who was seduced and had a child before she ever menstruated. I know a young married woman in this country who has the most developed outward signs of maturity, and who has never menstruated owing to the absence of a uterus and ovaries. I have seen several cases of native women who have never menstruated, but who had all

the outward signs of perfect puberty or maturity, though the uterus and ovaries were absent or rudimentary."

DR. PURVIS, Civil Surgeon of Howra, writes.—"I am strongly of opinion that the age of consent in India should be raised to twelve years, and, if possible, thirteen years would be better still. I think it is a pretty well ascertained fact that few native girls in this country menstruate naturally before about the completion of the twelfth year.

"Sexual connection with girls of such tender age, as is the custom in this country, is not only dangerous at the time, but often leads to bad confinements, instrumental labours, and, it may be, premature death, not to talk of the weakened progeny of immature mothers that survive.

"A Bengalee Assistant Surgeon of long service and great experience informs me that it seems to be a general custom in Lower Bengal for men to cohabit with wives aged eight years and upwards. Consequently, the development of puberty is hastened in many cases, and menstruation takes place sooner than it otherwise would do. He considers the practice of early marriage and cohabitation in this country a bad one and highly detrimental to the health of the females. In 'Chevers' Medical Jurisprudence,' at page 672, it is recorded that what often is supposed to be a first menstruation may be rather a first copulation and the result of injury to the parts. Several cases of injury of this kind are quoted in the work referred to. In regard to the development of native girls at certain ages, I have had a good deal of experience in ageing girls under the Factory Act.

"Many at even twelve years of age look immature and poorly developed, so it can easily be imagined what the younger ones look like, who, under the present law, live with their husbands. There seems to be a general consensus of opinion amongst the native community that the age of consent should be raised and I do not think much active opposition will be experienced in trying to amend the law on the subject."

BRIGADE-SURGEON R. C. CHANDRA, Professor of Clinical Medicine, and a native gentleman of repute, writes:—
 “From a careful consideration of the above facts, the legitimate inference would be that the minimum age at which Indian girls may be said to attain the capacity for sexual intercourse, even with their husbands, should not be fixed lower than 13. But even, then, it must be borne in mind that intercourse at this minimum age is not altogether unattended with risk. Instance of bodily injury of a greater or less degree by intercourse at this, and particularly at an earlier age, especially with a full-grown adult male, are not uncommon, though such cases very rarely come to light at the time.

“Bearing on this point, I might mention an occurrence which is very commonly seen. Indian girls, as a rule, pass the first few years of their married lives between the houses of their parents and husbands, paying alternate visits to each. During this period, before the girl attains womanhood, she always welcomes the approach of her visit to her father’s house with joy and gladness; but the return to her husband’s house is often accompanied with sobs and crying. This disinclination to go back to her husband at this tender age may, I think, in many cases be due to the dread of what might be called *compulsory consent*.”

SURGEON-MAJOR R. L. DUTT, a native gentleman, of Mindnapore, writes:—“The few rare cases of unusual growth and development in girls are to be regarded as exceptions and are to be met with even in cold climates. Indian girls reach puberty at the age of 13 in the majority of cases. It is, therefore, necessary that the age of consent should be raised to 13, the age of puberty.

“Artificial or mechanical stimulation of the immature genital organs, however abhorrent to our feelings, is not an unusual practice with many husbands. Inflammation and

excoriation, difficult and painful micturition and defecation, entail intense suffering on the innocent victims. I need scarcely say much on the disastrous effects on the heart and mind. I have seen instances where the shock of his unnatural process has been so great to drive young girls to entertain intense aversion and dread for the husbands, or even to commit suicide. Cases of rape, such as was committed by Hurri Mohun Maiti, are not infrequent results of this unnatural cohabitation. As long as such cases do not prove fatal or come to the notice of the police, they are invariably suppressed by the relatives of the girl or the husband. It is not unusual to observe elderly female relatives persuading or even forcing unwilling girls to sleep with their husbands.

"In fact, marriage with all the deleterious consequences narrated above, is the chief cause of degeneration of the Indian race, their excessive sickness and mortality. The raising of the age of consent of Indian girls will, therefore, be an important step towards improvement of the race. If the people of this country, Bengalees in particular, had not been enervated by this unnatural custom, they would have preserved the stamina to withstand the baneful effects of *malaria* and the cholera germ. This is a statement I make after observation for several years of the worst epidemic diseases of Bengal. Placed in an equally unhealthy environment, the European may be said to enjoy an immunity to which the Indian is an utter stranger."

SURGEON-MAJOR B. GUPTA, a native officer of Hoogly, writes:—

"Without discussing the subject at length, I shall state my opinion that the majority of girls in these provinces arrive at puberty between 12 and 14 years of age, the largest number on the completion of the thirteenth year.

✓"From what has been stated above, it will be clear that there is a great necessity for raising the minimum age of permissible sexual intercourse, and this, in my opinion, should be fixed at 16 years of age. This will produce excellent results and remove serious evils. If, however, it is considered inexpedient

from other than physiological grounds to fix 16 years as the minimum age, then it should be fixed at the upper limit of the menstrual age, viz., 14 years."

DR. K. D. GHOSE, a native officer of Khoolna, writes:—
 "A case occurred not long ago in the Satkhira sub-division of this district, in which rape by a cousin with a girl of tender years was attempted to be hushed up by the relations, and the man was acquitted by the Sessions Judge. It was by a Government appeal to the High Court that conviction was ultimately effected. If such be the case in a matter of positive incest, what can be expected in cases in which intercourse by a husband before the age of puberty is sanctioned by society, and early marriage is publicly defended by men who are supposed to have had a liberal English education? My own opinion on the subject is that the age of consent should by all means be raised to thirteen under section 375 of the Indian Penal Code, both under clause 5 and under the clause of exception; but it will not be an effectual remedy of the evil complained of until early marriage is discountenanced by public opinion or stopped by law, for which Mr. Malabari, of Bombay, is so nobly fighting."

RELIGION IN DANGER.

Shakspeare says:—"With old odd ends stolen forth from Holy writ, I seem a saint when most I play the devil." "It is too much proved that with devotions, visage and pious action, we sugar o'er the devil himself;" and again "the devil can cite scripture for his purposes." One is forcibly reminded of these and other quotations in connection with the cry "*Religion in Danger!*" that is now raised in the anti-reform quarters by interested parties. In the case of any religion this is a cry which is sufficient to set up the ignorant masses in opposition to a measure of reform. But it is particularly so in the case of the Hindu religion. The number of texts is so large and in

some cases contradicting, and the number of people who fully understand all or the majority of them intelligently, so few, that the cry seems to have taken, if one is to judge from the numerous "crowded" meetings that appear to have been held in many places in Bengal to protest against the Bill. The Congress tactics of bolstering up their cause by sending sensational telegrams to the papers, magnifying the attendance at such meetings to make them look "monster" and attaching undue importance to their proceedings, appears not entirely absent from the present agitation.

Sir Ramesh Chander Mitter set the ball going by giving it as his opinion that the Bill is an outrage on the orthodox susceptibilities of the Hindus and an infringement of the Proclamation of the Queen. This cry has been taken up and expanded into the present agitation. Let us pause and consider how far it is an infringement of the Queen's Proclamation, which is the Magna Charta of India, and next proceed to the religious question. In the first place it must not be forgotten that the Magna Charta of India is essentially different from the document bearing that name which was wrung from the unwilling John by the irate Barons of his time at the point of the sword. The Proclamation is a promise of good government vouchsafed to a subject race, out of the fulness of the abounding love of a considerate sovereign. The British Rule in India has been one unbroken series of instances of good intentions, and acts done in the best interests of the people of India. The existence of the present agitation is itself a proof of this.

Coming to examine the Proclamation itself, what do we find?

Her Majesty announces that "we hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of God, we shall faithfully and

conscientiously fulfil." And then Her Majesty goes on to declare that "Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to *impose our convictions* on any of our subjects. We declare it to be our royal will and pleasure that none be in any wise *favoured, none molested* or disquieted *by reason of their religious faith or observances*, but that all shall alike *enjoy the equal and impartial protection of the Law*; and we do strictly charge and enjoin all those who may be in authority under us, that they abstain from all *interference with the religious belief or worship* of any of our subjects on pain of our highest displeasure."

The spirit of the Proclamation is, that Her Majesty grants *toleration* of religious belief to all her subjects, and that all people of all religious denominations will "enjoy the equal impartial protection of the Law." By these words Her Majesty never meant to give *carte blanche* for the continuance of gross outrages on humanity and justice under the thin vaneer of religious customs. Her Majesty holds herself "bound to the natives of our Indian territories by the *same obligation of duty* which binds us to all our other subjects. Now that the aboriginal African tribes practising slavery and cannibalism have come under the British sway, could it for a moment be argued that the British Government should countenance them, because they are immemorial customs? Does it come under the *obligation of duty*? On the other hand is it not the duty of the British Government to put down such inhuman practices with a high hand? That the practice of Harimaitism is one revolting to all sense of humanity and morality cannot for a moment be denied. Arguing on the same lines, it is evident that the British Government cannot countenance, much less impress with the official sanction, this practice, out of a mistaken tenderness for "the orthodox susceptibilities of the Hindus."

Further on, in the same Proclamation, it is plainly laid down that, "We will that, *generally* in framing and administering the Law, *due regard* be paid to the *ancient rights, usages, and customs of India.*"

Only *due regard* is to be paid to the ancient customs and usages of India, but not unswerving and blind obedience to them.

Again, according to Mann (VII., 203,) a sovereign who conquers a country is directed to "make authoritative the *lawful* (customs) of the (inhabitants) just as they are stated (to be)."

According to the religious arguments therefore, as I have already pointed out in Part I., the Government has every right to enforce what is lawful and discard what is not.

Again the Hindu religion is a very considerate one. The theory of every atom of matter possessing a soul finds a place in it. Hence the great respect paid to every form of animal and even vegetable life. Not unoften one sees some pious Hindu going through the streets with a lot of rice or wheat flour and looking intently on the ground to find out the whereabouts of a quondam swarm of ants; and when he succeeds in finding such a swarm he sprinkles some flour on the ground. The Hindu is loth to kill even the venomous cobra; but on the other hand worships the deadly reptile as a god! It will therefore be a gratuitous libel on the understanding and good intentions of the Hindu law-givers to believe for a moment that they intended to countenance, much less enforce, such a barbarous custom as early consummation. In ancient days women had as much freedom as men in the matter of marriage. There are not wanting instances in the Shastras of holy ladies who have led celibate lives. The cry that is now being raised will therefore leave an erroneous impression in the minds of foreigners that the tenets of the Hindu faith are so depraved as to enjoin the enslavement and maltreatment of the fair sex.

With reference to the argument of the Anti-Reformers just

noted, namely, that the Bill is against the Proclamation of 1858, inasmuch as it will interfere with the performance of the *garbhadan* ceremony in those cases in which the first menstruation takes place under twelve years of age, it may further be said that Her Majesty has also to care for the welfare of the masses irrespective of the religious sanction of certain injurious customs. Further, this is not the first time that the so-called religious customs of the country have been interfered with, for the sake of the public good and morality.

The Hindu Sacerdotal Law prohibits the infliction of capital punishment on Brahman murderers. The Mahomedan Law lays down that no true believer is to suffer capital punishment unless three Mahomedan witnesses depose to their having been eye-witnesses to the crime of murder.

It is also laid down in the Hindu Shastras that—

“The Sudrā, who shall, with any member of his body, strike the person of one of a superior caste, shall have that member cut off,” and again

“If a Sudra amass any wealth, the Brahman shall unshrinkingly seize the whole of it, for the Sudra has no right to wealth; whatever he accumulates belongs to his lord;” &c. ✓ Would the Brahman next propound the audacious theory that as the British Government does not allow him to lay unlawful hands upon the Sudra's wealth, it is interfering with his religion?

A few interesting instances may be cited in which the British Government has interfered with the so-called religious customs of the people, in the interests of humanity.

The Marquis of Wellesley, who was against “any indiscreet intermeddling with the deep rooted prejudices of the Hindu and Mahomedan races,” put down the religious custom of immolating human beings at the island of Saugor, and at other holy places on the banks of the Ganges, by drowning them and allowing them to be swallowed by the monsters of the deep and the equally inhuman custom of sacrificing the

first-born of a woman that had long been barren—customs which prevailed down to the year 1803. The same year the noble Marquis ordered an enquiry into the religious sanction of the revolting practice of *Suttee*. Lord William Bentinck's name has come to be indissolubly associated with the suppression of *Suttee*. Regulation 17 of 1829 put a stop to it.

Regulation 7 of 1832 was aimed against the religious injunction, inculcated by the sacred books of Hindus and Mahomedans and removed the disability of a man who had changed his religion from the right of inheriting any property. At first this Regulation applied to Bengal only, but by Act 21 of 1850, it was extended to the whole of British India.

Act 5 of 1843 abolished Slavery which was both recognised and permitted by Hindu and Mahomedan Law alike.

Act 21 of 1845 put down the "Meriah Sacrifices" of the Kṛond tribes of Orissa, which enjoined the tearing in pieces of a living human being in propitiation of the Earth god.

Act 30 of 1836 put down *Thuggee* which "a crime of murder committed by professional robbers, who strangled their victims usually with a handkerchief and offered them as an offering to the goddess 'Kali'."

Act 15 of 1856 legalised the re-marriage of Hindu widows, which also raised similar opposition from the Hindu community.

The practice of pilgrims throwing themselves under the car of the idol of Jagannath and killing themselves has been stopped; as also the practice of hook-swinging in connection with the *Chadak* poojah.

The only religious objection—an objection that was formulated at the meeting of the Benares Pandits—is that the Bill, if passed into law, will interfere with the observance of the *garbhadan* ceremony—a ceremony consequent upon the first indication, in which connubial association is a binding necessity. It therefore remains to consider the Hindu religious authorities on the subject of consummation.

The Hindu religious books are many in number. It is universally admitted that the Vedas are the highest authorities, as their origin is traced to Divine Revelation. The following slokas throw some light on the respective authority of the religious texts :—

“ Dharmam jigyaṣa mananam pramanam paramam śruty,
Dītyam Dharma Śāstraśrāntu trītyam loka saṅgraha.”

Mohabharat, Anuśāsan Purāṇa.

“ Na yatra askhaś bidaya na niśhādo śrutow śmritow”

“ Deśhachara kulacharabai śtrtra dharma nirupayatai.”

Skundda Purāṇa.

“ Śmritir Veda bīrodhaytu paritāgyo yatha vabait.”

Tathaiva lowkikam bākyam Śmriti bādhay paritayagait.

Proyaga Parijatdhṛity Śmriti

(i.e.) Those that are desirous of knowing Dharma should know that the Vedas are the highest authority; next in order are the Śmritis, and then comes *lokachar*, i.e., the prevailing custom.

Where there is no direct injunction of the Vedas or of the Dharma Śāstras to do a thing, nor any prohibition for doing a thing in that case only, *deśhachar*, and *kulachar* carry weight.

As in cases of contradiction between the Vedas and the Śmritis, the Śmritis carry no weight whatsoever, so in cases of contradictions between the Śmritis and *deśhachar*, the *deśhachar* carries no weight whatsoever.

The various texts in the order of their authority may be thus summed up:—(1) Vedas; (2) Brahmana-granthas; (3) Upanishads; (4) Upavedas; (5) Śmritis; (6) Puranas; (7) Custom. The Vedas are the highest authority and the other religious books derive their authority from them. The Brahmanas and the Upanishads deal with spiritual knowledge, and give us little information on the subject in hand. Coming to the Upavedas and the Śmritis, Brihaspathy and other sages tell us that—

“Vedarthopa nibandhritwat pradannum he Mano Smritum,”

(which means) as Manu adopted the meanings of the Vedas, his Smriti is the best and most reliable.

That the texts sometimes contradict the Vedas is pretty plain from the following generally accepted statement :—

“Dharma he vedavihita adharmolat viparyaya,”

(which means) that which is *vedavihita* (in conformity with the Vedas) is religion, and that which is against the Vedas is *adharma* (or, not religion). Hence Manu's book is the greatest authority among the Smritis.

This is what Manu says :—

“Kamama maranat tishtheyed grihay kanurtu matyapi.”

“Nachoibanam projutchaytu gunahinaya karhichit.”

“Trini bursanu ditksheytu kumarjrieti maty sati.”

“Urdhun to kaladey tasmad bindata sadrisam patimi.”

Manu 9 Adhya; Slokas 89 and 90.

(i. e.) It is even better for women to remain unmarried till death than to be united with a partner of a different disposition and opposite qualifications. *Sloka 89.* A virgin girl should, after the first appearance of the menses, wait for three years, and then she should look for a husband, who would be a proper match for her in every respect.—*Sloka 90.*

Of the commentators on Manu, the oldest is Medhatithi, who is cited as an authority both by Raghunandan and Jimutavahan commenting on the above Slokas, he says :—

“Pragrato Kanyahya na danum ritu durshunnaypi na dadyad yabad gunaban barow na prapta.—*Sloka 89.*

(i. e.) We, as a rule, ought not to give a girl in marriage before the appearance of her menses even after the appearance of the menses, we should keep her unmarried, so long as we do not get a good husband, who would be a proper match for her in every respect.

The above clearly proves beyond the shadow of a doubt, that

Manu, according to his first and oldest commentator, Medhatithi, sanctions adult marriage.

Then, as regards the next *Sloka*, Medhatithi says :—

“Rayta” ritukalum tadbatyapy trini burshani tudgrihay hshita.—*Sloka* 90.

A virgin girl should, after the first appearance of her menses, wait for three years in the house of her father who will, in the meantime, try to secure a good and well accomplished husband for her daughter, &c.

DR. R. G. BHANDARKAR, after a laborious investigation into the religious authorities on the subject, comes to the following conclusions :—

“That no text has been brought forward by Vijnānesvara Kamlākara, Nanda Pandita, Anantadeva, Mahesabhatta, Chandrachūda and Kāsīnatha Upādhyaya, enjoining the Garbhādhāna or consummation ceremony on the occasion of the first or any specific course, and that the *Asvalāyana Grihyaparisishta* allows the liberty of performing it at any time.

That the texts which, by some, are construed as containing mandatory precepts as to intercourse on the occasion of a course, have been interpreted by others as invoking permissive precepts only.

That even if the precepts are regarded as mandatory, their operation must be *delayed for one year after puberty in accordance with some Grihyasūtras, and for three years in accordance with a text of Baudhāyana.*

That this delay is quite what one might expect in view of the facts that marriage can, according to the *Dharmasastra*, be deferred for three years after puberty, and that the rituals contained in the *GrihyaSūtra*, especially that of *Apastamba* and *Hiranyakesin*, presuppose a girl's having arrived at maturity.

That the consummation of marriage only when the girl has fully developed is quite in keeping with the spirit of the Rishi legislators, as the begetting of a son able to do credit to the father is their sole object, and its early consummation is entirely opposed to their spirit as the result of it is barrenness or weak and sickly children."

"That the texts prescribing the Garbhâdhâna ceremony and intercourse do not provide that they should come off on the occasion of the first monthly course, but leave the matter indefinite.

That if those indefinite texts are understood in connection with the statement in the *Āśvalāyana Grihyaparīśiṣṭa*, they must be regarded as leaving it to the option of the person concerned when to perform the ceremony.

That since *Parāśara's* texts and others of that nature cannot override the *Parīśiṣṭa*; they must be regarded as coming into force after the Garbhâdhâna ceremony, whenever it may be performed.

That there are many exceptions to *Parāśara's* precept, one of these being that contained in a text of *Baudhāyana* in virtue of which a man may abstain from intercourse for less than three years.

That the authors of some of the *Grihyasūtras* enjoin abstinence for one year after puberty.

That the precepts enjoying intercourse are permissive only according to the views of authors of great repute.

It will be seen that *Manu* in his text III. 45, as interpreted by *Nanda Pandita* and in IX. 106-7, as also *Yājñavalkya* in I. 80, mean to enjoin on a man the duty of begetting a son. *Nanda Pandita* and *Anantadeva*, taking their stand on a Vedic text, interpret the precept of *Parāśara* as having force only until a man has got a son. Other texts inculcate abstinence when the wife has become old or has not arrived at the peculiar stage of growth. From all this and much more that one may find in the religious books, it is evident that in prescribing

intercourse the law-givers have no other object in view than to provide for the birth of a son. And even the junctures at which one should have intercourse in order that a good son may be born are carefully mentioned. The son plays an important part in the religious and domestic life of a Hindu. Now, science tells us that if a girl is violated before she reaches full development, she often becomes incapable of bearing a child; and when she does give birth to one, it is weak and unhealthy. Thus full development is not reached before the age of twenty. These are not matters of speculation, but of practical experience. By performing the *Garbhādhāna* ceremony therefore, when a girl is ten, eleven, twelve, or thirteen years of age, the Hindus most irreverently defeat the object of the *Rishis* under the pretence of following their commands. "The endeavour, therefore, to compel them to keep a girl untouched before the age of twelve should be welcomed by them as being conceived quite in the spirit of the old *Rishis*. If it succeeds, it will make them more faithful followers of those sages and more essentially religious Hindus than in these corrupt times they are."

In the chapter on "Penance and Expiation" in Manu's *Smṛiti*, curiously enough there is no mention of any penance or expiation for the non-performance of the *Garbhādhāna* ceremony. It may therefore be rightly argued that the performance of the ceremony is not a religiously enjoined duty.

Manu in chap. XI, verse 59, says that "Carnal commerce with.....little girls must be considered as nearly equal to
'.....the most horrible of sexual offences."

And again in verse 171, he says—"He, who has wasted his manly strength.....with girls under the age of puberty, must perform the penance ordained for defiling the bed of a perceptor."

So far as I have been able to collect information on this subject, I find that the Brahmins of this part of the country are of opinion that the performance of the *Garbhādhāna* cere-

mony on the occasion of the first menstruation is not an imperious duty. The Calcutta papers freely state that in the family of the Maharajah who presides over the Anti-Reform Party at Calcutta, the ceremony of *Garbhadan* has not been performed on a single occasion for the past two hundred years. Has the family become non-Hindu? I believe not.

Even according to Parasara's *Smriti*, the penance prescribed is so small that it cannot be construed into any serious obstacle to the passing of the Bill. I think I cannot do better than quote *in extenso* the able dissertation on this point from the pen of Mr. Justice K. T. Telang of Bombay.

"A further point of importance to be noted relates to what may be called the sanction of the rule we are here concerned with. In the text of Parasara already cited the man who violates the rule is said to commit "the awful sin of feticide." The veriest reactionary, on the one hand, and the most unquestioning believer in the perfection of the *Shastras* on the other, must admit that *this* particular form of sin is a mere "legal fiction." There is, in fact, of course, no focus to be killed and therefore none can be killed. And now let us see what are the modes in which this "legal fiction" of sin can be purged. For, as is well known, while the Hindu system on the one hand lays down a large number of rules, to the violation of each of which a certain sin attaches, it provides, on the other hand, an elaborate series of penances and expiations by which the respective sins incurred can be entirely washed away. It is obvious, therefore, that if we look merely at the rule itself, and the description of the sin which is stated to attach to its violation, we get but an imperfect idea of the whole doctrine of the Hindu system touching the matter to which the rule relates. Let us then examine what is stated in the book about the penance to be performed in the case dealt within Parasara's text above quoted. The commentary of Madhava on that text furnishes some information on the point. Madhava quotes Brihaspati and Baudhayana, the first as laying

down a penance of half a *krichchhra*, and the last a penance of a hundred *pranayamas*, to be performed by a husband who does not meet his wife in due season. As to the hundred *pranayamas*, that is not an operation of much time or difficulty. The grasping of the nostrils by three of the fingers, even though it has to be repeated a hundred times, and even though it may have to be accompanied by the recitation of mantras or prayers, is obviously a very light penance. *Krichchhra* in the original bookish sense, is a somewhat more troublesome process, involving fasting and so forth for a certain period, though even in the Smriti of Parasara (chap. XII., st. 62) it is said to consist in reciting the *Gayatri* verse ten thousand times optionally with other more or less tedious operations. Half a *Krichchhra*, which is the penance laid down for the "sin," we are now considering, necessarily represents the tedium and trouble reduced fifty per cent. But let us now look at the *Prayaschittendusekhara*—a special authority on the subject of penances. We read there that "for the omission to meet a wife in the season (the penance is) half a *krichchhra*. If (the omission is) involuntary, (the penance is) a hundred *pranayamas*. This, however, only in the case of one who is at hand, and not suffering from disease and on other than *parva* days." It will be noticed that the various points here stated are nearly all indicated in Madhava's commentary as already quoted. And as regards the half *krichchhra*, it is worthy of remark, that the work now under citation says that it is "equivalent to one and a half *karshapanas* according to the Gaudas"—the Gaudas being the Bengalees, the followers of Raghunandana to whom Sir R. C. Mitter refers. What, then, is the result of all the above discussion? Why even this, that although the "sin" is described as "the awful sin of festi-
cide"—the penance for it is stated to be so many *pranayamas*, or so many recitations of the *Gayatri* verse, or, and this, according to the opinion of the school of Raghunandana, the expenditure of so much money. It is pretty notorious that,

in Western India, and presumably in Bengal and other provinces also, the money substitute *krichchhras* and other penances is largely, almost universally, in use. So that on the principle underlying Sir R. C. Mitter's contention we come to this practical result, that the "sin" referred to can in practice be washed away by the expenditure of a few annas. According to the well-established tariff in Western India, half a *krichchhra* means just two annas and no more. And to the dangerous-looking dilemma, which Sir R. C. Mitter stated in Council, would present itself before the "orthodox Hindu husband" if the Age of Consent Bill was passed, gets entirely denuded in its practical aspect of all its dangerous elements. The alternative is no longer between the violation of British law and Shashtra law,—between trouble in this world and trouble in the next. An "orthodox Hindu husband" can with perfect ease obey British law and the injunctions of his Shastras at the same time, if he will only consent to spend a few annas. Or he may even avoid the pecuniary expenditure, if he will only perform a hundred *pranayamas* or recite the *Gayatri* five thousand times—both operations, to which, as an "orthodox Hindu husband," he can, of course, offer no reasonable objection."

Sir Romesh Chandra Mitra and other educated gentlemen argue that in no civilized country is there any law which construes sexual intercourse between husband and wife into rape. They say that the Indian Legislature will be unique in passing such a law. But it must not be forgotten that in no civilized country does the preliminary offence of infant marriage exist. No Legislature ever dreamt of such a contingency and never have had experience of such a depraved custom as that of marrying female children when they are babies of a few months old! Such a law, however, exists in section 375 of the Indian Penal Code. Mr. Telang is of opinion—"If the Shastras leave us an option in any matter, and the State steps in to limit the option by prohibiting one of

the alternatives open to us under the Shastras on the ground of its being mischievous from a worldly point of view, I do not consider the State's action there has any '*religious interference*.'"

Again in the words of Sir Alfred Lyall, "the law as it stands is of our own making; so we are free, we are indeed bound to alter it if we think right so to do. It does not follow because the law originally was founded on a social rule, that we cannot mend it until the practice is modified, for we know that a positive English law is actually a much stiffer and less elastic bar against healthy change, than even a rule of caste; for caste ordinances are little more than customs hardened by religious sanction; and they are much more moveable than is usually imagined in Europe. We have therefore good ground for continuously loosening the bounds imposed by our own legislature."

The Anti-Reformers are spreading a sensational rumour among the masses that the privacy of their families will be invaded by the Doctors enquiring into the exact age of their female children, whether they are really over or under twelve years of age. They forget that no law exists in virtue of which such medical examination can be made without the express consent of the party concerned. They seem to have a convenient memory over the wiggling administered to the Bengali Deputy Magistrate of Nawgaon in the Rajshaye District, by the Bengal Government for causing a Hindu widow, who was suspected of being pregnant, to be examined by a Doctor, on the application of the Police, to find out if she was not really pregnant in order that her movements may be watched and the possibility of an infanticide averted. The duty of the Legislature, it is evident, is to prevent all indecent enquiries. The Judge can be trusted to dispense the law as regards the age clause just as he is actually engaged in the disposal of other cases involving a proper interpretation of the clause in the Penal Code; and to take into his consideration

and make the fullest allowance for all mitigating circumstances. Instances are not wanting in which the mitigating circumstances have been such that an offence punishable with transportation for life has been punished with a few months or even day's imprisonment.

○ The Bill is also objected to, on the ground that persons having spite against a particular person may easily get him into trouble by giving false information to the Police. At present the age of consent is ten, and we have not heard of a single instance of a case like the one supposed. The limit is only raised to 12, and the apprehension can exist only in the wild imagination of the Anti-Reformers. Up till now the offence is cognisable by the Police, and the offender may be arrested without a warrant. The Bill now on the Legislative anvil makes it a *summons case*.

It is also argued that the object of the present Legislation being to secure the happiness of the unfortunate child-wife, the committal to jail of the husband for the offence above noted, will only mar that happiness, as she will have to lead a kind of widow's life. Not only will this be the case, but the subsequent happiness of the whole family will be marred. Under existing circumstances husbands are sent to jail for offences like theft, cheating, &c. How do the wives fare? It will undoubtedly be better that the husband should be made to enjoy the fruits of his fault than that an innocent child-wife should be made to suffer for a life time. Do the Anti-Reformers mean to say that if a child-wife is branded, or otherwise maltreated, she should not seek the protection of the law and get the monstrous husband punished. Even if this is not done, her life is miserable all the same. Further, in a short time after the passing of the Bill, the reviving practice will cease, especially when it is generally known that it is against the law of the land. The Hindus are a law-abiding people.

A further argument is that there is no necessity for the

Legislation, as any case of grievous hurt thus caused can be punished under the existing law. But the law provides no punishment for grievous hurt caused in the course of sexual intercourse, inasmuch as in a case of this kind the husband does not *voluntarily* or *intentionally* cause grievous hurt. The case of Hari Mohan Maiti is one in point. His was an offence that richly deserved penal servitude for life. But the inadequacy of the existing law, which allowed him to escape with 12 months' imprisonment, shocked the public sense of propriety and directed the attention of the public to the existence of a brutal, cruel, and demoralising custom that was practically sanctioned, nay approved, by the Legislature.

The preposterous theory is proposed by an "educated" countryman who says "educated natives of India, when they discuss the Bill in question, are bound to consult the feelings of even the lowest of their countrymen, &c." It is a lamentable sight indeed to see that after thirty years of the spread of University education, and of other civilising influences sedulously supported by the Government to find the highest products of the Universities display their "civilization;" after the pledge taken in solemn convocation assembled, to lead their ignorant but unfortunate brethren, to be led by them, nay, to prostitute their higher moral training and influence to the not too highly commendable ends of confirming and encouraging their unfortunate countrymen to continue in the barbarous and degrading usages born of dark superstitious and priestly supremacy.

Just as the followers of Raghunandan raise an outcry against the Bill, the Englishmen in India can raise their voices against the existing inequalities between the criminal laws of England and India. Their daughters in England enjoy the protection of the law till they are 18. By coming out to India, this protection ceases, the moment their children complete their tenth year. The Government, if it listens to the interested cry of Bengal will be on the horns of an

ugly dilemma. The criminal law of the land should as far as possible affect all sections of people alike. The glaring inequality has been a standing slur on the good sense of the British, and the sooner it is removed, the better it will be for the honour and dignity of Englishmen.

○ An Anti-Reformer, in his recent pamphlet, "*The Rites of Garbhadan*," says: "Actuated by these noble and lofty views, the chief motive of our legislators was to bring about a race of strong, virtuous, and religious children. All their efforts were directed to improve the soil (woman) and the seeds (men), so that the sprouts (offspring) may shoot forth in all their beauty and glory. They laid the most important stress on bringing out a race of men, who would be pure, virtuous, religious, strong, cheerful, happy, and contented."

Every sensible man will agree with the learned Pandit that the object of the rite of *Garbhadan* is the production of a race of men—pure, virtuous, religious, strong, cheerful, happy, and contented. But in the face of the mass of Medical evidence to the contrary no one would believe that the object will be gained by making tender children of 10 and 11 to enter upon the duties of maternity. Look at the strong and stalwart races of Upper India and the hill parts. The practice of *Harimaitism* is entirely unknown among them. Raghunandan himself, the great authority relied on by the Bengali opponents of the Bill, in his *Jyotish Tatwa* says—"Good offspring can only be obtained from intercourse between a man of 20 years and a woman of full sixteen years after her proper menstruation. If the ages of the parties are less, the offspring is bad." How are the two statements of one and the same law-giver to be reconciled? Which is to be followed?

Again regarding the proposal by the Anti-Reformers that instead of the age-clause fixing consummation at 12, the phrase "age of puberty" should be substituted. This amendment, if adopted, would render the Bill practically inoperative; for it will be difficult to tell whether the "event" has actually

occurred in the particular instance or not. There will then also be the difficulty of the indecent enquiries. Further, Doctors tell us that infants are known to menstruate and that girls become mothers before the function is ever established in them, and further still, the *catamenia* never appear through life in certain instances. Medical authorities further tell us that early puberty is not due so much to climatic or other natural influences as to artificial influences such as the early bringing together of boys and girls of immature age, moral surroundings, &c. The abnormal condition under which marriage places the child-wives and the operation of the Physiological law referred to by Doctor T. E. Charles in part I. induce early menstruation. Thus the educative value which the Government set upon this measure of reform will cease to be.

Another objection raised against the Bill is that the evil which it proposes to provide against does not exist in Bengal and that therefore there is no necessity for the enactment. The answer to this is simple enough. If the evil does not exist, why raise this hue and cry and discredit the Government in season and out of season? The Bengalis on the other hand should joyfully welcome the legislation, as one calculated to harmonise the existing inequality between the Criminal Law Amendment Act of England and the Indian Penal Code. My experience in H. H. the Nizam's Dominions, and especially within my own Jaghires, shows me that the practice of early consummation is very common in the Eastern parts of the State or in Telingana. The inhabitants of this part, the Telugu Sudras specially practice Harimaitism and the stunted stature of the people sufficiently proves the evil effects of this practice. Turning to the Maratwara or Western half of this State, I find that with the exception of Brahmans, all the caste practice adult marriage. There can be no doubt of the existence of the practice in India. Similarly the practice is almost entirely unknown in Upper India and the inhabitants are

robust and well made. Look at Bengal with its Harimaitism and one is struck with the difference in the physique.

MR. R. C. DUTT, Collector of Burdwan, a native official of position and learning, says:—"From my own knowledge I can assert that the practice prevails widely and generally in Calcutta and in other parts of Bengal. It is not confined to any particular castes or classes, but is universal. Girls are generally married between the years of 8 and 11; they go to their husbands' houses immediately after their marriage and return to their fathers after a short stay. After a few such temporary visits the duration of which is gradually extended, they ultimately go and remain with their husbands, probably a year or so after their marriage. No precautions are taken against the consummation of the marriage; on the contrary, it is the universal practice to let the young couple sleep together at night, even when the girl is of a tender and immature age. And marriage is generally consummated long before the girl has her menses, or is in a fit state, physically, for having intercourse." The evidence collected by the Government of Bengal from Medical authorities and from lay witnesses entitled to speak as to the habits and customs of the people leads to the following conclusions:—

(1) That whereas it is a religious obligation among Hindus for their daughters to go through the ceremony of marriage before the age of puberty, it is no part of the Hindu religion that they should be subjected to intercourse with their husbands before that period. (2) That in Bengal a certain event (which only indicates the approach, and not the completion, of puberty) generally takes place at the age of 12 or 13, though it is frequently by artificial stimulation brought on at an earlier age to minister to a debasing lust. (3) That it is a general practice for Hindu girls, after they are married, but before puberty is even indicated, much less established, to be subjected to more or less frequent acts of connexion with their husbands. This custom appeared to be widespread—

but less universal among the higher than among the lower classes of Hindus—it prevails generally over Bengal Proper, especially over Eastern and Central Bengal. It does not, however, extend generally to Behar, nor is it prevalent in Orissa, and the aboriginal tribes are apparently free from it. (4). That apart from the moral abominations which sometimes accompany this practice, the physiological results are disastrous, not only on the immediate health of the girl, leading constantly to injury and occasionally to death, but even more markedly so on her capacity for bearing healthy children thereafter. (5) That while this practice is viewed with growing disfavour by the educated men of the community, it is favoured and enforced by the influence of the women.

Thus it will be seen that different amendments of the proposed Bill satisfy different tastes. In fact, the absurdity of the demand will be evident on an enumeration of the various proposals. In the words of a reform paper they are. (1) to allow Hindus, who are for the *Garbhadan* ceremony, to perform it at any time, and under cover of it to inflict the very atrocities which the Legislature wishes to prevent; (2) to allow those Hindus, who do not perform the said ceremony, to inflict such atrocities when “the well-known physical condition” appears, even if it is nominally or artificially produced; (3) to prohibit those Hindus, in whose wives this physical condition is altogether absent even at the ripe age of sixteen or twenty, and cannot be anyhow produced, from having intercourse with them, or as an alternative fix a particular age for this class; (4) to fix “puberty and discretion” for the Mahomedans; (5) to fix the age of sixteen for European British subjects, that being the age in England and her colonies; (6) and to fix some other limits for the more manly Hindu races like the Sikhs.

Legislation on these lines will ignore the fundamental principle underlying the Criminal Law of the country—the equality of all men.

AN APPEAL TO MY COUNTRYMEN.

It will be seen from the above that the opposition against the Bill has no origin or justification either in the Hindu religious books or in the dictates of common sense. Oh my educated countrymen, are you not personally convinced of the revolting nature of Harimaitism? And if you are, you not bound by your duty to your country to try and attain the real object of the Government to the ignorant masses? What is the use of raising the sensational cry of religion in danger and holding meetings to protest against the Bill? Rather call together your brethren and strengthen the hands of Government by sending representations that the people are convinced of the good intentions of the Government. Act! not speak! Prove yourselves worthy of the education you have received! And prove that you are worthy of being admitted to a share of representative government by yourself admitting your better halves to a greater share of liberty and justice //

CONCLUSION.

The Indian Legislature has laid down the age of 16 as the age up to which female children are to be under the guardianship of their fathers. Provision has also been made in the Legislature for punishing a parent when he devotes his daughter to an immoral purpose before the age of 16. Why should not then the age of consent be raised at least to 14? Medical opinion has been quoted to prove that the average age at which puberty occurs is 13. And religious authority—Manu the oldest Smriti writer and the Hindu law-giver—has been quoted to show that the girl should pass *three years* after her first menstruation before she should be allowed to have carnal knowledge of her husband. Raghunandan, in his Jyotish Tatwa says that the girl must be at least 16 years of age in order to produce pure, virtuous, religious, strong, cheerful, happy and contented offspring. Dhanwantara who is

admitted by the Hindus to be an incarnation of God, the author of Medical Science, and the inspirer of *Susruta* has laid down distinctly that some considerable time should elapse after a certain condition has appeared before the *Garbhādan* ceremony should take place and that it should not take place before the bride is 16 years of age. Lord Cross, in view of the proposed Factory Legislation, thinks that a female remains a girl up to 14, but the Indian Legislature wants to make out that a girl of 12 is a woman fit to participate in the enjoyment of marital relations. In the first part of this work I have proposed that the age of 14 should be fixed as against the husband 16 or 18 as against others. I hope, however, that the Government will find its way to legislate more in accordance with medical and religious opinion. No possible objection can be put forward even by the agitation-monger followers of Raghunandan's Sanskara 'latwa, to raising the age of consent to 16, at least in the case of unmarried or widowed females.

