

CHAPTER LI.

Krishnaraja Wodeyar IV.

Various Administrative Improvements—1926—1936.

Two important Legislative Measures: Workmen's Compensation Regulation and Regulation to amend the Hindu Law as to the Rights of Women and in certain other respects.

Workmen's Compensation Regulation.

In the Dasara Session of the Representative Assembly of 1927 the principles of a measure framed in the interests of workmen known as the Workmen's Compensation Bill were explained. The development of industries in the State in recent years led to the use of machinery on a growing scale and to the employment in mills, factories and other industrial concerns of a large number of workmen who were exposed to risks of accidents resulting in injury and sometimes in death. It was equitable that the employers should grant compensation to their employees so injured or to the families and dependants of such as happened to be killed by accidents during the course of their employment. The general principles of the Bill were accepted by a unanimous vote by the Assembly. Its benefit to the work people will be understood when it is stated that in the year 1931-32 the compensation paid amounted to nearly Rs. 94,000. The sum paid to the dependants of the deceased workmen amounted to Rs. 87,295. The number of cases of injuries by accidents that came up before the Commissioner was 314. Of these, 136 related to fatal accidents, 54 to non-fatal accidents and 108 to the registration of the memoranda of agreements. Out of the total number of claims for compensation, the Mining industry accounted for 269, textile industries for 36 and the several Government Departments for 9.

Amendment of Hindu Law.

The question of improving the position assigned to women under the Hindu Law as administered by the courts in the State had been frequently pressed upon the attention of the Government

and a resolution was also moved at the Dasara Session of the Representative Assembly in 1928 recommending legislation on the subject. The sense of the Assembly on this motion was that before legislation was undertaken, it was desirable that the question should be examined by a non-official committee. This proposal commended itself to the Government and a committee consisting of ten non-official gentlemen with Dewan Bahadur Mr. K. S. Chandrasekhara Iyer, retired Chief Justice of the Chief Court of Mysore as chairman, was appointed in June 1929. One of the members was a lady, Srimathi K. D. Rukminiamma. The terms of reference to the committee were:—(1) to examine in all its aspects the question of improving the position of women under the Hindu Law, inclusive of any other incidental points that might arise in connection with and also with reference to recent legislation in British India in the same direction; (2) to submit a report to Government indicating in what respects the Hindu Law as administered at the time stood in need of reform; and (3) to prepare a draft Bill embodying the recommendations of the committee in the matter. This committee held a number of sittings to discuss the subject and also circulated a questionnaire.

A large number of replies to the questionnaire was received and the committee bore testimony in their report to the breadth of view, the comparative freedom from prejudice and the sincere desire for progress evinced by the greater number of those who individually and collectively favoured the committee with their views. At a latter stage of the committee's work when the materials available were digested and it became possible to put the tentative conclusions reached into a form adapted for legislative action, a number of distinguished lawyers and judges in different parts of India were approached for advice and suggestions. The committee submitted their report to Government in September 1930 after an elaborate and arduous examination of all the materials available.

The committee expressed the opinion that the State of Mysore had not to encounter the same difficulties as the British Government had to face. The reasons behind the policy of

non-interference with the personal laws of the Hindus did not apply with the same force to a Hindu State like Mysore as they did in British India. There were many factors operating in British India but not to the same extent in Mysore which impeded the undertaking of such legislation, such as the policy of religious non-interference, the marked diversities in conditions, languages, laws and customs of the people inhabiting the large number of British Provinces which on account of their extent formed as it were a sub-continent by themselves. There were also several schools of Hindu Law in British India and the principles applied by one school often materially differed from or conflicted with those of another, and it was therefore practically impossible to enact a uniform and comprehensive code applicable to all Hindus alike in British India. On the other hand, in the Mysore State the large majority of the Hindus practically formed a compact group and were governed by one uniform law, namely, the Mitakshara system. Mysore in the past had taken the lead in the eradication of evil social customs like infant marriage and the employment of Devadasis in temples and religious institutions. It had also gone very far on the way in recent years towards enfranchising women for citizenship by the recognition of their eligibility to serve on District and Municipal Boards, the Senate of the University, the Representative Assembly and the Legislative Council of the State. The committee also framed a draft Bill amending the Hindu Law in all those points where they considered necessary and named it 'A Bill to amend the Hindu Law as to the rights of Women.' The Bill consisted of five parts:—(1) Inheritance (2) Separate Property and Adoption (3) Women's full Estate (4) Women's Limited Estate and (5) Maintenance.

On the 4th June 1931 at the Budget Session of the Representative Assembly the general principles of this Bill were, on behalf of Government, explained by the Law Secretary, Dewan Bahadur Mr. P. Mahadeviah, to the members. There were two schools of thought, said the Law Secretary, one the orthodox school which maintained that the law propounded by Manu in times out of memory stood for all time and

required no change. There was also another school which contended that the law laid down by ancient Rishis thousands of years ago would not suit the altered conditions of society and that it also required to be brought up-to-date so as to suit modern requirements. The views of both these schools were carefully weighed in the balance by the committee and their report, further said the Law Secretary, explained at great length the reasons for the modifications suggested by them. The one important departure which the committee had sought to make in the law was with reference to the recognition of the claims of women for inheritance. The women had proved equal to men in the matter of education and in other fields of life also had shown themselves fit to be entrusted with responsibilities and it was no longer possible to confine their activities to mere household duties. The committee had taken full note of these changing conditions and the changes contained in their draft Bill fully indicated this spirit. The main objection from the point of view of orthodoxy, *viz.*, the recognition of the rights of women to property, was based on the suspicion that it would affect their morals. The committee rightly characterised this view as a coarse and incorrect appreciation of the tendencies and inclinations of the women-folk. The Bill also proposed to give to widows right of adoption in particular circumstances. Following the ruling of the Bombay High Court which was subsequently upheld by the Privy Council, the Mysore Committee gave to the widow the right of adoption unless she had been specifically prohibited by her husband in writing to make an adoption. Similarly they recognised the right of an unmarried daughter to a fourth share of the family property.

The general principles of the Bill were that no women were to be excluded from inheritance on the ground of their sex or on the ground of the absence of textual authority. Their right of heirship and their place in the order of succession were to be governed by the recognised canons of heirship, namely, consanguinity and propinquity. Property acquired by a member of a joint family by his self-exertions was *prima facie* to be regarded as separate property in which female heirs were to have a heritable right.

The point was made clear in British India by the passing of the Hindu Gains of Learning Act. The right of a member of a joint family to bring about a separation of interests by a unilateral declaration of intention to divide was established by judicial decisions, but it was not sufficiently well-known. The fact had obviously a material bearing upon the rights of a coparcener's wife, daughters and other female relatives. The law on this point was therefore declared in clear terms in the Bill. The allotment of shares to female relatives was enjoined in the texts of law and was also in operation in certain parts of India. Although the practice as it existed in the past could not be restored in full, the Bill provided for the revival of the practice in the case of the widow, the mother, the unmarried daughter and the unmarried sister. In the matter of adoption, widows could only adopt if they were specially authorised by the husband or if they obtained the consent of the Sapindas after the husband's death, a consent which was naturally difficult to obtain. In the Presidency of Bombay, widows were presumed to have the authority to adopt except when there was an express prohibition. The Bill accordingly embodied this principle. Though, according to the Mitakshara, the term 'Stridhana' was meant to apply to property of every description belonging to a woman, the tendency of judicial decisions had been to exclude various items of property from its scope, particularly property acquired by inheritance. The result was the creation of what was acknowledged to be an anomalous estate known as the Hindu Widow's Estate, tending to the undue curtailment of women's rights as well as to the perpetual fostering of protracted and often speculative litigation. To avoid such contingencies, the Bill provided that estates inherited by a female from another female or from her husband or son or from a male relative connected by blood should be classed as Stridhana. As regards maintenance, the existing law presented some unsatisfactory features. While some female relatives were legally entitled to be maintained, there was only a moral obligation of maintenance in respect of certain others. The right of maintenance was often liable to be defeated by the collusion or improvidence of those on whom the legal obligation lay. The Bill therefore defined the cases in which the obligation of

maintenance was personal and those in which the obligation was dependent on the possession of property and also the circumstances entitling a wife to separate maintenance. It was further provided to treat the right to maintenance as a charge on property liable to meet it, with priority over subsequent alienations not made in good faith.

Among the members of the Assembly present were two lady members Srimathi Kamalamma Dasappa and Srimathi Sakamma. The first lady member in a speech she made expressed gratitude for the paternal care that the Government was taking in the matter of securing certain rights to the womanhood of the State. At the same time, she brought to the notice of the Assembly that the All-India Women's Conference had passed resolutions to the effect that the recommendations of the Chandrasekhara Iyer Committee did not go far enough and that women wanted equal rights with men in the matter of inheritance. But the committee had proposed that only one-fourth of the property should go to the unmarried daughter. With reference to a query from a member as to what special claim had been established by the women of Mysore for a better treatment in future, Srimathi Kamalamma Dasappa retorted by asking what particular achievements had entitled the men of Mysore to the superior position they were enjoying. She regretted that any section of the male population should take a narrow view of the matter, particularly at a time when every civilised country—eastern and western—was anxious to improve the position of women. Recent political developments in India had shown that woman was capable of the best services and the highest sacrifices no less than man. While men were fighting for their political rights in the shape of responsible Government, how could these self-same men deny women their legitimate claims in the matter of inheritance? If men were not prepared to extend these rights to women, how could they expect their own claims for better rights and privileges to be recognised by others? There was a mistaken notion in certain quarters that property was never safe in the hands of women. She asked whether there were not cases of property having been wasted by men. Under the Mahomedan law, women were allotted a share of their father's property and they had managed and enjoyed

it in the most frugal manner. Did all Mahomedan ladies mismanage their property? It should be remembered, she said, that after all, it was only their own sisters and daughters that were going to be helped by the proposed legislation. Childless widows would as heretofore spend their property on their own brothers' and sisters' children. The other lady member Srimathi Sakamma was equally effective in the part she took in the debate. When the general principles of the Bill were put to vote, they were accepted by a large majority, only four or five voting on the other side.

The Bill was next introduced in the Legislative Council and passed through the usual stages. Mr. S. P. Rajagopalachar, Member of the State Council who was in charge of the Bill, stated on the 19th December 1932 when the Bill had reached its final stage that the Select Committee which considered the Bill had not made any important changes and its report was practically unanimous. "I lay stress on the fact," said Mr. Rajagopalachar, "that it was found possible to produce an agreed report on such a controversial Bill for two reasons. It indicates, in the first place, that all aspects of the subject have been fully considered. Secondly, in matters of social legislation as in the Bill before us, it is better to carry the largest amount of informed public opinion with us. It is not meant, of course, that every shade of opinion or objection should be listened to, but it is essential that the broad outlines of the legislation should find general acceptance." At this stage a petition from the President, Mysore State Women's Conference, dated 13th December 1932, was placed before the Council asking for larger privileges and suggesting the postponement of the consideration of the Bill. The petition was read and recorded. The Bill with only a few modifications was ultimately passed by the Legislative Council and subsequently received the assent of His Highness the Maharaja. It came into force from 1st January 1934.