

SMARTHAVICHARAM

ANITHA S.

Abstract: This document is noteworthy for the arguments that it puts forth on the question of the chastity trial regarding the credibility of the woman in question.

Keywords: Smarthavicharam, sexuality, Sadhanam, rights, caste, ostracize.

It is gladdening to learn that the king of Cochin has cast his holy eyes on the subject of *Smarthavicharam*, effected some changes to it or at least shown that he would like to reform the practice. Though the king visited Trichur recently, convened a meeting of the many educated, rich, illustrious Namboothiris there and took some decisions, the exact nature of these decisions is yet to be disclosed. One version suggests it was resolved to subpoena the men who have been named by the *Sadhanam*¹ and give them the chance to cross-examine her. According to another version, the king on receiving the codified records of the trial, shall forward them for the scrutiny of a learned judge, inform the accused to be present before this judge, record their oral testimony and based on this the judge shall decide if the men are guilty or not. It is to be regretfully noted that neither of the decisions is of substantial help to the innocent. In the first scenario, if the defendant desires to employ a lawyer how effective will the *Smarthan* be? How logical is it in the current social circumstances to insist that the defendant is not permitted to present his case through a lawyer? In the second scenario, as the accused man has no right to furnish evidence in his support except oral testimony, how effective is it going to be? Suppose the *Sadhanam* claims to have had sexual intercourse with a man on a particular date, and if the

¹ The woman who is reported to have erred in terms of her chastity and undergoing the trial is traditionally referred to as *Sadhanam*.

man argues that he was in Madras on the day of the alleged relation and is ready to produce documents to the effect that he was present at the Madras High Court during the said period, but is denied to furnish the same in his defense, what effect can mere oral testimony produce? And if another accused claims to have been hospitalized six months prior to the period mentioned by the *Sadhanam* and was discharged only after commencement of the trial, would it not be unjust if the veracity of his claim is not objectively and accurately examined? All in all, if what we have heard about the reforms in the trial are true, they are not going to be of much use. The reforms can only be as much help to the accused men as the last minute reversal of judgment brought in by a rushing postman who reaches the convict just after the ladder to the gallows had been removed.

The practice of ascribing caste impurity and ostracizing all those men who has illicit affair with an Antharjanam is one which sprang from the selfishness of lawgivers vigilant in the continuation of the prestige of their community. It is not gross injustice to ostracize a man who has sexual relationship with the wife of a pious Brahmin who has mastered the Vedas and maintains the purity behooving of his caste. But it is unfair and unfitting to treat those Brahmins who even after having three or four wives go on to establish conjugal relationship with some Sudra women on a par with such holy souls. Is it not too much to demand that the members of one community suffer and sacrifice for the advantage of another? The old practice of banishing all men accused by the *Sadhanamis* still in intact. The assumption that the *Sadhanam* can say nothing but the truth also remains in place. As the *Sadhanam* involved in the present trial has already named nearly seventy men as her lovers, it is clear that we can't treat women of the present and yesteryears as alike. Moreover it is an established practice with such *Sadhanams* to calumniate and defame the men they hate through falsehood. Some time ago an oracle from a place near Thrissivaperur informed the authorities that an Antharjanam had illicit relationships and also assured that if a person was sent along with him, he would furnish them proof. The authorities sent three or four gentlemen along with the oracle who reached the Antharjanam's residence at midnight and knocked at the door. After a while a maid opened the door. On entering the house they found the Brahmin woman remaining in the *thekkini* (southern part of the house) carrying her *marakkuda* (ritual umbrella). They searched the entire house but failed in finding anyone. The oracle looked like a fool. But on closely examining the woman, he found that she had four legs. She had hidden her paramour within her umbrella. She glowered at the oracle and said: "So, you are the one who is bent on this, aren't you? Alright, let's see". Soon she had to face a chastity trial and the first name she revealed was that of the oracle. Nothing would make her budge an inch and the man had to face excommunication. Given the news that the present *Sadhanam* has proved herself to be worse than a prostitute by ensnaring seventy worthy men from different walks of life and displayed the presence of

mind and willpower to visit many places in disguise, one must be prepared to hear anything from her. Is it not rational to punish only the first person to have liaison with a woman as such punishment is meant for violating the modesty of a dignified woman and the first act itself deprives her of the stature?

ANITHA S. is Assistant Professor, at the Department of English, Government College, Tripunithura.