Impact of British Colonial Gender Legal Reforms: Evidence from Child Marriage Abolition Act, 1929

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Abstract

The British colonial government raised the minimum age at the first marriage of females to 14 years in British India in 1929. The law had two distinct features: it was announced in 1929 but implemented six months later in 1930, and the law applied to only British Indians, which was directed by the British government but not to Princely States (Indian Native States), which were under their indirect control. Using the Princely States in colonial India as a control group, we employ a difference-in-differences strategy to estimate the causal impact of the abolition of child marriage on underage female marriage in regions affected by the law. Analyzing historical census data from 1921-1931, we find an immediate unintended anticipation effect of the law that increased female marriage ages in the affected regions in 1929, followed by a sharp decline of female child marriages in the affected region post-independence in 1961-1981. We further use three independent nationally representative data sets on female education and marriage to show a long-term decline in child marriages and an increase in educational attainment among women in affected regions. The short- vs. long-run contrast provides evidence of the efficacy of the legal reform. Although the native population in the short run took actions to prevent the law, the long-term results reveal that the colonial government succeeded in changing practice and possibly norms. Our findings speak to the importance of a very long follow-up in the study of interventions that promote social change.

Research Question

Can legal reform that raises the age at first marriage for girls have persistent effects on improving women's outcome?

Empirical Context

Child Marriage Abolition Act, also called the Sarda Act was announced on the 28th of September 1929, but came into effect in April 1930. Marriage was such an important social and religious institution for the natives that British rulers were hesitant to legislate marriage. However, the British rulers eventually advocated for the bill when the Home Member in 1929, Sir James Connar, unlike his predecessors, became vocal about abolishing the practice of child marriage.

This law could be put into effect only in British India (alternatively called British Province). The British government divided areas under British rule into two territories: British India and Princely (or Native) States (Interpretation Act, 1889). The laws of British India rested upon laws passed by the British Parliament and the legislative powers of those laws vested in the various governments of British India, both central and local; in contrast, the courts of the Princely States existed under the authority of the respective rulers of those states (Interpretation Act, 1889).

The law provided for a fine of Rs. 1,000 in addition to imprisonment for up to one month for adults solemnizing the marriage of a girl under the age of 14. Under Section 10B of the Indian Penal Code, an alien of British India aiding to contract a child marriage within British India and beyond can be prosecuted (Srinivas Aiyar, 1930). Therefore, citizens of British India could not avoid the law by migrating to the Princely States.

There are reasons to believe that people perceived a high level of enforcement. The colonial rule was a bureaucracy that served the interests and ideologies of the British (Potter, 1973). The British kept the Indian Police Service, which is thought to be the enforcing arm of an alien government (Compton, 1967), under British control by posting British officers “in junior ranks and to the ranks of superintendent of police” and to remote locations (Compton, 2003). In colonial judiciary, beliefs about gender reforms proved critical in the appointments of Indian judges (Chandrahuri, 2015). The late nineteenth century and early twentieth centuries in India were the times when use of colonial judiciary among the women increased dramatically (Prasad, 2013).

Announcement Effect of Sarda Act, 1929: a rush to beat the onset of the policy

We use a difference-in-differences strategy with the Princely States as the control group. We compare the level of child marriage in 1931 between British Princes and Princely States, and with the baseline difference in 1911-1921 before the announcement and introduction of the Sarda Act.

\[ y_{ij} = \beta BP + SardaAct(2011) + \mu_i + \gamma_j + \epsilon_{ij} \]

where \( y_{ij} \) is (log) female marriage rate (age 5-10) for district \( i \) in year \( j \)
BP = District i in British provinces (i.e. British India)
SardaAct(2011), Indicator for year 1931
\( \mu_i \) = District FE, \( \gamma_j \) = year FE

Overall, we find that the proportion of females married at age 5-10 was increased by the announcement of the Sarda Act by 20-29% (in 1911-1921), there were about 104 married girls out of 1000 girls in the age group of 5-10 in British India relative to the Princely States. The results are robust to clustering the standard errors at the province level.

Long Run Impact on Under Legal Age Marriage and Gender Gap in Education

We exploit the State Re-organisation Act 1956 which led to a quasi-random distribution of British India and Princely States within each modern state that made up independent India. We compare, within each modern state, the gender differential in human capital investment between the regions that were under British India and those that were Princely States in pre-independence India.

We exploit variation in historical institution within each modern state to identify long-run effects.

Epidemic Context

We exploit variation in historical institution within each modern state to identify long-run effects.

Data

- Definition of Princely States: Baden-Powell 1892; Census Atlas 2011
- Marriage Rate by age, gender, and district using historical Census of India (1911, 1921, 1931)
- DLHS DATA
- NSS DATA
- DISISE DATA

Evidence of Intergenerational transmission using NFHS-2 Data

To examine the persistence of the effect of marriage, we use data from the National Family Health Survey (NFHS-2), which was conducted in 1998-1999, covering surveys of 10,693 women from 26 states between the ages of 15 and 49 years. We focus on marriage at first marriage in positively associated with their daughters’ age at first marriage.

Discussion

- It has been shown that former Princely States have higher levels of access to health centres, schools and roads compared to former British provinces (Yer, 2010). Therefore, Princely States can be expected to have more market opportunities compared to British Provinces, which might encourage more girls to go to school. However, in the long run, we show that British Provinces do better in terms of gender outcomes compared to the Princely States.

References:

- James, B. (1911). The Indian Police: An Administrative Study. Oxford University Press.

The short- vs. medium-run effect contrast makes it clear that the law had an impact. In particular, when governments force some parts of society to change, those parts of society often respond by taking actions to undermine the new policy such as a backlash. The short-run results provide evidence of that behavior, and yet the medium-run results show that the colonial government succeeded in changing practice and possibly even norms. The results highlight the importance of very long follow-up in the study of interventions that promote social change.

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