CONFIDENTIAL.

Judl Dept 1896

G.O. No. 1379 dt
25-8-1896

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Restored on 13-2-75 psw

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Judicial (1896) Department.

ORDINARY

G.O., No. 1379

Confidential No. 116

DATED 25-8-96

[Despatch Abstract.]

Informing the Govt. of India that this Govt. is unable to see its way ~~to regard~~ making any change in the existing law as regards the burning of the bodies of Moplah fanatics killed in outbreaks

BACK PAPERS.

G.O.	No	Department.	Date.	G.O.	No.	Department.	Date.
	811	Jud.	2-5-96				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Con	137	&	24-10-96				

Burning of Moplahs' bodies

See letter in Mad. Mail of 5th stating that the assailant of Lieut. Stevens was hanged and burned – This would no doubt, be under S. 8 of Act XXIII of 1867 – Please see whether any reference was made to burning the bodies of fanatics in the discussions on the passing of this Act or on the passing of Act IX of 1877 reviving it after it had expired.

BS
7/5/96

Judl Deptt

Note by W.H. Reg: burning of fanatics' bodies.

P.

Lodged.

LODGED.
DATE 27-5-1896

27/5/96.

Note for H.M.

Refce: H. M's remarks within

The discussions on the passing of Indian Acts XXIII of 1867 & IX of 1877 contain no reference to burning the bodies of fanatics ~~sentenced~~ ~~[illegible]~~ executed under the provisions of these Acts. The cremation is probably authorized by the circulars issued by the Chief Court of the Punjab under Sec. 16 of Act XXIII of 1867.

19/5/96. 21.5.96 22/5/96

Seen

23/5/96 Lodged 27.5.96

C 23/5
R 27/5

List of Enclosures in Secret Despatch No. 99 (Frontier), dated the 19th May 1896, from the Government of India in the Foreign Department, to Her Majesty's Secretary of State for India.

Serial No.	No. and date of paper.	From whom, or to whom.	Subject.
1	No. 490 F., dated the 20th February 1896.	To the Punjab Government ...	Expresses concurrence in Sir Dennis Fitzpatrick's aversion to the practice of burning the bodies of *ghazis*, and directs that the views of the Government of India should be made known to all officers serving on the Punjab frontier.
2	No. 494 F., dated the 20th February 1896.	To the Agent to the Governor-General in Baluchistan.	Forwards a copy of the foregoing, and invites his opinion with reference to the Baluchistan Agency.
3	No. 2842, dated the 8th April 1896.	From ditto ditto ...	In reply to the above, conveys his opinion and those of certain officers whom he has consulted.
4	No. 1178 F., dated the 8th May 1896.	To ditto ditto ...	Points out that the orders issued do not forbid the burning of the bodies of *ghazis*; requests that the views of the Government of India, as stated in enclosure No. 1, may be communicated to officers of the Agency.

(Sd.) H. DALY,
Offg. Deputy Secretary to the Government of India.

1896
Confl
Enclos. No. 6
G. No 197

[CONFIDENTIAL.]

No. 490F.

FROM

THE SECRETARY TO THE GOVERNMENT OF INDIA,

To

THE CHIEF SECRETARY TO THE GOVT. OF THE PUNJAB.

FOREIGN DEPT.

FORT WILLIAM, *the* 20th *February* 1896.

SIR,

The Governor-General in Council has had under consideration the practice of burning the bodies of persons sentenced to death under the provisions of Act XXIII of 1867 (as amended by Act IX of 1877), or killed in the act of committing an offence in the contemplation of Section 2 of that Act. Attention to this subject was attracted by action taken last year in the Tochi Valley, where on two occasions the bodies of Ghazis killed in the act of attacking British subjects were burnt on the scene of the outrage. The burning of the bodies created a great stir throughout the Tochi Valley, and for a time it seemed that the friendly disposition of the people towards us was changed to intense bitterness. Within a few weeks of the incidents in the Tochi, murderous outrages were committed on British officers and British Indian subjects in three totally different localities,—Panjgur in Kelat, the Peshin District, and the Swat Valley and neighbourhood; in all cases the bodies of the Ghazis were burnt.

2. Enquiries which were then instituted showed that, although the proceedings in every trial held under the Act had not been formally reported to Government by the officer holding the trial, as required by Section 9 of the Act, it had been the almost invariable practice both on the Punjab frontier and in Baluchistan to burn the bodies of Ghazis, and that the opinions of distinguished officers in the past were greatly divided as to the efficacy of this practice.

3. At the request of the Governor-General in Council, the Lieutenant-Governor consulted several Punjab frontier officers upon the following points, on which diverse views had been expressed—

(1) whether the effect of burning the bodies of Ghazis is deterrent;

(2) what is the best way of dealing with such bodies if they are not burnt, but if it is necessary to prevent their being used to promote fanaticism; and

(3) whether the actual presence of a body is necessary to the sanctity of a Ziarat or shrine.

4. The majority of officers who expressed an opinion consider that the effect of burning the bodies is deterrent. Sir Dennis Fitzpatrick shares this view. In regard to the second question: in cases occurring within the limits of British India, burying the body within the precincts of a jail is generally recommended; in cases occurring on trans-frontier expeditions or in places temporarily occupied by our troops on field service, different opinions are held, but there is no doubt that it is very difficult, in such cases, to devise means of disposing of a body so as to prevent its being available for a Ziarat. As regards the third question all think that the actual presence of the body is essential to the sanctity of a shrine or Ziarat, though the Lieutenant-Governor believes that, if the people wished to erect a Ziarat to a Ghazi whose body had been burnt, some sort of fiction would be started to justify them in doing so.

5. Sir Dennis Fitzpatrick entertains a strong objection to the practice of burning the bodies of Ghazis. His Honour allows that there might be an extreme case when assassination by fanatics becomes so prevalent that it might be essential to resort to burning, but he would treat it as a thing not to be resorted to except under very extraordinary circumstances and with the sanction of Government.

6. The Government of India entirely agree with Sir Dennis Fitzpatrick in his aversion to this practice which has become so general; and, while they do not consider any change in the existing law desirable, they desire that their view may be made known to all officers serving on the frontier. It should, however, be remembered that the power to order disposal by burning the body of a person who has been convicted and sentenced to death under the Murderous Outrages Act (XXIII of 1867) is vested judicially in specified officers, some of whom exercise executive powers as well. The opinion of the Government of India cannot control the exercise of judicial authority, but officers, who are duly empowered in this respect, will know that as a matter of policy the Government of India think they should only have recourse to burning in extreme and exceptional cases when there may be good reason to believe that such a measure will check, or put a stop to, what might be called an epidemic of assassination by fanatics. It should be impressed upon executive officers that proceedings under the Act should be strictly limited to cases of true fanatical outrage—*e.g.*, cases of men whose object is to gain martyrdom by killing an infidel and who seek that object by assassination—as distinct from acts of guerilla warfare, such as firing into camps, plundering convoys, etc. The bodies of men killed in what may fairly be considered guerilla warfare should never be burnt. The Government of India admit that it is difficult to define what is a fanatical outrage, and what is not; but provided that it is clearly understood that the special treatment provided for fanatical outrages is applicable to such outrages only, that it is not necessarily to be applied to all such outrages, and that executive officers conducting prosecutions under the Act shall not press for an order for disposal of the body of the accused person, if convicted and executed, unless the Local Government has admitted that the state of the country or of any tract requires action of the kind to be taken, no harm need be anticipated from the fact that the law leaves to the discretion of the officer trying the case the decision whether any outrage is fanatical or not.

I have the honour to be,
Sir,
Your most obedient servant,

(Sd.) W. J. CUNINGHAM,
Secretary to the Govt. of India.

No. F.

A copy of the foregoing is forwarded to the Military Department for the issue of such orders as may be deemed necessary.

No. F.

A copy of the foregoing is forwarded to the Political Officer in Dir and Swat, and the Resident in Kashmir, for information and guidance.

Foreign Office Press—No. 285—14-2-96-9

1896
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Confidential.

No. 494 F.

FROM

THE SECRETARY TO THE GOVT. OF INDIA,

TO

THE AGENT TO THE GOVR.-GENL. IN BALUCHISTAN.

FOREIGN DEPT.

FORT WILLIAM, *the 20th February* 1896.

SIR,

I am directed to forward, for your information, a copy of a letter* addressed to the Government of the Punjab, on the subject of the burning of the bodies of Ghazis under the provisions of Act XXIII of 1867 (as amended by Act IX of 1877).

2. The Government of India are aware that the practice of burning such bodies has been general in the Baluchistan Agency, and that the procedure has met with your approval; they consider, however, as at present advised, that the practice which will now be followed on the Punjab frontier should be observed elsewhere in Muhammadan frontier districts. I am to invite an expression of your opinion with reference to the Baluchistan Agency.

I have the honour to be,
SIR,
Your most obedient servant,

(Sd.) W. J. CUNINGHAM,
Secretary to the Government of India.

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* No. 490 F., dated the 20th February 1896.

Foreign Office Press—No. 285 a—21-2-96—41.

1896
Confl.
4
Enclos.
No. 177

No. 2842 (*Confidential*), dated Quetta, the 8th April 1896.

From—MAJOR-GENERAL SIR JAMES BROWNE, K.C.S.I., C.B., R.E., Agent to the Governor General in Baluchistan,

To—The Secretary to the Government of India, Foreign Department.

In reply to your letter No. 494-F. (*Confidential*), dated the 20th February 1896, on the subject of burning the bodies of ghazis, I have the honour to make the following remarks.

2. I have consulted the following officers on the subject :—

Major MacIvor, C.I.E., Political Agent, Thal Chotiali.

Lieutenant-Colonel Gaisford, late Political Agent, Quetta.

Captain Archer, Political Agent, Zhob.

Rai Bahadur Hittu Ram, C.I.E., on special duty in Kalat.

I find that they are unanimously in accord with my own views on the subject formed during the course of many years, and after the fullest discussion with all classes of frontier officials and of frontier tribesmen. I beg to attach their letters on the subject.

3. It would be difficult to find four men in India who have had more practical experience of ghazi fanaticism than these officers have acquired during a long term of years spent in frontier administration.

Further, they have mostly had, irrespective of Baluchistan, a long and close acquaintance with Northern Afghans, from Dera Ghazi Khan to Abbottabad. They all possess that personal experience of the language, feelings, habits, and general turn of thought of Afghans and Baluchis, without which no useful practical opinion can be formed on the subject now under discussion.

4. I have myself seen much ghazi outrage in almost every part of the North-Western frontier for the last 36 years. I attended the trial of the ghazi from Swat who attacked Colonel Lumsden at Hoti Mardan in 1860; and of the ghazi from Bajaur who killed Colonel Adams at Peshawar, I think, in 1861. I have on many other occasions at Peshawar, in Pishin, at Quetta, Bannu, Kandahar, Takht-i-pul, and Kalat-i-Ghilzai, attended the trials of ghazis in war and in peace; and have frequently acted as interpreter or prosecutor on such occasions. As Chief Commissioner I have also judicially examined all the very numerous trials of ghazis which have taken place in the Baluchistan Agency during the last four years. I have myself seen individual ghazis at work on four different occasions. Having spoken to and examined them within a few minutes of their crimes being committed, I have had some insight into their real sentiments and motives from their actions and their words. I have been able to appreciate how dangerous and how contagious, beyond all imagination of legal British opinion, was the effect of their fanatical exhortations at such times, even upon Indian Mahomedans, and, much more, upon their Baluch or Afghan co-religionists.

5. My experience entirely confirms Colonel Gaisford's expressed view, that the demoralising effects of a ghazi outrage can only be fully appreciated by those who have witnessed it. I was in the crowded Kandahar bazaar in January 1879, when Lieutenant Willes, R.A., was killed by a ghazi. But for the united exertions of many British officers, that single case might have caused most disastrous results and the loss of many lives. On the first raising of the cry of "ghaza," Sir Oliver St. John was fired at in one place. In another place, a small Pathan boy of about 11, who was standing quietly beside me the moment before, snatched a chopper and a white Arum lily (the Mahomedan emblem of martyrdom) from a butcher's shop. He wounded and stabbed some Sikh soldiers, but was fortunately knocked down

imprecations?

before doing further mischief. He was secured and carried off, hurling implications on all kafirs, and taunting all the Mahomedans he saw with cowardice and atheism; his curses being re-echoed and applauded from every closed lattice and blind alley within hearing in the adjoining bazaars.

In Thal Chotiali, three years ago, a girl of 14 all but killed a Sikh sentry with a sword; and gloried in the act. Engrained instincts of this kind cannot be combated by extending benevolent or sentimental considerations to the religious prejudices which produce them.

6. I am personally convinced that any change in the present practice of burning the bodies of *bonâ fide* fanatics would be most dangerous; and would inevitably lead to an increase in the number of ghazi murders. The burning and supposed annihilation of the body is the only measure which has the least deterrent effect upon Afghans, or even, under certain circumstances, upon Baluchis. It is a case of comparing spiritual things with spiritual. The bacillus of the ghazi rabies which can only be fed by the hopes of a future life, can only be starved by the collapse of all future spiritual hopes for the soul, as the result of the annihilation of the body.

7. Turning to the questions asked by the Government of India, I do not, for an instant, believe that the nearly simultaneous outrages at Panjgur, and in the Pishin and Swat districts, had the faintest connection with each other or with our action in the Tochi valley. Wherever the Christian or the Hindu dominates, the Afghan or even the Baluch Mahomedan cases of ghazi rabies will appear, not in the remotest degree as the result of exasperation at the burning of ghazis' bodies, but in spite of the deterrent effect which such burning undoubtedly exercises in the highest degree. Nothing but burning and consequent total disappearance will prevent a ghazi's body being utilised by other fanatics to promote religious excitement; provided, however, that these fanatics know where the body has been bestowed. Any place where a ghazi has died is *per se* respected to a certain extent, just as any Christian might revere an empty phial which had once contained a martyr's blood. This feeling sometimes induces an Afghan woman to carry her sick child round the gallows erected outside a jail, with her right hand stretched out towards them. But such an old wife's practice does not constitute the gallows into a ziarat, or practically encourage dangerous fanaticism. If it did, an occasional change of the site of the gallows would satisfactorily settle the matter. On the other hand, nothing more fatuous than the idea of burying ghazis' bodies within the precincts of North Western Frontier jails could well be imagined. The prisoners would dream and brood over the bodies and memories of the dead ghazis sanctifying the jail; and would proceed to themselves qualify for martyrdom, either by at once murdering a kafir inside the jail, or by killing a kafir outside it, the moment they were released. No one who knows anything of the moral peculiarities of frontier jail-birds, could doubt that the odour of sanctity of the dead ghazis buried in their midst would contaminate their minds much more dangerously, even than it would affect their bodies in a sanitary point of view. The conversion, on such humanitarian grounds, of the Quetta jail into a combined nursery and martyrs' memorial for ghazis, would be more grotesque than any fiction which might be started by the people, to justify their inventing a ziarat on the basis of a calcined ghazi.

8. As the Government of India know, I have lived long enough amongst Afghans to know something of their ways and thoughts, and I consider that the vast majority of the lower class of Afghans, whilst having no wish to become ghazis, are perfectly and painfully conscious of their own dangerous susceptibility to, and powerlessness to resist, the national and religious rabies of ghazi outrage which they themselves describe as "having seen blood." I believe that they would, for their own protection, really dread and regret our abolishing a practice which provides them with a reasonable rejoinder to the jeers of their women and the taunts of their mullas when urging them to crime.

"We shall become ghazis," they say, "when you women and you mullas can guarantee us paradise after our bodies have been burnt." I entirely

disbelieve in the burning of ghazis' bodies causing any bitterness towards us amongst the bulk of the Mahomedan population which disapproves of "ghaza," which dreads being drawn into it, and which really approves of its being checked by the only measures which can possibly stamp it out. Death, in a religious war, might appeal to a very few rich and educated Afghan Mahomedans; but the army of solitary ghazis is solely recruited from the poorest and most ignorant class, down to whose level of thought and education we are obliged to legislate for our own protection.

9. I have not got a strong predilection for, nor have I a strong aversion to, a dead man being consumed by fire. I think, however, that the Government of India may be under some misapprehension as to the working details of the practice as it obtains in Baluchistan. There can be no possible doubt or difficulty in beliving a man to be a ghazi who glories in being one, and who proclaims the fact to all who will listen to him. The corpses of such ghazis only are ever burnt in Baluchistan. There is not the remotest chance in this Agency of such treatment being ever extended to other categories of frontier crime; whilst there is every chance, amounting indeed to a certainty, that its discontinuance would, under existing conditions in Baluchistan, enormously encourage and increase these hateful and demoralising ghazi outrages.

10. I would call the particular attention of the Government of India to the views (somewhat quaintly expressed) of Rai Bahadur Hittu Ram, C.I.E., than whom no more competent native authority on such a question could possibly be found.

P.S.—Since writing the above, I hear that the special spot where the Panjgurh ghazi, who stabbed Lieutenant Parker, was hanged and burnt, has been constituted into a ziarat; and has been made into a sort of shrine ornamented with stones and rags. This is a case in point, where the consuming of the body has not prevented a ziarat being made. The ghazi is said to have appeared to a mulla in a dream; and to have explained to him, that although burnt he was in full fruition of paradise. I doubt, however, whether under these circumstances the ziarat will enjoy long popularity. It would not have been raised but for this ingenious mulla, who would probably have been cured of bad dreams by a cat-of-nine tails had he ventilated them anywhere except at Panjgur, where British authority is conspicuously non-existent.

No. 1789, dated the 16th March 1896.

From—MAJOR MACIVOR, B.A., C.I.E., Deputy Commissioner, Thal Chotiali,

To—The Agent to the Governor General in Baluchistan.

In reply to your memo. No. 1576, dated the 2nd March 1896, forwarding for opinion copy of letter No. 494-F., dated the 20th February 1896, from the Government of India, Foreign Department, with enclosure, I have the honour to state that, as far as my observation has gone in Baluchistan, the practice of burning the bodies of fanatics has a deterring effect on the crime of "*ghaza*," and I do not think it has ever led to any feeling of enmity against us by other inhabitants of this country. There is no connection whatever, in my opinion, between the isolated crimes mentioned in paragraph 1 of the Government of India letter as having occurred in Baluchistan, and the punishment inflicted in the Tochi case.

2. I do not think, therefore, that any action is called for with reference to the present state of the law and practice in Baluchistan, but it would be no harm if district officers be told that the power of ordering bodies to be burnt be used with discretion.

Memo., dated the 27th March 1896, by LIEUTENANT-COLONEL GAISFORD, Political Agent, Thal Chotiali.

I.—Ghazi-ism is a crime which has a most terrorising effect, and which cannot be understood except by those that have witnessed it. The coolies all along the line, from Kach to Chaman and Quetta, were paralysed by a single case. Each permanent-way gang had to be especially guarded, or the coolies would have all run away.

Therefore when a case of ghazi-ism is proved, the strongest measures must be taken to prevent a recurrence.

As far as my observation, burning the body has a very deterrent effect. The ignorant people of these parts believe that the destruction of the bones will prevent the body from rising at the sound of the "last trump." Thus burning destroys the hope of immortality, and is a very heavy punishment.

If the body were not burnt, but made over to the relatives, it would be buried and a martyr's shrine, bedecked with flags and white stones, would be built over it. This would be visited, not only by people close around, but by others from a distance. The ghazi's deed would be narrated and his actions held up as an example. The shrine would thus arouse a spirit of fanaticism.

Naturally Mahomedans do not like their co-religionists to be burnt: but our action in doing so has never stirred up any bitterness in these parts. The vast majority of the people by no means approve of ghazi-ism.

II.—If the body is buried it should be so disposed of that it cannot possibly be exhumed. To bury in jail limits seems an insanitary measure.

III.—I have never yet seen, or heard of, a shrine which was not built over a corpse. I very much doubt if such a one would be reverenced or visited in these parts.

Memo. dated the 27th February 1896.

From—Captain Archer, Political Agent, Zhob,

To—The Agent to the Governor General in Baluchistan.

Disposal of bodies of ghazis.

It is not quite clear on what points an opinion is required by the Government of India in their letter No. 494-F., dated the 20th February 1896. Assuming, however, that the points are those enumerated in paragraph 3 of the letter to the Punjab Government (No. 490-F., dated the 20th February 1896), I proceed to consider these in order.

(1) I have no doubt whatever that the effect of burning the bodies of ghazis is deterrent, and strongly deterrent. I have frequently spoken on the subject with Pathans, who know well the feelings of the people, and they have invariably held that burning is a strong deterrent. The people say: "Look at so-and-so; what a *bahadur* he was; what a number of infidels he killed; and yet what was the use of it all? In the end he was burned like a dog." So convinced am I of this that I have no doubt that if it were known there was even a chance of a ghazi escaping burning, the number of cases of "ghaza" in the Zhob district would increase considerably.

(2) I know of no way except burning in which such bodies can be dealt with so as to prevent their being used to promote fanaticism. There are no jails in the Zhob district in which the bodies could be buried; and even if there were, I should regard the practice of burying ghazis or any oneelse within jails as a most objectionable one. To run the risk of poisoning living persons in order to avoid hurting the feelings of the friends and relatives of the dead murderers, appears to me to carry to unreasonable extremes the preference of the immaterial before the material.

(3) I am inclined to think that among the more ignorant and superstitious it might be possible to start some sort of cult of a ziarat without the actual presence of a body. There would, however, be great difficulties in the way of any such ziarat becoming widely known and highly honoured.

2. I fully agree that it is most important that only cases of true fanatical outrage should be tried under the Murderous Outrages Act. I have never hitherto found any difficulty in drawing the line between fanatical outrages and crimes due to ordinary motives. Where the crime clearly belongs to the former category,—where, for instance, as often happens, the criminal proclaims and glories in his fanatical motives,—the body should, in my opinion, invariably be disposed of by burning. "The state of the country" (certainly in Zhob, if not throughout Baluchistan), in my opinion, "requires action of the kind to be taken," and I trust that the Local Government will accept this view.

No. 120, dated the 21st March 1896.

From—Rai Bahadur Hittu Ram, c.i.e.,

To—The Agent to the Governor General in Baluchistan.

With reference to your office confidential letter No. 1577, of the 2nd instant, I have the honour to say that, in my opinion, the time has not yet come to stop the practice of burning the bodies of ghazis, because in the cases of ghazis only so much punishment is fixed in excess of that in cases of ordinary murders that the bodies of ghazis are burnt so that the other persons may take a warning, and there is no doubt that by this the other persons certainly take a warning. If this practice is stopped the people will no doubt make the tombs of ghazis as ziarat, and this will excite the people to become ghazis. In my opinion for some time, some more punishment may also be added,—that is to say, some liability may be put on the heirs of ghazis and the mullas belonging to the village or tribe of ghazis, so that the people may once be afraid and the custom of becoming ghazis be put to a stop. When this custom is put to a stop or decreased, these restrictions can then be gradually removed. For the present by stopping the practice of burning the bodies of ghazis there is a fear of there being excessive offences of this kind. It may be known that such offences are committed by uncivilised men. If they will be treated mildly they will not appreciate the kindness, but they will be rather encouraged. The peaceful and well-disposed Mussalmans never feel afflicted by the burning of the bodies of such mad ghazis. Moreover the Amir of Kabul, who calls himself the Khalifa of the Mussalmans, sometimes treats the Mussalman offenders in such a manner that he gets some offenders burnt in a caldron of oil, and gets some offenders killed by putting them in a dark well,* and the bodies of some offenders are cut to pieces and put before beasts. No sign of the body or tomb of such men then remains. All the Mussalmans of Afghanistan, and most of the Mussalmans of India, are aware of such punishments of the Amir.

* Siah chah.

G. C. Press, Simla.—No. C.9 F. D. 27-4-96.—40.

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No. 1178 F., dated Simla, the 8th May 1896 (Confidential).

From—H. S. Barnes, Esq., Officiating Secretary to the Government of India, Foreign Department,

To—The Agent to the Governor-General in Baluchistan.

I am desired to acknowledge the receipt of your confidential letter No. 2842, dated 8th April last, containing your views in regard to the practice of burning the bodies of Ghazis executed under the provisions of Act XXIII of 1867 as extended and applied to Baluchistan.

2. The Governor-General in Council has noted with interest the opinions expressed in your letter and in its enclosures, and has observed with satisfaction that you have declared emphatically against the extension of the practice of burning the corpses of executed criminals, to categories of frontier crime other than true "Ghaza."

With regard however to your opinion as to impolicy of any change of practice in cases of "Ghaza," I am to point out that the instructions contained in the letter to the Punjab Government, which is marked in the margin, do not forbid the burning of the bodies of Ghazis. In that letter the Government of India have expressed their own views in regard to this practice, and have desired that it should be strictly confined to fanatical outrages. But with this expression of opinion they have left to the Local Government and to its frontier officers the responsibility of exercising the discretion, which they now possess, and which it is not proposed to withdraw.

No. 490 F., dated the 20th February 1896.

3. The Governor-General in Council is of opinion that a similar course may reasonably be followed in Baluchistan. I am therefore to request that the views of the Government India, as stated in the letter to the Punjab Government above cited, in regard to the principles which should guide officers in the exercise of their discretion, may be communicated to all the officers of the Baluchistan Agency.

No. 1179 F.

A copy of the foregoing letter is forwarded to the Military Department, in continuation of the endorsement from the Foreign Department No. 491 F., dated the 20th February 1896.

By Order, &c.,

FOREIGN DEPARTMENT,
SIMLA;
The 8th May 1896.

(Sd.) E. H. S. CLARKE,
Asstt. Secretary to the Govt. of India.

Foreign Office Press—No. 638—18-5-96—28.

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No. 99 of 1896.

GOVERNMENT OF INDIA.

FOREIGN DEPARTMENT.

SECRET.

Frontier.

To

THE RIGHT HON'BLE LORD GEORGE F. HAMILTON,
Her Majesty's Secretary of State for India.

SIMLA, *the 19th May 1896.*

MY LORD,

The 'Act* for the suppression of murderous outrages in certain Districts of the Punjab,' as amended by Act IX of 1877, provides that the bodies of fanatics sentenced to death under the Act shall be disposed of as the Sessions Judge or Commissioner by whom they were sentenced shall direct.

2. Our attention was attracted to this subject last year by events in the Tochi valley, where on two occasions the bodies of *ghazis* killed in the act of attacking British subjects were burnt on the scene of the outrage. The burning of the bodies created a considerable stir in the Tochi valley, and for a time there seemed a danger lest the friendly disposition of the people towards us might be changed to a feeling of bitterness. By what was probably nothing more than an accidental coincidence similar murderous outrages on British officers or British Indian subjects occurred within the next few weeks at Panjgur in Makran, in the Pishin district, and in the Swat valley and neighbourhood. In all these cases the bodies of the *ghazis* were burnt. Enquiries which were then instituted showed that it had always been the almost invariable practice, both on the Punjab frontier and in Baluchistan, to burn the bodies of fanatics as a deterrent measure.

3. The opinions of distinguished officers have been greatly divided in the past as to the real effect of this procedure among border Musulmans. It has been advocated sometimes because of its supposed efficacy as a deterrent—sometimes on the ground of administrative convenience, in order to prevent the erection over the criminal's body of a shrine, which may encourage others to follow his example. It is repugnant to our minds to employ a form of punishment which derives such efficacy as it possesses, solely from the result it

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* XXIII of 1867.

is supposed to produce in the next world. But the reasons given for its continuance have in our opinion sufficient force to render it undesirable to make any change at present in Section 8 of the Act. After full consideration therefore we have contented ourselves with expressing* our entire concurrence in Sir Dennis Fitzpatrick's aversion to the practice, and have requested that our views may be made known to all officers serving on the Punjab frontier. We have stated that we do not desire to make any change in the existing law, and our opinion cannot of course control the exercise of the judicial discretion which is vested by the Act in certain Courts and officers; but executive officers prosecuting under the Act will in future know that, as a matter of policy, the burning of bodies should, in the opinion of the Government of India, be strictly limited to cases of true fanatical outrage, and that even in these cases this method of disposing of the body should only be pressed for when the Local Government has admitted that, owing to the prevalence of the crime in any particular tract, such action is necessary or expedient.

4. Major-General Sir James Browne and the officers of the Baluchistan Agency, whom he consulted, are in favour of continuing in that province, where Act XXIII of 1867 is also in force, the practice which has hitherto been observed. We have reminded the Agent to the Governor-General that our instructions to the Government of the Punjab do not forbid the burning of the bodies of *ghazis;* that we have merely expressed our own views in regard to the practice; and that with this expression of opinion it has been left to the Local Government and its officers to exercise the discretion they now possess, and which it is not proposed to withdraw. We see no reason why a similar course should not be followed in Baluchistan. We have therefore directed that the views contained in our letter to the Punjab Government should be made known also to all the officers of the Baluchistan Agency. A copy of the correspondence is enclosed.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) ELGIN.
" G. S. WHITE.
" J. WESTLAND.
" J. WOODBURN.
" M. D. CHALMERS.
" E. H. H. COLLEN.
" A. C. TREVOR.

* Enclosure No. 1.

1896
Confl. Fund. Dept.
Encl. 1
177

Confidential No. 177

Confidential.

HOME DEPARTMENT
INDIA

No. 163
CHIEF SECRETARY
18 JUN. 1896
GOVERNMENT OF MADRAS

Simla, the 10th June 1896.

Dear Mr. Price.

With reference to your official letter No. 811, dated the 2nd ~~instant~~ may, reporting the circumstances under which the bodies of some of the Moplas killed in the recent Mopla outbreak were burnt, and stating that when the reports on the recent outrage come to be dealt with by the Government of Madras the matter will be further considered, I am desired to say that the Government of India will be glad if the Government of Madras will, in due course, inform them of the result of the further consideration of the case. I am meanwhile to forward, for the information of His Excellency the Governor in Council, a copy of a Despatch No. 99, dated the 19th May last, and enclosures, addressed by the Government of India to the Secretary of State in connection with the practice of burning the bodies of Ghazis on the North

West

West frontier.

I am to ask that the papers now sent may be treated as strictly confidential.

Yours ~~truly~~ sincerely

J. P. Hewett

The Hon'ble J. F. Price, C.S.I.,
Chief Secy. to the Govt. of Madras.

„ M. D. CHALMERS.

„ E. H. H. COLLEN.

„ A. C. TREVOR.

1896
Confl. Front. Dept.
Encl. 1
177

$\left[\frac{G.}{10.}\right]$
500—16-4-94.

CONFIDENTIAL No. 177

Judicial DEPARTMENT.

From

J. P. Hewett Esq., C.I.E.

Secretary to the G. of I.,

Home Dept.

No. $\frac{163}{D}$

Dated 10 } June 1896
Received 18 }

Enclosures 6.

SUBJECT.

Re burning of the bodies of Moplahs killed in the recent outbreak.

submitted to the U.S. - G.O. No. 811 d/2-5.96 is said to have been put up with the Moplah outbreak papers now with U.S.

19/6

$\left[\frac{G.}{25\,A.}\right]$
1,000—21-3-96.

Jud. DEPARTMENT.

C. No. 177

I think we may at once tell India that we cannot see our way to making any change in our present practice in regard to the burning of the bodies of Moplah fanatics, killed in the act of attacking, or resisting their apprehension by, the troops or Police. Without going into any other aspect of the case, it is obvious that we have no other way of disposing of the bodies of such men without the certainty that their graves would be turned into shrines at which further outbreaks would be fomented. Apart from sanitary considerations, it is ~~clear~~ clear that it would be impossible to bury corpses in the compound of a Sub Jail (there is no other kind of jail in S. Malabar), for the simple reason that at 6'×2', there would probably be no room for them. If there were, an attack on that Sub Jail would be almost a certainty within a few weeks or months, unless we dotted the Moplah Taluks with small forts garrisoned by troops.

22/6/96

On all grounds I think the present practice of burning the bodies after such outrages shd be continued.

24/6/96

I share in the repugnance to this practice which is felt by the Governor-General in Council and by Sir Dennis Fitzpatrick. It seems to me as it does to them that to employ a form of punishment which derives such efficacy as it possesses, from the result it

FOR ORDERS.

In the last para of its letter to India No. $\frac{811}{2.5.96}$ J. on this subject Govt. promised that when the reports on the outbreak came to be dealt with the desirability of burning the bodies of Mappila fanatics wd. be further considered.

India now asks that the result of this further consideration may be sent to it.

The Mappila file is unavoidably detained pending receipt in proof of Mr. Fawcett's report which came very late & is most voluminous. Copies of the other two reports (Mr. Winterbotham's & Mr. Hewetson's) are put up. They contain nothing à propos of this subject. — It is submitted that this matter may be dealt with separately from the general order on the outbreak, & orders upon it are now solicited.

Apparently the local officers on the

Afghan & Beloch frontiers hold the opinion that burning should be persevered with even more strongly than the local officers in Malabar. Attention is especially invited to the late Sir James Browne's letter, which is a very able and plain-spoken production.

W.F. 19.6.96

[illegible]
20/6/96

it is supposed to produce in the next world, is opposed to one's sense of what is right-minded. I understand too that, ~~due~~ to the minds of the Moplahs, burning is an act which dishonours the dead. To perform an act held to be dishonouring to the dead savours of the manners of savages of the South Sea Islands and of other uncivilized regions of the world. In such regions, they adopt forms of mutilation with ~~[illegible]~~ same object, as has the burning of the dead of the Moplahs, ~~think~~. It is difficult, however, to suggest any other means of disposing of the dead bodies of Moplahs sentenced to death or killed in an outbreak such as has recently taken place, — which would prevent the practice of erecting a shrine over the bodies. In view of these circumstances and of the opinions

of

Burning of the bodies of Mappila fanatics

FOR ORDERS.

H. E. THE GOVERNOR. ③

THE HON'BLE MR. H. W. BLISS, C.I.E. ①

THE HON'BLE MR. J. GROSE, C.I.E. ②

~~and~~

of my Hon. colleagues, I would not suggest a change in the existing law. I can only hope that the burning of the dead bodies of Moplahs will take place only when strong reason exists for the practice.

A.S.H. 16.7.96

I should like to see the draft of the reply to the Govt. of India.

A.S.H. 19.7.96

C 22/7
R 17/7

No. 1379 & 25 Aug. 1896

[G./24.]
500—12-12-95.

Jud. DEPARTMENT.

Papers to be read in proceedings :—

Again ~~G.O.~~ Letter, dated 2.5. 1896, No. 811. J.
Again G.O., dated 189 , No.
Confl. Current No. 177 of 1896, dated 10.6.96 from J. P. Hewett Esq. C.I.E. (D.O.)
" " " 189 , " , "
" " " 189 , " , "

I think this might go a bit further & point out the necessity of burning the bodies to prevent ~~their~~ graves being made into shrines which would be the foci of future outbreaks — It is this which makes the burning quite unavoidable — But at the same time I do not ignore the consideration that the burning seems to the Moplahs to prevent them attaining to that happiness in the other world which is promised to those who die fighting agst. the infidel; nor do I see why we should not use this means of discouraging outbreaks.

B.S.
20/7/96

Letter ~~ORDER~~.

To the Sec. to the Govt. of India.

(see revised draft infra.)

Sir,

In continuation of my letter No. 811, Judicial dated 2nd May '96 I am directed to state that after a careful consideration of the reports on the recent Mappila outbreak in this Presidency & of the papers forwarded with your demi official letter No. 163/D. dated 10th June 1896 ~~H.E. the G. in C. has~~ his Govt. is unable to see ~~his~~ way ~~arrived at the conclusion that it is~~ ~~inexpedient~~ to making any change in the existing practice in this Presidency in regard to the burning of the bodies of Mappila fanatics killed in the act of attacking, or resisting their apprehension by, the troops or Police.

W.F. 18.7.96 Ld 18/7/96 (from orders)

Burning of bodies of Mappila fanatics

H.M.
2. H.E. the Governor

(from orders)

c 20/7

I would substitute 'law' for 'practice'.
JDR 8/8/96
AGH 4.8.96

+ I would insert here :- "The G. in C. is
"prepared, however, to admit that the
"~~[illegible]~~ practice of
"burning the bodies of these fanatics, in the
"belief that such practice derives efficacy
"from the result it is supposed to produce in the
"next world, - may not unnaturally be regarded
"by some minds with repugnance &c."
[x please see hogan pp. 560.561
& also pp. 571.572.]

Unless we go into this question fully
I wd. prefer to omit all allusion to it, &
would therefore say nothing on the subject of the
mental effect on the Mappilahs, as regards
their prospects in the next world, of burning
the bodies of fanatics.
JDR 8/8/96

I do not think the question should be alluded to. JG 19/8/96

Please circulate to the Hon. Mr.
Grose AGH 14.8.96
Very well. AGH 22.8.96

No. 1379 d 25 augt. 1896

Despd 25/8

Sir

In continuation of my letter No. 811 J. dated 2.5.96 I am ~~directed~~ to ~~state~~ say that after a careful consideration of the reports on the recent Mappila outbreak in ~~the~~ ~~[illegible]~~ Malabar, the character & history of the Mappilas, & the papers forwarded with your demi official letter No. 163/D dated 10th June 1896, the Govt. is unable to see its way to making any change in the existing ~~practice~~ law in this Presidency in regard to the burning of the bodies of Mappila fanatics killed in the act of attacking, or resisting their apprehension by the troops or the Police. +

2. I am to add for the information of H.E. the G. G. in C. that this decision proceeds mainly upon ~~two considerations~~ the fact, ~~the first~~ ~~of these is~~ that experience x has shown that it is dangerous in the extreme to allow the Mappilas any opportunity whatever of establishing shrines over the places where these fanatics have been buried, as such shrines

would inevitably becomes centres for the fomentation of fanaticism & foci of future outbreaks. The only alternative to burning the bodies is to bury them within jails, but the only ~~jails~~ prisons in South Malabar are subjails, & apart from sanitary considerations the exigencies of space would not ~~enable~~ permit of ~~90 or more bodies being interred any one of within them~~ the interment within any one of them of the 90 or more bodies ~~80~~ which had to be disposed of during the last outbreak. Even if such a course were otherwise possible it would necessitate the posting of a guard of troops over the place for a long period to prevent the disinterment & removal of the bodies.

3. The second consideration which has mainly influenced the decision which has been arrived at is that as the Mappilas believe that the burning of the ~~the~~ "martyrs'" bodies prevents them from attaining in the other world the delights which would otherwise be the reward of those who perish while fighting against the infidel this practice of burning them acts as the most powerful of all deterrents to fanaticism. This Govt. consider it inexpedient to ~~[illegible]~~ dispense with any safeguard against fanaticism among Mappilas.

W.C. 22.7.96

22/7/96

H.E. will, I fear, object to this para 3 — If so, though it expresses my own view, I will not object to its omission; ~~[illegible]~~ The previous refce to two considerations will then have to be altered. It will of course be understood that, in the event of India pursuing the correspondence, I shall be at liberty to use the argument contained in para 3 —

27/7/96

I would omit para. 3, & I have altered para 2, so as to bring it into unison.

A.S.H. 2.8.96

Burning of bodies of
Moplah fanatics.

(from orders)

~~1) H.M.~~
~~2) H.E. the Governor~~

~~Resubmitted to H.M. for orders as to whether the draft as now amended by H.E. the Governor meets with his approval.~~

~~W.F. 5.8.96 Sd
6/8/96~~

~~Resubmitted to H.E. the Governor with refce to Hon. Mr. Bliss' note dated 8.8.96.~~

~~W.F. 10.8.96 Sd 12/8/96~~

Submitted to Hon Mr. Grose as directed by H.E. the Governor in his note dated 14/8/96

W.F. 15.8.96 Sd 17/8/96

C. 8/8
R 19/8.
C. 27/7
C 7/8 C 13/8

FROM CIRCULATION
WITH REMARKS.

CS

The letter may now issue without H.E.'s addition to para 1 and without para 3?

AB
24/8

Yes. I think it's all right now 24.8.96

24/8

(Bu[G./75]ing of hospitals)

NOTE FOR THE UNDER SECRETARY.

This has just come from C.S.

Perhaps the reference to the G. of I. D.O. No. 163 may be omitted with reference to G.O. No. 515. A. Pub. of 18-8-91

AB
24/7

I don't think it [illegible] can be.
It was D.O. only because
it was confidential

24.7.96

3

Resubmitted to H.E. the Governor with reference to Hon. Mr. Grose's note dated 19.8.96.

19.8.96

20/8/96

C. 21/8
R 24/8

R 14/8

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CONFIDENTIAL.

DEPARTMENT.

C.F. 73.

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