



## A STUDY OF CRITICAL ANALYSIS OF WOMEN'S LAWS DURING COLONIAL INDIA

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### ABSTRACT

*In the 19th century, with the establishment of the British Empire, India was caught in the yoke of sovereignty. At the same time, the ideological names of Europe like individual freedom, equality, fraternity, rationalism, democracy, liberalism etc. started flowing to India through the English language. During this time, the women's liberation movement was emerging in Britain. As an English-speaking middle-class generation emerged in India, they fuelled social and religious reform movements. This gave a new vision to look at the society and the individual. Due to this, the terrible scene of injustice in the name of religion, customs and traditions stood before them, which disturbed their minds. After the establishment of British rule in India, the attitude towards women's life changed. The British could not interfere in the education of women and the customs and traditions imposed on them. Due to the efforts of Pandita Ramabai, Ramabai Ranade, Mahatma Phule who raised the issues of women, the society's view of women changed to a great extent. British reforms had many positive effects on Indian women's lives. The present research essay will discuss the laws related to women in the British era.*

**Key words:** Freedom, Fraternity, Rationalism, Democracy, Liberalism, Laws.

### INTRODUCTION:

After the Queen's Proclamation of 1858, the British Parliament attempted to reform the legal system for India. It included individual freedom. At the same time, Indian social reformers started a campaign for women's reform. That is why the British rulers made various laws

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regarding women. Social reform movements of the 19th and 20th centuries were responsible for improving the conditions of colonial women.

Marriage and property laws tried to give women a personal and social position. At the beginning of the 19th century, the woman who was a "dumb animal tied to the stake" became able to stand on her own feet and speak in the 20th century.

## **Colonial Women's Laws -**

### **1. Devdasi Prevention Act (1891) -**

Devdasi was an evil practice that encouraged prostitution. Some institutions in the then India took steps to eradicate this practice. The State of Mysore passed a law in 1910 to stop this practice. Chhatrapati Shahu Maharaj of Kolhapur enacted a law in 1910 to prevent this practice in the state of Kolhapur. Dr. Babasaheb Ambedkar held a meeting of Devdasis in Mumbai on 16 June 1936 and enlightened them. He said, "Women who marry immorally in the name of religion, lose their self-respect and feed themselves through prostitution should show curiosity to understand what is going on in the world. To stop this practice Mahatma Phule, V.R. Shinde, Chhaya Datar etc. reformers tried a lot. The following organizations tried to eradicate Devdasi practice.

- Joint Women's Organisation
- Indian Health Organisation
- Karnataka Dalit Action Committee
- 'Vimochana' (Pune)

Finally, the Janata Party regime passed this Act and it came into effect from 1981. During the period of 1975 to 1992, this practice has come to an end due to awareness, propaganda and banning by law.

### **2. Age of Consent Act (1891) -**

The age of consent is the age of having physical relations with wife. Agarkar said that it is wrong to think that some girls are ready for sexual intercourse after completing the insemination ritual at the age of 12. Indian women urged the British government to pass the Age of Consent Act. In 1890, 2000 women in Bombay signed a petition supporting the raising of the age of consent and sent it to the government. At the Social Council of 1890 Mrs. Kashibai Kanitkar, Pandit Ramabai, Mrs. Gangoli etc. ladies were present. The resolution was passed there that, "a case of coercion should be filed against a husband who has intercourse with his wife within 12 years." 300 women from Pune sent a petition to the



British government with their signatures to pass the Age of Consent Act. When the Age of Consent Bill was tabled in the Supreme Legislative Council, 11 Europeans, 2 Muslims and 2 Hindu members were present. Among them only Romeshchandra Mitra opposed this bill.

### **3. Patel Bill (1921) -**

As inter-caste marriage is not scriptural, it becomes illegal and it causes injustice to Hindu women. To remove it, Vitthalbhai Patel introduced a bill in the Central Legislature on 5 September 1919. This bill is known as Patel Bill. Achyut Kolhatkar writes, "Handbills for the play were distributed, advertisements were plastered on the walls....Now, just before the play was to be played, certain reasons occurred and the play had to be closed. The theater company ran out of money and the first act of the Nadekars met with a storm. The play was experimented with on the demand of Sanatani Brahmins. Before it happened, the government issued a ban on it."

In the Second Maratha Political Conference held at Nashik on 29 December 1918 under the chairmanship of Bhaskar Rao Jadhav, a resolution was passed agreeing to the Patel Bill. When this meeting of the backward class community was held at Ashte (District Satara), a resolution was passed under the chairmanship of Bhaskarrao Jadhav, recommending the passage of the Patel Bill. Overall, the Patel Bill helped to galvanize the non-Brahmin movement.

### **4. Sharda Bill (1929) -**

Mahatma Phule, the leader of Satyashodak movement, criticized child marriage. He expressed the need for a law to prevent child marriages and told the disadvantages of child marriage. In the decade of the 20th century, efforts were made to change the age of consent to 14 instead of 12. Keeping this demand in mind, a committee was appointed on June 25, 1928 to study the question. On June 20, 1929, this committee submitted its report. The committee suggested that the age of marriage for girls should be 14. On 28 September 1929, the Council of State passed the Sharada Bill in the Central Legislature by a majority.

After the assent of the Viceroy, the Prevention of Child Marriage Act came into force on 1 April 1930. Non-Brahmin party leader Babasaheb Bole published information about Sarada Bill in Navyug. It was requested to follow the conditions of this law that the age of the husband should be 18 years and the age of the daughter should be 14 years. Playwrighter Govind Ballal Deval raised the issue of child marriage in his popular play Sharada, so the code is known as Sharada Act.

### **5. Hindu Marriage Act (1955)**



The Hindu Code Bill was divided into four parts and all the four Acts were passed in 1955-56 by Prime Minister Pandit Nehru passed. This Act brought uniformity to the old Act. These 4 laws brought about a great revolution in women's life. This law overturned the traditional idea that "marriage is a ritual" and accepted the idea that marriage is a "social contract".

### **The provisions of this Act are as follows -**

- 1) A Hindu man cannot remarry while his first wife is alive. It is a crime and punishable by imprisonment.
- 2) If one marries an unknown girl according to her wish but without the consent of her parents, she can be punished.
- 3) If someone is found insane at the time of marriage, such an application can be made to the court by the cheated party and the marriage can be annulled.
- 4) The Hindu Marriage Act prohibits marrying certain relatives.
- 5) Age Limit of Groom - Groom should be 21 years and bride should be 18 years.
- 6) There is no special ritual for marriage under this Act. Free to marry according to any prevailing custom.
- 7) According to Hindu law, marriages performed according to social norms need to be recorded in the register book. So that registration can be useful as a proof of marriage.
- 8) Separation In Hindu marriage there are two provisions like Divorce. While considering an application for divorce one of the following reasons has to be proved.

1 - Adulterous behavior

2 - Cruel behavior

3 - Giving up

4 - Getting mad

5 - Maharog

6 - Secretory disease

7 - Conversion

8 - Retirement

9 - Extinction



## CONCLUSION -

From the above information, it can be seen that during the colonial period and post-independence period, women were subjected to a lot of injustice in the name of customs and traditions. Some social reformers tried hard to break this other. And it was successful too. A large number of women are also found in this. A study of colonial women's laws reveals the complex and often oppressive legal framework that governed women's lives during the colonial period. These laws, predominantly shaped by patriarchal norms, sought to limit women's rights and autonomy. They imposed restrictions on women's property ownership, inheritance, and employment opportunities, reinforcing their subordinate status within society. Moreover, these laws often subjected women to harsh punishments for perceived transgressions, perpetuating gender inequalities. The British government also seems to have helped by enacting laws during that period for the protection of women.

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