

HUMANITARIAN IDEAS IN MADRAS, 1800-1835.

Ideas take wing. And the humanitarian ideas of the early nineteenth century which influenced the British administration influenced also not a little the Company's administration in India. It must not be supposed that these ideas one and all emanated from the Court of Directors. Nor should it be supposed that they formed the monopoly of a chosen few who governed Madras. They appealed with equal force to some of the district officials. If the Directors were inspired by Charles Grant, the Evangelical, and James Mill, the Radical, the Government were inspired by statesmen like Bentinck and Lushington and the company's subordinate service ~~was~~ contained in its ranks men of enlightened views, like Baber, Cotton, C. M. Lushington and Newnham. It was the combined ~~actions~~ <sup>influences</sup> of all these that purged the administration of most of its harsh characteristics.

Humanitarianism as a philosophy acclaimed by social reformers like Bentham and Howard, Evangelicals like Wilberforce, Tories like Pitt and whigs like Gray, constituted, in the main, certain doctrines of potential value. They were: that slave-trade should be abolished; that legislation should be aimed at the greatest happiness of the greatest number; that the law, especially criminal, should be simplified, codified and disseminated



4-211  
M20

2.

among the people; that the great end of punishment being the prevention of crime the punishment of evil doing should be exactly suited to the purpose; that attempts should be made to reform the criminals; that they should not be harshly treated in prisons, should be given medical aid, should be segregated, men and women, debtors and felons, novices and hardened criminals; that, in short everything should be done to abolish all patent forms of oppression and suffering.

3. These doctrines were actually implanted in Madras on a soil favourable for their reception. For here, the Cornwallis system with a separate judiciary and with laws based largely on British jurisprudence was introduced in 1802. What was necessary was to humanise these laws especially those which related to crime and punishment and prison administration and to devise other laws or rules for improving public health and removing social evils like domestic slavery, slave trade and Sati. This task however was by no means easy. It demanded caution, perseverance and, in some instances, courage, to introduce reforms running counter to established customs and religious practices.

4. The first of the humanitarian measures was the introduction of vaccination. This was introduced in Madras in 1802 but only with partial success on account of the unsystematic manner in

3.

which it was done and on account of the religious prejudices of the people. In 1805 Lord William Bentinck deplored these prejudices, hoped to overcome them by official propaganda, and formulated a comprehensive plan for the spread of vaccination. He appointed a Superintendent, placed under him a large establishment of Surgeons and Indian vaccinators and laid down specific rules for carrying on their activities in an efficient and systematic manner. He held that "the health of the inhabitants was one of the first duties of the magistrate" and with this view directed all district magistrates to encourage vaccination.

5. The plan seems to have worked well under the energetic Dr. Mackenzie, the first Superintendent. Within one year the number of persons vaccinated was reported to have increased from 7070 to 1,78,074 and within two years it was reported to have risen to 2,43,173. In the city of Madras itself to arrest the progress of small-pox an isolation hospital was built outside the bounds of the Black-Town. The Directors applauded these measures but cautioned the Government not to "alarm the minds of the natives with respect to either their custom or religion". The Government, however, appear to have avoided opposition by skilful propaganda. And being encouraged by the results they endeavoured to spread

it

it also in Coorg, Mysore and Java. The Directors rejoiced "at the blessings we have been the instrument of diffusing over the whole of Indian population."

6. It is to this same sentiment of relieving suffering that we must attribute the endeavours made by the Government to check the ravages of cholera, which broke out in 1819. In all districts in which the epidemic appeared the magistrates were authorised to incur the necessary expenses for providing the sick with attendance and medicines. To the same sentiment must also be ascribed the erection of lunatic hospitals at the headquarters of the 14 Provincial Courts. Further medical assistance to the out-lying parts of every district was rendered by assistant surgeons who ~~xx~~ were ordered to tour the districts specially for that purpose.

7. While the first set of humanitarian measures related to public health, the second related to public morality. No where was the society more over-ridden by ancient customs and religious prejudices than in India. No where, therefore, was the State which had to look after the welfare of the society more harassed by obstacles in its social reforms. Every step in this direction demanded vigilance to avoid as far as possible interference in religion - an interference which, in those early days of the

Company's

Company's administration, was fraught with danger to the very existence of the Company in India. And it was this vigilance and not any reluctance to eradicate social evils that restrained the enthusiasm of some of the district officials and delayed the progress of ameliorate <sup>the</sup> measures.

8. Slave-trade and domestic slavery were two of these evils which called for redress. Both were particularly rampant in Malabar and Tanjore and both thrived under the vicious cloak of customary sanction. Domestic slavery was, for a long time, tolerated by the British chiefly because of the time-honoured nature of this institution. They, however, thought that this "degraded institution" would die of itself when the very means by which it prospered namely, slave-trade, was removed. But even in the case of domestic slavery they did much to improve the lot of the unhappy victims. In 1820 circular orders were issued to the magistrates directing them to penalise all persons who might ill-treat their slaves, as Muhammadan law did not sanction such cruelty. They also ordered the magistrate of Tinnevely to put a stop to the practice of selling young girls to dancing women to be brought up as prostitutes, since such a practice <sup>was</sup> is prohibited by the existing law. Indeed, the Government held that if they were to tolerate slavery, simply because it was sanctioned by custom and usages, it

was incumbent upon them "to take care that the slave received the full benefit of such safeguards as those very customs and usages had provided against the oppression and cruelty of the master". On this principle they directed the second Judge of the Court of Circuit of Malabar to permit the married slaves to live together wherever that was the ancient usage. But it was not till 1841 that the Government took courage to declare that no domestic slave could be sold or purchased, and not till 1846 that they enacted legislation for removing the distinction between the master and the slave.

9. In regard to the slave-trade, however, the British pursued a more energetic policy. From the very beginning of their administration in Malabar, this "nefarious traffic" had claimed their attention. Kidnapping persons with a view to selling them as slaves had been punished with whipping and transportation to the Andamans. The Malabar Commissioners of 1793 had decried this traffic and ordered the chief and Factors of Tellicherry to suppress it wherever it prevailed. But still the practice continued unabated in the beginning of the nineteenth century.

10. Soon after the passing of the Statute, George III (Cap. 51) declaring Slave trade a felony throughout the British Empire, Mr. Baber, the Magistrate of Malabar, drew the attention of the Government to

to Malabar, and selling them as slaves and recommended special legislation for its suppression. At the same time he arrested some of the ring-leaders, punished them for the crime of kidnapping and set at liberty some of the free-born slaves.

11. The Government approved his action but found <sup>it</sup> difficult to pass special legislation. The Advocate-General, it was true, held that the provisions of the statute might be incorporated into a Regulation with additional safeguards to prohibit the import of slaves both by sea and land. But the subject was of all-India importance and the Government felt that the Supreme Government alone was competent to legislate upon it. They therefore referred it to the supreme Government. And by the time the Supreme Government authorised local legislation on the lines of Bengal Regulation ~~...~~ of 1811 the Government began to entertain serious doubts as to whether any special legislation might not be looked upon by the people as an infringement of their established customs and religious usages. Finally they pitched upon the only cause which the statute provided. The Magistrates in their capacity as justices of the peace were to arrest all persons concerned in the slave-trade and send them up for trial before the Supreme Court of Judicature or the Court of Admiralty. This course ~~was~~ suggested to Mr. Baber as well as to

Mr. Cotton, the Magistrate of Tanjore, when the latter reported that the crime of kidnapping children and transporting them by sea to sell them as slaves was prevalent in Tanjore and recommended special legislation for its suppression.

12. A similar caution coupled with greater enthusiasm and greater boldness was shown in the case of Sati a social evil of no less magnitude in some of the districts. The proposal to abolish this evil was first made by Mr. C.M. Lushington. Both as Magistrate of Tanjore (1813) and as Magistrate of Trinopolis (1819) he recommended its suppression. "I look upon this inhuman practice" he said "as one tolerated to the disgrace of the British Government." But the Government on both these occasions authorised him to discourage it only by persuasion. The Directors, however, felt that mere persuasion was not enough. "This barbarous practice," this terrible method of proving her attachment to her deceased husband, they wrote, must be tolerated only if the widow of her own free will resorts to it. The Bengal Government had proposed to prohibit it in the case of widows who were in a state of pregnancy, who were intoxicated, or who were below 16 years of age, as being contrary to the Shastras and established usages. These restrictions they thought, might well be enforced in Madras. <sup>But</sup> And they wished to be fully informed of the gravity of the evil. ~~before a Committee~~

13. It should not be forgotten that this was the age in which men were not wanting in courage in Parliament to openly criticise the Company's administration. In ~~1818~~ 1819 Mr. Hume pressed for an enquiry into the Judicial administration of India. In 1821 Mr. <sup>F</sup>owell <sup>B</sup>urton moved for all papers on the burning of Hindu widows in India and deprecated its continuance under the British Government. In 1823 the Bedford Society presented a petition to terminate Sati and the petition was warmly commended by Wilberforce.

14. It was in this atmosphere that enquiries on Sati were instituted in Madras. The Foujdarry Adawlut to whom the remarks of the Directors were referred submitted a detailed report in 1821. They observed that the evil prevailed to a considerable extent only in the districts of Ganjam, Masulipatan, Chittoor, Tanjore and Canara and suggested that it might be restrained not only by enforcing the provisions of Hindu Law against it, but also by requiring the magistrates to carry on an intensive propaganda against it. But the Government deemed it advisable to avoid drawing public attention to the evil. They however asked the magistrates to strictly enforce the provisions of the Hindu Law and penalise all persons who contravened them.

15. The matter, however, did not end here.

As soon as the Bengal Regulation for prohibiting Sati was received in Madras, <sup>Stephen Parnell</sup> Mr. R. Lushington, the Governor, recorded a strong minute recommending its instant abolition. He condemned the practice <sup>as</sup> "revolting to the feelings of human nature," maintained that its existence was solely attributable to the "joint rapacity" of the priests and the widows relations, and asserted that it received no sanction in Manu's Dharma Shashtra, which, on the other hand, preached "an exalted course of temperance and virtue" to the widows. His colleagues happily concurred with him and so was enacted Regulation 1... of 1830 for abolishing Sati in the Madras Presidency.

16. Turning to the spheres of Law and prison administration we witness a whole crop of reforms <sup>a</sup> of humanitarian character. That the law, especially criminal, should be simplified, codified and disseminated among the people was again and again urged by the Directors. Simplification and codification, however, could not be efficiently undertaken by the Government, though they attempted to do something in these directions by issuing from time to time revised Regulations consolidating the provisions of previous ones and by encouraging Mr. Campbell to publish a code of un-repealed Regulations. It was not till the Law Commissions of 1833 and 1853 were appointed and

not till a Macaulay was found to initiate the task that the prospect of a thorough codification of the Laws became a certainty. But for the dissemination of the laws the Government issued instruction to the Collectors and Tahsildars to tour the various parts of their districts explaining the provisions of the Regulations, to proclaim by beat of tom-tom these provisions in the languages of the districts and to affix the translations of Regulations to the most conspicuous parts of their offices.

17. That the arrests should be soon followed by trials, that none should be confined without trial, was also a principle repeatedly stressed by the Directors. To cite only two instances: They found fault with the Government for having <sup>denied the prisoners the right to be tried before the Magistrate and to be tried before the Magistrate and to be tried before the Magistrate</sup> detained certain prisoners in Malabar and Cochin without trial. "Nothing short of most imminent danger" to the state they remarked "could in our opinion warrant such a departure from every principle of British law and British justice".

18. That punishment should be proportionate to the crime was another principle urged by the Directors. They censured the Government for having transported the children of certain political prisoners to the Prince of Wales Island, ordered their immediate recall and release and required them

2  
1  
→ also mentioned  
Govt for having  
ruled certain persons  
Shaw without  
it for a long period.

to be amply compensated by stipends in land or money for their adequate support. They abhorred the principle of visiting the sins of the parents upon the children and condemned all cases of retrospective punishment declaring it "contrary to the first principles of justice". In all these matters the Government had to abide by the wishes of the Court of Directors and to issue, where necessary, suitable instructions to their subordinates to avoid similar errors in future.

19. It should also be observed that the Government took the initiative in some notable matters relating to crime and punishment. It was the Government who proposed and abolished the exceedingly harsh modes of corporal punishments with the corah and rattan and substituted in their place the less harsh mode of stripes with the cat-o'-nine-tails. It was the Government, who, on their own initiative, ordered that such of the convicts as <sup>were</sup> weak or sick should not be whipped, and that whipping should, in all cases, be done in the presence of medical men. It was again the Government, who, on their own initiative, exempted females from whipping, and even went to the extent of seriously considering the possibility of abolishing all forms of corporal punishment.

20. In prison administration too the credit for humanitarian reforms was evenly shared by the Government and the Directors. The Government passed

a series of measures to lessen the harshness of the lot of prisoners. The prisoners <sup>were</sup> should be transferred from one jail to another only under medical inspection at each stage of their journey; they <sup>were</sup> should not be linked together in jails. Prisoners awaiting trial <sup>were</sup> should, on no account, be confined in fetters. Felons alone <sup>were</sup> should be subjected to the degradation of wearing chains. The fetters <sup>were</sup> should not be heavy and <sup>were</sup> should be removed when the prisoner <sup>is</sup> ill or unfit to bear them. The criminal judges and the surgeons were to visit the jails weekly. The surgeons were to report to the judges on the health of the prisoners, the quality of food supplied <sup>to</sup> them and the cleanliness of their apartments. Prisoners were to be supplied each with a cumby, <sup>(blanket)</sup> first on their admission and then once a year. They were to be provided with bamboo-mats to sleep on and their sleeping rooms were to be aired and cleaned daily. And as per <sup>the</sup> provisions of Section <sup>29</sup> ~~XVII~~ of Regulation X of 1816, men and women, those under sentence of death and those sentenced to confinement, those awaiting trial and those convicted for petty offences, were to be segregated and never allowed to mix with one another.

21. Further the Government approved and extended the interesting experiment, originally made

made by Mr. Newnham, the Judge of Cuddapah, that "of improving the morals of the convicts and rendering them useful members of Society" by employing them according to their different avocations and aptitudes in manufacturing the various implements of industry, bricks, tiles, charcoal, cumbles, coarse cloth and even paper. It was reported that the paper manufactured in jails was found sufficient for the consumption of the revenue and judicial officers of the districts. The Government also encouraged the magistrate of Guntur to reform the character of the criminal tribe of Chenseos by teaching them arts and crafts so as to wean them of their criminal instincts and make them useful members of society.

22. The part played by the Court of Directors in these fields was not less noble. The mere passing of the rules and regulations, they stressed, was not enough; the rules should be systematically enforced and the persons breaking them taken to task. Every time, therefore, a rule was broken or an arbitrary procedure <sup>was</sup> adopted by their servants the Government <sup>were</sup> could be sure of receiving a reproof. Thus, when 24 convicts were, on one occasion, taken from Canara to the Nilgiris for constructing roads and some of them died on account of the severity of the cold and for want of medical aid, the Directors complained that the procedure amounted not only to an enhancement of the sentence but

also to a deliberate act of cruelty. When, in order to fill up the Negapatam Ditch 100 convicts were summoned from Trichinopoly and <sup>Kan</sup> Cumbaconum and some of them being old and sick died on the way, the Directors characterised the affair as an "unfeeling mockery" of justice. But the subject on which they felt ~~xxx~~ very strongly was the mortality in jails. In some cases this was attributed to the unhealthy situation of the jails, in others to over-crowding, and yet in others to periodic out-breaks of cholera and other diseases. The high percentage of mortality, which ranged from 20 to 38 per cent in some of the jails in 1834 stirred the wrath of the Directors. It is, they wrote, "a reproach on your Government". It superadded the penalty of death to the penalty of imprisonment imposed under the law. Such a travesty of justice should be avoided, they insisted, by building all prisons upon a uniform plan in healthy localities and by providing the prisoners with proper food and medical assistance.

*Condy Paraghar?*

## Humanitarian Ideas

in Madras 1800-1835.

The humanitarian ideas which influenced the British administrations in the early 19<sup>th</sup> century influenced also the Company's administration in India. The ideas of universal import were shared alike by the Court of Directors, the Madras Government and certain district officials. And though they were implanted on a soil more favourable for their reception by the Cornwallis system they had to be nurtured carefully and sheltered from the blasts of ~~the~~ religious passion and long-established superstition. For they vitally affected such important matters like public health and public morality in which there was every reason to apprehend popular clamour raised on the pretext of religious interference.

As regards public health, systematic vaccination was for the first time introduced by Lord William Bentinck in 1805. He entrusted the supervision of this work to a Superintendent assisted by a large establishment of European and Indian vaccinators and started official propaganda for spreading it.

this measure, which proved an unexpected success in the face of religious prejudices, was ultimately extended to Mysore, Coorg and Java. To the same sentiment other measures for relieving suffering connected in the construction of a small-  
Pon Isolation Hospital in the city of Madras, the attempt made by the Government to check the ravages of Cholera in 1817 which broke out in 1819 and the erection of Lunatic Hospitals at the head quarters of the four Provincial Courts. All these were highly approved by the Directors.

As regards public morality, the Government made every attempt to alluviate the evils of domestic slavery, to penalise slave-trade and to suppress Sati. Though they prohibited the sale of domestic slaves only in 1841 and refused to recognise any distinction between the man and the woman only in 1846, long before this they ordered the apprehension and punishment of all masters who ill-treated their slaves, penalised the sale of girls to dancing women for the avowed purpose of prostitution and prohibited the separation of married

slaves by their masters whenever custom did not sanction such separation. And though they did not pass any special legislation against slave-trade, as recommended by some prominent British officials like Macleay and Cotton, they penalised kidnapping an auxiliary to slave-trade, and attempted to give the people itself by enforcing the provisions of the Statute of George III against it, by directing the magistrates to arrest all slave-traders and their accomplices and to send them up for trial before the Supreme Court. In regard to the suppression of Sati also, they at first proceeded with caution, attempting to discourage it only by special punishment, though a bold course was urged by Mr. C. H. Cunningham. Both when he was magistrate at Tanjore and when he was magistrate at Tirunelveli. Thus, in 1818 when the Directors wrote that it might be safely enforced, and permitted only in cases where Hindu law permitted it. The Government adopted this policy. But even as the practice was abolished in Bengal it was also abolished in Madras.

As regards criminal law

and prison administration, that these laws  
should be simplified, compiled and disseminated  
among the people, that there should be  
no imprisonment without trial, except  
for ~~an offence against the state~~ <sup>an offence against the state</sup> the state, that  
punishment should be proportional  
to the crime, and should not be retributive,  
that the criminal trials should be reforms,  
that convicts should not be crowded together  
in jails, should be rendered ~~with~~ medical  
assistance, all these principles were constantly  
urged by the Directors of the Government,  
at the same time, abolished whipping with  
the cane and the nation, and substituted  
in its place the less harsh mode of whipping  
with the cat-of-nine-tails, prohibited  
whipping in the case of the sick, the weak  
and the women, insisted on the weekly  
visits of the criminal judges and the  
surgeons to the jails, ~~ordered~~ <sup>ordered</sup> the provision  
of blankets and bamboo-mats to the  
prisoners, equipped each prison with  
a resident Indian doctor, directed  
segregation in prisons of men and women,  
debtors and felons, rogues and hardened  
criminals, and, what is more, inaugurated  
the policy of instructing the convicts and the  
criminal trials, <sup>in all possible ways</sup> with a view to making

them useful members of society.

M. V. K. S. S. S.  
6/8/11.

HUMANITARIAN IDEAS IN MADRAS, 1800-1835.

1. Ideas take wing. And the humanitarian ideas of the early nineteenth century which influenced the British administration influenced also not a little the Company's administration in India. It must not be supposed that these ideas one and all emanated from the Court of Directors. Nor should it be supposed that they formed the monopoly of a chosen few who governed Madras. They appealed with equal force to some of the district officials. If the Directors were inspired by Charles Grant the Evangelical and James Mill, the Radical, the Government were inspired by statesmen like Bentinck and Lushington and the company's subordinate service was contained in its ranks men of enlightened views, like Baber, Cotton, C.M. Lushington and Newnham.

2. It was the combined exertions of all these that purged the administration of most of its harsh characteristics.

Humanitarianism as a philosophy acclaimed by social reformers like Bentham and Howard, Evangelicals like Wilberforce, Tories like Pitt and Whigs like Grey, constituted, in the main, certain doctrines of potential value. They were: that slave-trade should be abolished; that legislation should be aimed at "the greatest happiness of the greatest number;" that the law, especially criminal, should be simplified, codified and disseminated among

*1) The first appointed Deputy Chairman in 1804 and Chairman in 1805. He was four times re-elected to one of or other of these offices, and afterwards represented the interests of the Company in Parliament. He died in 1823.*  
Charles Grant was  
first appointed  
Deputy Chairman in  
1804 and Chairman  
in 1805. He was four  
times re-elected to  
one of or other of these  
offices, and afterwards  
represented the interests of  
the Company in Parliament.  
He was appointed in 1819  
as Assistant Examiner  
of India Correspondence.  
in 1821 as second Assistant  
to the Examiner, in 1823  
as Assistant Examiner,  
and in 1830 as Examiner.  
He continued as  
Examiner until his death  
in 1836.

among the people; that the great end of punishment being the prevention of crime the punishment of evil doing should be exactly suited to the purpose; that attempts should be made to reform the criminals; that they should not be harshly treated in prisons, should be given medical aid, should be segregated, men and women, debtors and felons, novices and hardened criminals; that, in short everything should be done to abolish all patent forms of oppression and suffering.

3. These doctrines were actually implanted in Madras on a soil favourable for their reception. For here, the Cornwallis system with a separate judiciary and with laws based largely on British jurisprudence was introduced in 1802. What was necessary was to humanise these laws especially those which related to crime and punishment and prison administration and to devise other laws or rules for improving public health and removing social evils like domestic slavery, slave trade and Sati. This task however was by no means easy. It <sup>demand</sup>~~demanded~~ caution, perseverance and, in some instances, courage, to introduce reforms running counter to established customs and religious practices.

The first of the humanitarian measures was the introduction of vaccination. This was introduced in Madras in 1802 but only with partial success on account of the unsystematic manner in

*Manual of Administration  
of the Madras Presidency.  
Vol I. p. 511 - note.  
Judicial Consultations  
18th June 1805.*

which it was done and on account of the religious prejudices of the people. In 1805 Lord William Bentinck deplored these prejudices, hoped to overcome them by official propaganda, and formulated a comprehensive plan for the spread of vaccination. He appointed a Superintendent, placed under him a large establishment of Surgeons and Indian vaccinators and laid down specific rules for carrying on their activities in an efficient and systematic manner. He held that "the health of the inhabitants was one of the first duties of the magistrate" and with this view directed all district magistrates to encourage vaccination.<sup>2</sup>

*Bentinck's Minute in  
Judl Cons. 18th June 1805.  
Military Despatches to England.  
Vol. 36. Despatch dated  
8th September 1805 paras 435-442.*

*Judl Despatches to England.  
Vol I Despatch dated  
8th September 1805 paras  
102-113.*

*Judl Despatches to England.  
Vol I Despatch dated  
12th Feb 1806 paras 35-37.*

*Idem. Despatch dated  
21st Oct. 1806 paras 45-47.  
Judl. Despatches to England.*

*Vol I. Despatch dated 21st  
Oct. 1807 paras 77-79.*

*Judl. Cons. 15th Feb  
1811, 8th Nov 1811, 6th  
Dec. 1811, and 18th Feb 1812.*

*Judl. Despatches to England,  
Despatch dated 29 Feb. 1812. para 104.*

*Judl. Despatches from England,  
Vol I Despatch dated 8th April 1811  
para 44.*

The plan seems to have worked well under the energetic Dr. Mackenzie, the first Superintendent. Within one year the number of persons vaccinated was reported to have increased from 7070 to 1,78,074<sup>3</sup> and within two years it was reported to have risen to 2,43,173.<sup>4</sup> In the city of Madras itself to arrest the progress of small-pox an isolation hospital was built outside the bounds of the Black Town.<sup>5</sup> The Directors applauded these measures but cautioned the Government not to "alarm the minds of the natives with respect to either their custom or religion".<sup>6</sup> The Government, however, appear to have avoided opposition by skilful propaganda. And being encouraged by the results they endeavoured to spread it

it also in Coorg, Mysore and Java. The Directors rejoiced "at the blessings we have been the instrument of diffusing over the whole of Indian population."<sup>2</sup>

It is to this same sentiment of relieving suffering that we must attribute the endeavours made by the Government to check the ravages of cholera, which broke out in 1819. In all districts in which the epidemic appeared the magistrates were authorised to incur the necessary expenses for providing the sick with attendance and medicines.<sup>3</sup> To the same sentiment must also be ascribed the erection of lunatic hospitals at the headquarters of the 4 Provincial Courts.<sup>4</sup> ~~Further, medical assistance to the out-lying parts of every district was rendered by assistant surgeons who were ordered to tour the districts specially for that purpose.~~<sup>5</sup>

While the first set of humanitarian measures related to public health, the second related to public morality. No where was the society more over-ridden by ancient customs and religious prejudices than in India. No where, therefore, was the State which had to look after the welfare of the society more harassed by obstacles in its social reforms. Every step in this direction demanded vigilance to avoid as far as possible interference in religion - an interference which, in those early days of the

Company's

1. Despatches to England  
Vol 3. Despatch dated  
29 Feb 1812. para 102-3.  
Judl Cons dated 5<sup>th</sup> Feb 1811,  
29 March 1811, 14<sup>th</sup> June 1811  
and 15<sup>th</sup> Aug 1811.

2. Despatches from England  
Vol. Despatch dated  
2<sup>nd</sup> June 1814 para 45-48.

3. Judicial Despatches to  
England Vol 4. Despatch  
dated 11<sup>th</sup> March 1820  
para 136.

4. Judicial Despatches to  
England Vol 4. Despatch  
dated 11<sup>th</sup> March 1820  
para 117.

5. Judicial Cons dated  
9<sup>th</sup> Feb 1821.  
Judl Despatches to England  
Vol 4 Despatch dated  
14<sup>th</sup> Jan 1822 para 44.

Company's administration, was fraught with danger to the very existence of the Company in India. And it was this vigilance and not any reluctance to eradicate social evils that restrained the enthusiasm of some of the district officials and delayed the progress of ameliorative measures.

Slave-trade and domestic slavery were two of these evils which called for redress. Both were particularly rampant in Malabar and Tanjore and both thrived under the vicious cloak of customary sanction. Domestic slavery was, for a long time, tolerated by the British chiefly because of the time-honoured nature of this institution. They, however, thought that this "degraded institution" would die of itself when the very means by which it prospered namely, slave-trade, was removed. But even in the case of domestic slavery they did much to improve the lot of the unhappy victims. In 1820 circular orders were issued to the magistrates directing them to penalise all persons who might ill-treat their slaves, as Muhammadan law did not sanction such cruelty.<sup>2</sup> They also ordered the magistrate of Tinnevely to put a stop to the practice of selling young girls to dancing women to be brought up as prostitutes, since such a practice was prohi-

bited by the existing law.<sup>3</sup> Indeed, the Government held that if they were to tolerate slavery simply because it was sanctioned by custom and usages, it

was

Judl Despatches to England  
Vol. 3. Despatch dated  
5<sup>th</sup> March 1813 para 106.

2. Circular Orders of the  
Court of <sup>Foundation</sup> Adalat.  
1805-1846. Order  
dated 27 Nov 1820 pp 33-34.

3. Judicial Despatches to England  
Vol 5 Despatch dated  
29 Dec. 1826 para 107-108.  
Judl Cons 13 Jan 1826  
Nos 3 and 4.

was incumbent upon them "to take care that the slave received the full benefit of such safeguards as those very customs and usages had provided against the oppression and cruelty of the master".<sup>1</sup> On this principle they directed the second Judge of the Court of Circuit of Malabar to permit the married slaves to live together wherever that was the ancient usage.<sup>2</sup> But it was not till 1841 that the Government took courage to declare that no domestic slave could be sold or purchased,<sup>3</sup> and not till 1846 that they enacted legislation for removing the distinction between the master and the slave.<sup>4</sup>

✱ In regard to the slave-trade, however, the British pursued a more energetic policy. From the very beginning of their administration in Malabar, this "nefarious traffic" had claimed their attention. Kidnapping persons with a view to selling them as slaves had been punished with whipping and transportation to the Andamans. The Malabar Commissioners of 1793 had decried this traffic and ordered the chief and Factors of Tellicherry to suppress it wherever it prevailed. But still the practice continued unabated in the beginning of the nineteenth century.

✱ Soon after the passing of the Statute, 57 George III Cap. <sup>XXIII</sup> declaring Slave trade a felony throughout the British Empire, Mr. Baber, the Magistrate of Malabar, drew the attention of the Government to the practice of kidnapping children from Travancore

1. *Judl. Despatches to England*  
Vol 5. Despatch dated  
23 Jan'y 1827 para 10.

2. *Idem* para. 10.

3. *Circular Orders of the*  
*Court of Fort St. George*  
1805-1846 Order dated  
10<sup>th</sup> Feb 1841 pp 250-9

4. *The Legislative Acts*  
*of the Governor General*  
*in Council* Vol I 1834  
1851 by William  
Theobald pp Act V  
of 1843 pp 392-3.

5. *Judl. Cons.* 31<sup>st</sup> March  
1812. See Mr Baber's  
letter.

6. *East India Com*  
*Charters and Statutes*  
pp 1059-1061.

to Malabar, and selling them as slaves and recommended special legislation for its suppression. At the same time he arrested some of the ring-leaders, punished them for the crime of kidnapping and set at liberty some of the free-born slaves.<sup>1</sup>

1. *Judl. Cons.* 31 March  
1812, and 29 May 1812.

*Judl. Despatches to England*  
Vol. 3. Despatch dated  
5 March 1813. paras 92-94.

2. *Judl. Cons.* dated  
31 March, 29 May,  
31 July, 14 Aug. 11<sup>th</sup>  
Sept, 23 Oct. 20<sup>th</sup>  
Nov. and 1, 4, and 8,  
and 22 Dec. 1812.

*Judl. Cons.* 22 Jan'y and  
19<sup>th</sup> and 26 July 1813.  
*Judl. Despatches to England*  
Vol 3. Despatch dated  
5<sup>th</sup> March 1813 paras  
92-113.

3. *Bengal Regulations*  
and Acts 1806-1834  
Vol. II pp 176-78.

4. *Judl. Despatches to England* Vol 3.  
Despatch dated 1 March 1815  
paras 50-54.

5. *Judl. Despatches to England* Vol 3.  
Despatch dated 1 March 1815  
para 54.  
*Judl. Cons.* dated 30 April and 9 July 1813.

✱ The Government approved his action but it found difficult to pass special legislation. The Advocate-General, it was true, held that the provisions of the statute might be incorporated into a Regulation with additional safeguards to prohibit the import of slaves both by sea and land. But the subject was of all-India importance and the Government felt that the Supreme Government alone was competent to legislate upon it. They therefore referred it to the supreme Government.<sup>2</sup> And by the time the Supreme Government authorised local legislation on the lines of Bengal Regulation <sup>3</sup> of 1811 the Government began to entertain serious doubts as to whether any special legislation might not be looked upon by the people as an infringement of their established customs and religious usages.<sup>4</sup> Finally they pitched upon the only course which the statute provided. The Magistrates in their capacity as justices of the peace were to arrest all persons concerned in the slave-trade and send them up for trial before the Supreme Court of Judicature or the Court of Admiralty. This course <sup>5</sup> was suggested to Mr. Baber as well as to

Mr. Cotton, the Magistrate of Tanjore, when the latter reported that the crime of kidnapping children and transporting them by sea to sell them as slaves was prevalent in Tanjore and recommended special legislation for its suppression.<sup>1</sup>

18. A similar caution coupled with greater enthusiasm and greater boldness was shown in the case of Sati a social evil of no less magnitude in some of the districts. The proposal to abolish this evil was first made by Mr. C.M. Lushington. Both as Magistrate of Tanjore (1813) and as Magistrate of Trinopolopoly (1819) he recommended its suppression. "I look upon this inhuman practice" he said "as one tolerated to the disgrace of the British Government." But the Government on both these occasions authorised him to discourage it only by persuasion.<sup>2</sup> The Directors, however, felt that mere persuasion was not enough. ~~This~~ This barbarous practice, "this terrible method of proving her attachment to her deceased husband," they wrote, must be tolerated only if the widow of her own free will resorted to it. The Bengal Government had proposed to prohibit it in the case of widows who were in a state of pregnancy, who were intoxicated, or who were below 16 years of age, as being contrary to the Shastras and established usages. These restrictions, they thought, might well be enforced in Madras. ~~And~~ But they wished to be fully informed of the gravity of the evil.<sup>4</sup>

1. Judl. Cons. 28 June 1825 Nos 11-12; 22 July 1825 Nos 8-9; 9 August 1825 Nos 6-8; and 2 Sept. 1825 Nos 5-6  
Judl. Despatches to England Vol. 5.  
Despatch dated 29 Dec 1826 paras 102-106

2. Judl. Cons. 2 Feb 18. See the concluding portion of the Preside Minute and the appx. to the Minute.

3. Judl. Despatches to England Vol. 3  
Despatch dated 1 March 1815 paras 93-94

4. Despatch Judl. Despatches from England Vol. 3  
Despatch dated 4 March 1818 paras 36-41.

17. It should not be forgotten that this was the age in which men were not wanting in courage in Parliament to openly criticise the Company's administration. In 1818 1819 Mr. Hume pressed for an enquiry into the Judicial administration of India.<sup>1</sup> In 1821 Mr. Fowell Buxton moved for all papers on the burning of Hindu widows in India and deprecated its continuance under the British Government.<sup>2</sup> In 1823 the Bedford Society presented a petition to terminate Sati and this petition was warmly commended by Wilberforce.<sup>3</sup>

18. It was in this atmosphere that enquiries on Sati were instituted in Madras. The Foujdarry Adawlut to whom the remarks of the Directors were referred submitted a detailed report in 1821. They observed that the evil prevailed to a considerable extent only in the districts of Ganjam, Masulipatam, Chittoor, Tanjore and Canara and suggested that it might be restrained not only by enforcing the provisions of Hindu Law against it, but also by requiring the magistrates to carry on an intensive propaganda against it. But the Government deemed it advisable to avoid drawing public attention to the evil. They however asked the magistrates to strictly enforce the provisions of the Hindu Law and penalise all persons who contravened them.<sup>4</sup>

1. Judl. Cons. 6 April 1821 Nos 2 and 4; 27 July 1821 Nos 11-12.  
Judl. Despatches to England Vol. 4.  
Despatch dated 19 Jan 4 Jan 1822 paras 29-30

15. The matter, however, did not end here.

As soon as the Bengal Regulation for prohibiting Sati was received in Madras, <sup>Stephen Rumbold</sup> ~~Mr. R.~~ Lushington, the Governor, recorded a strong minute recommending its instant abolition. He condemned the practice ~~as~~ "revolting to the feelings of human nature," maintained that its existence was solely attributable to the "joint rapacity" of the priests and the widows' relations, and asserted that it received no sanction in Manu's Dharma Shastra, which, on the other hand, preached "an exalted course of temperance and virtue" to the widows. His colleagues happily concurred with him and so was enacted Regulation I. of 1830 for abolishing Sati in the Madras Presidency. <sup>2.</sup>

16. Turning to the spheres of Law and prison administration we witness a whole crop of reforms of humanitarian character. That the law, especially criminal, should be simplified, codified and disseminated among the people was again and again urged by the Directors. <sup>3</sup> Simplification and codification, however, could not be efficiently undertaken by the Government, though they attempted to do something in these directions by issuing from time to time revised Regulations consolidating the provisions of previous ones and by encouraging Mr. Campbell to publish a code of unrepealed Regulations. <sup>4</sup> It was not till the Law Commissions of 1833 and 1853 were appointed and

<sup>4</sup> E.g. Regulations VI of 1816, IX of 1816, XIII of 1816, VII of 1818, I of 1825.

<sup>5</sup> See Judl Despatches from England Vol. V. Despatch dated 4 July 1828 para 32-34. 23 Feb 1829

1. Regulation XVII of 1829. Bengal Regulations and Acts 1806-1834. pp. 878-880.

2. Judl Cons. 2 Feb 1830 See the President's Minute of 19 Jan'y 1830 and the Government order.

3. Judl Despatches from England. Vol. I. Despatch dated 8 April 1807. para 35. Despatch dated 26 March 1812. paras. 87-88. Judl Despatches from England Vol. II. Despatch dated 29 April 1814 paras 18-20, 24-26, and 110. Judl Despatches from England Vol. V. Despatch dated 6 May 1828 para 65.

not till a Macaulay was found to initiate the task that the prospect of a thorough codification of the Laws became a certainty. But for the dissemination of the laws the Government issued instruction to the Collectors and Tahsildars to tour the various parts of their districts explaining the provisions of the Regulations, to proclaim by beat of tom-tom these provisions in the languages of the districts and to affix the translations of Regulations to the most conspicuous parts of their offices. <sup>1</sup>

17. That the arrests should be soon fol-

lowed by trials, that none should be confined without trial, was also a principle repeatedly stressed by the Directors. <sup>2</sup> To cite only two instances:

They found fault with the Government for having denied the opportunity to certain political prisoners in Malabar detained certain prisoners in Malabar and Ghooty before they also reprimanded the Government for having detained without trial. "Nothing short of most imminent danger" to the state, they remarked, "could in our

opinion warrant such a departure from every principle of British law and British justice".

18. That punishment should be proportionate

to the crime was another principle urged by the Directors. They censured the Government for having

transported the children of certain political

prisoners to the Prince of Wales Island, ordered

their immediate recall and release and required them

1. Judl. Despatches to England Vol. I

dated 8 Sept. 1805 para 54-8.

Judl. Despatches from England. Vol. I.

Despatch dated 8 April 1807. para 35.

Judl. Despatches to England Vol. II

Despatch dated 26 April 1836. para 18.

2. Judl. Despatches from England Vol. I Despatch dated

28 Aug 1805 para 12.

Judl. Despatches from England Vol. II. Despatch dated

29 April 1814 para 100 sqq.

Judl. Despatches from England Vol. II Despatch dated

12 Oct 1814 para 23.

Idem. Despatch dated 9 Nov. 1814 para 165.

3. Judl. Despatches from England

Vol. I. Despatch dated 28th

Aug. 1805 para 12.

Judl. Despatches from England

Vol. II Despatch dated 12 Oct 1814 para 23.

Judl. Despatches to England Vol. VII

Despatch dated 23 Oct 1832. para 37.

to be amply compensated by stipends in land or money for their adequate support.<sup>1</sup> They abhorred the principle of visiting the sins of the parents upon the children<sup>2</sup> and condemned all cases of retrospective punishment declaring it "contrary to the first principles of justice".<sup>3</sup> In all these matters the Government had to abide by the wishes of the Court of Directors and to issue, where necessary, suitable instructions to their subordinates to avoid similar errors in future.<sup>4</sup>

19. It should also be observed that the Government took the initiative in some notable matters relating to crime and punishment. It was the Government who proposed and abolished the exceedingly harsh modes of corporal punishments with the corah and rattan and substituted in their place the less harsh mode of stripes with the cat-o'-nine-tails.<sup>5</sup> It was the Government, who, on their own initiative, ordered that such of the convicts as <sup>were</sup> ~~are~~ weak or sick should not be whipped, and that whipping should, in all cases, be done in the presence of medical men.<sup>6</sup> It was again the Government, who, on their own initiative, exempted females from whipping,<sup>7</sup> and even went to the extent of seriously considering the possibility of abolishing all forms of corporal punishment.<sup>8</sup>

20. In prison administration too the credit for humanitarian reforms was evenly shared by the Government and the Directors. The Government passed

<sup>1</sup> Judl Despatches from England, Vol 3. Despatch dated 14 March 1818. paras 58-59.

<sup>2</sup> Idem.

<sup>3</sup> Judl Despatches from England Vol I. Despatch dated 31 Jan 1810 para 29.

<sup>4</sup> Judl Despatches to England, Vol 4. Despatch dated 11 March 1820. para 32-39.

<sup>5</sup> Madras Regulation VIII of 1828 and II of 1830.

Judl Despatches to England Vol. VI Despatch dated 25 June 1830 para 21-22.

<sup>6</sup> Circular Orders of the Court of Foujdary Adalat. 1805-1846 Circular dated 2 Aug 1821 p. 39.

<sup>7</sup> Madras Regulation I of 1833.

<sup>8</sup> Judl Despatches to England Vol X. Despatch dated 10 Nov. 1835 para

a series of measures to lessen the harshness of the lot of prisoners. The prisoners <sup>were to</sup> ~~should~~ be transferred from one jail to another only under medical inspection at each stage of their journey.<sup>1</sup> They <sup>were not to</sup> ~~should not~~ be linked together in jails.<sup>2</sup> Prisoners awaiting trial <sup>were</sup> ~~should~~, on no account, be confined in fetters.<sup>3</sup> Telons alone <sup>were to</sup> ~~should~~ be subjected to the degradation of wearing chains.<sup>4</sup> The fetters <sup>were</sup> ~~should~~ not be heavy and <sup>were to</sup> ~~should~~ be removed when the prisoner <sup>was</sup> ~~is~~ ill or unfit to bear them.<sup>5</sup> The criminal judges and the surgeons were to visit the jails weekly. The surgeons were to report to the judges on the health of the prisoners, the quality of food supplied <sup>to</sup> ~~them~~ and the cleanliness of their apartments. <sup>Indian prison doctors were to reside in the vicinity of the</sup> Prisoners were to be supplied each with a cumby, <sup>(blanket)</sup> first on their admission and then once a year. They were to be provided with bamboo-mats to sleep on and their sleeping rooms were to be aired and cleaned daily.<sup>6</sup> And as per <sup>the</sup> ~~provisions~~ of Section <sup>29</sup> ~~XXII~~ of Regulation X of 1816, men and women, those under sentence of death and those sentenced to confinement, those awaiting trial and those convicted for petty offences, were to be segregated and never allowed to mix with one another.<sup>7</sup>

21. Further the Government approved and extended the interesting experiment, originally

made

<sup>1</sup> Circular Orders of the Court of Foujdary Adalat. Circular dated 22 July 1814. pp 5-6.

<sup>2</sup> Idem p. 6.

<sup>3</sup> Idem Circular dated 8 Oct 1821 p. 41

<sup>4</sup> Idem Circular dated 27 June 1831 pp 149-150

<sup>5</sup> Idem Circular dated 8 Oct 1821 Rule 17-19. pp 43-44

The walls of the prisons were to be scraped and white washed once in every quarter.

The linen of the prisoners was to be regularly washed at stated periods. The sick prisoners were to be immediately removed to the hospital.

<sup>6</sup> Idem Circular dated 8 Oct 1821 Rules, 1, 2, 11, 12, 13, 21, 47, 48, 51, and 52.

made by Mr. Newnham, the Judge of Cuddapah, <sup>namely</sup> that "of improving the morals of the convicts and rendering them useful members of Society" by employing them according to their different avocations and aptitudes in manufacturing the various implements of industry, bricks, tiles, charcoal, cumbles, coarse cloth and even paper. <sup>It was reported that</sup> ~~the~~ paper manufactured in jails was <sup>meant intended</sup> ~~found~~ sufficient for the consumption of the revenue and judicial officers of the districts. The Government also encouraged the magistrate of Suttur to reform the character of the criminal tribe of Chensoos by teaching them arts and crafts so as to wean them of their criminal instincts and make them useful members of society.<sup>2</sup>

22. The part played by the Court of Directors in these fields was not less noble. <sup>The more passing</sup> ~~Further, they insisted~~ <sup>all</sup> of the rules and regulations, they stressed, <sup>which were issued from time to time</sup> ~~was not~~ enough; the rules should be systematically enforced and the persons breaking them taken to task. Every time therefore, a rule was broken or an arbitrary procedure <sup>was</sup> adopted by their servants the Government <sup>were</sup> could be sure of receiving a reproof. Thus, when 24 convicts were, on one occasion, taken from Canara to the Nilgiris for constructing roads and some of them died on account of the severity of the cold and for want of medical aid, the Directors complained that the procedure amounted not only to an enhancement of the sentence but

1. Judl. Cons. 3 Feb 1815  
Judl. Despatches to Eng  
Vol. IV. Despatch dated  
5th Jan'y 1816. para  
31-33.  
Judl. Despatches from  
England Vol. III -  
Despatch dated 31st  
1817 para 22.

2. Judl. Cons 13 Feb  
1821. Nos 14-15.  
Judl. Despatches to  
England Vol. IV.  
Despatch dated 4th  
Jan'y 1822 para  
Idem Despatch  
dated 3 Feb 1821  
para 93.  
Judl. Despatches  
England Vol. V.  
Despatch dated  
31 Dec 1817 para

3. They recommend  
that even the most  
numerous and most  
powerful dangerous  
criminal tribes of  
Phasigars, Madras  
Yamadis, may be  
reformed and as  
to the occupation

"civil life" by granting them rent-free allotments of waste lands,  
and by encouraging them through their chiefs to betake themselves to agriculture

1. Judl. Despatches  
from England Vol. VII.  
Despatch dated 30 April  
1834 paras 64.

2. Idem.  
Despatch dated  
30 April 1834 paras  
47-77-78.

3. Judl. Despatches from  
England Vol. V.  
Despatch dated 6 May  
1829. para 34.  
Judl. Despatches from  
England Vol. IX.  
Despatch dated 11 Oct  
1837. para 17-19.  
Idem. Despatch dated  
13 Dec. 1837 para 18-23.

4. Judicial Despatches  
from England Vol. IX.  
Despatch dated 5th  
Jan'y 1838. para 13.  
Idem. Despatch dated  
13 Dec. 1837 para 23.

also to a deliberate act of cruelty. When, in order to fill up the Negapatam Ditch, 100 convicts were summoned from Trichinopoly and Kumbakonam and some of them being old and sick died on the way, the Directors characterised the affair as an "unfeeling mockery" of justice.<sup>2</sup> But the subject on which they felt ~~very~~ very strongly was the mortality in jails. In some cases this was attributed to the unhealthy situation of the jails, in others to over-crowding, and yet in others to periodic out-breaks of cholera and other diseases.<sup>3</sup> The high percentage of mortality, which ranged from 20 to 38 per cent in some of the jails in 1834 stirred the wrath of the Directors. It is, they wrote, "a reproach on your Government".<sup>4</sup> It superadded the penalty of death to the penalty of imprisonment imposed under the law. Such a travesty of justice should be avoided, they insisted, by building all prisons upon a uniform plan in healthy localities and by providing the prisoners with proper food and medical assistance.

3. Judl. Despatches from England Vol. I.  
Despatch dated 29 Oct. 1813. paras 37-38.

Lord William Bentinck's minutes in  
Jurat Com. 18th June 1815. re  
"Assassination."

Jurat Com. 9th March 1813. on the  
subject of slave trade.

" " 18th April 1813

" " 18th Sept 1813.

" " 23rd March 1813.

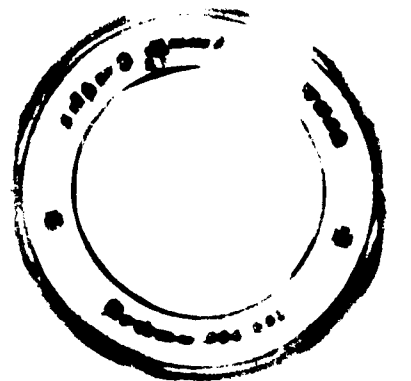
" " 30th April 1813

" " 9th July 1813.

" " 15th June 1813.

" " 13th July 1813.

" " 31st Aug 1813.



Jurat Com. 3 Feb 1813. - Paper  
manufacture in ten parts.

Jurat Com. 13 Feb 1821 - on the  
suppression of the slave trade.  
Nov - 14 - 15.

Jurat Com. 6th April 1821 Nov 2-4 on Salt.  
" " 24th July Nov 11-12, 1821  
on Salt.

Just Comm. 25th June 1825 Nov 11-12:

22 July 1825 Nov 8-9

9 Aug 1825 Nov 6-8

2 Sept 1825 Nov 5-6

Crime of kidnapping  
children and selling them.

Just Comm 24 Feb 1826 Nov 4-6

10th March 1826 Nov 12-13

11th April 1826 Nov 5-6

On Slavery.

Just Comm 2 Feb 1830. containing  
the President's message  
on Sati.

Comm 23 Feb 1830. Nov 4-9

abolishing the use of coral.

Comm 1st Feb 1832

Comm 11 Jan 1833 Nov 6-9

Comm 8th July 1833 Nov 11-18

On Sati.

Just Comm 13th June 1835. Lord Brougham

on Sati.

In favour of the existing  
system of vaccination the most  
important fact is the no of persons reported to have  
been vaccinated. The principles which have  
been adopted for spreading and preserving  
the truth widely are well as a general  
European principle of action. The persons  
vaccinated have for the most part  
received the disease for the sake of the  
good and not from any conviction of  
its advantage and utility and it was  
foreseen that the numbers would decrease  
when the advantages of it were reduced.  
"It appears to me that the great and  
principal object is to convince the  
masses of this country of the benefit  
of vaccination. If that can be done  
every political obstacle is of little and but  
temporary consequence. It is the spreading  
prejudice born of religion and custom  
and to be overcome," and the measures  
as far as possible have various measures  
been reduced their obstacles.

I have read Mr Mackenzie's  
speech; I approve his plan.

"Then the objection for the small pox in England is by its nature to the moment commercially obsolete in this country, where it is almost or entirely unknown, where one of the principal objects of our religious belief is a separation from custom.

But difficulties cannot be met with by doubling measures and by the accidental existence of a few individuals scattered here and there constantly fluctuating and changing.

No reliance can be placed on the wisdom of the vaccinated persons owing to the corruption of the Native & village courts.

There as in Bengal there should be a medical man specially charged with the general supervision of vaccination.

In the 18 Villages, each village should have its separate vaccine etc.

A native vaccinator under the European Surgeon belonging to the Camp.

Surgeon of the Provincial Court should examine the bills surgeons of the 18 Villages. He should receive reports and transmit them to the Superintendent.

"Vaccination should be considered as a civil regulation rather than as medical practice. That as the health of the individuals is one of the first duties of the magistrate. Vaccination should be done under his guidance. Superintendent of V. shall correspond directly with the Deputy to the Joint Mag. The Magistrate should give publicity to the vaccination and encourage it.

Until the bills surgeons are appointed vaccination may be undertaken by the government surgeons. Superintendent to send monthly returns of vaccinated to Govt. Lt. Magistrate may be appointed as a superintendent June 13<sup>th</sup> 1855.

V. Henderson

cont: 6th April 1821.

From the Prudery Advertiser  
to the Govt. - sending extract of their  
proceedings dated 18th Dec. 1820.

Also the letter from the Govt.  
dated 10th April 1819 transmitting for  
guidance extract from a letter from  
England dated 4th March 1818. with the  
views of the Govt. thereon. And also letters  
from the 4 Provincial Courts of Circuit  
transmitting copies from several criminal  
judges and magistrates to the queries  
circulated by order of the Court on the  
practice of Sals.

The Court of Sessions  
have to certify under sanction of its  
exercise, which have been adopted in  
Orizaba, and which may be adopted also  
in Madras.

By the returns submitted  
by the Provincial Court of the Northern  
Division it appears that in the 3 years  
prior to 1816 - (the year in which  
magistracy was transferred to the Collectors)  
- there were 45 cases of Sals, and  
in the 3 years subsequent to 1816, there  
were 34 cases of Sals in the Hills of  
Gangam.

The criminal judge of Gomijam advised to a report submitted by the Commissioner of taking the half of the property of widows who have no children" or finding to purchase this matter.

In Vijayapatnam there 6 cases all reported prior to 1816, and 14 cases prior to 1816. The magistrate observed that the occurrence has declined during the last 10 years.

In the State of Mysore 3 cases all reported to have occurred before 1816 and 9, after 1816 - during the 8 years.

In Mandya there during the 3 years prior to 1816, one case (1) is reported, and during the 3 years after 1816, 42 cases all reported.

The magistrate of Gomijam reports, 14 cases during the 3 years prior to 1816 and 10 cases during the 3 years subsequent to 1816.

In Mellor there only 1 case occurred during the 3 years before 1816 and 12 cases during the 3 years after 1816.

Coastal Division.

In Madras the case of cattle seems to have declined during the 3 years.

In Chennai only 1 case occurred in the 3 years before 1816, and 6 cases in the 3 years after 1816.

In Chennai the case occurred in the 3 years before 1816, and only 4 cases occurred in the 3 years after 1816.

In Chennai only 3 cases occurred before 1816 and 13 cases in the 3 years after 1816.

Coastal Division.

In Tamil Nadu no cases occurred in the 3 years prior to 1816 and only 2 cases occurred in the 3 years subsequent to 1816.

In Coastal Division 20 cases occurred in the 3 years before 1816 and 18 cases occurred in the 3 years subsequent to 1816.

In Madras no cases during the first period and it was not reported after 1816.

In Palani only 1 case was reported, for the last 24 or 31 years.

the two numbers to the Dept. of the Interior it was  
frequent.

In Cochin China no cases  
occurred during the 3 years prior to 1816,  
or after 1816.

In Malacca no case during  
the 3 years before 1816 or after 1816.

In Siam no case  
occurred during the entire period.

### Western Division.

In North and South Malabar  
the custom is unknown.

In Canara no case occurred  
in the 3 years before 1816, and 4 cases  
occurred in the 3 years after 1816. —  
These were confined to the tribes of  
Kontoral. 34 cases are reported to  
have occurred in Canara since its  
conquest by the British Govt.,  
and the reason is stated to be that  
in that tribe "many Chilparan-  
Brahmins are settled."

In Travancore no case  
occurred during the whole period.

It will now be seen that the  
practice generally throughout the  
Western Division particularly in  
the States of Manipal and  
Kangra and that it exists in a  
less degree in the rest of the Western  
Division, with the exception of  
Rullang in which it may be said to  
be unknown; and in the Southern  
Division it is almost entirely  
confined to Kangra, and in the  
Eastern Division it is only to be met  
with in Canara.

On the conclusion of  
the records of the Court the following  
draft resolutions are drawn up,  
and then may be enforced:—

It being a fundamental  
principle of the British Government  
to allow the most complete liberation  
in matters of religion to all classes  
of its native subjects without, at the  
same time justice and humanity forbid,  
that a practice attended with the  
destruction of human life, and often  
production of enormous consequences  
to the children of the deceased should

be permitted beyond the extent of the  
code prescribed for it in the Hindu law;  
You (the Magistrate) is bound to direct  
to prevent cases of the Sati-does  
or other offences which violate the persons  
of distinct public officers, under your  
authority... of the criminal justice.  
- mentions provisions of the Hindu  
law as well as of the criminal  
provisions and to enforce a strict  
observance of the same.

As the practice of widows  
burning themselves with the bodies of  
their deceased husbands is generally  
condemned by the doctrine  
of the Hindu Religion; it is the object  
of the Government according to the  
principle of religious toleration  
already noticed to allow the practice  
in those cases in which it is  
countenanced by their religion and  
to prevent it in others, in which,  
it is by the same authority  
prohibited. It will therefore be  
surprised that you should explain

compulsory, on all suitable occasions,  
to persons of the Hindu persuasion and  
religion is further from the intention  
of Government than to interfere  
any established form of their religion,  
and that its only object is to restrain  
the use of acts and practices, not  
unopposed to the doctrine of  
their own persuasion than repelling  
to the disrepute of humanity.

Provisions of the Hindu law  
regarding Sati...

75996

T  
Y. 211  
N 30

PROVISIONS of the Hindoo Law regarding the practice of Widows burning themselves.

----

Every woman of the four casts is permitted to burn herself with the body of her Husband; provided she has not a child under three years of age, nor is pregnant, nor in a state of uncleanness, nor under the age of puberty; in any of which cases, with the exception hereunder specified she is not allowed to burn herself with her Husband's body.

But a Woman who has infant Children, and can procure another person to undertake the charge of bringing them up, is permitted to burn.

It is contrary to law to cause any Woman to burn herself against her wish by administering drugs to stupify or intoxicate her, or by any other means.

A Woman may not ascend the pile of her deceased Husband for twenty nights after bearing a Son, and for a month after bearing a Daughter.

When Women burn themselves they pronounce the Sunkulp and perform other prescribed ceremonies previously to burning.

If any Woman declare her intention of burning, and afterwards recede from her intention, without having pronounced the Sunkulp, and performed the other ceremonies, she is not enjoined by the Shaster to undergo any "prayaschit" or penance, neither is there any thing contained in the law prohibiting her relations from associating with her.

But if a Woman after pronouncing the Sunkulp and performing other ceremonies, should not have courage to proceed to

the funeral pile, she may recover her purity by undergoing a severe penance, and her relations may then associate with her.

The Wife of a Brahmin is positively prohibited by the Shaster from burning on any funeral pile excepting that of her Husband.

The rite of Anoomarana, or burning without the body of the deceased, may be performed by all such Women of the other casts, as are devoted to their lords, and absent from them at the time of their death; or such as are in the first and second day of Menstruation, the disqualifying cause being here removed in a short interval--Women under other circumstances are not permitted to perform the rite of Anoomarana.

A Woman, who being absent from her Husband at the time of his death, does not perform the rite of Anoomarana immediately on becoming acquainted with that event, cannot be considered a "patibrata" or devoted to her lord, and is not at liberty to burn herself at any subsequent period.

Also a Woman, who being present at the time of Her Husband's death, and unrestrained by a legal impediment, omits the act of Sahamarana (burning with the body of the deceased) cannot be considered a "patibrata", or devoted to her lord, and is not at liberty to burn herself at any subsequent period.

Sec. to Government.

The Govt. should have the report on the  
practice of Sati is satisfactory.  
The Government in Council has felt  
apprehensions that the persons who  
for the guidance of the magistrates  
and police officers would have offered  
a much stronger caution for the  
practice than it is now  
obtained from Govt. and might have  
the effect of excluding it by the notice  
drawn to the subject. It has therefore  
been resolved to address a circular  
letter to the several magistrates,  
a copy of which is herewith transmitted.  
6th April 1841.

Circular—  
From a report  
recently submitted to Government by  
the Koyidungy Magistrate it appears that  
the practice of widows burning themselves  
with the bodies of their deceased  
Husbands does not prevail by any  
means generally among the Hindus  
north of the inhospitable of the districts  
subject to this Presidency, that in some  
districts it is common and in others

of your statement and the Government  
Council would have upon the decision.  
That a practice so abhorrent to  
reason and humanity should entirely  
cease is much to be desired, but  
the contrary effect might follow  
any injudicious interference to  
suppress it. It has however been  
ascertained that the principle of  
the widow is under a great variety  
of circumstances prohibited by  
Hindu law and that compulsory  
marriage are sometimes employed  
to bring the unhappy victim to her  
dote, which are not more cruel  
than unlawful. It is therefore judged  
advisable to furnish you with an  
accompanying statement of the  
provisions of Hindu law regarding  
the practice which has been sanctioned  
by the law officers of the East India Co.  
You will avoid attracting public  
attention to the subject but you  
will continue to discourage the

inhuman practice whenever your  
influence may be calculated to  
suppress it, and you will consider  
it your duty to bring to punishment  
every person or may any unlawful  
measures for suppressing it.

(Final Comm. 24<sup>th</sup> July 1825.

Letter from the second  
deputant Collo of Tanjong, saying  
that all his endeavours failed in  
preventing a fine looking young  
woman "of the Brahmin caste in  
committing sati."

From the Collo of Tanjong  
that a case of "this horrid sacrifice"  
had occurred in the last 18 months  
in the Tanjong M. as recorded when  
in Tanjong Rajah's Hqs. All endeavours  
were made to prevent sati, but  
without any success.

The Govt express deep  
regret and desire the Collo's attention  
to their circular orders of 6th April  
last. "The object of those instructions  
was especially to prevent the  
practice which was sanctioned by  
the provisions of Hindu law  
and to punish all attempts to  
induce or compel unhappy  
women to submit to it. The Government

in Council trusts that your influence  
and that of all persons under your authority  
will continue to be exerted to this end  
and that it will not be without effect.  
You might not however to go beyond  
the circular instruction and avoid  
drawing public attention to this  
important subject.

Full Court: 2<sup>nd</sup> February 1830.

✓ President's Minute - of 19th

January 1830.

Since we used the High of  
Bengal on the 4th last month declaring  
the practice of Sati illegal and punishable  
by the criminal courts in Bengal,  
I have again reviewed the best books  
upon the religious duties of the Hindus  
to find out by what authority this  
act is sustained and I have examined  
the records of the Court to ascertain the  
course adopted towards the "extinction  
of a practice so repugnant to the  
feelings of human nature."

"I am thoroughly  
satisfied that this cruel practice is  
not enjoined as a duty by the religious  
of the Hindus; that it is a heinous  
corruption of their true faith which  
originates in a misguided spirit of  
jealousy and fanaticism and that  
this act of apparent self-destruction  
is in most cases wretchedly carried  
out sustained by wretched feelings of  
resentment on the part of disappointed

wives paid by the relations of the unhappy  
woman who is murdered as a victim of  
their joint "superstition."

I have not discovered a  
sentence in Manu or a word which  
directly or indirectly countenances the  
immolation of Hindu widows on the  
funeral pile of their husbands. An  
exalted sense of temperance and virtue  
is alone prescribed to the widows

Extract from the Manusmriti  
Sharma Shashtra:

Fear of exciting the  
people against the Government will never  
prevent abolishing this most inhuman  
practice. "Such an alarm has passed away.  
The nation now know us too well not  
to be properly sensible of our responsibility  
forbearance in all that really concerns  
the welfare of their religion, the  
endowment and security of their  
temples and their cherished traditions  
of caste, to entertain any anxious fear  
that we shall depart from the principle  
of liberal toleration and kindness  
upon which our Government has been

found and maintained?

I have no expectation of any indisposition to the abolition of this 'abominable custom' except on the part of those who are immediately interested in usurping possession of the widows' personal property and inheritance. All will rejoice.

The Bengal Regn must be immediately extended to Madras.

A proposition to this effect was made in 1813 and again in 1819 by one of the magistrates under this Presidency and his reasoning is in so entirely in unison with the preamble of the Regulation. I annex copies of the two letters to this minute. — H. Rushington.

Letter from Mr. C. H.

✓ Rushington, acting Magistrate of Tanjore dated 14 Sept 1813. — to the Govt: that 100 cases of sati have occurred since the establishment of the court at Chingleput: that the practice is neither prevented by the Charter nor discouraged by

persons of education or influence: that His Highness the Raja has disapproved it; that the prohibition of this practice would give universal satisfaction.

Letter to Govt from C. H.

✓ Rushington dated Chingleput Oct 1, 1819.

I look upon this inhuman practice as one tolerated to the disgrace of the British Government: it is even abominated by the better sort of natives themselves and nowhere is it enjoined by the Hindoo law.

Custom alone sanctions it; but custom can only be legally upheld when it does not militate against law.

No bad consequences can follow the abolition of this inhuman practice.

Government order —

The Board cordially concurs in the sentiments expressed by the President and being fully satisfied of the propriety of abolishing without further delay the inhuman practice of sati, resolves to pass Regn I of 1830. based on the Bengal Regn. in all essential

Received your opinion ~~in~~ in your letter  
dated 22<sup>nd</sup> Dec: 1832 (received 30 Jan 1833)  
whether any bad consequences have  
followed the prohibition of sale.

The Govt and the East India Co to  
report on the same.

Judl Comm: 31<sup>st</sup> March 1812.

From the Judge and magistrates  
of North Malabar. dated 29<sup>th</sup> Feb 1812. —  
Reports his proceedings in consequence of  
a discovery that a traffic in slaves was  
carried on in Malabar —

A considerable number of  
persons full-born and born free have been  
recently imported from Java and  
other places they had been stolen and transported  
by water to Malabar and inland.  
Some of whom had been converted to  
Muhammadanism and others associated  
with and made to eat the food of  
Portuguese and thereby irretrievably  
excluded from their country.

Formerly this traffic was  
by no means uncommon. And during  
the last quarter session I had committed  
some Magistrates on the complaint of a  
Portuguese native of Chivacal, whose 3  
daughters, the eldest 12 years, had been  
carried off and sold to Magistrates in  
Cannanore, who had had put on them  
the Mahomedan dress.

As a result of the enquiry  
made on the present occasion I ascertained  
that 9 <sup>children</sup> children under 12, - girls and boys  
were stolen from their education in  
Barrabera, at night, clothed in  
into their mouths, and conveyed off to  
Alleppey and from there sent by water  
to H.M. This was done by magistrates  
those who did this on other times to whom  
the children were sold were apprehended  
and committed to Seclusion cells  
at the seat of the Govt. I also ascertained  
that 4 other stolen children had been  
sent to Mr. Benson, and were  
working on his plantation at Rajera-  
Handy. Mr. Benson refused to hand  
over the slaves and said that for the  
last 15 years he had indeed bought slaves,  
and that Slavery, was the ancient  
custom of Malabar, sanctioned by  
Hukam-shah's law.

"The argument to which  
the sale of slaves is tolerated in Malabar  
is Rented Slavery and this exclusively  
to those born in a state of bondage

formerly the degraded race of men were  
the exclusive property of the Hindoos of  
Malabar but in course of time from  
necessity and other causes, they were  
transferred and sold to the magistrates  
but never was it bargained that they  
were to be made perpetual. A person sold  
or transferred could not be removed out  
of his district, his place of nativity. In  
consequence the social ties amongst them  
was still preserved. Even the women though  
sold, are never separated from their  
husbands, whom they still follow, because  
often they may change their masters. The  
owners of the Female household still  
maintained his claim to her and to her  
offspring. Whorelight is thus perpetuated  
from generation to generation. In some  
districts the offspring are divided  
between the owners of the father and mother,  
but they are never separated from their  
parents until adults."

"But I ascertained that  
within the range of Malabar now the  
Hukam-shah's law could apply to  
Mr. Benson, after the enactment of the

British legislation abolishing the Slave Trade.

He being in common with every other

British subject prohibited from purchasing

slaves. [See Mr. Duncan's report on slave trade]

To men, women and children -

- Slaves were found in Mr. Brown's (including 10 infants)

plantation. - all declared they had

been stolen or forcibly carried away

by Malays and others from the coast

of Malabar, Cochin & Travancore

and transported to Mr. Brown's plantation.

- Some of them were free born. The

Magistrate asked the opinion of the

Provincial Council: to which Mr. Brown

had also put in an application. After

much trouble, Mr. Brown gave the names

of the persons who sold him the 6 free-

born persons. This person was examined,

and it appeared that he had bought

the slaves at the desire and orders of Mr.

Brown.

The Minister of Travancore

stated that about 400 persons had been

taken from Travancore to be sold

as slaves in Malabar during the

last 4 months.

Some of the persons responsible  
for stealing and selling children as  
slaves, have been sentenced to 3 months  
imprisonment (for kidnapping).

The persons it would appear  
had done what by law they were not  
accounted to do, and the officer was  
apprehensive in this having stolen the  
children in the Mupla Mupayam,  
which in Malabar is held equivalent  
to purdah. This officer has always  
been punished: it was punished last in  
1804, with 3 years imprisonment & hard-  
labour and so others.

But from the earliest period  
of the administration in Malabar,  
kidnapping, being involving a loss  
of caste as well as liberty has been  
considered a most heinous offence, so  
early as April 1793: Two natives of  
Tellicherry were charged with abducting  
children and selling them as slaves, were  
sentenced to be flogged through the  
bazaar of Tellicherry, then to be sent to  
Bombay, for the purpose of being  
transported to the Andamans.

The Commissioner of the  
Borneo Free and Holland in a letter  
of 15th June 1892 wrote to the Chief-  
Justice of Malacca thus:

"Finding it  
averse by Sharnamah that the practice  
of shipping kidnapped and other  
natives as slaves from the several  
ports on this coast is still more or  
less continued, notwithstanding  
the various prohibitions which have  
been issued against a practice so  
highly repulsive, so destructive and  
so inhuman in whatever light  
considered, we do think it our duty  
to require your most unwearied  
attention to prevent any such transaction  
in time to come."

And in a letter from  
the Company to Govt of Bombay  
dated 5th May 1896 the Council of  
Advisors were pleased to find that  
from the measures pursued by the  
Malacca Commissioners, so much  
to their honour, and the orders issued  
in consequence thereof, an entire  
stop has been put to this inhuman

trade on the shores of Malacca.

Requisition copies of the  
Govt in regard to the action to be taken  
by the Govt of Malacca, and  
hoping that Govt will issue special  
orders under Regn II of 1809, which  
the Municipal Court will not  
proceed with the trial.

Some of the free born slaves have  
been returned to their parents: Govt. may  
even order for the liberation of the rest.

Thomas Henry Palmer  
Judge & Magistrate

Jud. Comm: 29 May 1892.

No 282. The Govt and the above  
letter to the Govt. Malacca and their  
opinion.

Jud. Comm: 29 May 1892.

No 283. To the Judge &  
Magistrate of Malacca —

Supervising him that the Govt  
has under consideration the most  
effective means of putting a stop to  
the repulsive traffic in slaves which

has prevailed on the Malabar coast:  
and in the meantime approving the  
actions taken by him: sending the  
Advocate General's opinion on the Act  
in the case of Mr. Hudson.

Court: 29 May 1812.

No 266. From the Lord High Chancellor:  
Advocate: saying that the Privy Council  
could not have right to enquire into  
Mr. Hudson's complaint: that Mr.  
Hudson should have appealed to the  
Supreme Court against the High Court;  
that the Govt. should pass legislation  
to suppress slavery. "whether free born  
or slaves by birth according to the  
law and usage of any of the neighbouring  
states."

Court: 29 May 1812.

No 241

From the Advocate General.

I should have been glad  
to find that the infamous traffic had  
been within the provisions of the Act  
for the abolition of the slave trade.  
84 George III c. 56. But I find that

it applies exclusively to the African  
Slave Trade, and to the importation of slaves  
from places in Africa or from Foreign  
Colonies in the West Indies & America.

Even writing the above the Act  
of 1811 has come. And it needs examination.

Court: 29 May 1812.

No 331

From the Advocate General

Statute 51 George III c. 23 extends  
to India the prohibition to British  
subjects engaging in such traffic. The  
penal consequences attach in India  
from 1 Jan'y 1812. Mr. Hudson therefore  
perhaps cannot be tried for acts done  
previously. It would be proper, however.

for the Govt. to publish throughout the  
Provinces the substance of the Act, which  
applies to all persons residing within  
the King's or Queen's Territories, including  
throughout the Western subjects of this Govt.

for Court 31 July 1812

No 412

The Govt. authorized the  
Judge & High Court of N. Malabar to bring  
to trial certain persons who had entered

1812 & 1813, 1814, 1815.

Court: 31 July 1812.

No 481. From the Magistrate.

Resolved: — Sunday.

Court: 14 Aug 1812.

No 486

To the Supreme Govt  
concerning the opinion of the Assistant  
General: and asking how and in what  
manner the Act of 1811 can be enforced.  
against Slavery. (copy in Malacca)

Court: 14 Sept 1812.

No 421. From the Magistrate of

North Malacca requesting orders with  
regards to 5 slaves imported from  
Mocha: stating that the persons formerly  
apprehended for being concerned in  
the Slave Trade have not yet been  
brought to trial.

No 513. Authorizing the Magistrate  
to proceed against the persons —

Court: 1812.

Jud Court 30th Oct 1812

No 364.

The Supreme Govt say  
that the Act of 51 George III Chap 23. is  
not applicable to the importation or  
removal of slaves by land.

A Regn similar to Bengal  
Act 10 of 1811, for preventing the  
importation of slaves by land in to the  
Madras Presidency may be passed.

The Act may be published  
as has been done in Bengal.

Jud Court: 30th Oct 1812.

No 620.

The Govt ask the  
opinion of the Assistant General  
as to what measures may be pursued  
on account of Act 51 George III Chap 23  
and the Supreme Govt's letter.

Jud Court: 20 Oct 1812

No 943.

H.G. advocates the  
publication of the Statute, or to enact  
a Regn containing its provisions  
The Supreme Govt has decided that  
the Statute only extend to the  
importation of slaves by sea, and  
as the objection equally applies

to the introduction of slaves by land.  
and ought to be guarded against  
by similar precautions. a Regn to the

Cont: 20th Nov. From H.C. dated 5th Nov 1812.

1812. Advancing the enactment of  
a Regn embodying the provisions  
of the Act of 1811. The Bengal Govt  
sent to India that the act applies  
only to importation by sea;  
importation by land also should  
be prohibited.

Cont: From the Reg 14 Dec 1812

Reviewing his former  
opinion, and suggesting that  
slaves belonging to non-British  
subjects may be permitted to  
enter the British territories provided  
that they are not sold.

~~1st Cont~~

20th Nov. 1812.

To Bengal - conveying  
the foregoing letters of the H.C. and  
suggesting a General Regn for the  
control of such a.

Cont: 9th March 1813.

Return to Bengal  
Advancing. Advancing Govt to forward a  
Regn in conformity to the suggestion  
from Bengal and to include  
in it provision for kidnapping.  
— Bengal say that their Regn  
with such amendments may be  
forwarded to Madras.

Cont: 9th May 1813.

Regn. Sec. 2. Clause 7. Sec. 4 clause 3

of Regn XV of 1803—  
against kidnapping.

Suggesting the forwarding of  
and the Govt for prohibiting kidnapping  
by sea—allowed.

Circular  
Orders of  
the  
Court of  
Sudder  
Adawlat:  
1805-1846.

20th January 1807. - Ordered that the Judges of the Provincial Courts and the Ditta Adawlat be, by precept, instructed to provide chairs for the accommodation of their law officers in Court taking due care in the disposition thereof, to place the seat of the Nootie on the right hand of the bench; and that of the Pandit on the left.

27 July 1821. Sudder Court being desirous for the purpose of reference to be furnished with the fatwas and law opinions that have been delivered by the Muhammadan and Hindoo law officers of the several Courts of Judicature, in answer to questions of law put to them on the trial of civil cases, direct that you will cause to be made copies and translations in English of all such questions and answers from 1802 to 1820, and transmit them, when completed to the Court of Sudder Adawlat; and you will, in like manner, annually furnish copies of the law opinions delivered by your law officers on civil cases in each year.

25 August 1823. - The Judges of the Sudder Adawlat deem it prudent to be a fit opportunity of inculcating the importance of sending all

public officers, as well as other persons, on their appearance before the Civil Courts with the attention and respect due to their rank and position in society, and they direct that the Village and District Messengers be particularly enjoined to a due observance of this principle on all occasions.

23 February 1829. — "Complaints having been made to the Government that Kaminidars and other individuals of rank and respectability are frequently required to give evidence in trivial and unimportant matters before the Courts, and are subject to great annoyance, and, in their opinion, degradation thereby: I am directed to request that the Sadr and Panydary Adawlat will take a suitable opportunity to explain to the Courts in the Provinces that it is the wish of the Government that they should avoid summoning persons of this description so much as possible, and that, when their attendance in Court is indispensable, they may be treated with the ~~then~~ consideration and attention which is due to their rank and situation in life." — To be circulated.

4<sup>th</sup> December 1829. To the Government enclosing extract of the Sadr Court's proceedings of 16<sup>th</sup> November 1829 — The Judges of the Sadr Adawlat are decidedly of opinion that it is of the greatest importance that District Messengers should investigate the suits assigned by them in a public manner, and that for this purpose, they should, as provided in Sec XII Regulation VI of 1816, be furnished with a "Public Cutcherry" or Court room: for the practice of deciding suits in their private residences may give rise to the most serious abuses. It appears that the District Messengers are already very generally provided with accommodation, in buildings, such as Chaudhairs, Munsifpans, or Pagodas, which, whether the property of the Government or of individuals, are places of public resort, where this is not the case. It appears desirable that the District Collectors should be instructed on the application of the Judge, or Assistant Judge, to provide suitable accommodation for the Messengers.

Copy order was to be circulated to the Collectors.

24<sup>th</sup> December 1829. - an extract from a general  
letter from England dated 8<sup>th</sup> April 1829 circulated  
to the Provincial Courts for the guidance of  
their subordinates, and desired that information  
be given to the Muhammadan law officers  
attached to the criminal Killa Courts that a  
knowledge of the country languages will be  
considered a strong recommendation to their  
Court, in promoting them to the vacancies  
which may hereafter occur in the highest  
Court. The extract states "... In the  
future selection of law officers, a knowledge  
of the country languages ought to be  
considered a strong recommendation.  
It is not only the inconvenience of the  
Persian Translation which we are desirous  
to avoid, but we are satisfied that in a  
great many cases, perhaps in the majority  
of cases, it is essential to the due  
administration of justice, that the law  
advisers of the Court should be masters  
of the language in which the proceedings  
of the Court are carried on."

Circular 2<sup>nd</sup> February 1805 - The Court direct that it  
be a standing order that all convicts  
continued to be transported shall, at the end of  
Foujdarry every session in each district, be sent to Chingle-  
Pur - to the intent that execution, on the  
said sentence, may be done, as opportunity  
offers for carrying it into effect.

The Court further direct that the  
Criminal Judge, in the Killa of Chinglepur  
be instructed to have in readiness the convicts  
in that jail under sentence of transportation,  
for the first opportunity of sending them  
to the Prison of Wales Island.

22<sup>nd</sup> July 1814. (Vide C.O. 26 April 1823, & C.O.  
18<sup>th</sup> Oct 1822 and 10<sup>th</sup> Nov 1831. Vide Circular  
7<sup>th</sup> Dec. 1835 Appendix A. Vide C.O. no 96, 136,  
138, and 143.)

Before any prisoners are sent  
from a Killa station to the Depot, they shall be  
examined by the Surgeon of the Killa who shall  
certify to the Criminal Judge that they are in  
a fit state of health to proceed on a journey.  
If the Surgeon should consider it necessary that  
any of the prisoners should be allowed medicine  
on the journey, or should find that any of them  
are in want of medicine existing to protect  
them from the effects of weather, and he shall  
state such opinion in his certificate. The

Criminal judge shall be authorized throughout  
to issue an order for the supply of such  
necessary extra food or clothing.

Whenever the party shall arrive at  
any Indian station, the person charged with  
the criminal judge's orders, shall report  
his arrival to the criminal judge at  
such station and shall produce to him  
the name of order and the surgeon's  
certificate. The surgeon at an Indian station  
shall examine the prisoners, and if he finds  
them in a fit state to proceed on the journey,  
he shall certify the same on the back of the  
original certificate. If he should be of  
opinion that from fatigue, debility or  
other cause the prisoners, although able to  
continue their journey, should be allowed  
longer rest, or to go to shorter stages, than  
they are originally fixed by the criminal  
judge of the route from which they were  
first brought; he is to state his opinion to  
the criminal judge who will if necessary  
order the order and deliver the same to the  
Person in charge, and ~~person~~ who will proceed  
to the next station and make the like report.  
If the surgeon at any Indian station  
should be of opinion that any one or  
more prisoners, ought not, on account

of debility or ill-health, to continue his journey  
for a longer time than the party may be  
permitted to halt: he is to certify the same to  
the criminal judge of his station, who will,  
thereupon, give an order to the detention of the  
said sick prisoner, a copy of which order  
shall be delivered to the Person in charge, who  
shall be authorized to give up the said prisoner  
and placed on his journey. The prisoner so  
detained shall be forwarded to Chingaput,  
when sufficiently recovered, by the criminal  
judge, in whose charge he has been left.

Upon the arrival of the party at  
the Depot at Chingaput, the Person in charge  
shall deliver his order and surgeon's  
certificate to the Criminal judge who shall  
forward the same for the inspection of the  
Resident Assistant together with a report  
of the general state of health and condition  
in which the prisoners have been delivered  
into his charge.

The government approve this  
order on 1<sup>st</sup> July 1874 and add that execution  
of the order may be left to the Criminal judge,  
prohibiting the practice of keeping prisoners  
together when confined in jail; and if it  
shall be absolutely necessary to detain prisoners  
in that manner when they are moved from  
one station to another, it be done with moderation.

harm cups, and not with terms which are  
wished."

1<sup>st</sup> May 1845: — It would appear that the  
provisions of Section XXXII of Regn VII A.D.  
1802 are not enforced.

The court upon demand  
necessarily to call the attention of the Courts  
of Circuit to the provisions of the section  
above mentioned, and to direct that in  
all cases in which a sentence of transport-  
ation may be ~~may be~~ passed and confirmed  
by this court, the Court of Circuit, by  
which such sentence may be communicated  
to the Criminal Judge of the District, in  
whose charge the convict may be, do, in  
transmitting such sentence, direct that the  
instructions, prescribed by the section above  
quoted, be made on the person of the  
convict. (See also C.O. of May 1846).

5<sup>th</sup> June 1845: The Court upon demand  
upon the trial No 55 shall direct 9 of the  
prisoners, in the said trial were acquitted  
by the Jurors of the Provincial Law  
Office, but under an impression that  
their being turned loose upon society,  
without giving security for their future  
good behaviour, would endanger the

public tranquility, he has directed the  
Magistrate not to set them at liberty until  
they shall have given the security required  
by Clause VI, Sec II Regulation XI A.D. 1803.

The first part of the section quoted  
by the Judge prescribes that no part of  
Regulation XI shall be construed to authorize  
the infliction of any punishment whatever  
upon suspects only (known by the Muhammadan  
lawyers, whom Shuck, or Shaab-i-Zadeh)  
when the evidence against the prisoner is  
undervaluing of credit, or the presumption  
of his guilt (arising from credible testimony  
or circumstantial evidence) is weak, and  
does not amount to the degree of strong  
presumption held sufficient for conviction,  
recognized as such in the Muhammadan  
law under the denomination of Ghaliq-  
-sun. Ukbur-oo-rac and Shaab-i-e-Quere,  
or Shaded.

The section then runs as follows:  
"When the Judge, before whom a prisoner  
may be tried, shall not consider him  
convicted on such presumptive proof, or  
on the evidence of credible witnesses or on  
his own confession, he shall not sentence  
the prisoner to suffer any punishment;  
whatever may be the pretence of the law officer;

but in case of strong suspicion, though not amounting to conviction, as well as upon proof of notorious bad character, the judge of Circuit may direct the criminal judge to detain the prisoner in custody until he shall give security for his future good behaviour and appearance when required.

The Court are of opinion that the foregoing section authorizes the judge of Circuit to require security in cases where notorious and bad character may be proved to their satisfaction, whatever may be the nature of the law offence.

29 May 1816. — The criminal judge of Cuddalore wishes to be informed whether with reference to section XXXII Regn VII of 1802 prisoners sentenced to be transported to Penae of Woods Island are liable to Godena, and whether, as in the case of Guingados, a certificate purporting a knowledge of the penalty consequent on a return from transportation shall be taken in future from persons under such sentence.

The criminal judge states that some persons have been sentenced without the enactment contained in section XXXI Regulation VII of 1802 be strictly applicable

to convicts transported for life to Penae of Woods Island "he cannot be advised that the convicts on that Island are not kept continually confined to a part-gall; but, at times, are employed on various duties about that small locality." The

The Court think that the object of the sec 35, Regn VII of 1802 is to facilitate the re-employment of convicts sentenced to confinement for life who may make their escape from gall; this consideration must therefore also apply to convicts transported beyond the seas: in fact the section declares that "all convicts of that description (i.e. who are sentenced to confinement for life) are to have the following particulars inserted on their foreheads" &c. The Court therefore repeat their order made of 1<sup>st</sup> May 1815 and declare that such inscription provided by the Regn be made on the forehead of all convicts sentenced for transportation.

24th Nov. 1820.

As the 5th of the provisions  
submitted by the 3rd Judge appeared to  
imply that, under the existing law,  
personal injuries done to a slave  
by his master are not punishable,  
the Court have ascertained from their  
law officers, whether the ill-treatment  
of a slave, by his master, is duly  
punishable by the Mohammedan law.  
The law, it appears the master is  
charged the slave only if the latter  
has committed treason, not otherwise,  
and not on any account ill-treat-  
ment with violence and cruelty.  
The Court therefore consider that the  
existing regulations sufficiently  
provide for the punishment of  
owners of slaves, who may treat  
them with cruelty. The several  
provisions of the Mohammedan law  
must be made public. The Police officers  
must be enjoined to apprehend all  
persons charged with cruelty towards  
their own slaves; if the criminal

Judge thinks that punishment greater  
than the law could inflict is  
necessary, the case must be referred  
to the Circuit Judges.

2nd May 1821

A case having been  
brought to the notice of the Court in  
which the punishment of stripes with  
a catan has been attended with fatal  
consequences, the Court issue the following  
order:

All persons sentenced by  
the Court of Sessions or by the Court of Criminals to be punished  
with stripes should be brought before the  
criminal judge immediately before  
punishment so that he may by  
personal observation or by reference to  
the surgeon satisfy himself that the  
prisoner does not labour under any  
bodily infirmity, and that his general  
state of health at the time is such  
as to render him capable of enduring  
the punishment without the probability  
of its endangering his life. The surgeon  
is to be positively required to advise.

the prisoner on the upper part of the back only: with every possible attention to prevent the blood falling on any other part of the body. The prisoner sentenced by a criminal judge to corporal punishment was to be examined by the surgeon of the station, or in the event of his absence by the nation doctor previously to his being punished and the punishment is to be postponed if any prisoner within the charge of the doctor may commit in his charge a state to excuse it. The nation doctors attached to the criminal judge are to be present on all occasions when prisoners are punished with stripes: and the punishment is to be stopped at any stage of it if the doctor is of opinion that the infliction of the remaining stripes will endanger the prisoner's life: in which case the remainder of the punishment is to be postponed until the surgeon of that station shall consider the prisoner capable of sustaining it.

9th Oct 1821.

The Council are of opinion that the practice of punishing in prison persons ordered to be tried by the Court of Sirant who may be charged with offences not of a heinous nature, or who may be committed to prison from inability to find sufficient bail, is improper as being unnecessary & even their appearance at the time of trial and in being the current intention of the High Court in prison before he is brought to trial, should suffice most complete satisfaction or removal of any such persons from the country. (Vide C.O. 27 June 1831)

9th Oct 1821.

The Rules for the management of public jails. —  
Only the following points are of great interest. The Criminal judges are always required by the High Court to visit the jails, once a month: it is desired that such visits should be weekly.

The Surgeons General, pursuant to the  
two stations, however their duty  
attaches to the hospital shall also  
inspect the jails once a week, and  
report to the criminal judge on each  
visit, on the general health of the  
prisoners, the quality of the food  
supplied to them, the state of the jails  
with regard to the cleanliness and  
generally any circumstances relating  
to the care and condition of the  
prisoners.

The allowance for the  
daily support of each person in  
confinement, whether in money or  
otherwise is to be inserted in the last  
Regulations.

Each convict is to be  
supplied with one blanket, or  
covering blanket, on his admission  
into the jail, and once annually.

Each convict is to be  
allowed a bamboo mat to sleep upon.

The clothing apparatus  
are to be stored of everything in them

once a day, except in rainy weather,  
and the doors and windows of the  
appartments are to remain open all  
day to admit fresh air.

The fetters generally used  
shall be of light and uniform  
construction, and no fetters ~~shall~~  
exceeding the usual size and weight  
shall be put upon a prisoner, without  
the special sanction of the criminal  
judge.

Whenever the Surgeon or  
the Medical Doctor thinks it necessary  
to take off the prisoner's fetters,  
in consequence of illness or illness,  
the jailer shall remove them and  
report the matter to the criminal judge.

Prisoner's appartments in  
jails shall be appropriated, as far  
as may be practicable, to the particular  
description of prisoners, who are  
required to be kept separate as per  
provisions of section xxix, Chapter  
X of 1916. The different classes of persons  
shall, on no account be permitted to

~~interfere~~ any interference: and the  
court and judges are required to be  
particularly careful that persons  
in confinement for examination  
be never imprisoned in the same  
ward with prisoners under  
sentence of imprisonment.

The wives and other female  
connections of the prisoners shall  
not be permitted to enter the jail.

Intoxicating liquors and  
drugs are expressly prohibited  
from being admitted into the jail.

Any convict who shall  
be found to have torn his chains  
shall be fettered with hand cuffs  
and neck chains.

The walls of the jail  
shall be scraped and white-washed  
once every quarter.

The linen of the prisoners  
shall be regularly washed at  
short intervals. Water in the wards  
shall not be allowed to be polluted.

The European nursing ladies  
employed in the jail shall be paid all their  
wages and actually work and require  
medical attendance and removal  
immediately to the hospital.

The native doctors shall  
reside in the vicinity of the jail.

A sufficient no of cells of  
European construction shall be  
provided for the accommodation of the  
Europe confined in the hospital.

1st Aug. 1824.

The Court observes that at  
certain stations it is the practice to  
allow convicts, sentenced to hard labour,  
on leave on the public works or  
other public works, to work on private  
grounds of the European civil officers.

This practice, contrary to  
the Regs must be stopped. —

1st June 1829.

All inmate prisoners

who may prove dangerous to the society shall be confined in the Hospital attached to the jail under the care of the European medical officer. From their compulsory labours shall be sent to Madras to be lodged in the Lunatic Hospital.

Ward to buy cows in which inmate prisoners are charged with crimes.

sup 126-27.

25th Jan'y 1830-13.

To check abuses. the allowance to all prisoners in the criminal jail should be issued in grain exclusively instead of money. And to maintain discipline no luxuries such as betel, tobacco, and opium should be issued to the prisoners except on the requisition of the medical officer. See also

24th Oct 1830, 25 Jan'y 1832 and

5th June 1832.

12 July 1830. Prisoners should not be allowed to come before the court.

19th Jan'y 1831. When prisoners have not been made over to the military authorities, and the improvement or repair of the high roads in the vicinity of the station does not give employment to all of them, it is desirable that such as are in good health should be employed on works giving a profitable return. Of this description are the manufacturing and sale of bricks continuously, or when stone is quarried and for building, the breaking it into pieces fitted for that purpose. the cutting of fire-wood, the digging of wells, and works of a similar description. If necessary, a few persons may at first be entrusted to teach the prisoners these duties. Persons weak in body and all prisoners sentenced to imprisonment and labour under 7 years, as well as those held to answer, the court all of whom may be most advantageously employed, within the walls of the jail.

in the manufacture of paper for the use of  
the post and Revenue, weaving cloth  
or umbrellas, for the use of the prisoners  
themselves or for sale; sewing wear,  
forging nails and other iron implements  
of labour, or making gunny bags,  
baskets and even mats for sale. This  
last kind of work is best suited for  
females. The Criminal Judge of  
Nellore, in the Northern Division,  
of Cuddapah in the Central Division,  
and of Madras in the Southern Division,  
can transfer prisoners temporarily to  
other divisions districts, to give  
instructions in the manufacture of  
paper.

14th March 1831

Govt will not object to  
sanction the grant of a gratuity paid  
to prisoners who may have distinguished  
themselves by their industry, of a  
sum of money out of the proceeds of  
their labour, proportional to the  
comparatively superior quantity of  
labour performed by them.

27 June 1831.

The Govt having reason to  
believe that the practice in vogue to the  
confinement of prisoners in chains, is  
not uniform in the several jails,  
and being of opinion that, except in  
cases of absolute necessity, no prisoner  
should be subjected to the degradation  
of wearing chains, which consists of a  
previous offence, ordered that Criminal  
judges, joint-criminal judges and Native  
criminal judges shall not confine in  
chains, previous to conviction, any  
person who may be charged with a  
bailable offence. (Vide C.O. 8th Oct 1831  
Rules 40 and 42). Orders for warrants  
of capias issued in writing, previous  
conviction for trial before the Circuit  
Courts shall not be confined in chains.  
The criminal judges shall not sentence  
a prisoner convicted of a non-bailable  
to be confined in chains, nor shall chains  
be used in such cases, except for special  
necessity arising out of bad conduct  
of the prisoner during his imprisonment.  
- The ground reason also should be recorded.

24 Feb 1832

The Court direct that

the annual magistrates be instructed to  
the Courts of Provincial Courts of  
Circuit, to warn all heads of villages  
and subordinate police officers,  
that they are required on pain of fine  
or dismissal, to make known  
immediately to the head of the Police,  
whenever they may be informed that  
a riot is intended; and the Court  
further direct that the provisions of  
clause 4. Reg. I of 1830,  
be generally proclaimed throughout the  
villages.

10 May 1833.

From the acting judge of  
Circuit in the Court Division at  
the Court of the Sessions at  
14 persons committed for trial died  
out of 134. The disease called Cholera  
has caused off 9 out of the 14.  
It appears that the committed persons,  
among whom this disease has reigned  
are not required to perform any  
labour whatever and yet that the

same diet allowance as the working class  
receive. The medical officers say that  
this will be the cause of the disease —  
It may be urged to direct that all  
prisoners go at the public expense,  
where state of health and want of life  
may not forbid, and who are not  
otherwise profitably employed in  
labour, should be supplied with grain  
in the house and required to beat it  
out for themselves. The occupation and  
exercise could not but be beneficial to  
them. — The Court approve these suggestions  
and direct that.

10 Feb 1841.

Having since received the following  
circular on the late of Slavery as recommended  
by the Commissioners have officers sent to  
the General court for their guidance:

"We request the slaves of this  
country (whether they are of African or  
Asiatic race or any other race.) be  
supplied with food from their parents  
either during famine or at other times.  
— and slaves are not? unless the

Muhammadan law, for to be sold and  
purchased. If they go away from the  
house of their masters without their  
permission, they are at liberty to live  
wherever they please - and they are not  
liable to any trial under the law in  
question.

## Regulations.

Regn II of 1902 - Establishing courts of justice  
for the trial of civil suits

Regn III of 1902 - for establishing & providing  
- civil Courts of Appeal for hearing  
appeals from decisions rendered in  
the High Courts.

Regn IV of 1902 - Establishing Sudder-  
Adawlat or the chief court of  
civil jurisdiction for trying the  
appeals from the decisions of the  
Provincial Courts of Appeal.

Regn V Establishing Courts of circuit  
for the trial of persons charged  
with crimes. - Judges of the  
Provincial Courts of Appeal  
shall be judges of the Courts of  
circuit.

Regn VI for establishing the  
Presidency Adawlat for the  
trial of criminal ~~cases~~ cases  
in the Port of Calcutta. - <sup>Like the</sup>  
Sudder Court. Not court also is to  
consist of the Governor and the  
members of the Council.

Regn XI of 1802 - appointment of Hindu  
& Muhammadan law officers, of  
the civil & criminal courts.

Regn. XV of 1803. determining the punishment  
to be assigned by the courts in  
cases wherein a direction is left  
by the Muhammadan law for  
assigning the crime & punishment  
by testimony &c. and for declaring  
what crimes shall be liable to  
transportation &c.

Regn II of 1806 for establishing & enacting  
of Adawlat in the several districts in  
which the Muhammadan establishment  
has not been introduced. &c.

Regn IV of 1806. To separate the legislative  
& executive authorities, the courts  
of Sadar & Peshdary Adawlat  
shall consist of 3 judges; - the  
Chief judge shall be the Governor  
& Council. the 2nd & 3rd judges  
shall be selected from among the  
experienced civil servants, not  
being the members of the Council.

Regn I of 1807. for amending the  
constitution of the Courts of  
Sadar & Peshdary Adawlat. -  
The Chief judge of these courts  
shall be selected from among the  
Company's experienced civil  
servants, not being the members of  
the Council.

Regn III of 1807. for modifying the  
constitution of the Sadar & Peshdary  
Adawlat. - Chief judge shall be  
a member of the Council but not  
the Governor or the Commander-in-  
Chief. 3 puisne judges shall be  
selected from among the Company's  
experienced servants.

Regn VI of 1808. - to withdraw the Senior  
Judges of the Courts of Criminal  
from proceeding upon the circuits  
and to extend the authority of the  
Peshdary & Sadar Adawlat.

Regn. XII - for the suppression of persons  
charged with dacoity or gang-  
-robbery

Regn. IX of 1816. — for transferring the  
office of the Hindu magistrates from  
the judge to the collector.

Regn. IX of 1816. Judges of the Hindu-  
Courts shall be criminal  
judges of their respective  
jurisdictions.

Regn. I of 1818. — To cut the extraordinary  
Advocate with direction to pass  
sentence of punishment in cases,  
although the justice of the law officer  
may not declare the prisoner to be  
guilty of the fact or facts charged  
against him, or liable on strong  
presumption to discretionary  
punishment, the judge of the  
court may be of opinion that the  
proof against the prisoner is  
sufficient to convict him of the  
whole or any part of the charge;  
to modify Muhammadan law  
in cases of Zina or whoredom  
as in cases of accidental homicide;  
as also to dispense with the process  
of "Godna" in cases of conviction of

the crime, of perjury, subornation of  
perjury, or forgery; &c. — Clause  
I see 3 Regn. VI of 1811 amended.

Regn. VII of 1818. — Paypee Regn.

Regn. II of 1819 — Regulation for the  
confinement of State prisoners.

Regn. IV of 1819. for punishment of  
obedience, opposition &c on the  
part of the native officers of  
Police.

Regn. I of 1821. allowing the jurisdiction  
of the Hindu & Provincial Courts

Regn. I of 1822. — For the more  
effectual punishment of robbery  
by open violence.

Regn. II of 1826 — Regn. for the more  
easy conviction of the crime of  
perjury.

Regn. X of 1824 — for the gradual introduction  
of trial by jury into the  
criminal judicature.

— Regn. VIII of 1828 — for abolishing the  
use of the Kaddan as an instrument  
of punishment and for

substituting in lieu thereof the cat-of-  
-nine-tails.

Whereas it has been found  
that stripes with a catan are a  
very unequal mode of punishment,  
varying with the size of the  
instrument and the strength of the  
person using it, and occasioning  
serious bodily injury, far beyond  
the intention of the law: Therefore,  
this Act has been enacted —

"The use of catan as an  
instrument of punishment is  
fully abolished.

III Those sentenced to receive  
stripes with a catan shall receive  
lashes with a cat-of-nine tails.

IV 5 lashes with a cat-of-  
nine tails shall be considered  
equivalent to one stroke of a catan.

I Cat-of-nine-tails to be  
supplied from the stores of Govt.

Act VI of 1824. Whereas in section VII  
Regulation I of 1825 requiring the  
judges of circuit to appear for the

contents of the Court of Poydony had under  
every trial in which the conviction of the  
prisoner depends exclusively or  
principally upon the evidence of  
witnesses objected to by the Prisoners  
law officers; and whereas the intention  
of that enactment — and the maintenance  
and the administration of justice  
greatly facilitated, by enabling the  
judges of circuit to pass sentences  
without exposure to the <sup>Prisoners</sup> ~~law~~ <sup>Prisoners</sup> ~~law~~  
on persons convicted of crimes  
punishable by them, and on which  
the objection taken to the evidence  
by the law officers consists exclusively  
of certain personal objections to the  
deponents, and is not founded on the  
inefficiency of the testimony given  
by them, or on other grounds exposed  
and distinct from such personal  
objections: this Act is passed.

Sept 1 of 1930. for declaring the  
practice of Sati illegal and  
punishable by the criminal  
courts.

The practice of Sati  
or of burning or burying alive  
the widows of Hindus, is revolting  
to the feelings of human nature,  
it is no where enjoined by the  
religion of the Hindus as an  
imperative duty, on the contrary,  
a life of purity and retirement  
on the part of the widows is more  
especially and properly incumbent,  
and by a vast majority of the  
people throughout India the  
practice is not kept up nor encouraged;  
in some extreme districts it does  
not exist: in those in which it has  
been most frequent it is notorious  
that in many instances acts of  
atrocious have been perpetrated  
which have been shocking to the  
Hindus themselves, and in these

eyes unblinded and unclouded. The  
means adopted to discourage  
and prevent such acts have failed of  
success, and the Government in Council  
is deeply impressed with the conviction  
that the abuse in question cannot  
be gradually put an end to without  
abolishing the practice altogether.  
Actuated by these considerations,  
the Government in Council, without  
intending to depart from one of  
the first and most important  
principles of the system of British  
Government in India, that all  
classes of the people be secure in the  
observance of their religious usages,  
so long as that system can be  
shown to withstand violation of the  
paramount dictates of justice  
and humanity, has deemed it  
right to pass the following Act.

" The practice of Sati is declared  
illegal and punishable by criminal  
courts.

First  
in all numerous calculations etc held  
responsible for an immediate  
communication to the officers of  
the nearest police station of  
any individual suspected - otherwise  
they shall be liable to a fine not  
exceeding \$500 or in default of  
payment imprisonment not  
exceeding 6 months.

Second. Heads of police or members  
of information shall proceed in  
person to the spot and announce  
to the persons that the act is illegal  
and endeavor to prevail on them  
to disperse. Should the parties  
still continue to ~~stay~~ <sup>gather</sup> the police officers  
shall use all lawful means in  
their power to prevent the assembly  
from taking place, and to  
suppress the persons  
aiding and abetting in the perpetration  
of it &c.

Third. The magistrates or justice  
magistrates shall ~~invest~~ <sup>investigate</sup> enquire  
into the circumstances of the  
case and shall advise the

necessary measures for bringing  
prisoners concerned in murdering it  
to trial before the Court of Circuit.

Second. Persons convicted of aiding and  
abetting in said shall be  
deemed guilty of culpable  
homicide and liable to punish-  
ment by fine, or by imprison-  
ment at the discretion of the  
Court of Circuit.

Third. Persons committed to trial  
trial before the Court of Circuit  
shall be admitted to bail or not  
at the discretion of the criminal  
judge.

V. The Court of King's Bench  
not precluded from passing  
sentence of death on persons  
convicted of using violence or  
compulsion or of having  
committed in burning or burning  
above a window or window, while  
labouring under a state of  
intoxication or stupor or  
other cause impairing the

exercise of his free will.

Reyn II of 1830. for abolishing the  
use of the corah as an  
instrument of punishment  
and substituting in lieu thereof  
the cat of-nine tails.

Whereas by clause first  
section II Regulation II of 1811  
"worthy stripes with a corah"  
formed part of the sentence when  
a judge of circuit is authorized  
to pass on persons convicted of  
perjury, or forgery - and  
whereas it is desirable that one  
uniform instrument of  
punishment should be used.  
for inflicting & stripes in all  
cases. This Reyn is passed.

11 The use of the corah is  
abolished and 5 stripes with a  
cat-of-nine-tails substituted for  
one with a corah.

Reyn VII of 1831 for uniting in  
single judges the court of  
Sass and Koyidany Adawant  
and six single judges of the  
Provincial court of Appeal.  
under certain restrictions.  
The power exercised by two or  
more judges of these courts  
separately.

Reyn X of 1832. to create the criminal  
judges, joint criminal judges,  
native criminal judges and  
magistrates in charge of the  
public justice, to maintain  
good order and discipline  
in their jurisdiction and among the  
persons employed at the  
public works and in other  
public works.

11 The criminal judges so  
shall be guided by the rules which  
have been prescribed by the govt  
at the court of Koyidany Adawant  
by the better management of such judges.

to So also for the prisoners  
employed on public works

26

26

26

26

Regulation II of 1833. for exempting  
female from corporal  
punishment.

" No female shall hereafter  
be confined to corporal punishment  
by orders by the Magistrates  
and their assistants, by any  
of the courts of criminal justice,  
or by any other authority  
to whom the power of adjudicating  
that punishment may be given  
by any Regulation enacted by  
this Government.

T  
Y.211  
N50

