

A study of Arya Samaj and the Evolution of Hindu Bigamy Laws

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ABSTRACT

In this paper, we feature how the Arya Samaj saw and tended to the requirement for change in Indian culture. We start with the Arya Samaj's commencement, its local laws, and the personalities of its most memorable individuals. With respect to, we next happen to the Arya Samaj development. This connects with the issues confronting Hinduism, ladies' liberation, and the impact of Arya Samaj in legislative issues. The optional wellsprings of information gave the substance to this review. time the English administered India. Dayanand's mom and father were Brahmins. He started getting schooling at five years old, and in his eighth year, he got the hallowed string. At the point when Dayanand was requested to follow the Shivaratri quick at 14 years old, it prompted his strict change. Dayanand went to a sanctuary with his dad to revere and discuss mantras. Dayanand saw as a fan climbed the Shiva sculpture prior to beginning to consume the penances. Watchwords: legislative issues, Hinduism, Arya Samadhi, change.

Keyword: Arya Samaj, Bigamy laws, Marriage, Hinduism, Evolutions.

1. INTRODUCTION

The Arya Samaj's pioneer, Master Dayanand, was brought into the world in 1824, during the English Domain's rule over India. Dayanand's mom and father were Brahmins. He started getting schooling at five years old, and in his eighth year, he got the consecrated string. At the point when Dayanand was requested to follow the Shivaratri quick at 14 years old, it prompted his strict change. Dayanand went to a sanctuary with his dad to venerate and discuss mantras. Dayanand saw as an enthusiast climbed the Shiva sculpture prior to beginning to consume the penances. Dayanand's journey for religion started accordingly. It occurred to him that the symbol couldn't be the god. It was when correspondence and transportation choices were to some degree restricted. Great papers and it were not many to print presses. The English government previously expected that cutting edge schooling and the press would cultivate an environment that was helpful for dissidence.

To oversee the English government in India around then, the English embraced the arrangement of efficiently manufacturing monetarily economical English-taught representatives. This arrangement's fundamental objective was to dehumanize and deculture those with English instructions.

The central concerns of the day were those achieved by English rule and a plenty of different ills that sprang from India's frontier oppression. The propensity for unapproachability, which ties Shudras to a subhuman presence, the unfortunate place of ladies, the purdah framework, youngster marriage, lack of education, and the most over the top terrifying Sati framework were among them. One more was the danger of mass transformation of Indians to Christianity. Dayanand felt restless and anxious on account of these issues. Moreover, there existed the issue of the rising impoverishment of the populace because of the system of transforming India into a farming ownership of industrialized Britain.

India was to exclusively be the hostage market for English makers' machine-made products and a wellspring of crude assets. India's backwardness, strange notions, and a lot of groups, masters, and sub-beliefs — each taking care of off the other — made this possible. Ultimately, there was the strength of Brahmin clerics, whose analysis originally made it hard to embrace different

developments like Bhakti. Dayanand felt a sense of urgency to make a move because of the overflow of issues looking straight at him. To completely grasp the ascent of Arya Samaj, we should intellectually go to when imperialism was at its level.

For very nearly a thousand years, pariahs governed over India. A drawn out time of predominance drained India's soul and made her more vulnerable. Except for a couple of prosperous periods like the coming of the Marathas, Peshwas, and Rajputs in the south and the Chalukyas, Cholas, and Maharaja Ranjeet Singh in the Punjab, this entire time was set apart by debauchery and weakness. Indians were very subject to unfamiliar control. The final word on everything, including ceremonies and customs, came from the Brahmin clerics. The mortgage holder was feeble without their recommendation. Despite the fact that the Brahmin was often profoundly instructed, nobody thought for even a second to challenge his power or his "patraw" or "pmchang." All through all customs, from origination to death, the Brahmin cleric offered supplications. He should have been in capable hands, took care of, and engaged. The predominant powers were obliviousness, strange notion, and unquestioning trust in every verifiable ceremony. In any case, it's memorable vital that not all Indians lived under the tyrannical control of Brahmins, and that over the course of this time, bunches like Bhakti, Sufism, and Veerashaivism created and succeeded.

Inspired by a paranoid fear of sullyng their own Shudra siblings, a great many Hindus kept away from contact with the untouchables. On the off chance that they did, they expected to wash in filtering water. The issue of eating with them came up. There were a wide range of Hindu organizations and subsects, each having its own essential message and Master. Their methodology was to follow the expressions of their holy compositions as deciphered by their Master, not to address or look for explanation. The sacred writings were considered reliable, yet any keen pandit could adorn them with his own manifestations to additional the personal stakes of his *avn bunch or give him exceptional privileges for the sake of the "Rishi" who thought of them initially. Regardless of being uncommon, these introductions totally befuddled perusers' translations of the first sections and twisted their implications. Master Dayanand intended to unite all Hindus under the Vedic pennant. He accepted that additions were unthinkable regarding the Vedas.

2. ARYA SAMAJ

2.1. The origins of Arya Samaj

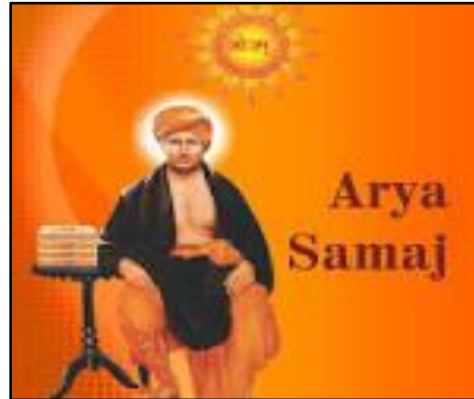


Figure 1: Swami Dayanand

At the point when Master Dayanand visited Bombay in 1875, he pursued a critical and sweeping choice. The premise of "Arya Samaj" was the subject of this judgment. This gathering was laid out with the aim of solidly laying out change all through northern India. It kept on affecting the development of Indian patriotism and Hinduism..

Dayanand has been thinking about beginning an association for some time. He had recently made many endeavors to lay out a general public. The two endeavors, in Amah in 1872 and Banaras in 1874, had been brief. He established the Arya Samaj in Rajkot on January 16, 1875, yet it was not fruitful. He endeavored to lay out one more Arya Samaj in Ahmedabad in January 1875, yet it was as fruitless. In any case, he established the Arya Samaj in Bombay on April 10, 1875. It ended up being very successful. Various things met up in Bombay to give the best climate to his intensified endeavors to scatter the effect of Arya Samaj. It might likewise be contended that Dayanand was more ready than in the past to lay out an association by this point. At this point his change speculations were advanced. He starts his work, *The Satyarth Prakash*, with his instructive way of thinking. He stresses that it is the obligation of guardians to raise ethically and instructively upstanding youngsters. He recommended that kids begin learning Hindi and Sanskrit at five years old, alongside other unknown dialects. So his was a recipe in three dialects. Furthermore, he upheld guardians remedying their youngsters' way of behaving and socialization. Dayanand upheld thorough instruction for both young men and young ladies beginning at age eight, yet he went

against coeducational schools. It is compulsory for each understudy to notice Bhramakharya. Regardless, Dayanand upheld orientation balance through training. He firmly contradicted kid marriage, saying that a young lady shouldn't wed before the age of sixteen and a person before the age of 25.

One of Dayanand's most huge and irregular activities was his guarantee to "recover" Hindus who had changed over completely to Islam, Christianity, and different religions. This was much of the time performed finish of-semester as a component of the "Suddhi" custom, some of the time alluded to as a purging function.

The establishing of Arya Samaj raises a few huge issues. What was the Samaj's place in the public eye, and which job did Dayanand see for himself inside the Samaj? Who was keen on joining this association, and for what reason did they need to join? What sort of foundation (a Samaj, for instance) and what filled in as its model? We will currently address these questions.

One might contend that Dayanand expected to join all Hindus who shared two extremely "expansive issues": (I) a promise to social and strict changes and (ii) the faith in Hinduism that change would happen by means of the revival of the Vedic religion. These people would find success in supporting each other and impacting society in general on the off chance that they were organized as a body. To spread his convictions, Master Dayanand cared very little about gathering a gathering of enthusiasts. He accepted that individuals themselves should start change. Individuals should work for both their very own development and the improvement of society all in all. Dayanand could never be individuals' chief, however he would constantly be available to them for self-destruction — either face to face or through his books. He had recognized the impediments of his own mastery and declined to assume the job of Master for a gathering of devotees, let alone for a solitary individual.

In light of the comments made by him, we might deduce that Dayanand accepted his own situation inside the Samaj was anything from ruling all along. His aim was not for the Samaj to transform into the elusive paradise of a picked not many, yet rather for it to turn into an open and broadly acknowledged association that could unite all prudent Hindus around the Vedas, which act as the

joining power of their confidence. As the gathering extended in ensuing years, Dayanand's center convictions towards the Samaj got more grounded.

Dayanand didn't invest a lot of energy in the gatherings and talks that brought about the Samaj's development; all things being equal, he invested quite a bit of his time teaching, educating, delivering books, and establishing Arya Samajas all through India. The public talk had developed into one of his essential instructing apparatuses.

His significant spotlight had been on the positive parts of his message, like the Aryan nation's set of experiences, the Vedic disclosure, the ideas of God and soul, morals, and the expansion of the proportion. He had never been one to permit his talks to stream normally or to take part in extensive back and forth discussions following his introductions.

2.2. Three Arguments Against Hinduism

The Hindu religion extended and flourished, had the option to consolidate any new strict power, and it's proceeded with presence was underestimated. In any case, it had experienced huge resistance multiple times ever: first from Buddhism and Jainism, then from Islam, lastly from Christianity.

Arya Samaj completed a huge social mission during the third and latest Hindu emergency that came about because of English rule. Arya Samaj had the option to stem the progression of inescapable Christian changes. A significant piece of Arya Samaj's Protection of Hinduism.

2.3. Women's Emancipation and Arya Samaj

Like Harijans, ladies have additionally been alluded to be "captives of the slaves." During the English period, ladies were the captives of the guys who were held as slaves by the English. Ladies were seldom seen as men's equivalent and had little opportunities and honors.

One of the precursors of ladies' privileges and balance in present day times was Dayanand, the pioneer behind Arya Samaj. He upheld orientation fairness. At the period, Dayanand's support of ladies to gain proficiency with the Vedas was earth shattering. Custom denied them the option to

say the "Gayatree" mantra, yet they were allowed it. Dayanand contended passionately that 200 mantras in the Apparatus Veda alone are ascribed to ladies "rishis".

Furthermore, he proceeded with his mission against kid marriage. Dayanand decided that folks ought to wed at 25 years old or more established, and young ladies ought to hold on until they were 16 to get hitched. He so tested the 'Shastri' order, which said that the dad and sibling would consume in damnation in the event that a female got her period in their home. Dayanand ridiculed this thought. He presented the defense that nobody ought to push off in light of a characteristic capability.

Dayanand kept up with that a man or lady ought to just get hitched once. 'Niyogi' was his suggested treatment for a youthful widow rather than widow marriage. For his purposes, "Niyogi" signified a short association with the sibling of the departed life partner or different family members to have a couple, however something like two, youngsters. Be that as it may, the Aryas dismissed his concept of Niyogi, accordingly Dayanand, in evident vote-based design, didn't seek after the issue. In fact, Dayanand agreed when Arya Samaj in the Punjab advanced and organized a couple of widow remarriages.

Arya Samaj took up the reason and made surprising enhancements to ladies' schooling along with training overall. As recently demonstrated, it has set up a cross country organization of schools and colleges where guidance is given in the home language to both young men and young ladies. Old English Vedic (D.A.V.) and Dayan universities were laid out. Some Moderate Arya Samajas accepted that the schooling brought into these colleges needed sufficient Vedic soul. Appropriately, they laid out Gurukul at Hardwar under the course of Munshi Slam, where guidance is given utilizing the customary Vedic strategy and subject. Laying out ladies' organizations, schools, and Gurukuls first, Arya Samaj laid out the principal Kanya Mahavidyalaya in Jallunder in 1896

3. BIGAMY'S SITUATION IN INDIA

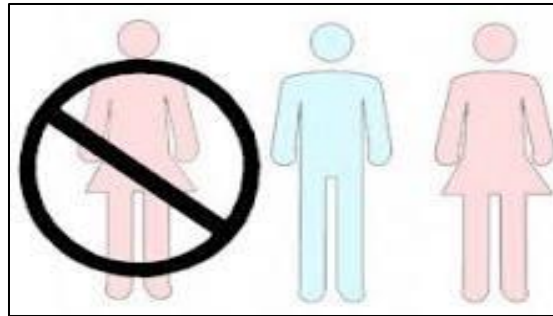


Figure 2: Bigamy Law

At the point when two people begin dating under the lawful system to shape a family, the association is called marriage. An exceptionally regarded social design is seen as a common agreement in specific religions, a holy observance in others, or a blend of the two in others. Aside from a couple of guidelines, there is no public regulation in India that oversees marriage; all things being equal, the accomplices' use of their very own regulations administers marriage generally speaking.

In light of various petitions relating to same-sex relationships documented under the steady gaze of the High Court, the Focal Government presented an affirmation framing its situation on marriage. The public authority sees marriage as a hallowed establishment that gets from individual regulations. Considering how profoundly implanted marriage is in our way of life on a social, social, and lawful level, polygamy is an infraction that should be forestalled no matter what.

Wedding another person when their most memorable marriage is as yet continuing forward is known as polygamy. The Indian Punitive Code's Areas 494 and 495 will be applied, delivering the second marriage invalid and void and exposing the culprit to polygamy charges. Wedding another person when their most memorable marriage is as yet continuing forward is known as polygamy. The Indian Punitive Code's Areas 494 and 495 will be applied, delivering the second marriage invalid and void and exposing the culprit to polygamy charges.

3.1. The Background of Bigamy

Polygamy was allowed in antiquated India, despite the fact that monogamy was the standard. The Manu Smriti, which gives most of the lawful point of reference in Hinduism, expresses that a man

may really remarry in the event that his most memorable spouse is sick and can't bear kids. Besides, if the man's most memorable marriage creates no children, his subsequent spouse and their child will take need over it. In different religions, it was OK for however long polygamy was permitted by the standard regulation they complied with. The Privy Committee later chose during the English Raj that a Hindu man couldn't remarry without his past spouse's understanding. Parsis were the primary gathering to lay out a marriage regulation that denied polygamy.

The complainant's wife, Crown Nandi, wed a member of the faith she had converted to. The Indian Penal Code's Section 494 was used to charge her of the crime. It was determined that her conversion to Islam did not automatically terminate the marriage; rather, a court decree was required.

In *Head v. Mt. Ruri*, a Christian spouse was at issue. The Christian spouse wedded a Mahomedan, surrendered her convictions, and switched over completely to Islam. Since the main marriage had not been broken down as per Christian marriage regulation — the regulation that was relevant in this particular case — it was resolved that the subsequent marriage was bigamous.

3.2. Crime of Bigamy

Polygamy is a non-cognizable and bailable offense that can be compounded with the spouse's consent and the court's endorsement

3.3. The Indian Penal Code, 1860 defines bigamy as stated under section 494:

494. Wedding again during lifetime of mate or spouse. - Whoever, having a mate or spouse living, marries regardless in which such marriage is void by reason of its happening during the presence of such husband or wife, will be rebuked with confinement of either sort for a period which could contact seven years, and will similarly be committed to fine. Except for a very few that are kept in the genuine section, which says that;

1. If a court with appropriate authority has ruled that the marriage is null and invalid.

2. If the accomplice has been absent from the existence of the individual getting hitched for quite some time straight and no data about the accomplice's presence contacts the individual before the subsequent marriage happens.

If the individual conceals the information about his prior marriage, such scenario is addressed in the section that follows.

3.4. 495. The same offence as hiding a previous marriage from the person you are getting married to again:

Anybody saw as at legitimate fault for the offense recorded in the past segment and who has disguised the reality of their past marriage from the individual they are getting hitched to in an ensuing marriage has to deal with upwards of a decade in jail of any sort as well as a fine.

Furthermore, the Court established rules in Pashaura Singh v. State of Punjab to ascertain if the accused has committed bigamy:

1. The first marriage needs to occur
2. They had to have been remarried
3. There must be a first marriage
4. The first spouse needs to be still alive.

As per Segment 198 of the Criminal Technique Code, any individual who feels violated by a subsequent marriage might record an objection about polygamy. Assuming the spouse is the party who is being violated, this incorporates the wife herself, her mom, father, sister, sibling, little girl, child, auntie, uncle, and, with the assent of the court, whatever other individual who is connected with her by blood, marriage, or reception.

The criminal process for bigamy can be initiated at any time; the only need is that the second marriage must be supported by evidence of the charge. The party filing the case must also prove this second marriage by demonstrating that the correct rituals were performed. The arraignment should lay out "that both the relationships (the first and second) were legitimate and as per Regulation administering the gatherings," the High Court underlined further, and for the second union with find true success, it should be shown that the fitting customs were followed.

This would set a bad precedent because it would be difficult to establish a person's second marriage because such marriages are done in secret, making it difficult to gather evidence and prove. It is also not ideal because it gives the accused a technical Defence loophole without having to face the consequences of his actions.

3.5. Information about bigamy statistics

The Public Family Wellbeing Study information from 2019-20 uncovers that polygamy is as yet normal in Indian culture in spite of the decision made by the most elevated court of the land. Among Muslims, polygamy commonness was 1.9%, among Hindus, 1.3%, and among other strict gatherings, 1.6%.

It is asserted that, notwithstanding topography and religion, financial factors impact marriage. The explanation the region is incorporated is on the grounds that marriage structures and customs vary contingent upon the area. For example, Tamil Nadu has added Area 7A to the Hindu Marriage Act, 1954, which perceives relationships in different structures that may not be lawful in different States. It was found that older, ruined, ignorant, and provincial ladies were bound to be hitched in polygamy. States with bigger rates of native individuals likewise have higher paces of polygamy.

In India, the percentage of couples getting married twice has dropped from 1.9% in 2005–06 to 1.4% in 2019–20, and less than 0.5% of people live in polygamous homes.

3.6. Bigamy-related laws' provisions

1. The Hindu Law

Polygamy is characterized under Segment 17 of the Hindu Marriage Act, 1955, and Areas 494 and 495 of the Indian Correctional Code of 1860 would apply in the event that the guilty party had a mate alive at the hour of his subsequent marriage.

2. The Parsi Law

The Parsi Marriage and Divorce Act, 1936 states in Section 5 that bigamous marriages are illegal and subject to punishment under the relevant sections of the Indian Penal Code.

3. The Christian Law

The Indian Christian Marriage Demonstration of 1872 states that it is unlawful for two individuals to wed at least a few times and that neither one of the accomplices ought to have a spouse or husband who is as yet alive at the hour of the marriage (Segment 60).

4. Special Marriage Act,1954

The Indian Penal Code, 1860's sections 494 and 495 apply to anybody who solemnises a marriage while their spouse is still alive, according to Section 44 of this Act, which also establishes the penalties for bigamy.

The Kerala High Court has ruled that any citizen who violates Section 494 of the Indian Penal Code (IPC) and meets all of the conditions and elements of the section may be prosecuted for bigamy, regardless of the citizen's personal law.

Regarding the 1954 Special Marriage Act, the Madras High Court ruled that, regardless of a person's faith, they might face bigamy charges if they remarry while their first husband is still living.

3.7. Sarla Mudgal and the Repercussions

One of the milestone cases in India with respect to the point polygamy came in Association of India as individuals (for the most part men) began switching over completely to Islam to keep away from the disallowance by their own regulations to not wed someone else while the primary marriage is staying alive and their past mate is alive as Mohammedan Personals Regulations didn't preclude plural marriage, they permitted the Mohammedan man to take up to four spouses which was agreed to them in their Blessed Book, if he could take equivalent consideration of each.

For this situation, the man wedded a subsequent time by changing over completely to Islam while his most memorable marriage under the Hindu Regulation was remaining alive. The High Court held that change from Hinduism to another religion wouldn't break up the principal marriage, likewise makes the second marriage violative of Equity, Value and Clean conscience. The Court set out that when a man weds one more without getting divorce under the Demonstration which

they wedded, the man would be obligated to be charged under Indian Reformatory Code, 1860 and Segment 17 of the Hindu Marriage Act, 1955 for polygamy.

It was demonstrated that the spouse would be dependent upon the punishments illustrated in Segments 494 and 495 of the Indian Reformatory Code, and that the subsequent marriage would be considered invalid and void and an infringement of Article 21 of the Indian Constitution, which ensures the key right to the security of life and individual freedom. The Legal executive has until to this point stuck to the equivalent precedent.

The Supreme Court ruled that in order for the second marriage to be accepted, all the formalities had to be performed. When both parties to the marriage acknowledge that the "saptapadi" ceremony is necessary in order for the marriage to be deemed lawful under their respective personal laws.

In this case, the marriage occurred in the Province of Tamil Nadu, where Area 7A of the Hindu Marriage Act, 1955 was added by the state assembly. This part expresses that trading festoons and rings is everything necessary for a substantial marriage and can be acted before companions, family, or any other person.

It was held the blamed had committed the offense for polygamy despite the fact that there was no 'saptapadi' to solemnize the function, as segment 7A is material to the charged, the subsequent marriage was legitimate and thus plural marriage was made out.

As per the 227th Regulation Commission Report, the State ought to add new segments to the regulations overseeing marriage, for example, the "Hindu Marriage Act," "Christian Marriage Act," and "Parsi Marriage and Separation Act," which restrict wedded individuals from getting hitched again except if their past marriage is broken down or proclaimed void by a court of equipped ward. Assuming this occurs, the wedded individual would be indicted under the Indian Correctional Code for plural marriage. Furthermore, they recommended that plural marriage be pronounced a criminal wrongdoing.

The legislature has not exercised its authority to enact laws that would include the rulings of the Apex Court, despite the judiciary providing support to the first wives who addressed the Court.

To handle the matter of religious conversion for the only purpose of entering into a second marriage, legislation ought to be changed.

4. CONCLUSION

We characterized the Arya Samaj as a social development in this exposition. We began by discussing the need for change in the nineteenth 100 years and afterward continued on toward the Arya Samaj's creation, association, early individuals, and the distributing of Veda Vyasa. We likewise talked about the Arya Samaj development and change. This covers the Samaj's response to assaults on Hinduism, ladies' freedom, and its contribution in legislative issues. Subsequently, we have painted a precise picture of Arya Samaj as a contemporary strict development. At first sent off as a mission to free the old Sanatan Vedic religion of the excessive pollutions that had saturated it and sabotage the incomparability of Brahmans, Aryasim, as other minister religions, has battled to have an enduring impact on the unfaltering Hinduism, and there is presently a perceptible winding down of their resistance to the religious Brahman. The genuine number of disciples to its thoughts stays irrelevant when contrasted with the Hindu populace overall, notwithstanding a huge development in their numbers around here. Not just have their own arrangements, as recently noted, been very tangibly progressed as of late, yet the Samaj has likewise impacted the sentiments and social cooperations of the standard Hindu people group, which has worked on the parcel of a sizable part of the populace. This is extraordinarily to the credit of the Samaj's coordinators and disciples.

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