

Sex, Law, and the Politics of Age

Ishita Pande's innovative study provides a dual biography of India's path-breaking Child Marriage Restraint Act (1929) and of "age" itself as a key category of identity for upholding the rule of law, and for governing intimate life in late colonial India. Through a reading of legislative assembly debates, legal cases, government reports, propaganda literature, Hindi novels, and sexological tracts, Pande tells a wide-ranging story about the importance of debates over child protection to India's coming of age. By tracing the history of age in colonial India, she illuminates the role of law in sculpting modern subjects, demonstrating how seemingly natural age-based exclusions and understandings of legal minority became the alibi for other political exclusions and the minoritization of entire communities in colonial India. In doing so, Pande highlights how childhood as a political category was fundamental not just to ideas of sexual norms and domestic life but also to the conceptualization of citizenship and India as a nation in this formative period.

Ishita Pande is Associate Professor of History and Gender Studies at Queen's University, Canada. She is the author of *Medicine, Race and Liberalism in British Bengal: Symptoms of Empire* (2010).

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Ishita Pande
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Child Marriage in India, 1891–1937

Ishita Pande

Queen's University, Ontario



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For Chris and Ishaan

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Acknowledgments

The photograph on the cover, depicting a lawyer and his wife, both unidentified, does not belong in my family album, but it just might have. I imagine that in 1918, my maternal grandfather would have looked a bit like this serious man, book in hand, wearing what appears to be a lawyer's coat. His wife, of inscrutable age and expression, looks a bit like Didu would have around that time. Or so I like to think. Didu was married at the age of thirteen. We know this, even though she never had a birth certificate, because she was born in 1905, the year of the Bengal partition. My paternal grandmother, Dadi, was perhaps fifteen or sixteen at the time of her marriage; we don't know for sure. Didu was married to a district magistrate in the Bengal Presidency, Dadi to an advocate in the United Provinces who worked with Motilal Nehru for a time in the 1920s, and served the maharajas of several princely states over his lifetime. I grew up listening to Didu telling stories about her wedding. Dadi's stories came filtered through my father's retelling. While both marriages would have been rendered illegal in 1929, neither of my grandmothers fit the image of the "child wife" I watched on television as a child, or read about as a historian later in life. Because they didn't leave behind many photographs of their youth, I am grateful to the Center for Studies in Social Sciences (Kolkata) for providing me with a photograph that allows me to remember I am a little bit present in the past of which I write. The photograph encapsulates my attempt, in this book, to unsettle the conventional iconography of the child-wife, to showcase the queer relationship between laws and norms, to put into the question the matter of age, and to write of a past that remains haunted by the present.

The photograph also reminds me of how I first encountered history, through family stories and more occasionally, through photographs. Reversing the conventional order of academic acknowledgements, then, I would like to begin by recalling the time spent with my *mashis* and *buas* – Modhumashi, Chhordimashi, Rangamashi, Nimmabubu,

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Vimlabubu, and Jayabubu – offspring of “childwives” all – who have told so many stories over family albums for decades, but are not around to hear my stories about this photo. I am especially sorry that Rangamashi, the historian Tripti Chaudhuri, who started me on this journey as I was working on my previous book, will not chide me for neglecting some details, or tease me about the choice of title. I hope that Phulmashi, who let me roam wild in JNU while under her watch, as well as Naumashi, will flip through the book and remind me I don’t quite understand.

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Muslim Question and the Child Marriage Restraint Act of 1929,” in *Domestic Tensions, National Anxieties: Global Perspectives on Marriage Crisis*, eds. Kristin Celello and Hanan Kholoussy (Oxford University Press, 2016), 67–88; I thank the editors and Oxford University Press. The key ideas presented throughout the book appear in a concise form in “Power, Knowledge and the Epistemic Contract on Age,” *American Historical Review* 125, no. 2 (April 2020): 407–17; Nick Syrett and Corinne Field invited me to the forum on “age as a category of analysis” and I thank them for thinking about age with me over the years.

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