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Prohibited Marriage: State Protection and Child Wife

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In 1893, the Government of Mysore (GOM) rejected the will of the majority of representatives of the Mysore Assembly who opposed an Infant Marriage Regulation, declaring that 'the regulation is in some quarters regarded as an undue interference with the liberty of the subject, but [general sentiment] demands the abolition under the authority of law of certain usages which are as much opposed to the spirit of the Hindu Sastras as to the best interests of society'.[1] Forty years later, the then Dewan of Mysore, Mirza Ismail, overriding the majority opinion in the Representative Assembly that favoured extension of the Indian Child Marriage Restraint Act of 1929 to Mysore, said: 'The balance of considerations seems to be in favour of leaving things alone .... [T]o be real and lasting, reform must proceed from within. It cannot be imposed from without'.[2] In the space of a few decades the GOM had moved from a position of confident interference in 'social questions' to a position that was firmly tempered by caution. The apparent paradox spoke volumes of the shifts in the field of political forces that had occurred in the intervening decades. But this article suggests a different focus on the bureaucratic imagination of the state which fashioned a conception of modernity through the instrumentalities of the law, one that would replace heterogeneous law- ways with the abstract legality of the state, affecting marginal changes in patriarchal arrangements to make them commensurate with its imagined economy, without fundamentally challenging patriarchy itself. This becomes clearest when we consider Mysore's child marriage regulation and its operations in detail against the totality of legislative initiatives of the Princely State which were aimed at extending the generalised legal form throughout Mysore society without effecting the social transformations adequate to such a vision.

I
Encountering the 'Will of the State'

When the 'state's emissary'[3] touched the lives of the Chambar Ganga and Chavalanu ('alias Chavaluga') of Arikere village of Mulbagal taluk of Bangalore district in November 1895, it confronted the two men with a new will, the will of the state, determined to penetrate and reorganise one of the few domains in their wretched lives over which they believed they retained control. What had these Madigas, whose abject poverty and ritually impure status permitted them no

more than a precarious existence on the very margins of the village, done to attract the attention of the punitive machinery of the state? The arrival of the Police Daffedar (constable) of Yaldur Police Station on the morning of 24 November was portentous, for he brought with him the threat of criminal prosecution if the two men proceeded with plans to marry Muni, daughter of Chambar Ganga, to Ganga, son of Chavaluga.[4] What might have been an innocuous and licit affair now took on the dimensions of a criminal, illicit act, a turn of events for which the Madiga men were not adequately prepared. From the beginning of 1895, any persons involved in the celebration of the marriage of any Hindu girl below 8 years of age were liable for simple imprisonment of up to six months and/or a fine. In 1894, the Mysore government, ignoring the opinions of a majority of representatives in the Assembly who opposed any such legislation, had gone ahead and passed the Regulation to Prevent Infant Marriages among Hindus.[5]

Ganga and Chavaluga had little inkling that the celebration of the marriage was in 'open defiance of all lawful authority'. The celebration of a marriage, especially among the marginalised Madigas, could not have evoked much interest in the village, except among the elders of the caste and invited others; certainly, the lower echelons of the government machinery were rarely involved in such marriages. Indeed, the Government of Mysore, functioning from the administrative capital of Bangalore, rather than Mysore city (the dynastic capital which may have better evoked mythical associations in folk memory), could have been no more than a dim presence in the lives of the Madigas. Although their traditional caste calling as leather workers could have placed them in the category of village artisans, there was little to disguise the fact that their insertion in the village occupational order was as agricultural labour, engaged to work on the fields of the upper caste landlords. Their lowly status kept them at a remove from the machinations of the village elite and the latter's negotiations of and accommodations within the emerging social order.

Yet the new administrative order had already insidiously asserted itself in the village when, as early as 22 November 1895, the Patel Muniya Gowda (the village headman who belonged to a dominant agrarian caste) summoned the two men to enquire about the age of the prospective bride. Although Chambar Ganga said that she was about 8 years old, the distrustful Patel called for the Register of Births and Deaths and established that the girl was no more than 7 years, 2 months and 28 days old at the time. Thus a singularly unremarkable event in the life of a Madiga family - the birth of a girl child, which usually heralded no more than fresh responsibilities and burdens in their quotidian existence, threatened to take on new and ominous portents. Ironically, this happened just at the moment when the bride's father believed he had relieved himself of some of the burdens of rearing a female child. A young Madiga girl had to be protected until her

marriage not only from the preying eyes of her own caste men, but from the upper caste men who enjoyed privileged sexual access to lower caste women. Marriage itself sometimes offered little protection against the desires of upper caste men.

Nevertheless Chambar Ganga, unaccustomed to the idea that the marriage of a Madiga could provoke such interest, underestimated the lengths to which the local officials were willing to go to test the new legal powers bestowed by the state. When the village Patel (headman), convinced that his duty was to deter Chambar Ganga from performing the marriage, sent for him, and in the presence of other village officials such as Shanbogue (accountant) Ramappa, Muddappa and other upper caste villagers informed him that such a marriage contravened the provisions of the new law, the Madiga replied, 'What have we to do with your rules? You may do as you like, we will perform the marriage according to our customs'.[6] Angered no doubt that a mere Madiga should repudiate his newly authenticated authority, the Patel reported the case to the Daffedar of the Yaldur Police Station and to the taluk Magistrate. The Daffedar's visit to the Madiga quarters on 24 November 1895 was in order to reinforce the seriousness of their intention to uphold the new law over and above any customary practices.

During the period of colonial rule, the dominant agrarian elite in Mysore, particularly the village headmen, were invested with enhanced powers. For the most part, these headmen belonged to the Vokkaliga and Lingayat castes. In multi-caste villages such as Arikere presumably was, the power of the Patel, a hereditary village post, was derived from his economic dominance in the village, from his caste status and from his appointment to a state office. Functioning along with the Shanbogue or village accountant, who was usually Brahniin, the upper castes constituted a formidable phalanx of power in the village (Manor 1978: 30-31). Between them, the Patel and Shanbogue helped in the collection of revenue, kept village accounts, the registers of landholdings and all other records relating to land revenue (Rao 1935: 115).

These functions of the village elites could hardly have impinged on landless agricultural labourers such as Ganga and Chavaluga, although the official registration of Muni's birth signified a new period of rule-by- records that touched the private lives of all colonial subjects: the pragmatics of colonial rule necessitated the synchronicity and regular periodicity of the censuses, for example, for which the ground was prepared in a range of local registers using uniform categories (Saumarez Smith 1985: 154). Yet the Madigas of Arikere were probably tied to the landowning castes in a variety of other ways, through the structured caste and economic hierarchies that placed them in a subordinate status to higher castes. Dispute settlement, for example, was an essential aspect of the village headman's duties in the panchayat (committee of elders). Therefore

economic and political authority could and did translate into juridical authority (Cohn 1987: 575-631). The panchayat was an instrument of arbitration and adjudication which made binding decisions. However, as Bernard Cohn points out, 'a panchayat in which dominant caste men participate usually does not take cognizance of matters internal to other castes-marriage, succession when property is not involved, caste rules regarding commensality and pollution, disputes over caste property' (Cohn 1987: 588). The jurisdiction of village judicial institutions, as opposed to intra-caste councils, was therefore clearly defined, and the former largely worked in ways that supported the decisions of the latter. Presumably then, if the Madigas could satisfactorily establish that the celebration was consistent with local law-ways, those law- ways would be upheld. In response to the state's emissary then, both Chambar Ganga and Chavaluga declared that the girl had completed 8 years of age by their reckoning. More important, they pointed out that 'kudike [a form of widow remarriage] was lawful and allowed in their caste' (emphasis added) and that until then they had no knowledge of any other rule. Since they had already made expensive preparations for the marriage, they decided to go ahead with it.

The insistence by the two men that kudike was allowed within their caste was not just tangential but central to the discourse on child marriage. A number of others who were, faced with prosecution made a similar argument. In September 1896, Haladasaya and Soma, two Kuruba (shepherd caste) men of Chickbasur, Kadur taluk, who had arranged the marriage of Lingi (aged 6), daughter of the former, with Mallaya (aged about 12), son of the latter, argued that the local law-ways of the Kurubas not only allowed widow remarriage but also adult marriage.[7] Muniga and Sanjiva, two Agasa (washerman caste) men who were warned by the officiating priest in 1896 that child marriage was now liable for criminal prosecution, replied that this 'was allowable in the caste'.[8]

Just when the state's machinery appeared to be weighing in against them in a very determined way, Chambar Ganga and Chavaluga, in consultation with their caste elders, must have determined the intentions of the framers of the new law, and decided that it did not apply to them. For in his decision to introduce a regulation which several people considered undue interference in the freedom of individuals, the Dewan had cited the figures obtained from the last Census of 1891 as proof that child marriage was an 'evil': child marriage resulted in an inordinate number of married women below the age of 9, but worse, an unconscionable number of them were widows. Thus, he said, though there had been no more than an 18 per cent gain in Mysore's population between 1881 and 1891, there had been a 50 per cent increase in the number of marriages of girls under the age of 9: of these, 3,560 were widows below the age of 9.[9]

The existence of child widows had troubled upper caste reformers in other parts of India from at least the middle of the 19th century. Particularly since upper caste Hindus did not permit the remarriage of widows, and condemned them to an inauspicious, marginalised and sexually repressed existence, the condition of enforced widowhood was only exacerbated by the existence of child marriage. Campaigns by indefatigable reformers such as Iswar Chandra Vidyasagar for a law that would permit the remarriage of upper caste women had yielded fruit in 1856 when the Widow Remarriage Act XV of 1856 was passed.

It was a time when the colonial state, with its new-found confidence- about its continued political rule of India, had thrown its weight against the practice of female infanticide in parts of western and northern India by introducing and implementing severely punitive regulations against offending communities (Panigrahi 1972). The colonial state's interest in the widow remarriage issue was aroused at the time when the Law Commission of India, under the leadership of Lord Macaulay, was attempting to codify penal laws in 1837 (Law Commission of India 1979: 15). In its investigations, the Law Commission discovered a causal link between the prohibition against widow remarriage and infanticide. The disgrace which surrounded any expression of sexuality on a widow's part and the secrecy to which pregnancy arising from her misdemeanours was condemned often led her to kill her newborn infant and dispose of the body. By any yardstick this was a criminal offence, and the colonial state recognised that permitting the remarriage of widows, which thereby confined her dangerous sexuality to marriage, was far preferable to a system which encouraged a form of criminality that appeared to be quite pervasive (Gidumal 1889: 149).[10]

The Mysore administrators and their colonial counterparts elsewhere were well aware that strictures against widow remarriage were most closely observed by the upper castes. If the evils arising from enforced widowhood could be traced back to the prevalence of child marriage among several Hindu communities, then an important exception to that causal chain was the range of castes and communities that permitted widow remarriage. Thus, in response to Malabari's 'Notes on infant marriage' written in 1886 to urge the colonial state to raise the age of consent for girls to 12, several, colonial officials cited census records as testimony that at least two-thirds of the Indian -population practised widow remarriage (Gidumal 1889: 169).

In Mysore itself, apart from the Brahmin and Komati (Vyshya) communities, the strictures against widow remarriage were rarely operative, and in some cases such marriages were even encouraged; child marriage on the other hand was fairly common except amongst newly Hinduised tribes and animist communities (A. Iyer 1935: 212; Srinivas 1942). At the same time, numerically preponderant

communities such as the Kurubas practised adult marriage, and no social opprobrium attached to women who remained unmarried (A. Iyer 1935: 35, 48).

The two Madiga men of Arikere, pitting their knowledge of the complexities of customary practices against the will of the state determined to hypostatise and reform local law-ways through new legal apparatuses, were doomed to certain punishment. Adding crushing injury to insult was the size of the fine they were awarded by the district magistrate in April 1896: for agricultural labourers who earned little by way of cash, the Rs. 3 that each man had to pay could only have been an unwelcome burden. Since the fine had to be paid at a time when they commanded even fewer resources in the lean pre-monsoon season of April, it became even more burdensome. They were therefore probably forced to choose between two equally ignominious options: seeking a loan from the local moneylender, which could drive them further into debt, or serving seven days in prison.[11]

Even when the Mysore authorities had successfully prosecuted them, the arguments made by the two men were cause for more than a little discomfort among the interpreters of the new regulation: if the Muslims had been exempted from the application of the regulation because they did not prevent the remarriage of widows, asked one official, was it fair to prosecute the Madigas, who followed similar rules? What logic was it that gave the Mysore government the power to transform the local law-ways of some social groups in Mysore while withholding its power against others? What could a 'rule of law', which discriminated between religious groups, and within religious groups between castes, claim as the basis of its legality?

II
The Making of the Infant Marriage Regulation

Indeed, the debates leading to the passage of the regulation were inflected by exactly such concern for the preservation of 'caste laws', although they were voiced by those upper castes whose private lives were most likely to be changed. As early as 1891, some members of the Mysore Representative Assembly raised the question of applying to Mysore the amendment to Section 375 of the Indian Penal Code that raised the age of consent for girls from 10 years, as per the 1860 Code, to 12 (Government of India 1929: 10). Non-Brahmin members of the Assembly were sharply rebuked for attempting to determine by a law passed in a mixed caste assembly what was appropriate to other communities.[12] In 1893, when the subject was still being discussed, Anantha Shetti, a Vyshya (trading caste) advocate from Chitradurga said that the passage of any regulation aimed at restricting child marriage would effectively prevent Vyshyas from observing their caste rules.[13]

Another significant group raised objections to the proposed regulation, though on entirely different grounds. Muslim members of the Assembly, Hafizullah Khan and Gaus Sheriff Sab, objected that 'since Muslims permitted widow remarriage, it should not be applicable to them'. Since the composition of the Assembly was one that represented only powerful rural and urban interests in Mysore society, there were no Madigas or Holeyas who could claim the same exceptional status as that of Muslims.

At first, the administration remained unconvinced that the provisions of the amended Code needed to be extended to Mysore. Since the criminal law amendment dealt with the age at which consummation took place rather than marriage per se, the Dewan was convinced that it was unnecessary in a state where, even if girls were married before the age of 12, consummation rarely occurred before that age.[14] He was, however, more attracted to the idea of a regulation that would prevent the marriage of old then to young girls. The debate in the assembly had centred around three kinds of questions: (i) whether it was appropriate for the state to interfere in religious matters; (ii) whether any such legislation would violate the authority not only of the shastras but of parents and guardians; and (iii) whether it would go against collectively decided caste norms. To the proposal that there be no more than 30 years' difference between a groom and bride, some Brahmins reacted with ferocity, arguing that the restrictions placed against marrying a young girl would effectively prohibit the second marriages of Brahmin men over 40 or 50 who were required to have a wife to perform certain religious ceremonies (agnihotra).[15] This would amount to an infringement of caste rights. On a more secular level they argued, contrary to those who claimed child marriage as an unmitigated evil, that there were several advantages to the early marriage of girls: it led to greater accommodation within marriage, greater obedience on the part of the wife, and would serve to prevent almost certain immorality among 'strong and healthy men above 40' who were prevented from marrying.

If the popular press was any indication, there was hardly great enthusiasm for any new legislation. Only the Vrittanta Chintamani gave unwavering support to the move to extend the age of consent amendment to Mysore: it did so by darkly hinting at the brutal details of a case that had attracted national attention in the first place, leading to the passage of the Criminal Law Amendment.[16] In 1890, Phulmani, a 10-year-old wife of 35-year-old Hari Mohan Maiti, died of injuries she sustained during sexual intercourse (Forbes 1979: 410). The uproar in the Indian and English press led to a highly publicised trial in Calcutta in which Maiti was tried and sentenced to twelve months' hard labour for manslaughter. This sentence however provoked an outcry from the orthodox community and the revivalist nationalists.

In Mysore, the Karnataka prakasika at first welcomed the British Indian amendment as no violation of the shastras: child marriage, it argued, should be seen as a violation only of the health of the child wife.[17] A short while later, this paper too was swept up in the growing tide of protest, led by Bal Gangadhar Tilak among others, against the interference of the state in domestic affairs, and warned that this would amount to a dangerous precedent.[18] The attempt of cultural nationalists to carve out a sphere-the sphere of the family-as the one they would protect from colonial incursion, when nearly all else had been hopelessly lost to colonial authority, was prompted in part by the Phulmani case which represented an attack on Indian patriarchy.

The other famous case of the 1880s, involving a child wife, showed that the nationalists did not hesitate to seek the help of the colonial authorities when patriarchy had to be upheld within the family and that the colonial state in turn did not hesitate to come to the rescue of Indian patriarchy by interfering in that protected domain of the family when cases were filed for the restitution of conjugal rights. Rakhmabai was an educated girt who was married at the age of 9 to an older consumptive husband, Dadaji Bhikaji. Although her marriage was not consummated, Rakhmabai found the atmosphere in her marital home uncongenial to any intellectual advancement, and was living in her parental home when she was sued for restitution of conjugal rights (Engels 1989: 427-29). Rakhmabai was found guilty by the colonial judicature, charged and sentenced, and finally relieved of the legal suit only by paying off Bhikaji (McGinn 1992: 102). The Rakhmabai case provided the orthodoxy and the revivalist nationalists the necessary material for a new strand of opposition to social reform to crystanise and even become dominant: Rakhmabai's actions had pointed out the dangerous ways in which educated women could plot against uneducated husbands. Since, according to opponents of such legislation, the colonial state's only duty was to uphold the rights of Indian patriarchy, the domestic domain, and the place of women within that domain, had to be secured from colonial intervention that challenged patriarchal domination. Bitterly commenting on the eagerness with which the colonial government responded to nationalist pressure, Pandita Ramabai wrote of a compact between British and Indian patriarchy in r6aking and retaining the distinction between the private and the public (Ramabai 1888: 67).[19]

The Mysore Dewan Seshadri Iyer, only too painfully aware of the scale of protests unleashed by the passage of the amendment in British India, proceeded cautiously, deciding first to disarm his opposition by seeking the sanction of the religious authorities of the state. By 1892, the Dewan had managed to procure the overwhelming support of the heads of the leading maths in Mysore, who unanimously declared that child marriage and the marriage of young girls to old men was opposed by the shastras (Gustafson 1969: 222-26). The Dewan claimed

that the religious heads themselves despaired of coping 'with the evil in question', thereby declaring a loss of authority in the conduct of family affairs. Having thus protected his flanks, the Dewan proceeded to outline a regulation that far exceeded the British Indian amendment in its scope and applicability. The proposed bill prohibited the marriage of girls below 8 altogether and that of girls below 16 to men over 50.[20]

The logic behind the decision to make 8 years the legally marriageable age for girls was not quite obvious: if anything, its arbitrariness spoke of the state's ability to impose a despotic legal order rather than protect the rights of women, or girl children within families. This becomes clearer when we look at the operation of the act. Since the Mysore regulation made marriage itself punishable, rather than consummation, the decision on 8 as the age of marriage was one that would provoke the least resistance amongst upper caste constituents. Pre-puberty marriages, though not sexual consummations, were prescribed for a number of upper castes according to the shastras, and colonial medical sociology had placed the onset of puberty for girls in tropical climates between the ages of 10 and 12 years. While the bill appeared to be quite radical in its prohibition of child marriage, then, it was excessively cautious in defining the limits of female childhood, appearing instead to be absorbed with an extension of the legal form itself (Pashukannis 1989).

Having staved off possible orthodox opposition through a legitimate reading of the shastras, the Dewan was equally prepared to face other possible objections with arguments that were more in keeping with the modernity he espoused: the indisputable statistical evidence of child marriage and widows. The census, conducted in India on a comprehensive scale since 1881, divided the nation into constituent 'types' and 'classes'. The systematic effort to obtain and collate information on aspects of Indian society and economy succeeded in objectifying the Indian social experience, enabling castes and even governments to chart their progress on various measurable scales (Cohn 1987: 224-54). In his report on the Mysore Census of 1891, the Census Commissioner V.N. Narasimhaiyengar drew attention to the statistical proof of the existence of child marriage, and also of one of its most pernicious consequences, early widowhood (Census of India, 1891: 131). As many as 11,157 girls were declared as having married between the ages of 1 and 4, against 512 boys. In the next quinquennial period, 5 to 9, the situation was worse, with 180,997 wives against 8,173 husbands: the figures gradually equalised only by about the age of 20. Even more striking was the high proportion of child widows below 9 (3,554) compared with boys who had lost their wives (220). There were as many as 20,000 widows below 15 compared with 100 wifeless boys. In an aggregate sense, since widowhood was pervasive among all age groups, this meant that 'every fifth Hindu female was a widow'. Further, only the non-upper caste Hindus returned a high proportion of women who had

married a second time, compared with a high proportion of men in all castes who had married more than once (ibid.: 132-33).

But there were some social groups, such as the Brahmin orthodoxy, that remained unmoved by the evidence in the shastras as advanced by the religious heads, refused to be embarrassed by the statistical proof of social degeneration, and were unperturbed by the anguished cries and whispers of child brides and widows. Mallhar Rao, for example, was convinced that the regulation to restrict child marriage was an attempt to reduce the authority of Brahmins, who, according to him, were already quite weak.[21] Opponents of the regulation were quick to point out that the support of large sections of the Assembly could not be taken as universal consent. In an expression of their dissent, they submitted a petition signed by 164 members of the Assembly which protested the extension of the government's authority to the domestic domain in a way that undermined the authority of parents, and heads of maths in matters of marriage.[22] This outnumbered those members of the Representative Assembly (fifty-three) who favoured legislation while suggesting that fines were preferable to imprisonment as a mode of punishment.[23]

The government officials were quick to point out that while they solicited opinions, their decisions were not going to be determined by the debate in the Assembly. Confident that its responsibility lay in protecting females rather than the caste practices of the upper castes, the government decided to go ahead with a measure to restrict child marriage. As a small concession to the orthodox opponents, the age below which it was illegal for girls to be married to men over 50 was reduced from 16 to 14 years.[24] The regulation still left large sections of Mysore society untouched: (i) by being applicable only to Hindus; (ii) by insisting on a procedure by which the government had to sanction prosecution in every case; and (iii) by affirming that no offence could be tried by any court inferior to that of a magistrate.

A regulation that made criminals of Chambar Ganga and Chavaluga, however, did not challenge the validity of the marriage itself. The question of whether a regulation restricting child marriage should in fact make such marriages null and void was one that had long marked the debates on the legislation. In his intervention during the debate on the Age of Consent legislation in Madras Presidency, Sir T. Madhava Rao had suggested that levying a fine on those who performed the marriage was far preferable to derecognising the marriage:

> the effect of this will be to leave the existing order of things as little disturbed as possible and yet diminish the number of marriages before the age limit, and thereby diminish the number of virgin widowhoods which will be an important gain (Gidumal 1889: 297).

Madhava Rao, and the Mysore Infant Marriage Prevention Regulation that pursued the same logic, clearly saw an advantage to striking at the root of the problem by attacking the agencies responsible for such alliances, rather than inviting explosive reactions by declaring the marriages illegal. Yet in declaring the performance of such marriages illegal, an unprecedented contradiction was produced, as pointed out by an advocate of Mysore during the debate on the proposed regulation:

> this regulation, by punishing the promoters of an Infant Marriage without declaring that marriage as illegal would for the first time make an act right in civil law but wrong in criminal law.[25]

Also, once the provisions of the act were better known among the rural population, the strictures placed in the way of child marriage could be treated as a mere inconvenience rather than as a serious deterrent. When goldsmith Naranappa arranged the marriage of his daughter Munilaksh- mamma, aged just over 5 and a half years to Subbarayappa, aged 35, he was repeatedly warned by the Patel Kempareddy of Karyapalli in Kolar district that this was against the law.[26] Naranappa first agreed to drop the alliance, then continued with preparations for the marriage saying that he had already taken a large loan from the groom for the expenses, and that they would 'meet the consequences'. It is more than likely that Subbarayappa and Naranappa, who were prosecuted and fined Rs. 15 each, and the groom's father, who was fined Rs. 5, were able to include this as a part of marriage expenses.[27]

III
Imposing a New Legal Regime

Despite its in-built difficulties, the passage of the Infant Marriage Prevention Regulation may be seen as an instance of the drive of the Mysore state to encompass and absorb those aspects of civil and social life that had long lain outside its reach, thereby producing a civil society which recognised the overarching authority of the state. But did the Mysore government possess the technologies adequate to the task of claiming legality for its actions? In a largely illiterate, rural society such as Mysore in the late 19th century, even the dissemination of law was no simple task. For several years after the passage of the regulation, people facing prosecution were able to plead 'ignorance of the law'. Thus Sesha lyengar of Halthore village in Belur taluk, who arranged the marriage of his 18-month-old granddaughter Thinunalamma to Raghunathachar, aged 18 years, pleaded not only that he was an old man who wished to see his granddaughter settled before he died, but that it was customary in his (Brahmin) community to marry girls 'aged two and above' (sic) and that he was unaware of any change in that law.' Though this did not save the old man from prosecution,

the plea of 'ignorance of the law' was made for several years after the regulation came into operation.[29] The Vrittanta patrike drew attention to the fact that few knew that the regulation was in force, and urged its dissemination by tom-toms.[30] If the government was lenient in the early months after the regulation came into force, such a defence soon came to carry little weight. The provisions of the new regulation were announced in villages by local authorities through the use of the tom-tom.[31] Even when the government was willing to concede that such forms of dissemination were far from efficient, it relied on that other efficient mode of communication in largely oral societies, namely rumour, to complete the task. Thus even a single prosecution in a district could have a desired multiplier effect, serving as a warning to even far-flung villages of the dire consequences that awaited those who sought refuge in ignorance of the law.
Prosecution was thus a means of disseminating the state's legal powers. Although officials of Chikabasur in Kadur taluk realised that the two Kurubas, Haldasaya and Soma, were acting in accordance with their caste customs when they married Haldasaya's 6-year-old daughter Lingi to Mallayya, Soma's son of 13 years, they proceeded with the prosecution not only of the two men, but of their wives as well. The government officials said that 'the provisions of the regulation have been clearly infringed and it is necessary to show the villagers how such marriages are viewed by the government'.[32] The sentence was particularly harsh since the men were of advanced years: the 65-year-old father of the bride spent two weeks in prison while the three others spent ten days each. Even the officials responsible for the governance of sexuality in the village were not exempt from the new dispensation. In Somasethahalli, Gauribidanur taluk, not only were Ranga, the 30-year-old groom, and Muniswami, the father of the 3-year-old bride, Rangi, liable for prosecution, but the Patel Narse Gauda and the officiating priest Venkatramanbhatta were prosecuted as abettors.[33] It appeared that village beadmen, who were unusually efficient about warning lower caste men against infringing the law,[34] were willing to look the other way when their own caste men were involved. There were even instances when Patels celebrated child marriages within their own families.[35]

The prosecution of Patels who either tolerated, aided or actually performed child marriages was a declaration of the government's intention of being more severe with the upholders of the new law in the villages. It is therefore worthwhile to assess the success of the regulation less by the number of cases that were prosecuted under it, and more by the kinds of cases prosecuted as well as the wider effects such prosecutions had on the populace. In the sixteen-year period between 1896-97 and 1910-11, the period when most prosecutions took place, the total number of cases was 202 of which 175 resulted in the prosecution of 475 persons (Census of India, 1911: 97; Government of India 1929: 346-47). There was clearly more at stake in the Government of Mysore's passage of the Infant Marriage Regulation than the pursuit of an ideal of a Model State, as Gustafson

suggests (Gustafson 1969: 225). Compared with the lackadaisical implementation of the amended criminal code in British India, Mysore's determination to prosecute was quite impressive. In British India, the concessions made to the revivalist nationalists were patent when, just five days after the Age of Consent Amendment was passed in 1891, Governor-General Lands- downe issued a circular to all local governments urging them to apply the act only with 'the utmost care and discrimination', adding that 'prosecutions plagued by doubts should be postponed'. Not surprisingly there were very few prosecutions under the act in the early years after it was passed, a number that dwindled to nothing shortly thereafter, when even enquiring into the operation of the act had become a wasteful bureaucratic exercise (Engels 1989: 427). In 1932, the Calcutta High Court set aside convictions made after the Sarda Act was passed, leading to a large number of complaints in the press about the leniency of the Act's operation.[36] Protests on a similar scale did not occur in Mysore after the 1894 regulation came into force.

Intent on establishing not only its power but its credibility in the eyes of its subjects, the Mysore government trod fearlessly on the ground that the Government of India could not have entered without paying a dear political price. The Suryodaya Prakasika published details of a marriage in 1904 between a 54 and a half-year-old school headmaster, Srinivasachar, of Devanahalli, who married the daughter of his Sanskrit teacher Anantha Thirtachar, a girl of just 8 years and 9 months, which was in flagrant contravention of Section 4 of the 1894 regulation which forbade men above 50 from marrying girls below 14. The Dewan, P.N. Krishnamurthi lost no time in urging an official enquiry into this case in which a headmaster had clearly abused his authority over his subordinate, who in turn had acquiesced by sacrificing his daughter. The violation was more grievous because the offender was a teacher, and a government official to boot, and as such, said the Inspector General of Police, was 'bound to respect the laws of the Government under which he serves'. The Mysore law, wrote the Secretary to the General and Revenue Departments, 'is an exceptional one and our officials ought to set an example to the public by their scrupulous obedience to it'. He therefore recommended that both the officers be removed from service (Gowda 1979: 26, 27).

Mysore was an enclave within colonial India where child marriage was illegal, which meant that people who wished to avoid the penalties could conduct marriages in British India. Although the Mysore press pointed out that such a discrepancy could be prevented by making the offenders punishable once they returned to Mysore, no such provision was made in the regulation. Nor could the Government of India. be asked to prosecute Mysoreans under Mysore laws. Indirect rule was predicated on the maintenance of a restricted state autonomy, so the very quality of the power of a Princely State ruled out such a possibility.

While British Indian subjects in Mysore could be prosecuted for violating British Indian laws, the reverse was not possible, since it would have meant conceding a degree of sovereignty to the Mysore state that undercut the power of paramountcy.[37]

Nevertheless, the Mysore government did conduct a detailed enquiry into a celebrated case in which a 52-year-old judge of the Mysore court was accused in the Hindu of 7 January 1899 of having evaded Mysore's marriage law by celebrating his fourth marriage to a girl who was below 14 years in Madras Presidency.[38] When asked for an explanation of his conduct, Venkatachar said that he had been on the lookout for a bride after the death of his third wife in 1895; that he was 'offered' the girl bride by her father who said she was at least 14; and that although Venkatachar did not examine the horoscope, 'the girl's physique' confirmed that the father was telling the truth. As for the reasons for marrying her in Madras Presidency in 1897, Venkatachar asserted that this was not because he wished to evade the Mysore law, but because he had already vowed to marry in Tirupathi in conformity 'with the well known practice among Hindus of performing their second and subsequent marriages in sacred places'.[39] Clearly dissatisfied with his response, the Registrar of the Chief Court requested proof of the age of the wife at the time of marriage. Venkatachar escaped prosecution by replying that the girl's father was unable to remember whether a horoscope had been drawn up, and though he had noted her date of birth, January or February 1883, in his records, he no longer had them with him. Without this piece of evidence to prove that he had violated the law, the Mysore government could not, despite its best intentions, establish a case against its own official.

IV
New Knowledges of the Legal Subject

The power of a law such as the Mysore Regulation against Infant Marriage critically relied on detailed knowledge of aspects of the family structure and marriage relations: violation of the regulation could only be proved with any certitude if the age of the girl could be proved. This required the prior existence of detailed records of births, deaths and marriages, all tailored to the needs of a state bureaucracy. There was, in fact, no such reliable system of records on the basis of which government officials, especially district magistrates, could establish criminality. Thus while Chambar Ganga's daughter's age was easily established as per the government records, Venkatachar's daughter's age could not, though the two dates of birth were separated only by a few years, speaking volumes for the unevenness with which government machinery impinged on literate versus illiterate, and upper caste versus lower caste families. A large number of cases liable for prosecution had to be dropped for want of accurate

information about the age of the girl child, especially when the age of the bride fell short of the stipulated minimum by just a few months or even a year. Thus when Muniamma, aged 7, was given in marriage to 25-year-old Thimma in Bhatrahalli village of Kolar taluk, her father could not be prosecuted for want of 'documentary evidence'.[40]

Since the new rule-by-records had not yet become universal, other forms of corroboratory evidence were admitted in the process of affixing guilt. The jatakam (horoscope) drawn up at the time when the child was born, especially among upper caste families, was admitted as an acceptable document for cases filed under the Infant Marriage Regulation.[41] By the turn of century, other kinds of written evidence which, though personal, bore the marks of an acceptable chronotype, were also admitted as corroboratory evidence. The pleader Nittur Gundappa, who filed a case against his own son-in-law, Shammanna on 27 June 1895 for marrying his 5-year- old granddaughter Lakshmi to the son of the Shanbogue of Mudugonahalli, who was 22, was amply prepared for furnishing the government with evidence. His daughter's daughter, he said, was born on 5 October 1889: this date was recorded in the jatakam, but also corroborated by an entry in his private diary. The diary's status as an acceptable document testified to the government's willingness to trust the written word as opposed to the mere word of witnesses, especially when that written word was not produced with the intention of functioning as proof in a criminal case. Oral proof was crucial, even inevitable, in a largely illiterate society such as colonial Mysore, but only when it was buttressed by documentary evidence. Where no such evidence was available, the testimony of prosecution witnesses could not stand.[42] Oral evidence was too often internally inconsistent, and insufficiently precise.

When prosecuting officials were distrustful of peasant notions of time, it usually worked to the advantage of the accused. Mysore officials were well aware that the new time discipline of the day measured in hours and minutes was difficult enough to achieve in the capitalist workplace, in factories, mines and plantations, despite whistles, gongs and fines (Nair 1991). The peasant was still immured in a more expansive work-day, and in time reckoned by calendrical seasons. Urging the Inspector General of police to drop the case against the Vokkaliga (agriculturist caste) parents of 7-year-old Chenni who married her to Mudli, aged 25, at Bennakanakere, ie Deputy Commissioner of Tumkur wrote: 'As they belong to the ignorant, class of Vokkaligas, their notions as regards time must be very vague and cannot be fully relied on'.[43] Not even the traditional intellectuals of the Mysore countryside, the Brahmin priests, were expected to be fully conversant with reckoning time in the official Christian Era. The disjuncture between the popular rural methods of remembering events and life-cycles and the official record produced a situation in which the exact age of a bride as per the Register of Births could not be known to all. In a case where five Brahmin

people of Abbani (Kolar district), including the priest, were named as liable to prosecution, only the grandfather of the child bride was finally convicted: the others could not have known the exact age of the bride, and were therefore not complicitous.[44] For a government machinery so intent on establishing the age of the bride or the date of marriage from reliable documents, the fabrication of documents was not uncommon. The parents of a 3-year-old, Rangi, of Somasethihalli village declared that her marriage to 30-year-old Ranga had occurred before the enforcement of the Infant Marriage Regulation in 1895. Thirty-one witnesses were summoned and examined, of whom eleven disclaimed all knowledge of the marriage. Of the remaining twenty, fourteen said the marriage took place in February 1895, a month after the regulation became enforced, and the others said August 1895. The accused, amply aided by the Patel and the Vokkaliga caste head, produced a lagna patrika (wedding invitation) as evidence that the marriage had taken place in February. A minor bit of sleuthing on the part of the Mysore officials revealed that 'shuda navami of the month Magha of the year Jaya to which 4 February 1895 corresponded' was 'inauspicious', and concluded that falsification of documents was prima facie evidence for prosecution.[45]

V
The Dispersal of Penal Responsibility

The charge of criminality attached not only to the fathers, and sometimes both parents of the bride and groom, but to guardians, priests and others who 'aided' and 'abetted' in the crime. In cases where the groom was above 18, he too was liable for prosecution. In all cases, however, the child wife was irreducibly the victim, placed at the centre of a legal-juridical discourse that often made criminals of her parents, husband and other members of her natal and marital families and yet permitted her no more than a name and an age. On some occasions, she was subjected to medical examination to establish her age, but her own voice remained muted and muffled brought out the period when the government of her sexuality passed uneasily between the system of alliances of which she was a part and the state. By no means were all women thus produced as objects of reformist discourse: the arrangement and performance of marriages was after all one of the few occasions when the wife, mother and grandmother played an important role, sometimes emerging as the key agents in cementing an alliance. Mysore officials were only too attentive to the colonial sociology of caste, assuming for the most part that lower caste women were more likely to be active agents in marriage transactions than were their upper caste counterparts. Tippi, a Bedar (hunting caste) woman who arranged the marriage of her 7-year-old daughter Rangi in 1895 to Dama, aged 26, was sentenced along with Dama to pay a fine of Re. 1 or face simple imprisonment.[46] Iindeed the Infant Marriage Regulation sometimes became a weapon for men anxious to chastise women

who arranged alliances all too independently. Muniyappa of Bhatrahalli, Kolar taluk, thus brought charges against his second wife Nallamma for arranging the marriage of their under-age daughter Muniamma, to Thimma, 25, the wife's brother, against his (i.e, the husband's) will.[47] Similarly, Jan Naik, a Revenue Daffedar of Narsipur complained that his wife Doddi had arranged the marriage of their daughter without his permission to her (the wife's) brother Chikka.[48] Although these two women were not prosecuted for want of evidence, several others paid fines, and even went to jail for their active roles. If the bride's father was considered the chief offender among higher caste child marriages, officials did not hesitate to send both sets of parents to jail in a number of cases involving lower castes.[49] Even in 1917, when the number of cases prosecuted had sharply dropped, the Panchala parents of an underage bride and her groom at Srirangapattinam were convicted.[50]

The same social order that permitted the existence of enclaves of female power linked to non-domestic sexuality forced most other women into conformity with a feudal patriarchal morality that required the sexuality of their daughters to be exercised primarily within the domain of marriage. As primary guardians of child brides, or grooms married to child brides, some women paid a heavy price for their actions and were rarely exempted from the full force of the regulation. Bharamavva of Davangere taluk, who arranged the marriage of her son to an under-age bride, was asked to pay Rs. 7 as fine in 1902, or face twenty days'jail.[51] Her husband Bharamayya, on the other hand, was absolved of all responsibility of having arranged the match. Gollar Papakka of Yemarahalli, who had sole charge of a young female grandchild whom she wanted settled before she died, was shown no concession and was fined Rs. 10 in 1897.[52] Nor was any sensitivity shown by officials to the ability of women of lower castes to pay fines.

Even when the child bride was reduced to no more than a powerless cipher, a victim of certain caste traditions, the enhanced status of women in other stages of the life-cycle, as older wives, mothers and grandmothers, and heads of households, was therefore readily acknowledged. The conviction of Chennamma, a Kuruba woman who was nearly 60 years old, was therefore a foregone conclusion: she was the sole officiating guardian of her son Chenna, aged about 15 years, whom she decided to marry to her granddaughter by her elder son, who was just over 6 years old.[53] Only in the rarest of cases were women actually excluded from prosecution for acting under the 'influence of males'.[54] Only on the rarest of occasions were women seen as exercising no power within the family. If there was one area in which the government fiercely adhered to a gender-neutral definition of agency, it was in its pursuit of female family members who shared responsibility for the crime of child marriage.

VI
The Increased Visibility of the Legal Form

Despite the scepticism of several contemporary writers and present-day historians, the working of the Infant Marriage Regulation was indicative of the determination of the Mysore bureaucracy to question, and even realign, caste traditions on the question of marriage. Successive censuses showed there was a marked decline in the proportion of males and females who married under the age of 10. Ascribing these 'satisfactory' figures to the operation of the marriage regulation, the Mysore Census Commissioner, V. R. Tyagaraja Aiyar, pointed out that although Baroda, another Princely State, had convicted far higher numbers of people under a comparable act (23,388 in the period from 1904 to 1910 alone), a comparison of census figures revealed that Mysore had more favourably transformed marriage habits than had Baroda. This may have had to do with a far higher incidence of child marriage in Baroda from the outset, a fact that Aiyar quietly chose not to emphasise. If anything, the Baroda comparison clearly showed that punitive measures alone could not accomplish social transformations of any substantial kind. Nevertheless, if in British India submitting annual reports on prosecutions under the age of consent had turned into an empty bureaucratic exercise, the declining number of cases prosecuted under the Mysore regulation especially between 1921-22 and 1927-28 was a sign of how effective the Mysore legislation had been.

Yet the kind of modernity that the Mysore bureaucracy envisaged, and strove to establish, was a far from democratic one. By no means did the 'deployment of sexuality' emerge as an independent apparatus of social control, to replace the existing controls on sexuality that emanated from a 'deployment of alliance' (Foucault 1980: 106-7, 110-11). Female sexuality was not prised away from the instrumentalities of caste and kin alliances in which it was embedded and returned to the woman: if anything, the other moves of the Mysore government were clearly aimed at producing a more thoroughly patriarchal system. In the detailed report commissioned by the Mysore Economic Conference in 1913, V.S. Sambasiva Iyer noted that one of the reasons for the poor supply of tabour from the Malnad region was the prevalence of thera or bride price which stifled population growth and encouraged illegitimate sexuality. The heavy price demanded for brides in the area, he argued, prevented a large number of poor men from marrying, thereby resulting in a large number of unmarried 'grown up girls' who were nevertheless 'entangled in criminal cases, being charged with infanticide or abortion' (S. Iyer 1914: 11). He therefore recommended the active discouragement of this practice as a means of augmenting population growth in the area. Reversing the system of thera was therefore a symptom of the instrumentality of the state in regulating social practices which hampered the imagined economy of Mysore's modernisers.

The transformation of the social as a desirable agenda was also clear in the state's insistence on regulating the difference in age between older grooms and their young wives. There by, a form of companionate marriage was encouraged, one in which the hierarchies of gender were not so heavily weighed against the woman. In that sense, the praise that Mysore earned from several women's groups and the Indian press was probably well- deserved, for attempting to produce liberal changes even though it was through largely illiberal means.[55] Even the Karnataka prakasika, which had first welcomed and then warned against the introduction of such invasive regulations in the early 1890s, was convinced by the end of the decade of the need for state intervention, and repeatedly suggested that child marriages be declared null and void.[56]

VII
New Sphere of State Legality

To those who had long applauded Mysore for taking exemplary action against a range of intractable 'social evils', it came as a great surprise that Mysore refused to introduce a bill comparable to the British Indian Child Marriage Restraint Act of 1929. The Act, known as the Sarda Act after the author of the bill, raised the age of consent to 14 for females and 18 for males after a bitter and protracted debate within and beyond the Indian legislature. Unlike the 1890s, when women played a relatively small part in the debates,[57] the Women's Indian Association, the All India Women's Conference and the National Council of Women in India all put considerable energy and resources into urging the passage of the bill, even demanding that the Sarda Bill's modest proposals on the age of consent be raised to 16 for women and 21 for men.

A similar bill in Mysore was introduced by K.P. Puttanna Chetty, erstwhile bureaucrat and a respected member of the Assembly, and the principles of the bill were passed by ninety-eight votes to eighty-seven. This time, however, the Dewan Mirza Ismail reversed the use to which 'general sentiment' had been put by his predecessor to justify interference with 'the liberty of the subject'.[58] He announced that 'public opinion' had it that 'more harm than good was likely to accrue if such a penal measure was enacted as law'.[59]

Little was produced by way of evidence in support of such a suggestion. If anything, public sentiment on the issue, even in relatively conservative circles, appeared to be decisively in favour of legislating change that would raise the age of consent. Thus a public debate in Sanskrit was organised in Bangalore on 24 March 1931 between Veerakesari Seetharama Sastry and Dharmadeva Vidyavachaspati: although both the debators made extensive use of quotations from scriptures to oppose and support legislation aimed at raising the age of

consent, the audience as well as the convenors were decidedly in favour of Vidyavachaspati's arguments for change.[60] More curiously, even census statistics, which had been prominently mobilised in 1893 to stress the urgency of government intervention, were not summoned to augment Mirza's argument, not even to suggest that the 1893 legislation had sufficiently realised its objectives.

Was the Mysore state in the 1930s weakened in its resolve to usher, a limited form of modernisation? Had the field of political forces changed in a way that limited its powers in making the legal form, delinked from any theological roots, part of the 'common sense' of Mysore civil society? Could the hesitation on Mirza's part have sprung from an acute awareness that, as a Muslim, he could hardly throw his weight behind an issue that had divided Hindus in all parts of the country? It is tempting to conclude that Mysore in the 1930s was merely enacting, after a lag, the defence of the private domain that had been staged elsewhere in the late 19th century (T. Sarkar 1993). And if the surprising intervention of one of the two women members of the Assembly, Kamalamma Dasappa, was any indication, even the visible, though weak, women's movement was divided, with a section of it emphatically declaring the household (and by consequence marriage) an autonomous sphere into which state laws could not enter.[61]

Such a conclusion can only be sustained if the government's reluctance to raise the age at marriage is seen in isolation from the totality of its legislative agenda. In 1928, a committee had been formed under the direction of a retired High Court judge, Chandrasekhara Iyer, to present a report on the need for a comprehensive bill to transform the rights of women under Hindu law. In 1933, the Hindu Law Women's Rights Bill became law, according women new rights to property, adoption and maintenance, a full four years before a comparable British Indian act was passed. Also, the Mysore Bill was unhampered by the kind of acrimony that characterised the comparable bill's passage in the rest of India.

If the Mysore government was willing to legislate on women's access to property, thereby opening up property-owning households to the possible interventions of the state apparatus, withholding legislation on the question of women as property through a penal law prohibiting certain forms of marriage was considered far less important. In its forty-year career of modernity, Mysore state had aimed at developing a discourse of legality to work alongside, if not replace, local law-ways, changing them in some ways without transforming their very basis. A thoroughgoing social transformation was inappropriate to the ideals of the moral-intellectual leadership of Mysore state. Instead, Hindu law, first defined in a way that deprived some sections of Indian women of their rights to property in the name of sexual propriety, now rewarded the

domesticated sexuality of wives, sisters and widows with rights to property as a 'concession'. Permissive laws, rather than penal sanctions, were more appropriate to the requirements of property-owing households.

When penal sanctions were introduced to regulate sexuality in the 1930s, they operated against a wholly different section of women, namely prole-tarianised sex-workers. On this proposed legislation, the Mysore Ladies Conference displayed a far from surprising unanimity. The Suppression of Immoral Traffic in Women and Girls Act of 1937 forcefully reasserted the notion that women were property. While the 'traffic' in domestic women was restricted to marriage relations, which had been sufficiently reformed, though not transformed, the 'traffic' in Proletarian sex-workers had to be regulated and suppressed from public view, though not eliminated.[62] The apparent contradictions in Mysore's legal initiatives may be better under- stood within a framework that recognises the relatively modest ambitions of Mysore state and its bureaucracy in overseeing a modernisation of patriarchy which incorporated certain kinds of 'tradition' without endangering the roots of patriarchy itself.

In all the years between 1894 and 1932, the government adamantly refused any amendments to the 1894 regulation, allowing neither those which sought to restrict its scope nor those which would extend it. To a plea from a member of the Representative Assembly that Vyshyas be exempted from the operation of the regulation, the government replied that concessions had already been made in that the minimum age of marriage for men had not been specified.[63] In 1905, 1906, every year from 1909 to 1914, 1922, 1927 and 1928, motions were introduced in the Representative Assembly to raise the age of marriage for girls and boys, but were usually disallowed even discussion.[64] When two members of the Assembly in 1922 asked for penalties to be introduced against those marriages where the bride was not at least six years younger than her groom, the government found the principle of the legislation unacceptable.[65] That same year, in response to M. Narayan Rao's suggestion that the age of marriage be raised to 10 and 16 for girls and boys respectively, the government, without even the assistance of census figures, said that 'people themselves are alive to the advantages of a late marriage and perform marriages at a fairly advanced age'.[66]
It was only with some reluctance that the government finally bowed to the suggestion that changes be introduced in Mysore to bring it in line with changes that had been initiated in British India after the Sarda Act was passed.[67] The Mysore bill was distinct from its counterpart in two important respects which the introducer of the bill, N.V. Narayana Murthi, explained were intended to make it more widely 'acceptable'.[68] The bill retained the ages for men and women at 18 and 14 as per the Sarda Act, but permitted parents who wished to celebrate the marriage of their under-age daughters in their lifetime to do so with the approval

of the district magistrate on their guarantee that consummation would not take place until she was 14.

Second, the period after the marriage when complaints could be filed was reduced from twelve to six months.[69] Of the thirty members who took part in the discussion on the bill, the twelve who expressed their opposition to the measure deployed the same arguments used forty years before: the bill was an unnecessary infringement of personal liberties, a violation of shastraic injunctions, and unnecessary in a state where the majority of castes practised post-puberty marriages. The opposition came for the most part from predictable quarters: orthodox Brahmin members, such as Belur Srinivasa Iyengar; and Muslim members such as Ibrahim Khan. Among the more surprising opponents were K.T. Bhashyam Iyengar and Kamalamma Dasappa.

Bhashyam Iyengar was the advocate who had first proposed that Hindu women's rights to property be improved. In 1928, he called for a legislative measure to end sex disqualifications on the question of Hindu laws of inheritance in response to which the government appointed the Hindu Law Women's Rights Committee.[70] Bhashyam's principal objection was to government interference in 'social and religious matters', entailed by the act: government interference, he said, was not only unwelcome, but unnecessary in a situation where 'post puberty marriages were fast increasing', although he advanced no support for this assertion.[71] When D.S. Mallappa, a supporter of the bill, reminded Bhashyam that he had himself admitted at the Mysore Youth Conference that year that early marriages had produced deleterious effects, Bhashyam defended himself by saying he had not asked for government interference.[72]

Even more surprising than Bhashyam's opposition was that of Kamalamma Dasappa, one of two women who had been nominated to the Assembly in 1930. She struck a note in her intervention that was at variance not only with her own previous positions, but with the dominant mood in the Indian women's movement.[73] Parvathi Ammal, the wife of Chandrasekhara Iyer, the judge who drafted the Women's Rights bill, represented the Mysore Ladies Conference in the delegation of the All India Women's Conference that met the Viceroy in 1928, urging passage of the Sarda Bill.[74] In 1931, the official organ of the Women's Indian Association (WIA) welcomed the introduction of the bill in Mysore, which they claimed was drafted 'in response to the Mysore Ladies Conference'. While pointing out that the bill had been unnecessarily diluted, the WIA nevertheless rallied Mysore's Women to 'bring their influence to bear upon the proposed measure of reform and see that the mandate of the All India Conference of Women [sic] is carried out in full'.[75] In her women's journal Saraswathi which

was started in 1917, R. Kalyanamma, herself a Brahmin child widow, commented on the opposition to the Sarda Bill:

.... In opposition to the Sarda bill, people raised a hue and cry about sastras ... promoters of the Pauranic way are meeting in small Sanatana Dharma assemblies and do anti-national work .... In this day and age, when the whole world is changing, we cannot cite sastras which were composed at some time by someone for some purpose. Sastras that opposed to the changes are like snowflakes trying to challenge the sun.[76]

Kalyanamma was no admirer of the Mysore Ladies Conference whose annual meetings she said were occasions for ineffecfive 'disorderly grandeur' whose sole purpose was to elect the wives of administrators to the All India Women's Conference.[77] Even so, she recognised the necessity of running campaigns for legislative change.[78]

The Mysore Ladies Conference had passed a resolution calling for the age of marriage to be fixed at 16 and 21 for women and men respectively.[79] Dasappa, while certainly not echoing the sentiments of large sections of Mysore's educated women, claimed that women at two meetings in Davangere and Bangalore had opposed government interference in household affairs.[80] Emphasising the need for education rather than legislation, she claimed, like Bhashyam, that observable changes in marriage customs were well under way.

Unlike her male counterparts, including Bhashyam, who framed their opposition in terms of the shastras, Dasappa relied only on logical argument. In this sense, her speech was strikingly similar to that of Sakamma, the other woman member who supported the bill. Sakamma, herself married at the age of 13 to a rich coffee planter and widowed three years later, was an unusual woman of unusual means.[81] She was respected among the community of planters for running an efficient estate, and reputed for her interventions in the legislature . In her maiden speech to the Assembly after her nomination in 1930, she called upon the Mysore government to extend the Sarda Bill to the state. In 1932, she pointed out that upper caste women were of late being married at 18 and 19, not earlier: 'if the proposed measure is passed it would enable the parents to perform such marriages courageously'.[82] The clearly divergent opinions of the two women were quickly seized on as proof that women, in whose name the abolition of child marriage was sought, were themselves not agreed on the virtue of such legislation.[83]

The government, which had long opposed any changes in the 1894 regulation, chose to cast its decisive vote behind the opponents of the bill. This was not a decision in favour of some unadulterated tradition, much less a decisive stand

against social reform through legislation. It was instead a recognition that the molecular changes first inaugurated in the early 1890s were adequate, and further transformations would warrant social changes on a scale the government was unprepared to undertake. It could also not have been unaware that the much trumpeted Sarda Act in British India was quickly followed in 1930 by a government circular to its officials that it had to be deployed only with the utmost care, obviously in response to the revivalist strand in the national movement.

What had changed by the 1930s was not the Mysore government's interest in 'the woman's question': that had never been its central concern, as we have already seen. It was rather a question of deploying its limited resources in ways that would enhance the efficiency of the state apparatuses. One such area that called for state intervention was the question of property rights. A more effective reconstitution of the domestic space was through a reorganisation of rights within the family, which was the objective of the Women's Rights under Hindu Law Bill.[84] The number of cases filed before courts on the question of women's rights within families was indication enough that the domain of legality had expanded to the extent possible under the constraints of colonial rule, that the limits to the representation of human relations as legal relations had already been reached.[85]

VIII
Displacing the Agenda of Social Reform

On 9 May 1937, a group of people came together in Bangalore's Banappa Park to 'condemn' the proposed marriage of a 65-year-old widower, Kalappa, to a young girl of 17 who remained unnamed.[86] The 500-strong audience, which included several Congress sympathisers, was urged to pass an assortment of resolutions saying that 'no man above 50 years should be permitted to marry a woman less than 25 or 35 years, that widows should be allowed to remarry and that free scope should be given to the public to make speeches and pass resolutions'. This was followed by a decision to start an Organisation, the Jana Jagruthi Sangha, or the Mass Awakener's Union, presumably devoted to these rather mixed aims, and the office-bearers who were immediately elected included a significant number of young Leftists such as N.D. Shankar, S. Ramaswamy, K. Sreenivasa Murthy and C.B. Monnaiah. Several members of the newly formed MAU later staged a protest at the wedding hall, for which they were arrested and held until the ceremony was over, but not before they were interviewed by several advocates and journalists with nationalist sympathies.

What did the figure of the woman represent in the emerging Left-wing critique of Mysore society? May we take the protest by the young radicals in 1937 against

the marriage of an old man to the young girl, which was not in violation of the unrepealed 1894 law, to be an indication of discomfort with unresolved questions of Indian 'tradition'? Were this event followed by sustained debate on such questions, it would have been easier to admit that this was merely a delayed discussion of issues that gripped 19th century reformers elsewhere. But it was not, and the figure of the woman as well as the objectionable marriage of Kalappa dropped completely from sight; the 'women's question' as it emerged briefly at the time of the constitution of the Mass Awakener's Union disappeared from the agenda, never to reappear.

The MAU's swift transfer of its political energies to the more fruitful spheres of Labour Organisation was strategically wise. By the 1930s, the 'women's question' as it had been framed throughout the 19th century to stand for questions relating to the imagined new collectivity of the nation, no longer carried the same charge. In part, this was a result of the growing visibivlity of the women's movement, which had transformed the agenda of social reform by speaking more directly of women's rights, while enabling sections of Indian women to sculpt entirely new subjectivities. But in equal part, by the 1930s, the agents of modernisation recognised that a reformed nationalist patriarchy was already in place, requiring no further initiatives on the part of the state, nor even those of its opponents, except when a threat to patriarchy itself arose. The historical significance of the modernising project of Mysore state lay primarily in its modest pursuit of a legal order, but not one directed at constructing autonomous rights-bearing subjects, within and beyond the family. This was, after all, an impossibility under conditions of colonial rule.

Although at the centre of the discourse on protection, the child bride remained muffled and silent. When she did speak, as did R. Kalyanamma in the pages of saraswathi, it was not gratitude for protection within marriage that was expressed, but a demand for economic and social options that lay beyond the confines of the bourgeois upper caste family.

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