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).
Sex, Law, and the Politics of Age

Child Marriage in India, 1891–1937

Ishita Pande

Queen's University, Ontario
For Chris and Ishaan
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0.1 (a) “Photo by M. Moyca Newell. Hindu Mother and Child. She feeds it opium when it cries,” from Mayo, *Mother India*. (b) Mayo was not alone in trafficking in the image of childhood to pass off her ideology as a purely “moral” position. “The Beloved Tingalu,” posed with a doll, appeared in Carmichael, *Lotus Buds*. This book, which included fifty illustrations, bears witness to an early and powerful use of the imagery of children for ideological ends – in this case, the cause of Christianity.

1.1 Boyle Chunder Sen’s presentation included “a table showing the age [of marriage] which eminent medical men, European and Indian, thought most conducive to the well-being of the Indian community [in 1872].”

2.1 Page showing information on India from the League of Nation’s 1927 report comparing the legal ages of marriage and consent from member states.

2.2 In the age returns for India, only 82 per 1,000 reported the age of nineteen, but a disproportionate 378 per thousand returned the age of twenty. The tendency to report age in even multiples of 5 rose with the lack of literacy and numeracy elsewhere but appeared in the “most exaggerated form” in India (Baines, “Peradventures,” 294).

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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,
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.

My parents, Bratati and Shailendra Pande, filled my childhood with songs and stories, and continue to share old stories and new photographs every day, now mostly on WhatsApp. They taught me early that intimate histories can take many forms, and can be given new life with each retelling. I am yet to learn to tell stories with their ease and enthusiasm, and I thank them for teaching me to try. In more recent years, in poring over the rather better preserved photo albums of my parents-in-law, Bettye and Larry Bongie, I have learnt how families grow sideways and in unpredictable ways. I had just begun working on this book when I first met Bettye, a Classicist who joined her colleagues in the early 1970s to start the first women’s studies course at UBC. I am sorry she won’t see this work, as I think she too would have found something to relate to, and much to disagree with. Amrita and Aditya, my sister and brother-in-law, have kept me on my toes with their dizzying energy but mostly by periodically insisting that I explain to my nieces, Zaira (aged seven) and Sanaa (aged three) what this book is about; to them I say: thanks, but no thanks. Anusha Rizvi and Aditi Khanna, who haven’t read a word of this book but have been there for everything else besides, will always be thanked for becoming my sisters.

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