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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Indl DEPARTMENT

G.O. No.
B.P. No.

519

Press
Mis.

Dated

29. 2 - 1884 (1884)

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CONFIDENTIAL..

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

Read—again the following paper:—

G.O., dated 12th August 1882, Mis. No. 948, Judicial.

Read—the following papers:—

Petition from RATNA AMMAL and others, dated 6th June 1882.

THE GROANS OF HINDU WIDOWS.

Oh, our beloved Queen-Empress! pity our poor condition and relieve us of our misery! If during the blessed reign of your Most Gracious Majesty we are not cared for, if no sympathy be shown to us, and if no steps are taken to raise us, when can we expect release from our bondage? Oh our maternal Queen! graciously condescend to give a moment's time to our miseries and wretchedness and slavery, and alleviate our sufferings. The kind message which your Gracious Majesty was pleased to send to the Indian women, through Miss Beilby, that "your Majesty would heartily sympathise with every effort made to relieve the sufferings of the women in India," was hailed by us. But Oh! what fruit can be reaped from such glad tidings when the authorities who are immediately above us have turned a deaf ear to our cries? It will be wrong on our part not to mention the illustrious personages that have conferred benefit upon us, but, with all that, we are no better than before. Lord William Bentinck, moved with the tears of helpless widows when they were compelled to be buried or burned alive, abolished Suttee in 1830, though he met with much opposition. Although much good was intended from the abolition of Suttee (i.e., burning widows alive with their deceased husbands), there arose evils tenfold severer than *Sahayamanam* (Suttee) itself. Then their souls separated from their bodies within a few minutes,—then the God of Fire despatched them to the next world in no time,—then their miseries were only transitory, though horrible to sight; but now the horrors of Brahmacharrya are more than can be described,—now we die a death every day,—now we suffer a lingering death all our life. The removal of a momentary misery has thrown upon us life-long misery. The immortal Grant, one of the Legislators of India, moved by our miserable condition and pitiable life, passed the Act XV of 1856 and legalised our marriage. Not less than fifty thousand orthodox Hindus opposed the measure, but Mr. Grant stood firm as a rock and conferred upon us lasting blessings by permitting us to remarry. Bengal, the most enlightened part of the Indian Empire, first reaped the fruit of it. Bombay followed. Our benighted Madras Presidency did nothing till lately. Last year some of the heroic gentlemen of the Godavari District came forward with their purse and strength to rescue poor Hindu widows from their sufferings and to give them every support to remarry. Two virgin widows (blessed ladies) availed themselves and were remarried in a brilliant way under their auspices at Rajahmundry. Some of us were overjoyed at the prospect, and were making preparations to go to Rajahmundry and be wedded there; but alas! Oh Royal Mother! before that happy day arrived, there came in Jupiter, the jealous Jupiter, and prevented us from fulfilling our long-cherished object by his thunderbolt. Sree Sel karacharrya, the hard-hearted Senkaracharrya, issued his mighty *Bull*, denouncing the act of the Rajahmundry reformers as heinous, illegal, and devilish, and excommunicated the poor remarried widows and their supporters.

He further threatened that if anybody acted against his orders and remarried, she would be dealt with in the same way; she would be prevented from entering temples to worship God, she would forfeit her caste, and nobody would be allowed to mix with her in performing religious and other ceremonies. Oh what sad news this was! this frustrated our object, this fell upon our head as lightning from an angry God. We are orthodox Hindus as our opponents are. We want worship our Hindu Gods. We want to preserve our Hindu rights, and we also want to remarry, we hoped that the Widow-marriage Act would protect our rights. If we cannot remarry as *Hindus*, what is the use of the Act? Senkaracharrya says, "You cannot keep your caste if you remarry; you cannot enter temples and worship God if you remarry." This is really horrible. Are we to forfeit our heavenly reward if we are to enjoy the earthly blessings? Do not all other ladies, Muhammadans and Christians, &c., who are your subjects, enjoy the two blessings? Why should we be so unfortunate under your happy rule? Why should we not be allowed the heavenly Lord and the earthly Lord? God is superior to man. God, our heavenly Lord, is superior to husband, the earthly Lord. If we are asked to choose one of these two, we must, of course, choose the former. Then the Act is a dead-letter. We asked the reformers of Rajahmundry if they could give us both a husband and a God, knowing full well that the one is necessary for our worldly welfare and the other for our spiritual welfare. Their intercession with the Senkaracharrya was to no purpose. He was stubborn. He could not be moved. He is a sanyasi. A sanyasi has no feeling. We could not move him by entreaties and tears. If a guru was wrong, we could appeal to our Hindu kings in old days. You are our Queen, our Empress, our Ruler. We asked our supporters of Rajahmundry to appeal to your Majesty against the verdict of His Holiness. Your Majesty is far away. Mighty oceans are between us. We asked our reformers to appeal to your representatives in India. They applied to the Magistrate of Rajahmundry to protect us under Act XV of 1856. We were encouraged in our hope by the report of the Select Committee when the Act was passed, who said the object of the Bill was to protect those Hindus who would follow a different custom according to their conscience and convictions, and to protect them from the thralldom of those who oppose the widow-marriages. We were sanguine of our success when we read at page 253 in Strango's Hindu Law: "They (the Legislators) have, moreover, secured to her all her former property, rights, and privileges." But sad was the disappointment! Alas! on the 27th February last, the Magistrate issued another Bull severer than that of Senkaracharrya. He said he was doubtful if a widow remarrying could enter the Hindu temples and retain her caste. He said he could give no relief; he could not protect us from the thralldom of others. He went a little further. He even found fault with our supporters for applying to him for assistance. He was thoroughly mistaken. He thought they could not bear the inconveniences they were subjected to by their excommunication. But the fact was, they applied to him for assistance for our sake, but not for their sake. They apprehended, and that rightly, that as long as the prohibition of entering temples continued, no widow would come forward to remarry. But for the prohibition, many widows would have become wives by this time. "Of two evils choose the less" is the wise saying. They may give up their earthly Lord (husband), but how could they give up their heavenly Lord (God)? They thought Mr. Johnson, your representative in these parts, would allow them both the lords. He would not do it. The reason is best known to himself. Senkaracharrya is strengthened. We are crushed by the combined action of the Pope and the Magistrate. Oh Mother, Queen Victoria! will your Gracious Majesty not interpose and assist us? Oh Viceroy and Lady! Oh Governor and Lady, Members of Council and Ladies, Judges of High Courts and Ladies! will you not lend us your helping hand? Oh Patriots, Statesmen and Editors! will you not move the authorities by your able pens and press to render us justice, and to give us what is due and not to deny us both husband and God? If the existing law is sufficient to protect us,—we believe it is,—send for Mr. Johnson's verdict and reverse it. If otherwise, let the Legislature supply the want; let them make it a law, that a widow remarrying does not forfeit her caste nor the privilege of worshipping God in a temple. The sufferings of your poor

subjects, Indian widows, are indescribable and full to the brim. Oh Gracious Ruler! let us not suffer any more. Give us all our privileges. Do not deny us either husband or God like the cruel Senkaracharrya. We wish to remarry as *Hindus*, but not as outcaste women. We wish to preserve our caste and enjoy the privilege of wedding again. We wish to take husbands and to worship in our temples. Our request is a simple one. It injures nobody else. Therefore, Oh Gracious Queen Mother! be pleased to order the Indian authorities to give us our due. Will not a single European lady plead our cause with her elegant speech and powerful pen and get us our due? Oh God! Almighty Lord! inspire men and women to work for us and grant us our humble request,—wedding and caste, husband and God. Oh Heavenly Father! Oh Gracious God! represent our miseries in their true light to our Empress, and engender pity in Her heart to relieve us from life-long misery, so that the line of distinction between Her Majesty's Government and those that pre-ceded it may be clearly drawn, and so that it may be known to the whole world that Her Majesty's Government is a Christian Government, which does not merely aim at the common functions of suppressing theft or other crime, but whose object it is to remove social evils and to raise the nation from a degraded condition. What we request is not against our Shastras, but against the narrow views of our gurus. Oh God! create mercy in the heart of your earthly representative, the Empress of India.

No. 172.

Forwarded to the District Magistrate of Godavari, with request that he will furnish copy of Mr. Johnson's judgment quoted.

OOTACAMUND,
14th June 1882.

(Signed) G. S. FORBES,
Acting Under Secretary to Government.

To the District Magistrate of Godavari, with Petition.

Petition from RACHERLA RATNAMMAH of Rajahmundry, to His Excellency the Governor in Council of Madras, dated Rajahmundry, 23rd July 1882.

MAY IT PLEASE YOUR EXCELLENCY,—I am a Brahmin by birth, and, according to our custom, I was married when I was about 8 years old. I am now 13 years old. Unfortunately my husband died 3 years ago. I was not then matured, nor were my nuptials performed. I was a poor virgin-widow before December 1881. My parents, my grandfather (still living), and my relations were mourning over my miserable condition. I did not know why they were doing so. I wept with them. They told me that I was married to a man (whom I scarcely saw) and that he died. I asked them if I could not be remarried. They told me that our custom would not permit it. We all thought that there was no hope for me, and that I should ever live as a miserable widow. I am the only daughter of my parents, and I cannot describe here the amount of the sorrow and grief of my mother at my calamity. While we were drowned in the midst of this ocean of sorrow, early in December last some news reached us that at Rajahmundry they found Sastras sanctioning widow-marriages, and one widow-marriage was actually performed. My hopes were then raised. My mind was elated. I ran to my mother and father; I asked them "What! you said I could not remarry. Here is news! a widow, a young widow like myself, was remarried." They were all overjoyed. We had the news confirmed and ran with all speed to Rajahmundry. There we presented ourselves to the reformers, and they readily received us and promised every assistance. The bridegroom was secured in no time. The marriage was performed on the very day. There was no opposition. Everything went on well. We had a grand

procession. About ten thousand people attended. We all thought the marriage was very popular and all our fears and apprehensions were removed. A very few people of the town, envious or otherwise of us, got up a petition and, with much difficulty, secured the signatures of only 70 people from among about 20,000 people living here, and a certain evil-minded person took the petition to the Senkaracharri, who then happened to be on collection business about 30 miles from the town, and got some Bulls from him and published them here. I was really surprised at the charm and power of the Bull. Like magic it worked. All the people that favored the cause and were gladly looking at our faces at once turned against us. They obeyed the Senkaracharri, for they had no other alternative. It clearly said that if they would not obey the Bull, they would all be punished. Your Excellency knows the weak mind of a Hindu; almost all have deserted us. Then we turned to the reformers. We asked them "Why do you allow us to be in this miserable condition?" They were sorry. They wept with us. Then they said that they would apply to the Government for assistance. They brought a charge before the Joint Magistrate, who acted in such a way that every one of us expected success. He at last disappointed us and dismissed the case. His view is quite wrong and his judgment is pronounced by many a learned gentleman and experienced Lawyer as erroneous. Mr. Snaith, the local Session Judge, in one of his letters to the High Court, seemed to think that the judgment of Mr. Johnson was wrong, as a copy thereof attached hereto will show to your Excellency. Thus your Excellency will see that a Magistrate and a Session Judge differ from one another as regards the action of the guru, and it is more probable that the Judge is right and the Magistrate is wrong. We are overjoyed to hear that your Excellency has been pleased to send for record. This gives us some hope, and we pray that your Excellency may be pleased to refer the matter to the High Court under Section 272 of Criminal Procedure Code, and have the case settled once for all. We do not ask anything against law or justice or policy. We are informed that the opposite party have preferred petitions to your Excellency that no action should be taken by Government in the matter, or they would rise in rebellion, and it might be that such petitions shook Mr. Johnson's firmness and led him to dismiss the charge. Whatever may be the strength of the petition, we humbly ask your Excellency to have the matter settled once for all by the highest tribunal in the land; and if they also consider, to our great misfortune, that we have no remedy, we ask your Excellency, as a parent of widows, to supply the law, or move the Indian Legislature to do so. We feel sure that the Honorable and learned Judges of the Madras High Court will not refuse our request. They have already expressed their opinion, in a similar case, that "this sort of oppression (excommunication) is very melancholy." The sending for the judgment by your Excellency is looked upon by every one of us with anxiety. If the matter be referred to the High Court, no body suffers anything by it; and if we gain in the High Court, the other party will not suffer. If the result either with your Excellency or with the High Court is otherwise, we shall be damned for ever, and there will be no other alternative than being drowned in a real ocean instead of the ocean of sorrow in which we are at present lost.

From J. F. SNAITH, Esq., Officiating District Judge, Rajahmundry, to the Acting Registrar, High Court of Judicature, Appellate Side, Madras, dated Rajahmundry, 18th March 1882, No. 91.

I have the honor to forward the explanation called for by the High Court in the matter of a petition directed against the District Munsif of Rajahmundry, and addressed to the High Court direct.

2. A petition on the same subject was sent to me, but it was so obviously a countermove to a case then pending in the Joint Magistrate's Court that I declined to take any notice of it. Hence probably the reason the petition was addressed to the High Court.

3. The District Munsif of Rajahmundry is, to the best of my belief, an honorable and conscientious man, and I will leave it to the High Court to decide whether he has not completely met the charges against him.

He has interested himself from the best of motives in some widow-marriages which have taken place in this town. The result is he and many others have been excommunicated by the High Priest.

He, therefore, prosecuted the High Priest for defamation before the Joint Magistrate, who has, I understand, dismissed the case on the ground that it is no injury to a man to damn him eternally, and to say of him that he is not a fit person to be associated with.

5. It is possible that another Magistrate might come to another conclusion on the same matter; but, for the present, the party of the High Priest (a very common ignorant man as I am given to understand) is exultant as if they had gained a great victory. Hence the spirit of persecution is abroad, and the town is full of *odium theologicum*. This, and no other reason, has caused the petition to the High Court; and it is sad to think that a man who has interested himself in a reform, the complete success of which cannot long be deferred, and which is absolutely necessary to relieve the Hindu people from the reproach of cruelty and barbarism, should meet with no better reward than calumny.

Upon my application I could only lately obtain a certified copy of the above, and am thus enabled to appeal to the mercy of your Excellency.

Petition from K. VEERASALINGAM, Secretary to the Widow-marriage Association, Rajahmundry, to the Right Honorable the Governor and President in Council, dated Rajahmundry, 11th July 1882.

MAY IT PLEASE YOUR EXCELLENCY,—I beg to submit, herewith, a copy of the judgment of Mr. Johnson *in re* Senkaracharri, with a few remarks thereon, that your Excellency may be able to understand the two sides of the question and be pleased to direct appeal to the High Court for ends of justice and for the alleviation of the sufferings of poor virgin-widows of India.

2. I pray to be excused for this intrusion on your Excellency's valuable time.

From W. A. HAPPELL, Esq., Acting Magistrate of the Godavari District, to the Chief Secretary to Government, dated Cocanada, 5th July 1882, No. 34.

In reference to the Proceedings of the Government, dated 14th June last, No. 172, I have the honor to forward, herewith, a copy of Mr. Johnson's judgment passed in the case brought by A. L. Narasimham of Rajahmundry against the Priest Senkaracharria. The petition received with the above Proceedings is returned.

[Enclosure

ENCLOSURE.

IN THE COURT OF THE JOINT MAGISTRATE OF THE GODAVARI DISTRICT.

THE 27TH DAY OF FEBRUARY 1883.

Calendar Case No. 2 of 1882.

Complainant.

Accused..

Atmuri Lakshminarasimham, B.A., B.L., of Rajahmundry. Sri Vidya Sankar Narasimha Bhaveti Guru Swarnulavaru.

Description of Accused.	Date of	Explan- ation of delay.	
		•	•
At present, Rajahmundry.	Occurrence.	11th Jan. 1882.	3rd Feb. 1882.
	Complaint.	3rd Feb. 1882.	3rd Feb. 1882.
	Apprehension.	3rd Feb. 1882.	3rd Feb. 1882.
	Commencement of Trial.	3rd Feb. 1882.	3rd Feb. 1882.
	Close of Trial.	27th Feb. 1882.	27th Feb. 1882.
	•	•	•
At present, Rajahmundry.	Age.	About 70.	At present, Rajahmundry.
	Occupation.	Swarnulavaru Guru of the Smarta.	At present, Rajahmundry.
	Caste or Race.	Brahmin.	At present, Rajahmundry.
	Father's Name.	Not known.	At present, Rajahmundry.
	Name.	Vidya Sankara Bhaveti Guruvamaru.	At present, Rajahmundry.
	•	•	•

Offence—Defamation, Section 500, Indian Penal Code; Criminal intimidation, Section 503, Indian Penal Code; under Section 508, Indian Penal Code.

Finding—Not guilty on all Counts.

Order.—Acquitted under Section 220, Code of Criminal Procedure.

Complainant in this case is the District Munsif of Rajahmundry, a Komati by caste; defendant is High Priest, of the Smarta Sect, throughout the Northern Circars, being head of one of the six "Mutts" of that Sect, viz., the Abhinava Virupaksha Mutt.

As to the main facts which led to this trial, there is no dispute between the parties. They are as follow:—

On the 11th December 1881, a widow-marriage was celebrated at Rajahmundry; followed a couple of days later by a second one. Complainant attended the marriages, and openly advocated the cause of widow-marriage.

Some ten days later, a meeting was held in Rajahmundry, at which it was resolved that a Mahazar should be sent to defendant informing him of what had happened, and requesting his instructions as to how orthodox Hindus should conduct themselves towards those who had taken part in, and supported, the widow-marriages. Such a Mahazar was sent, signed by about 70 persons; it is filed as Exhibit IV. This Mahazar was dated 23rd. In reply, there was received from defendant Exhibit I, a Bull of excommunication, dated the 27th. This was read at a public meeting in Rajahmundry.

It declared that widow-marriages were "not sanctioned by the Vedas," were "forbidden by the Shastras," and were "contrary to ancient and long-established custom," and directed that those who were not connected with such marriages should not go "for meals or for betel-nut, or on other occasions of joy and sorrow," to the houses of those who were connected with those marriages; further, that such persons were out-castes, and were excommunicated, some permanently and some provisionally. A list was then given of five persons permanently and thirty provisionally excommunicated. Among the latter was the complainant.

At the same time, a Post-card was sent by defendant to complainant, informing him of his excommunication. This is filed as Exhibit A.

Complainant alleges that Exhibits 1 and A were published by defendant maliciously with intent to bring him (complainant) into contempt; and to force him to abandon his support to the cause of widow-marriage. The evidence adduced on his behalf showed that by the publication of these exhibits—

- (1) relatives who had intended to stay with him had been debarred from so doing;
- (2) he had been prevented from going to temples and performing or getting performed vow, and that even in a temple built by his grandfather;
- (3) Brahmins who were in the habit of coming to his house for alms, to read "mantras," &c., had discontinued doing so;
- (4) In a distribution of "papu" offered to the Deity in a ceremony by a neighbour and fellow-caste man of complainant, he had been omitted, which omission amounted to an insult.

The "cross-examination" of the 6th witness for defence, Nalam Kamaraj, clearly shows that defendant was anxious to induce complainant to abandon his support to the cause of widow-marriage.

Complainant declares that he is not a disciple of defendant, or in any way amenable to his discipline, defendant being head of the "Smarta" Sect, a complainant being a Vaishnava and "Vishishta Adwyt." ..

Complainant's own statements, however, show that his religious practices have been such as would warrant any person cognizant of them, and not, at the same time, informed as to the internal consciousness of complainant, in believing him to be of the Smarta Sect, while nothing is proved which would indicate an outward adhesion to the Vaishnava religion.

I will now take the three charges against defendant seriatim.

(1) Defamation. There can be no doubt that Exhibit 1 contained an implied imputation that complainant, by supporting widow-marriage, had done an act which rendered him unfit for orthodox disciples of defendant to hold intercourse with. For the defence it is alleged that defendant comes within the protection of Exception 9, Section 499, Indian Penal Code, as having acted in good faith for the protection of the (religious) interests of himself and his followers, and, in his own belief, also for the public good. For complainant it was argued that defendant had not acted in "good faith," inasmuch as he had not acted "with due care and attention"; that the burden of proving good faith rested on defendant, and that no evidence had been adduced in proof thereof that, before excommunicating complainant, defendant should have given him a hearing, or should have held a meeting of pundits to consider the lawfulness or unlawfulness of widow-marriage; that the failure to do so was evidence of want of good faith; that defendant's action was not "for the good of the public"; and that it could not be said to be for the protection of the interests either of defendant or of any one else.

The facts that shortly before the widow-marriages were celebrated, defendant, when asked to decide as to their legality or illegality, had declined to do so; and that at a meeting held shortly before them, his principal pundit had intimated that on a strongly supported mahazar being sent to him, defendant would be willing to take the matter into consideration, were further relied upon as negating good faith.

It is very easy to understand defendant's unwillingness to give any decision in such a matter until an actual case for decision had arisen. All Courts object to give decisions on hypothetical cases. I am of opinion that defendant's position, the notorious hostility of the majority of orthodox Hindus to widow-marriage, the fact that defendant acted only obliged by the receipt of the mahazar, Exhibit IV, all negative the presumption of mala fides. I see no reason for supposing that he acted otherwise than in good faith. I also find that his action was, to the best of his belief, for the protection of his own interests and those of his followers.

It is pleaded for complainant that Exception 9 refers to imputations on character; that the imputation in the present case was on the conduct of complainant. It appears to me that it was on his character, as demonstrated by his conduct.

Defendant's action, in my opinion, is protected by Exception 9, Section 499, Indian Penal Code, and does not consequently amount to defamation.

(2) As to criminal intimidation, Section 503, Indian Penal Code. There can be no doubt that Exhibit 1 did threaten complainant that unless he abandoned the cause of widow-marriage (i.e., omitted to do an act which he was legally entitled to do) and performed certain penance (an act which he was not legally bound to do), he would remain under excommunication, and continue to suffer the many inconveniences which he and his witnesses have deposed to. The question is whether such excommunication and its accompanying inconveniences amount to "injury," i.e., "harm illegally" caused. Section 43, Indian Penal Code, defines "illegal" to mean everything which is an offence, which is prohibited by law, or which furnishes ground for a civil action. The decision at VI, Madras High Court Reports, Appendix, page 47, is relied on by prosecution as showing that a civil suit would lie in such a case as the present. All that is said, however, was that "this species of religious oppression (referring to an excommunication somewhat similar to that in the present case) is melancholy, and may be the matter of another remedy, but is certainly not defamation." The expression is a guarded one, and I apprehend the law as laid down in a series of cases on the subject of "outcastings" to be that a suit will not lie unless malice be proved. (Vide Broughton's Civil Procedure Code, 4th Edition, page 6). In the present case, I have already held that "malice" has not been proved, and that defendant acted in good faith, and in pursuance of ancient and established custom.

I consider it extremely doubtful whether complainant could, in a Civil Court, establish his right to enter temples, the custodians of which chose to obey defendant's orders, or whether he could, in a Civil Court, obtain damages for the harm caused to him by defendant's act. So long as the matter remains one undecided by a Civil Court, it is absurd that a Criminal Court should be called upon to make defendant's act a foundation for a criminal conviction, merely because complainant could, of course, bring an action civilly, it being unknown whether in so doing he would have the smallest prospect of success. That defendant's act furnishes sustainable ground for a civil action has yet to be proved.

As to the argument based on complainant's denial of his amenability to defendant's discipline, it is perfectly clear that the excommunication can be effectual only so far as it refers to the inter-

course with complainant of those who consider themselves bound by defendant's teaching. I have already held, moreover, that defendant was justified in considering complainant to be a member of the Smarta Sect.

For these reasons, I am not satisfied that any "injury," in the legal sense of the word, has been done to complainant, and find that no offence under Section 503 is proved.

(2) As to an offence under Section 508, Indian Penal Code. Defendant admits that if complainant dies while under excommunication he will go to "Narakam" (Hell); and from this and the fact that he is considered unfit to associate with others in religious ceremonies and to enter temples, it may fairly be deduced that he is to consider himself an object of divine displeasure, defendant being himself, as his Pleader urges, an incarnation of the Deity.

I do not think, however, that the act of defendant in excommunicating complainant is such an act as is contemplated by Section 508. Defendant, in effect, declares that complainant by his own act, viz., by supporting widow-marriages, has already become an object of divine displeasure, not that he will become so by any act of defendant.

I therefore find defendant not guilty on this count also.

I cannot close this judgment without expressing my sincere regret that such a matter should ever have been dragged into a Criminal Court. Nothing could be more calculated to damage the cause which he wishes to further, viz., that of widow-marriage, than the course which complainant has here pursued. Reformers must always be prepared to suffer for the cause they have at heart, more especially when advocating a change which, however good *per se*, is undoubtedly viewed with active hostility by the man eyes of their educated fellow-countrymen. A dignified and self-reliant endurance of the difficulties which must unquestionably meet them at the outset is far more likely to redound to the advantage of the cause than such "tours de force" as the charge in this case.

27th February 1882.

(Signed) E. C. JOHNSON,
Acting Joint Magistrate.

From E. C. JOHNSON, Esq., Acting Joint Magistrate of the Godavari District, to the Under Secretary to Government, Ootacamund, dated Rajahmundry, 25th July 1882, No. 93.

ABSTRACT.—Forwarding copies of Exhibits in Calendar Case No. 2 of 1882, as called for.

Order—dated 12th August 1882, No. 948, Judicial.

The Joint Magistrate's judgment is dated 27th February last, and appeal time will expire 26th August, instant. The foregoing papers will be furnished to the Advocate-General, who is authorised to present an appeal to the High Court under Section 272 of the Code of Criminal Procedure, unless he shall be clearly of opinion that there are no grounds for doing so.

2. In any case, the Government wish to have the Advocate-General's opinion as to the legal effect of the Guru's prohibition against the remarried widows and the other persons he has excommunicated entering the temples. Act XV of 1856 reserves all civil rights to Hindu widows remarrying.

(True Extract.)

(Signed) C. G. MASTER,
Chief Secretary.

To the Advocate-General.

READ—also the following papers:—

From the Honorable P. O'SULLIVAN, Advocate-General, to the Chief Secretary to Government, dated Madras, 15th August 1882:—

With reference to the Proceedings of the Government, in the Judicial Department, and the order thereon, dated the 12th August 1882, No. 948, I have the honor to state that I shall prefer an appeal to the High Court against the judgment of the Joint Magistrate of the Godavari District, dated the 27th February 1882, in Calendar

2 of 1882, acquitting the accused. I do not think it is prudent to put in al in this case, or that, upon the facts found by the Joint Magistrate, the court will interfere. But I cannot say there are no grounds for the appeal. I be glad to have, from the District Magistrate, the evidence of the witnesses the case. Copies of the Exhibits filed in the case have been sent to me, but the oral evidence. If the evidence was taken in English by the Joint Magistrate of his note of the evidence will suffice, but if not, and the evidence was the vernacular language, an English translation thereof will be required.

It appears to me that an appeal from an acquittal in a criminal case is not a ble occasion for asserting the legal rights of the widows who have been or of those who took part in such marriages. If any legal right has been d, a civil suit seems to me to be the more appropriate and effectual remedy. not sufficient information to enable me to say whether a person who has been unicated from caste has a right to enter a particular Hindu temple and therein; but I think the question is a fit one to have submitted to the Civil or adjudication. I cannot find that the question has been decided.

By the Civil Courts, Act III of 1873, Section 16, where in any suit or pro- ce it is necessary for any Court to decide any question regarding succession, nce, marriage or caste, or any religious usage or institution, the Hindu law, where the parties are Hindus or any custom (if such there be) having the law and governing the parties or property concerned, shall form the rule of n, unless such law or custom has, by legislative enactment, been altered or ed. Section 5 of Act XV of 1856 provides that, except as in the three pre- sections is provided, a widow shall not, by reason of her remarriage, forfeit operty or any right to which she would otherwise be entitled; and every who has remarried shall have the same rights of inheritance as she would ad, had such marriage been her first marriage.

It seems to me, therefore, that where a widow had a right to go into a and worship prior to her marriage, she does not lose it by reason of her riage by the express words of the Act; and that it would not be a good defence ad that the woman forfeited the right, not for remarriage but, for expulsion caste, the expulsion following from and being solely attributable to the riage.

It is understood that Hindus, by race and religion, are entitled to visit and up at Hindu public temples; but that Pariahs, as regards most temples, and classes of Hindus, belonging to the lower castes are by usage excluded from temples. The right of the remarried widows in this respect seems to stand different footing from the right of the complainant in the above case (the Dis- Munsif of Rajahmundry), who has been excommunicated, and is not protected y legislative enactment as remarried widows are. In any civil suit by the ainant to establish his right to worship at a temple, the Hindu law or any n having the force of law would govern, and the result would depend upon the nce adduced. If the evidence established a custom to exclude excommunicated ns, the plaintiff's suit would probably fail.

Telegram from Chief Secretary to Government, to Joint Magistrate, Rajah- mundry, dated 18th August 1882.

Johnson's judgment in complaint against Guru, dated 27th February. Send Advocate-General copy oral evidence, translated if necessary.

From the Honorable P. O'SULLIVAN, Advocate-General, to the Chief Secre- tary to Government, dated Madras, 23rd April 1883.

I have the honor to state that judgment was given by the High Court, on the instant, in Criminal Appeal No. 244 of 1882, preferred by me, on behalf of

Government, to the High Court against the acquittal of the defendant, by the Joint Magistrate of the Godavari District, in Calendar Case No. 2 of 1882, wherein A. L. Narsimham, of Rajahmundry, was the complainant and Sree Senkarachari was the defendant.

2. The High Court held that the decision of the Magistrate was correct upon all the charges preferred, except that of defamation. As to the charge of defamation, they convicted the defendant and sentenced him to pay a fine of Rs. 200, or, in default of payment, to suffer one month's imprisonment. The Court was of opinion that the defendant had authority to excommunicate the complainant and to notify the fact to the members of the caste and to the complainant; but, in notifying the fact to the complainant, the defendant made use of a post-card instead of a letter under cover, and thereby exceeded the privilege which his position of priest gave him. This was a point taken in appeal, and was not made before the Magistrate.

3. The judgments of the Judges (Turner, C.J., and Mutusawmy Iyer, J.) were, I believe, of considerable length; but they were not read in Court, the substance of the conclusion arrived at having been stated by the Chief Justice, and the judgments ordered to be printed.

4. I return the papers sent to me with the order of Government, dated the 12th August 1882, No. 948, Judicial Department.

Govt. of [1883] Madras.

JUDICIAL.

Issued.

Recd.

Encl.

G.O., 14th July 1883, No. 1.

JULY.

14th JULY 1883, No. 1. JUDICIAL.

ORDER—dated 14th July 1883, No. 1, Judicial.

The memorialists will be informed that, besides authorising the Advocate-General to present an appeal against the Joint Magistrate's judgment of acquittal in Calendar Case No. 2 of 1882, the Government called for the Advocate-General's opinion as to the legal effect of the Guru's prohibition against the remarried widows, and the other persons he has excommunicated, entering the temples; observing that Act XV of 1856 reserves all rights to Hindu widows remarrying.

2. The result of the appeal was that the High Court, while holding that the Joint Magistrate's judgment was correct upon all the other charges preferred, convicted the defendant of defamation, and sentenced him to pay a fine of 200 rupees or, in default of payment, to suffer one month's imprisonment.

In regard to the question put to the Advocate-General, his opinion is, first, that where a widow had a right to go into a temple and worship prior to her marriage, she does not lose it by reason of her remarriage by the express words of the Act, and that it would not be a good defence to plead that the woman forfeited the right not for remarriage but, for expulsion from caste; the expulsion following from and being solely attributable to the remarriage.

Secondly, he considered that the right of the remarried widows in this respect seems to stand on a different footing from the right of any other person who has been excommunicated together with them, and who is not protected by any legislative enactment as remarried widows are. In any civil suit brought by any such person to establish his right to worship at a temple, the result would depend upon the evidence adduced; if the evidence established a custom to exclude excommunicated persons, the suit would probably fail.

3. The question, His Excellency in Council observes, has yet to be decided; if it were unfortunately decided that a Hindu, excommunicated for encouraging a marriage which the law declares to be lawful, and which he believes to be sanctioned by a true interpretation of the precepts of the Hindu religion, has forfeited his right to worship at the national temples, this Government would be prepared to recommend that his abetment of a custom the adoption of which does not invalidate any right to which the principal would otherwise be entitled, shall be declared to be as harmless to him as remarriage is to her.

(True Extract.)

Chief Secretary.

To the Petitioners—Order only.

Ed. F. R. Bantleman.

NOTE FOR THE CHIEF SECRETARY

The A.O. is related to the
Mandate on 13.7.83. has
not been answered. Subject
Mandate of Hindu widow.
Shall we remind him?

10.10.83

M

No 395.

Botacamaud
October 18-83.

Dear Sir,

I am directed to
remind you of my letter
to your address (d.o) -
dated 13th July 1883, on
the subject of the remarriage
of Hindu widows, and
to request that I may
be informed, when the
opinion of the Government
of India on the Draft,
which was enclosed
in that letter will
probably be communicated
to

to us.

I am yours

Truly

(Signed) C. G. Foster

To

A. Mackenzie Esq

Secy to Govt of India

Home Dept

Smile 11.
28.10.85

Dear Sir

Yours of the 13th July
on the subject of marriage of
Hindu widows has been under
reference to the Legislative Dept
since the 8th inst. That Dept
objects to being present about
cases referred to it - but I will
mention on a further reminder
on the strength of your note.

Yours truly

Amambur

C. M. S. S.

Reply
Dear Mr. MacKenzie
I am desired to
transmit to you the
20th Nov. 1883
with reference to
the 18th Nov. 1883
the papers connected
with the rights of re-
married Hindu
widows & other cognate
questions were before
the Legislative
Committee.

It is becoming
a matter of real
importance that
the subject should
be dealt with and
for that reason an
early decision is
desirable.

Yours sincerely,
C. M.

23.11.83

Desp. 23/11/83

May 4 1884

H. K. 175

From

A. Mackenzie Esq.

26/10/83

12/11/83

~~Received~~

W. H. Hindu
Manning



Calcutta 7 February 1884

Dear Member,

With reference to the semi-official
correspondence ending with your letter of the 23rd
November 1883 on the subject of the excommunication
of certain Hindu widows who, relying on the
provisions of Act XV of 1856, have re-married, and
of the excommunication of other persons who as-
sisted at the ceremony, I am desired to say that,
as the hardships complained of by the petitioners
arise directly in consequence of excommunication
from caste, Act XXI of 1850, rather than Act XV
of 1856, appears to be the Act to which reference
should be made to determine the legal position of
the parties concerned. As regards civil rights
generally, the Government of India is advised
that Act XXI of 1850 affords a complete protection
to all and that accordingly no further legislation
seems necessary for this purpose. As regards however
the rights of admission to and worship in the
temples

temples, referred to in the correspondence, their precise nature is not stated. Their rights may in some instances be such as from their very nature to not admit of being exercised by excommunicated persons. If this should prove to be the case, it seems doubtful whether Act XXX of 1857, though removing the general incapacity for legal rights formerly involved in excommunication, would be held to extend to the other rights in question. This being so, it seems undesirable to send forth any legal opinion on the point. The Government are scarcely called upon to do so, as the parties concerned appear to be in a position to obtain such an opinion for themselves.

2. As regards the question of legislating for the relief of excommunicated persons in the event of its being held that they are debarred from taking part in the worship of the temples, it appears to the Government of India to be one of such difficulty that it would be undesirable to refer to it in any way in replying to the petitioners.

3. Lastly, I am to say that it is for the Government of Madras to consider whether it is necessary to give any reply to the petitioners. It is now more than

than a year since the petitions were presented. The Government of Madras complied with them so far as to have the case brought before the High Court. The High Court has pronounced Sri Sankara Charyya and although the order does not proceed on grounds that would help the petitioners as regards the burden of their memorial, it is possible they may be content to let the matter rest there. If the petitioners are not importunate the Government of Madras may consider it advisable merely to record the paper.

Yours sincerely,

J. P. Jones

To His Hon.

John Webster,

Chief Secretary, Madras.

1860
216
495

Judicial

DEPARTMENT.

No. 44.

From Gov India 9th February 1877.

Do 114

Do 519 June 1876

From

G. J. Forbes Esq. Es.
Offy Under Secy to Gov.
Home Dept.

27 9th

1877

Excommunication of certain
Hindu widows who, relying on the
provisions of Act XV of 1856, have re-
mained of the excommunication
of other persons who resided at the
same place.

FOR ORDERS.

In last year 23rd June, this govern-
ment asked the Government of India by
No. 1000 that Government
would have any objection to the
issue of a draft order on the
subject of the forfeiture of rights
by persons who may aid in any
way the remarriage of Hindu
widows. The rights of such widows
themselves being protected by
§ 5. Act XV 1856.

The Govt of India call
attention to Act XXI of 1850
relating to one section only

1. To settle of any law or usage
 now enforced within the territories
 subject to the government of the
 East India Company, as in effect
 on any person forfeiture of rights
 or property, or may be held in
 any way; to the pair or affect
 any right of inheritance, by reason
 of his or her renouncing, or having
 been excluded from the communion
 of any religion, or being deprived
 of any caste, shall cease to be
 enforced as law in the courts
 of the East India Company, and
 in the courts established by
 Royal Charter within the said
 territories.

The government of India
 mentions that the question
 whether or not the above act
 passes the sign. afterwards
 of attendance at a temple,

The fact of India giving
 a "hint" or secretly
 more to the kind of
 question of which they need
 me as the judge I would
 immediately record the papers
 & take no further action.

The G. of I. give us the
 any clearest hint that
 the best thing to do is
 to "Record" the papers.

G.O. of July/83 was also
 communicated to them.
 So they are in possession of the
 views of our lawyers on these
 very delicate questions & it
 seems quite clear that they
 expect no more from the
 Govt.
 suggested G.O. The papers will
 now be recorded.

in favour of persons & communities
 for having been present at a
 religious marriage, is one for
 the Courts to decide. The
 petitioners, well to do persons, are
 themselves in a position to get
 the point settled by a Competent
 law Court, if they wish. It is
 clearly a point of law in volving
 some very nice questions of
 considerable difficulty.

Submitted that as suggested
 by the Govt of India to make
 be allowed to drop, no further
 request has come from the petition
 now for several months, and
 they probably are satisfied with
 the finding and sentence of the
 High Ct. in the case in which the
 Govt ordered to appeal from the
 judgment by the Sub Divisional
 Judge.

16-11

29. 11. 84
 BY G. S. No 519
 FOR ORDERS.

29 May 1885
 25/12
 1884

In the Court of the Joint Magistrate
 of the Vidavara District

the 27th day of February 1882
 Calendar Case 112 of 1882

Complainant
 Chinnu Valakunnara
 Simham 1st of
 Rajamundri

Cleared
 Sri Vidya Sankar
 Varaswami
 Guru Srinivasaiah

Offence - Information, Section
 500 I.P.C. Criminal
 Intimidation - Section
 1 PC. Under section
 200 I.P.C.
 Finding - Not guilty on all
 counts.
 Order - Acquitted, under
 Section 220 Code of
 Criminal Procedure

Complainant in the
 case is the District Munsif
 Rajamundri, a Kani
 by caste. Defendant is
 High Priest of the Sman
 street throughout the northern
 districts, being head of one

Description of accused	Name	Date of	Arrest
Chinnu Valakunnara	Chinnu Valakunnara	28/2/82	
Simham 1st of	Simham 1st of	28/2/82	
Rajamundri	Rajamundri	28/2/82	
Chinnu Valakunnara	Chinnu Valakunnara	28/2/82	
Simham 1st of	Simham 1st of	28/2/82	
Rajamundri	Rajamundri	28/2/82	
Chinnu Valakunnara	Chinnu Valakunnara	28/2/82	
Simham 1st of	Simham 1st of	28/2/82	
Rajamundri	Rajamundri	28/2/82	
Chinnu Valakunnara	Chinnu Valakunnara	28/2/82	
Simham 1st of	Simham 1st of	28/2/82	
Rajamundri	Rajamundri	28/2/82	

of the "Shutts" of that set in the (Hindu)
Compassion - Hunt.

As to the main facts which led to this
trial there is no dispute between the parties.
They are as follows.

On the 11th December 1881 a widow marriage
was celebrated at Rajahmundry; followed
a couple of days later by a second one. Com-
plainant attended the marriages and openly
denounced the cause of widow marriage.

Some 10 days later a meeting was held
at Rajahmundry at which it was resolved
that a Mahayer should be sent to Defendant
informing him of what had happened and
requesting his instructions as to how orthodox
Hindus should conduct themselves towards those
who had taken part in and supported the
widow marriages. Such a Mahayer was sent
signed by about 70 persons; it is filed as
Exhibit II. This Mahayer was dated 23rd.
In reply there was received from Defendant
Exhibit I, a Bull of excommunication, dated
the 27th. This was read at a public meeting in

11B
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in Rajahmundry.

It declared that widow marriages
were "not sanctioned by the Vedas; were
forbidden by the Shastras, and were contrary
to ancient & long established custom" and
directed that those who were not connected
with such marriages should not go for meat
or for betel nut, or on other occasions of joy
and sorrow - for the houses of those who were
connected with those marriages - further
that such persons were intercasts; and should
be excommunicated, some permanently and
some provisionally - a list was then given
of 5 persons permanently and 50 provisionally
excommunicated. Among the latter was
the complainant.

At the same time a postcard was
sent by Defendant to Complainant, inform-
ing him of his excommunication. This is filed
as Exhibit A.

Complainant alleges that Exhibit C
is a notice published by Defendant maliciously
with intent to bring him (Complainant) into
contempt and to force him to abandon his
support

support to the cause of widow marriage. The evidence adduced on his behalf showed that by the publication of these tracts.

Relatives who had intended to stay with him had been deterred from so doing.

He had been prevented from going to temples & performing or getting performed ones. That, even in a temple built by his grandfather.

Brahmins who were in the habit of giving to his house for alms, to read scriptures or had discontinued doing so.

In a distribution of "pappu" offered to the deity in a ceremony by a neighbour and fellow caste man of Complainant, he had been omitted which constituted an insult.

The cross examination of the 6th witness in defence, Nalam Kaimaraj, clearly shows that defendant was anxious to induce Complainant to abandon his support to the cause of widow marriage.

Complainant declares that he is not a disciple of defendant, or in any way amenable to

to his discipline; defendant being head of the "Smarita" sect, and complainant being a "Vaishnava" sect. "Vishakta adhyatma". Complainant's own statements, however, show that his religious practices have been such as would warrant any person cognizant of them, & not at the same time informed as to the interior consciousness of complainant, as to the interior consciousness of complainant, in believing him to be of the Smarita sect, while nothing is proved which would indicate an inward inclination to the Vaishnava religion.

I will now state the charges against defendant's reputation.

1. Defamation. There can be no doubt that exhibit 1 contained an imputed imputation that complainant by supporting widow marriage had done an act which rendered him unfit for orthodox disciples of defendant to hold intercourse with. In the defence it is alleged that defendant comes within the protection of exception 9, section 499, I.P.C.

Having acted in good faith for the
protection of the (religious) interests of himself
and his followers, and in his own belief
also for the public good. For complaint
it was argued that defendant had not
acted in "good faith" inasmuch as he had
not acted with due care and attention;
that the burden of proving good faith
rested on defendant, & that no evidence
had been adduced in proof thereof. That
therefore communicating complainant, defendant
should have given him a hearing; & should
at least have held a meeting of pundits
& considered the lawfulness or unlawfulness
of widow marriage; that the failure to do
so was evidence of want of good faith;
that defendant's action was not for the good
of the public; & that it could not be
said to be for the protection of the interests
either of defendant or of anyone else.

The facts that shortly before the
widow marriages were celebrated, defendant

when asked to decide as to their ²⁹validity
or illegality, had declined to do so; & that
at a meeting held shortly before them, his
principal pundit had intimated that on a
strongly supported Mahajan being sent to him,
he would be willing to take the
matter into consideration, were further pleads
upon as negating good faith.

It is very easy to understand defendant's
unwillingness to give any decision in such a
matter until an actual case for decision
had arisen. All courts object to give decision
on hypothetical cases. Some of opinion that
defendant's position, the notorious hostility of
the majority of orthodox Hindus to widow
marriage; the fact that defendant acted
only obliged by the receipt of the Mahajan's report
IV, all negative the presumption of malafides.
I see no reason for supposing that he acted
otherwise than in good faith. I also find
that his action was to the best of his belief
for the protection of his own interests and
those of his followers.

It is pleaded for complainant, that
exception

ception 9, refers to imputations on character,
but the imputation in the present case
was on the conduct of complainant. It
appears to me that it was on his character,
demonstrated by his conduct.

Defendant's action in my opinion is
dictated by section 9, section 199, I.P.C.
It does not consequently amount to defama-
tion.

As to Criminal intimidation, section 503
Indian Penal Code. There can be no doubt
that exhibit 1 did threaten complainant
that unless he abandoned the cause of
widow marriage (ie omitted to do an act
which he was legally entitled to do) and
performed certain penance (an act which he
was not legally bound to do) he would remain
under excommunication, and continue to suffer
the many inconveniences which he & his
witnesses have deposed to. The question is
whether such excommunication & its accompan-
ing inconveniences amount to injury is "law
illegally" caused. Section 43, I.P.C. defines "illegal"

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A mean thing which is an offence, when
prohibited by law, or which furnishes
ground for a civil action. The decision at
II Madras High Court Reports Appendix page
47, is relied on by prosecution as showing
that a civil suit would lie in such a
case as the present. All that is said
however was that "this species of religious
oppression (referring to an excommunication) is
what is intended in the present case,
is melancholy & ~~may~~ be the matter
of another period; but is certainly not
defamation." The expression is a guarded one,
and I apprehend the law goes hand down
in a series of cases on the subject of intemper-
ance that a suit will not lie unless malice
be proved. (Hole & Brightons Civil Procedure
Code, 11th edition page 6-7). In the present case
I have already held that "malice" has not
been proved, and that defendant acted in
good faith, and in pursuance of ancient
and established custom.

I consider it extremely doubtful whether
complainant could in a civil court establish
his

is right to enter temples the castedans of which chose to obey defendant's order, or whether he could in a civil court obtain damages for the harm caused to him by defendant's acts. So long as the matter remains undecided by a civil court, it is absurd that a criminal court should be called upon to make defendant's act a foundation for a criminal conviction, merely because Complainant would of course bring an action civilly, it being unknown whether in so doing he would have the slightest prospect of success. That defendant's act furnishes sustainable ground for a civil action has yet to be proved.

As to the argument based on Complainant's denial of his amenability to defend to discipline, it is perfectly clear that the excommunication can be effectual only so far as it refers to the interference with Complainant of those who consider themselves bound by defendant's teaching. I have already held moreover that defendant was justified in considering Complainant to be a member of the Simanta Sect. For these reasons I am not satisfied

47
that any injury in the legal sense of the word has been done to Complainant, and find that no offence under section 503 is proved.

As to an offence under section 508. Defendant admits that if Complainant dies while in excommunication he will go to "Nirakam" (Hell); and from this and the fact that he is considered unfit to associate with others in religious ceremonies and to enter temples it may fairly be deduced that he is to consider himself an object of divine displeasure, defendant being himself, as his pleader urges, an incarnation of the deity.

I do not think however that the act of defendant in excommunicating Complainant is such an act as is contemplated by section 508. Defendant in effect declares that Complainant by his own act, viz by supporting widow marriages, has already become an object of divine displeasure, not that he will become so by any act of defendant.

I therefore find defendant not
guilty on this count also.

I cannot close this judgment without
expressing my sincere regret that such a
matter should ever have been dragged into
criminal Court. Nothing could be
more calculated to damage the cause which
he wishes to further, viz that of widow's marriage
than the course which Complainant has
here pursued. Reformers must always be
prepared to suffer for the cause they have
at heart; more especially when advocating
a change which humane good sense is
undoubtedly viewed with active hostility by
the more men of their educated fellow country
men. A dignified & self-reliant endurance
of the difficulties which must unquestionably
meet them at the outset is far more
likely to redound to the advantage of the
cause than such "toils de force" as this change
in this case.

27-2-82.

(Sd) / D.C. Johnson
As Just Magistrate
(true copy)

Robt

As Just Magistrate

1110
25-2-82

[9]

Petition

DEPARTMENT.

O.M. No 172

From

Ratna Ammal
& others
widows.

No.

Dated

Received

6 Jun. '82

Enclosures

SUBJECT

Grievances of Hindu
widows.Forwarded to the
District Magistrate
of Godavari, with request
that he will furnish
copy of Mr Johnson's
judgment quoted.Obtained by
Mr. Johnson
of Godavari DistrictFor
Mr. S. Nagte
of Godavari
with petition

DESPATCHED

14 JUN 82

IN M.S.

For

with endorsement

THE GROANS OF HINDU WIDOWS.

Oh, our beloved Queen Empress! pity our poor condition, and relieve us of our misery! If during the blessed reign of Your Most Gracious Majesty we are not cared for, if no sympathy be shown to us and if no steps are taken to raise us, when can we expect release from our bondage? Oh our Maternal Queen! Graciously condescend to give a moment's time to our miseries and wretchedness and slavery, and alleviate our sufferings. The kind message which Your Gracious Majesty was pleased to send to the Indian women through Miss Beilby that "Your Majesty would heartily sympathize with every effort made to relieve the sufferings of the women in India," was hailed by us. But Oh! what fruit can be reaped from such glad tidings when the authorities who are immediately above us have turned a deaf ear to our cries? It will be wrong on our part not to mention the illustrious personages that have conferred benefit upon us, but with all that, we are no better than before. Lord William Bentinck, moved with the tears of helpless widows when they were compelled to be buried or burned alive, abolished Sutte in 1830, though he met with much opposition. Although much good was intended from the abolition of Sutte, i. e., burning widows alive with their deceased husbands, there arose evils ten-fold severer than *Sahagancham* (Sutte) itself. Then their souls separated from their bodies within a few minutes. Then the God of fire despatched them to the next world in no time. Then their miseries were only transitory though horrible to sight. But now the horrors of Brahmacharya are more than can be described. Now we die a death every day. Now we suffer a lingering death all our life. The removal of a momentary misery has thrown upon us life-long misery. The immortal Grant, one of the Legislators of India, moved by our miserable condition and pitiable life passed the Act 15 of 1856 and legalised our marriage. Not less than 50 thousand orthodox Hindus opposed the measure, but Mr. Grant stood firm as a rock and conferred upon us lasting blessings by permitting us to remarry. Bengal, the most enlightened part of the Indian Empire first reaped the fruit of it. Bombay followed. Our Slaughtered Madras Presidency did nothing till lately. Last year some of the heroic gentlemen of the Godavari District came forward with their purse and strength to rescue poor Hindu Widows from their sufferings and to give them every support to remarry. Two virgin widows (blessed ladies) availed themselves and were remarried in a brilliant way under their auspices at Rajahmundry. Some of us were overjoyed at the prospect and were making preparations to go to Rajahmundry and be wedded there, but alas! Oh Royal Mother, before that happy day arrived, there came in Jupiter, the jealous Jupiter and prevented us from fulfilling our long cherished object by his thunderbolt. Sree Senkaracharya the hard-hearted Senkaracharya, issued his mighty Bull denouncing the Act of the Rajahmundry Reformers as heinous, illegal and devilish, and excommunicated the poor remarried widows and their supporters. He further threatened that if any body acted against his orders and remarried, she would be dealt with in the same way, she would be prevented from entering temples to worship God, she would forfeit her caste and nobody would be allowed to mix with her in performing religious and other ceremonies. Oh what sad news this was! This frustrated our object, this fell upon our head as lightning from an angry God. We are orthodox Hindus as our opponents are. We want worship our Hindu Gods. We want to preserve our Hindu rights, and we also want to remarry. We hoped that the Widow-Marriage Act would protect our rights. If we cannot remarry as *Hindus*, what is the use of the Act? Senkaracharya says, "you cannot keep your caste, if you remarry, you cannot enter temples and worship God if you remarry." This is really horrible. Are we to forfeit our heavenly reward if we are to enjoy the earthly blessings? Do not all other ladies, Mahomedans and Christians &c., who are your subjects enjoy the two blessings? Why should we be so unfortunate under your happy rule? Why should we not be allowed the heavenly Lord and the earthly Lord? God is superior to man. God our heavenly Lord is superior to husband the earthly lord. If we are asked to choose one of these two, we must of course choose the former. Then the Act is a dead letter. We asked the reformers of Rajahmundry if they could give us both a husband and a God, knowing full well that the one is necessary for our worldly welfare and the other for our spiritual welfare. Their intercession with the Senkaracharya was to no purpose. He was stubborn. He could not be moved. He is a Sanyasi.

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1882.

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Send the duplicate
Copy 7 to the
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signature of the
Sanyasi.

333/9. 26

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THE GROANS OF HINDU WIDOWS.

Oh, our beloved Queen Empress! pity our poor condition, and relieve us of our misery! If during the blessed reign of Your Most Gracious Majesty we are not cared for, if no sympathy be shown to us and if no steps are taken to raise us, when can we expect release from our bondage? Oh our Maternal Queen! Graciously condescend to give a moment's time to our miseries and wretchedness and slavery, and alleviate our sufferings. The kind message which Your Gracious Majesty was pleased to send to the Indian women through Miss Beilby that "Your Majesty would heartily sympathize with every effort made to relieve the sufferings of the women in India," was hailed by us. But Oh! what fruit can be reaped from such glad tidings when the authorities who are immediately above us have turned a deaf ear to our cries? It will be wrong on our part not to mention the illustrious personages that have conferred benefit upon us, but with all that, we are no better than before. Lord William Bentinck, moved with the tears of helpless widows when they were compelled to be buried or buried alive, abolished Suttee in 1830, though he met with much opposition. Although much good was intended from the abolition of Suttee, i. e., burning widows alive with their deceased husbands, there arose evils ten-fold severer than *Sahagamanam* (Suttee) itself. Then their souls separated from their bodies within a few minutes. Then the God of fire despatched them to the next world in no time. Then their miseries were only transitory though horrible to sight. But now the horrors of Brahmacharya are more than can be described. Now we die a death every day. Now we suffer a lingering death all our life. The removal of a momentary misery has thrown upon us life-long misery. The immortal Grant, one of the Legislators of India, moved by our miserable condition and pitiable life passed the Act 15 of 1856 and legalised our marriage. Not less than 50 thousand orthodox Hindus opposed the measure, but Mr. Grant stood firm as a rock and conferred upon us lasting blessings by permitting us to remarry. Bengal, the most enlightened part of the Indian Empire first reaped the fruit of it. Bombay followed. Our benighted Madras Presidency did nothing till lately. Last year some of the heroic gentlemen of the Godavery District came forward with their purse and strength to rescue poor Hindu Widows from their sufferings and to give them every support to remarry. Two virgin widows (blessed ladies) availed themselves and were remarried in a brilliant way under their auspices at Rajahmundry. Some of us were overjoyed at the prospect and were making preparations to go to Rajahmundry and be wedded there, but alas! Oh Royal Mother, before that happy day arrived, there came in Jupiter, the jealous Jupiter and prevented us from fulfilling our long cherished object by his lightning bolt. Sree Senkaracharya the hard-hearted Senkaracharya, issued his mighty Bull denouncing the Act of the Rajahmundry Reformers as heinous, illegal and devilish, and excommunicated the poor remarried widows and their supporters. He further threatened that if any body acted against his orders and remarried, she would be dealt with in the same way, she would be prevented from entering temples to worship God, she would forfeit her caste and nobody would be allowed to mix with her in performing religious and other ceremonies. Oh what sad news this was! This frustrated our object, this fell upon our head as lightning from an angry God. We are orthodox Hindus as our opponents are. We want worship our Hindu Gods. We want to preserve our Hindu rights, and we also want to remarry. We hoped that the Widow-Marriage Act would protect our rights. If we cannot remarry as Hindus, what is the use of the Act? Senkaracharya says, "you cannot keep your caste, if you remarry, you cannot enter temples and worship God if you remarry." This is really horrible. Are we to forfeit our heavenly reward if we are to enjoy the earthly blessings? Do not all other ladies, Mahomedans and Christians &c., who are your subjects enjoy the two blessings? Why should we be so unfortunate under your happy rule? Why should we not be allowed the heavenly Lord and the earthly Lord? God is superior to man, God our heavenly Lord is superior to husband the earthly lord. If we are asked to choose one of these two, we must of course choose the former. Then the Act is a dead letter. We asked the reformers of Rajahmundry if they could give us both a husband and a God, knowing full well that the one is necessary for our worldly welfare and the other for our spiritual welfare. Their intercession with the Senkaracharya was to no purpose. He was stubborn. He is a Sanyasi.

Sanyasi has no feeling. We could not move him by entreaties and tears. If a Guru as wrong we could appeal to our Hindu Kings in old days. You are our Queen, our Empress, our ruler. We asked our supporters of Rajahmundry to appeal to Your Majesty against the verdict of His Holiness. Your Majesty is far away. Mighty means are between us. We asked our reformers to appeal to your representatives in India. They applied to the Magistrate of Rajahmundry to protect us under Act 15 of 1856. We were encouraged in our hope by the report of the Select Committee when the Act was passed, who said the object of the Bill was to protect those Hindus who would follow a different custom according to their conscience and convictions and to protect them from the thralldom of those who oppose the Widow-Marriages. We were sanguine of our success when we read at page 253 in Strange's Hindu Law: "They (the Legislators) have moreover secured to her all her former property rights and privileges." But sad was the disappointment! Alas! On the 27th February last, the Magistrate issued another Bull severer than that of Senkaracharya. He said he was doubtful if a widow remarrying could enter the Hindu temples and retain her caste. He said he could give no relief, he could not protect us from the thralldom of others. He went a little further. He even found fault with our supporters for applying to him for assistance. He was thoroughly mistaken. He thought they could not bear the inconveniences they were subjected to by their excommunication. But the fact was, they applied to him for assistance for our sake but not for their sake. They apprehended, and that rightly, that as long as the prohibition of entering temples continued, no widow come forward to remarry. But for the prohibition, many widows would have become wives by this time. "Of two evils choose the less" is the wise saying. They may give up their earthly lord (husband), but how could they give up their heavenly Lord (God)? They thought Mr. Johnson, your representative in these parts, would allow them both the lords. He would not do it. The reason is best known to himself. Senkaracharya is strengthened. We are crushed by the combined action of the Pope and the Magistrate. Oh Mother Queen Victoria, will Your Gracious Majesty not interpose and assist us? Oh Viceroy and Lady, Oh Governor and Lady, Members of Council and Ladies, Judges of High Courts and Ladies, will you not lend us your helping hand? Oh Patriots, Statesmen and Editors, will you not move the authorities by your able pens and Press to render us justice and to give us what is due and not to deny us both husband and God? If the existing law is sufficient to protect us—we believe it is—send for Mr. Johnson's verdict and reverse it. If otherwise, let the Legislature supply the want, let them make it a law, that a widow remarrying does not forfeit her caste nor the privilege of worshipping God in a Temple. The sufferings of your poor subjects, Indian widows, are indescribable and full to the brim. Oh Gracious ruler! let us not suffer any more. Give us all our privileges. Do not deny us either husband or God like the cruel Senkaracharya. We wish to remarry as Hindus, but not as outcaste women. We wish to preserve our caste and enjoy the privilege of wedding again. We wish to take husbands and to worship in our temples. Our request is a simple one. It injures nobody else. Therefore, Oh Gracious Queen Mother, be pleased to order the Indian authorities to give us our due. Will not a single European lady plead our cause with her elegant speech and powerful pen and get us our due? Oh God! Almighty Lord! inspire men and women to work for us and grant us our humble request, wedding and caste, husband and God. Oh Heavenly Father! Oh Gracious God, represent our miseries in their true light to our Empress and engender pity in Her heart to relieve us from life-long misery, so that the line of distinction between Her Majesty's Government and those that preceded it may be clearly drawn and so that it may be known to the whole world that Her Majesty's Government is a Christian Government which does not merely aim at the common functions of suppressing theft or other crime, but whose object it is to remove social evils and to raise the nation from a degraded condition. What we request is not against our Shastras, but against the narrow views of our Gurus. Oh God! create mercy in the heart of your earthly representative the Empress of India.

1882.

Ratna Ammal.
Sita Ammal.
Rukmini Ammal.
Sundara Ammal.
&c. &c. &c.

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Oh, our beloved Queen Empress! pity our poor condition, and relieve us of our misery! If during the blessed reign of Your Most Gracious Majesty we are not cared for, if no sympathy be shown to us and if no steps are taken to raise us, when can we expect release from our bondage? Oh our Maternal Queen! Graciously condescend to give a moment's time to our miseries and wretchedness and slavery, and alleviate our sufferings. The kind message which Your Gracious Majesty was pleased to send to the Indian women through Miss Beilby that "Your Majesty would heartily sympathize with every effort made to relieve the sufferings of the women in India," was hailed by us. But Oh! what fruit can be reaped from such glad tidings when the authorities who are immediately above us have turned a deaf ear to our cries? It will be wrong on our part not to mention the illustrious personages that have conferred benefit upon us, but with all that, we are no better than before. Lord William Bentinck, moved with the tears of helpless widows when they were compelled to be buried or burned alive, abolished Suttee in 1830, though he met with much opposition. Although much good was intended from the abolition of Suttee, i. e., burning widows alive with their deceased husbands, there arose evils ten-fold severer than *Sahagamam* (Suttee) itself. Then their souls separated from their bodies within a few minutes. Then the God of fire despatched them to the next world in no time. Then their miseries were only transitory though horrible to sight. But now the horrors of Brahmacharya are more than can be described. Now we die a death every day. Now we suffer a lingering death all our life. The removal of a momentary misery has thrown upon us life-long misery. The immortal Grant, one of the Legislators of India, moved by our miserable condition and pitiable life passed the Act 15 of 1856 and legalised our marriage. Not less than 50 thousand orthodox Hindus opposed the measure, but Mr. Grant stood firm as a rock and conferred upon us lasting blessings by permitting us to remarry. Bengal, the most enlightened part of the Indian Empire first reaped the fruit of it. Bombay followed. Our benighted Madras Presidency did nothing till lately. Last year some of the heroic gentlemen of the Godavery District came forward with their purse and strength to rescue poor Hindu Widows from their sufferings and to give them every support to remarry. Two virgin widows (blessed ladies) availed themselves and were remarried in a brilliant way under their auspices at Rajahmundry. Some of us were overjoyed at the prospect and were making preparations to go to Rajahmundry and be wedded there, but alas! Oh Royal Mother, before that happy day arrived, there came in Jupiter, the jealous Jupiter and prevented us from fulfilling our long cherished object by his thunderbolt. Sree Senkaracharya the hard-hearted Senkaracharya, issued his mighty Bull denouncing the Act of the Rajahmundry Reformers as heinous, illegal and devilish, and excommunicated the poor remarried widows and their supporters. He further threatened that if any body acted against his orders and remarried, she would be dealt with in the same way, she would be prevented from entering temples to worship God, she would forfeit her caste and nobody would be allowed to mix with her in performing religious and other ceremonies. Oh what sad news this was! This frustrated our object, this fell upon our head as lightning from an angry God. We are orthodox Hindus as our opponents are. We want worship our Hindu Gods. We want to preserve our Hindu rights, and we also want to remarry. We hoped that the Widow-Marriage Act would protect our rights. If we cannot remarry as Hindus, what is the use of the Act? Senkaracharya says, "you cannot keep your caste, if you remarry, you cannot enter temples and worship God if you remarry." This is really horrible. Are we to forfeit our heavenly reward if we are to enjoy the earthly blessings? Do not all other ladies, Mahomedans and Christians &c., who are your subjects enjoy the two blessings? Why should we be so unfortunate under your happy rule? Why should we not be allowed the heavenly Lord and the earthly Lord? God is superior to man. God our heavenly Lord is superior to husband the earthly lord. If we are asked to choose one of these two, we must of course choose the former. Then the Act is a dead letter. We asked the reformers of Rajahmundry if they could give us both a husband and a God, knowing full well that the one is necessary for our worldly welfare and the other for our spiritual welfare. Their intercession with the Senkaracharya was to no purpose. He was stubborn. He could not be moved. He is a Sanyasi.

ABSTRACT.

A Sanyasi has no feeling. We could not move him by entreaties and tears. If a Guna was wrong we could appeal to our Hindu Kings in old days. You are our Queen: our Empress, our ruler. We asked our supporters of Rajahmundry to appeal to Your Majesty against the verdict of His Holiness. Your Majesty is far away. Mighty oceans are between us. We asked our reformers to appeal to your representatives in India. They applied to the Magistrate of Rajahmundry to protect us under Act 15 of 1856. We were encouraged in our hope by the report of the Select Committee when the Act was passed, who said the object of the Bill was to protect those Hindus who would follow a different custom according to their conscience and convictions and to protect them from the thralldom of those who oppose the Widow-Marriages. We were sanguine of our success when we read at page 253 in Strange's Hindu Law: "They (the Legislators) have moreover secured to her all her former property rights and privileges." But sad was the disappointment! Alas! On the 27th February last, the Magistrate issued another Bull sorer than that of Senkaracharya. He said he was doubtful if a widow remarrying could enter the Hindu temples and retain her caste. He said he could give no relief, he could not protect us from the thralldom of others. He went a little further. He even found fault with our supporters for applying to him for assistance. He was thoroughly mistaken. He thought they could not bear the inconveniences they were subjected to by their excommunication. But the fact was, they applied to him for assistance for our sake but not for their sake. They apprehended, and that rightly, that as long as the prohibition of entering temples continued, no widow come forward to remarry. But for the prohibition, many widows would have become wives by this time. "Of two evils choose the less" is the wise saying. They may give up their earthly lord (husband), but how could they give up their heavenly Lord (God)? They thought Mr. Johnson, your representative in these parts, would allow them both the lords. He would not do it. The reason is best known to himself. Senkaracharya is strengthened. We are crushed by the combined action of the Pope and the Magistrate. Oh Mother Queen Victoria, will Your Gracious Majesty not interpose and assist us? Oh! Viceroy and Lady, Oh Governor and Lady, Members of Council and Ladies, Judges of High Courts and Ladies, will you not lend us your helping hand? Oh Patriots, Statesmen and Editors, will you not move the authorities by your able pens and Press to render us justice and to give us what is due and not to deny us both husband and God? If the existing law is sufficient to protect us—we believe it is—send for Mr. Johnson's verdict and reverse it. If otherwise, let the Legislature supply the want, let them make it a law, that a widow remarrying does not forfeit her caste nor the privilege of worshipping God in a Temple. The sufferings of your poor subjects, Indian widows, are indescribable and full to the brim. Oh Gracious ruler! let us not suffer any more. Give us all our privileges. Do not deny us either husband or God like the cruel San- karacharya. We wish to remarry as *Hindus*, but not as outcaste women. We wish to preserve our caste and enjoy the privilege of wedding again. We wish to take husbands and to worship in our temples. Our request is a simple one. It injures nobody else. Therefore, Oh Gracious Queen Mother, be pleased to order the Indian authorities to give us our due. Will not a single European lady plead our cause with her elegant speech and powerful pen and get us our due? Oh God! Almighty Lord! inspire men and women to work for us and grant us our humble request, wedding and caste, husband and God. Oh Heavenly Father! Oh Gracious God, represent our miseries in their true light to our Empress and engender pity in Her heart to relieve us from life-long misery, so that the line of distinction between Her Majesty's Government and those that preceded it may be clearly drawn and so that it may be known to the whole world that Her Majesty's Government is a Christian Government which does not merely aim at the common functions of suppressing theft or other crime, but whose object it is to remove social evils and to raise the nation from a degraded condition. What we request is not against our Shastras, but against the narrow views of our Gurus. Oh God! create mercy in the heart of your earthly representative the Empress of India.

Ratna Ammal.
Sita Ammal.
Rukmini Ammal.
Sundara Ammal.
&c. &c. &c.

1882.

Bring to notice that
the widow marriage among
the Hindus has been legalized
by Act 15 of 1856. yet
its benefits cannot be enjoy-
ed by the petitioners owing to
the stubbornness of their
priests, who say that widows
if they remarry will lose their
caste & will not be allowed to
enter temples etc; that Mr
Senkaracharya excommuni-
cated the men, who boldly
celebrated two widow mar-
riages at Rajahmundry; and
that the protection, which the
supporters of widow mar-
riage sought under the same
act from the Magistrate,
was not granted; that petro
wish to remarry as *Hindus*
but not as outcaste women.

Pray that as petro
believe that the existing law
is sufficient to protect the
widows, the verdict of the
Magistrate Mr Johnson may
be reversed; but that if the
law be deficient, let the legis-
lature make it a law that
a widow remarrying does not
forfeit her caste, nor the pri-
vileges of worshipping God
in a temple.

[8]

PETITION DEPARTMENT.

BRANCH.

L. B. J. 2

From Ratna Ammal,
Wife Ammal and
two others

Occupation Hindu widows

Village

Talug

District

Dated

Received 8 June 1882

Enclosures

CURRENT No. 1610.

Addressed to H. M. the
Queen Empress
SUBJECT.

Widow marriage

For

NO. 34

GODAVARI DISTRICT

MAGISTRATE'S OFFICE, COCANADA,

5th July 1882.

From

W. A. Happell Esq.
Magistrate, Godavari District.

To

The Honorable C. G. Master
Chief Secretary to Government,
Fort Saint George.

Sir,

In reference to the Proceedings of
the Government dated 14 June last
No. 172, I have the honor to forward
herewith a copy of Mr. Johnson's judg-
ment passed in the case brought by
A. L. Narasimham of Rajahmundry
against the Priest Shankarachari.
The petition received by the above Proceeding
is returned.

I have the honor to be

Sir

Your most obedient Servant

W. A. Happell

Magistrate

Judicial { 188 } Department.

From

The Magistrate,
Godavari District.

No. 54

Dated

Despatched

Received

5th July 1882
8th July/82
No. 1670
No.

SUBJECT.

Forwarding a copy of
Mr. Johnson's judgment
in the case brought by
A. L. Narasimham
against the priest Sankarachari
Chari

The Honble D. F. Carmichael

To

His Excellency the Governor in Council of Madras.

The humble petition of Racherla Ratnammah of Rajahmundry.

May it please your Excellency,

I am a Brahmin by birth and according to our custom I was married when I was about 8 years old. I am now 13 years old. Unfortunately my husband died 3 years ago. I was not then matured nor were my nuptials performed. I was a poor virgin widow before December 1881. My parents, my grand father (still living) and my relations were mourning over my miserable condition. I did not know why they were doing so. I wept with them. They told me that I was married to a man (whom I scarcely saw) and that he died. I asked them if I could not be remarried. They told me that our custom would not permit it. We all thought that there was no hope for me, and that I should ever live as a miserable widow. I am the only daughter of my parents and I cannot describe here the amount of the sorrow and grief of my mother at my calamity. While we were drowned in the midst of this Ocean of sorrow early in December last some news reached us that at Rajahmundry they found Sastras sanctioning widow marriages and one widow marriage was actually performed. My hopes were then raised. My mind was elated. I ran to my mother and father, I asked them "what! you said I could not remarry. Here is news! a widow a young widow like myself was remarried" They were overjoyed. We had the news confirmed and ran with all speed to Rajahmundry. There we presented ourselves to the reformers and they readily received us and promised every assistance. The bridegroom was secured in no time. The marriage was performed on the very day. There was no opposition. Every thing went on well. We had a grand procession. About 10 thousand people attended. We all thought the marriage was very popular and all our fears and apprehensions were removed. A very few people of the town envious or otherwise of us got up a petition and with much difficulty secured the signatures of only 70 people from among about 20,000 people living here and a certain evil-minded person took the petition to the Sankarachari who then happened to be on collection business about 30 miles from the town, and got some bulls from him and published them here. I was really surprised at the charm and power of the Bull. Like magic it worked. All the people that favoured the cause and were gladly looking at our faces, at once turned against us. They obeyed the Sankarachari. For they had no other alternative. It clearly said that if they would not obey the bull, they would all be punished. Your Excellency knows the weak mind of a Hindu; almost all have deserted us. Then we turned to the Reformers. We asked them "why do you allow us to be in this miserable condition?" They were sorry. They wept with us. Then they said that they would apply to the Government for assistance. They brought a charge before the Joint Magistrate who acted in such a way that every one of us expected success. He at last disappointed us and dismissed the case. His view is quite wrong and his Judgment is pronounced by many a learned gentleman and experienced Lawyer as erroneous. Mr. Snaith the local Session Judge in one of his letters to the High Court seemed to think that the Judgment of Mr. Johnson was wrong as a copy thereof attached hereto will show to your Excellency. Thus your Excellency will see that a Magistrate and a Session Judge differ from one another as regards the action of the Guru and it is more probable that the Judge is right and the Magistrate is wrong. We are overjoyed to hear that your Excellency has been pleased to send for record. This gives us some hope and we pray that your Excellency may be pleased to refer the matter to the High Court under section 272 of Criminal Procedure Code and have the case settled once for all. We do not ask any thing against Law or Justice or Policy. We are informed that the opposite party have preferred petitions to your Excellency that no action should be taken by Government in the matter or they would rise in rebellion and it might be that such petitions shook Mr. Johnson's firmness and led him to dismiss the charge. Whatever may be the strength of the petition we humbly ask your Excellency to have the matter settled once for all by the Highest Tribunal in the land, and if they also consider to our great misfortune that we have no remedy, we ask your Excel-

lency as a parent of widows to supply the law or move the Indian Legislature to do so. We feel sure that the Honorable and learned Judges of the Madras High Court will not refuse our request. They have already expressed their opinion in a similar case that "this sort of oppression (excommunication) is very melancholy." The sending for the Judgment by your Excellency is looked upon by every one of us with anxiety. If the matter be referred to the High Court no body suffers any thing by it and if we gain in the High Court, the other party will not suffer. If the result either with your Excellency or with the High Court is otherwise, we shall be damned for ever and there will be no other alternative than being drowned in a real ocean instead of the ocean of sorrow in which we are at present lost.

I beg to remain
your Excellency's obedient Subject
Rajahmundry
23rd July 82.]
Racherla Ratnamah.

No. 91.

Gadavery District Court.
Rajahmundry 18th March 1882

From

J. F. Snaith Esqr.

Offg. District Judge

Rajahmundry.

To

J. Weir Esqr.

Ag. Registrar High Court of Judicature
App. Side. Madras.

Sir,

I have the honor to forward the explanation called for by the High Court in the matter of a petition directed against the District Munsiff of Rajahmundry, and addressed to the High Court direct.

2 A petition on the same subject was sent to me, but it was so obviously a countermove to a case then pending in the Joint Magistrate's Court that I declined to take any notice of it. Hence probably the reason the petition was addressed to the High Court.

3 The District Munsiff of Rajahmundry is to the best of my belief an honorable and conscientious man, and I will leave it to the High Court to decide whether he has not completely met the charges against him.

4 He has interested himself from the best of motives in some widow marriages which have taken place in this town. The result is he and many others have been excommunicated by the High Priest.

He therefore prosecuted the High Priest for defamation before the Joint Magistrate; who has, I understand, dismissed the case on the ground that it is no injury to a man to damn him eternally and to say of him that he is not a fit person to be associated with.

5 It is possible that another Magistrate might come to another conclusion on the same matter; but for the present the party of the High Priest (a very common ignorant man as I am given to understand) is exultant as if they had gained a great victory. Hence the spirit of persecution is abroad, and the town is full of *odium theologicum*. This and no other reason has caused the petition to the High Court; and it is sad to think that a man who has interested himself in a reform the complete success of which cannot long be deferred and which is absolutely necessary to relieve the Hindu people from the reproach of cruelty and barbarism should meet with no better reward than calumny.

I have the honor to be sir

(Sd)

J. F. Snaith

Offg. District Judge.

(Upon my application I could only lately obtain a certified copy of the above and am thus enabled to appeal to the mercy of your Excellency.)

To

His Excellency the Governor in Council of Madras.

The humble petition of Racherla Ratanammah of Rajahmundry.
May it please your Excellency,

I am a Brahmin by birth and according to our custom I was married when I was about 8 years old. I am now 13 years old. Unfortunately my husband died 3 years ago. I was not then matured nor were my nuptials performed. I was a poor virgin widow before December 1881. My parents, my grand father (still living) and my relations were mourning over my miserable condition. I did not know why they were doing so. I wept with them. They told me that I was married to a man (whom I scarcely saw) and that he died. I asked them if I could not be remarried. They told me that our custom would not permit it. We all thought that there was no hope for me, and that I should ever live as a miserable widow. I am the only daughter of my parents and I cannot describe here the amount of the sorrow and grief of my mother at my calamity. While we were drowned in the midst of this Ocean of sorrow early in December last some news reached us that at Rajahmundry they found Sastras sanctioning widow marriages and one widow marriage was actually performed. My hopes were then raised. My mind was elated. I ran to my mother and father, I asked them "what! you said I could not remarry. Here is news! a widow a young widow like myself was remarried." They were all overjoyed. We had the news confirmed and ran with all speed to Rajahmundry. There we presented ourselves to the reformers and they readily received us and promised every assistance. The bridegroom was secured in no time. The marriage was performed on the very day. There was no opposition. Every thing went on well. We had a grand procession. About 10 thousand people attended. We all thought the marriage was very popular and all our fears and apprehensions were removed. A very few people of the town envious or otherwise of us got up a petition and with much difficulty secured the signatures of only 70 people from among about 20,000 people living here and a certain evil-minded person took the petition to the Sankarachari who then happened to be on collection business about 30 miles from the town, and got some bulls from him and published them here. I was really surprised at the charm and power of the Bull. Like magic it worked. All the people that favoured the cause and were gladly looking at our faces, at once turned against us. They obeyed the Sankarachari. For they had no other alternative. It clearly said that if they would not obey the bull, they would all be punished. Your Excellency knows the weak mind of a Hindu; almost all have deserted us. Then we turned to the Reformers. We asked them "why do you allow us to be in this miserable condition?" They were sorry. They wept with us. Then they said that they would apply to the Government for assistance. They brought a charge before the Joint Magistrate who acted in such a way that every one of us expected success. He at last disappointed us and dismissed the case. His view is quite wrong and his Judgment is pronounced by many a learned gentleman and experienced Lawyer as erroneous. Mr. Snaith the local Session Judge in one of his letters to the High Court seemed to think that the Judgment of Mr. Johnson was wrong as a copy thereof attached hereto will show to your Excellency. Thus your Excellency will see that a Magistrate and a Session Judge differ from one another as regards the action of the Guru and it is more probable that the Judge is right and the Magistrate is wrong. We are overjoyed to hear that your Excellency has been pleased to send for record. This gives us some hope and we pray that your Excellency may be pleased to refer the matter to the High Court under section 272 of Criminal Procedure Code and have the case settled once for all. We do not ask any thing against Law or Justice or Policy. We are informed that the opposite party have preferred petitions to your Excellency that no action should be taken by Government in the matter or they would rise in rebellion and it might be that such petitions shook Mr. Johnson's firmness and led him to dismiss the charge. Whatever may be the strength of the petition we humbly ask your Excellency to have the matter settled once for all by the Highest Tribunal in the land, and if they also consider to our great misfortune that we have no remedy, we ask your Excel-

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No. 91.

Gadavary District Court.
Rajahmundry 18th March 1882

From

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Offg. District Judge

To

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3 The District Munsiff of Rajahmundry is to the best of my belief an honorable and conscientious man, and I will leave it to the High Court to decide whether he has not completely met the charges against him.

4 He has interested himself from the best of motives in some widow marriages which have taken place in this town. The result is he and many others have been excommunicated by the High Priest.

He therefore prosecuted the High Priest for defamation before the Joint Magistrate; who has, I understand, dismissed the case on the ground that it is no injury to a man to damn him eternally and to say of him that he is not a fit person to be associated with.

5 It is possible that another Magistrate might come to another conclusion on the same matter; but for the present the party of the High Priest (a very common ignorant man as I am given to understand) is exultant as if they had gained a great victory. Hence the spirit of persecution is abroad, and the town is full of *odium theologicum*. This and no other reason has caused the petition to the High Court; and it is sad to think that a man who has interested himself in a reform the complete success of which cannot long be deferred and which is absolutely necessary to relieve the Hindu people from the reproach of cruelty and barbarism should meet with no better reward than calumny.

I have the honor to be sir

(Sd) J. F. Snaith
Offg. District Judge.

*Upon my application I could not lately
obtain a certified copy of the above and
am thus enabled to appeal to the mercy of
your Excellency.*

Public Sep 18

Pet of
Richerla Ratnamah
Rajahmundry

1861-3

Of 23 July
Ry 2 Aug 3 82

W. W. M. M. M.

To

His Excellency the Governor in Council of Madras.

The humble petition of Richerla Ratnamah of Rajahmundry.
May it please your Excellency

I am a Brahmin by birth and according to our custom I was married when I was about 8 years old. I am now 13 years old. Unfortunately my husband died 3 years ago. I was not then matured nor were my nuptials performed. I was a poor virgin widow before December 1881. My parents, my grand father (still living) and my relations were mourning over my miserable condition. I did not know why they were doing so. I wept with them. They told me that I was married to a man (whom I scarcely saw) and that he died. I asked them if I could not be remarried. They told me that our custom would not permit it. We all thought that there was no hope for me, and that I should ever live as a miserable widow. I am the only daughter of my parents and I cannot describe here the amount of the sorrow and grief of my mother at my calamity. While we were drowned in the midst of this Ocean of sorrow early in December last some news reached us that at Rajahmundry they found Sastras sanctioning widow marriages and one widow marriage was actually performed. My hopes were then raised. My mind was elated. I ran to my mother and father. I asked them "what! you said I could not remarry. Here is news! a widow a young widow like myself was remarried." They were all overjoyed. We had the news confirmed and ran with all speed to Rajahmundry. There we presented ourselves to the reformers and they readily received us and promised every assistance. The bridegroom was secured in no time. The marriage was performed on the very day. There was no opposition. Every thing went on well. We had a grand procession. About 10 thousand people attended. We all thought the marriage was very popular and all our fears and apprehensions were removed. A very few people of the town envious or otherwise of us got up a petition and with much difficulty secured the signatures of only 70 people from among about 20,000 people living here and a certain evil-minded person took the petition to the Sankarachari who then happened to be on collection business about 30 miles from the town, and got some bulls from him and published them here. I was really surprised at the charm and power of the Bull. Like magic it worked. All the people that favoured the cause and were gladly looking at our faces, at once turned against us. They obeyed the Sankarachari. For they had no other alternative. It clearly said that if they would not obey the bull, they would all be punished. Your Excellency knows the weak mind of a Hindu; almost all have deserted us. Then we turned to the Reformers. We asked them "why do you allow us to be in this miserable condition?" They were sorry. They wept with us. Then they said that they would apply to the Government for assistance. They brought a charge before the Joint Magistrate who acted in such a way that every one of us expected success. He at last disappointed us and dismissed the case. His view is quite wrong and his Judgment is pronounced by many a learned gentleman and experienced Lawyer as erroneous. Mr. Snaith the local Session Judge in one of his letters to the High Court seemed to think that the Judgment of Mr. Johnson was wrong as a copy thereof attached hereto will show to your Excellency. Thus your Excellency will see that a Magistrate and a Session Judge differ from one another as regards the action of the Guru and it is more probable that the Judge is right and the Magistrate is wrong. We are overjoyed to hear that your Excellency has been pleased to send for record. This gives us some hope and we pray that your Excellency may be pleased to refer the matter to the High Court under section 272 of Criminal Procedure Code and have the case settled once for all. We do not ask any thing against Law or Justice or Policy. We are informed that the opposite party have preferred petitions to your Excellency that no action should be taken by Government in the matter or they would rise in rebellion and it might be that such petitions shook Mr. Johnson's firmness and led him to dismiss the charge. Whatever may be the strength of the petition we humbly ask your Excellency to have the matter settled once for all by the Highest Tribunal in the land, and if they also consider to our great misfortune that we have no remedy, we ask your Excel-

lency as a parent of widows to supply the law or move the Indian Legislature to do so. We feel sure that the Honorable and learned Judges of the Madras High Court will not refuse our request. They have already expressed their opinion in a similar case that "this sort of oppression (excommunication) is very melancholy." The sending for the Judgment by your Excellency is looked upon by every one of us with anxiety. If the matter be referred to the High Court no body suffers any thing by it and if we gain in the High Court, the other party will not suffer. If the result either with your Excellency or with the High Court is otherwise, we shall be damned for ever and there will be no other alternative than being drowned in a real ocean instead of the ocean of sorrow in which we are at present lost.

Rajahmundry
23rd July 82.]

I beg to remain
your Excellency's obedient Subject
Racherla Ratnamah.

No. 91.

Gadaverry District Court.
Rajahmundry 18th March 1882

From

J. F. Snaith Esqr.
Offg. District Judge

Rajahmundry.

To

J. Weir Esqr.

Ag. Registrar High Court of Judicature
App. Side. Madras.

Sir,

I have the honor to forward the explanation called for by the High Court in the matter of a petition directed against the District Munsiff of Rajahmundry, and addressed to the High Court direct.

2 A petition on the same subject was sent to me, but it was so obviously a countermove to a case then pending in the Joint Magistrate's Court that I declined to take any notice of it. Hence probably the reason the petition was addressed to the High Court.

3 The District Munsiff of Rajahmundry is to the best of my belief an honorable and conscientious man, and I will leave it to the High Court to decide whether he has not completely met the charges against him.

4 He has interested himself from the best of motives in some widow marriages which have taken place in this town. The result is he and many others have been excommunicated by the High Priest.

He therefore prosecuted the High Priest for defamation before the Joint Magistrate; who has, I understand, dismissed the case on the ground that it is no injury to a man to damn him eternally and to say of him that he is not a fit person to be associated with.

5 It is possible that another Magistrate might come to another conclusion on the same matter; but for the present the party of the High Priest (a very common ignorant man as I am given to understand) is exultant as if they had gained a great victory. Hence the spirit of persecution is abroad, and the town is full of *odium theologicum*. This and no other reason has caused the petition to the High Court; and it is sad to think that a man who has interested himself in a reform the complete success of which cannot long be deferred and which is absolutely necessary to relieve the Hindu people from the reproach of cruelty and barbarism should meet with no better reward than calumny.

I have the honor to be sir

(Sd)

J. F. Snaith

Offg. District Judge.

(Upon my application, I could only lately obtain a certified copy of the above and am thus enabled to appeal to the mercy of your Excellency.)

38/
The Right Honorable
Honorable Elphinstone Grant Duff Esq
Governor and President in Council
Madras
cc - cc

May it please your Excellency

I beg to submit herewith
a copy of the judgment of Mr Johnson in As
sentences along with a few remarks thereon that
your Excellency may be able to understand the two
sides of the question and be pleased to direct appeal
to the High Court for ends of justice and for the
alleviation of the sufferings of poor virgin widows
of India. I pray to be excused for this intrusion
on your Excellency's valuable time.

Rajahmundry }
11th July 1882 }

I beg to remain
Your Excellency's
Most obedient Servant
K. Veerasalingam
Secretary to the widow marriage
association - Rajahmundry

2.8.82

am

Public 1843/72
75

Petition from

J. Verravalup

Dated

11th July 1882

TRANSFERRED to

the Chief

Secretary

Government,

Department

(By Order.)

A. A. A. A.

Captain, R.F.

Private Secretary.

Camp

GOVERNMENT HOUSE,

23rd July

1882

1-16 (1882) P. R. 1000

THE SECRETARY

GOVERNOR,

The Chief SECRETARY TO GOVERNMENT,
DEPARTMENT.

Date 23 July 1882
Recd.

ENCLOSURE.

No. _____

Subject.

Transfers a petition from K. Tessa:
saying as praying
that Govt. will order
an appeal in a
certain case

No. 93

Godavari District
Joint Magistrate's Office
Nagpur 25 July 1882

The Joint Magistrate
Godavari District
The Under Secretary to Government
Ootacamund.

Sir,
With reference to your telegram of
the 20th instant, I have the honour to forward
herewith copies of all exhibits with the ex-
ception of B & C which have since the
date of judgment been returned to the
witness for prosecution. I am trying
to get those two documents also from the
man who is in the neighbourhood and shall
send copies as soon as I can get them.

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

Ed. W. A. C.

To
The Jt Joint Magistrate
Godavari
The Under Secretary
to Government
Pottanumund.

Dated 25th July 1882
Recd. 2nd Augst /82
No. 93. Encl. 8
Copy of Report.

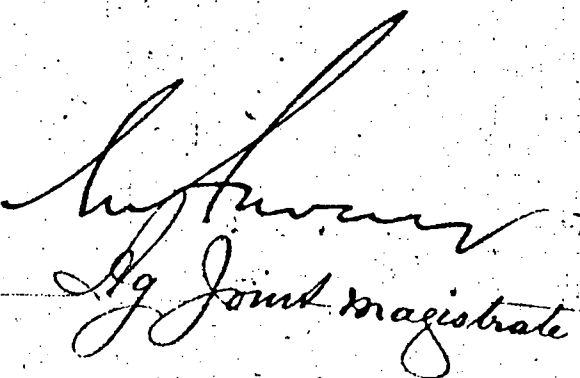
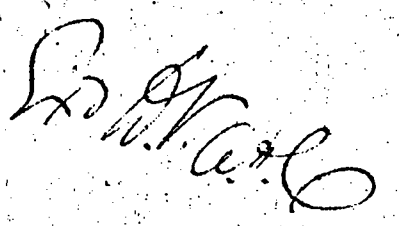
Subject:
Forwarding copies of exhibits
in Cal: Case No. 2 of 1881
as called for.

No. 101.

To
The Jt Joint Magistrate,
Godavari District.
The Under Secretary to
Government of Madras,
Pottanumund.

Sir,
In continuation of my letter No. 93
dated 25th ultimo, I have the honour to
forward herewith copies of exhibits B and
C.

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


Jt Joint Magistrate

Under Secretary

Journal 1882. Depart
From

the of Joint Magt

Godavari

The Under Secretary

the Joint of

Magt.

Godavari

Dated 2nd

Sept 3rd

Recd. 11th

August

No 101

Encls. 2

Subject

Forwarding Copies
of exhibits B & C
of Calendar Case No 2

1882

No. dated 12th Sept 1882. In 3 Sept
No. 948

Read the following papers.

Patna No 1610

4 small in the window, with
Encls. 2

Further from the same
No 1543. enclosing copy of a letter
of the 2nd Judge of the Court to the
Magt. of 18th March last.

Petition from K. Krishna Lingam,
Secty to the Widow Marrya Appen,
Rajahmundry.

Letters from Magt. Godavari dated
No 34 of 5th July ulto; and No 93
of 2nd idem.

Order:

The Joint Magt's judgment is dated
27th Feb. last, and appeal time
will expire 26th August inst. The
foregoing papers will be furnished
to the Asst. Genl., who is authorized
to present an appeal to the H.C.
under S. 272 of the Crim. Pro. unless
he shall be clearly of opinion that there
are no grounds for doing so.

2. In any case he Govt. wish to have the
Adv. Genl's opinion as to the legal effect
of the Govt's prohibition against the
remittance of endowments to other persons
he has excommunicated entering
the temples. Act XV of 1856

6-5-1 Aug 12/82

To the Advocate General

72.1600/83.

1000/83
1000/83
1000/83

OVER SECRETARY
18 JUN 85
GOVERNMENT OF MADRAS

747
Madr 15th August 1882.

From
The Honorable P. O'Sullivan
Advocate General.

To
The Honorable C. G. Master
Chief Secretary to Government
with the Governor.
Stonehouse.

Sir,
With reference to the Proceedings of the
Government, in the Judicial Department and
the order thereon, dated the 12th August 1882,
N^o 948, I have the honour to state that I
shall prefer an appeal to the High Court
against the judgment of the Joint Magistrate
of the Godavery District dated the 27th February
1882 in Calendar Case N^o 2 of 1882 acquitting
the accused. I do not think it is prudent to
put in an appeal in this case, or that, upon
the facts found by the Joint Magistrate, the
High Court will interfere. But I cannot

Encl: 1
with the letter

say there are no grounds for the appeal. I should be glad to have, from the District Magistrate, the evidence of the witnesses taken in the case. Copies of the Exhibits filed in the case have been sent to me but not of the oral evidence. If the evidence was taken in English by the Joint Magistrate a copy of his note of the evidence will suffice, but if not, and the evidence was taken in the vernacular language, an English translation thereof will be required.

It appears to me that an appeal from an acquittal in a criminal case is not a favourable occasion for asserting the legal rights of the widows who have been married, or of those who took part in such marriages. If any legal right has been infringed a civil suit seems to me to be the more appropriate and effectual remedy. I have not sufficient information to enable me to say whether a person who has been excommunicated from caste has a right

8 16
to enter a particular Hindu Temple and worship therein; but I think the question is a fit one to have submitted to the Civil Courts for adjudication. I cannot find that the question has been decided.

By the Civil Courts Act, III of 1873 Section 16, where in any suit or proceeding it is necessary for any Court to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution, the Hindu law, in cases where the parties are Hindus, or any custom (if such there be) having the force of law and governing the parties or property concerned, shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished. Section 5 of Act XV of 1856 provides that, except as in the three preceding sections is provided, a widow shall not, by reason of her re-marriage, forfeit any property or any right to which she

would otherwise be entitled; and every widow who has remarried shall have the same rights of inheritance as she would have had, had each marriage been her first marriage.

It seems to me therefore that where a widow had a right to go into a Temple and worship prior to her marriage, she does not lose it by reason of her remarriage by the express words of the Act, and that it would not be a good defence to plead that the woman forfeited the right, not for remarriage but, for expulsion from caste, the expulsion following from and being solely attributable to the remarriage.

It is understood that Hindus by race and religion are entitled to visit and worship at Hindu public Temples; but that pariahs, as regards most Temples, and other classes of Hindus belonging to the Lower Castes are, by usage, excluded from some Temples. The right of the remarried widows in this respect

749
seems to stand on a different footing from the right of the complainant in the above case (the District Munsiff of Rajahmundry) who has been excommunicated and is not protected by any legislative enactment as remarried widows are. In any civil suit by the complainant to establish his right to worship at a Temple the Hindu law or any custom having the force of law would govern, and the result would depend upon the evidence adduced. If the evidence established a custom to exclude excommunicated persons the plaintiff's suit would probably fail.

I have the honor to be

Sr

Your most obedient servant

P. Sullivan

Advocate General.

Inland DEPARTMENT. 51
No. 2644

From

The Advocate General
dated 15 August 81.
N -

10

FOR ORDERS.

Wire Joint Magr.
Rafahmudug - "Urgent."
"Johnson's judgment
"in complaint against
"Gorroo dated 27
"Feb? + send advocate
"General copy oral
"evidence + translated
"if necessary."

Tel. despatch
18/8/82

ofld
copy - ad - despatch 18/8

will

17/8/82

...
The order.

17/8

From
The Advocate General
Madras

To The Chief Secy. to Govt.
only.

Dated 15 August
Despatched 16-00.

47
CURRENT No. 2644

Subject

Stating that an appeal to the
High Court will be preferred against
the judgment of the Joint Magr.
of the Godavari District in
Calendar case No. 2 of 1882 ac-
quitting the accused, but that an
appeal from an acquittal in a
criminal case is not a favorable
occasion for asserting the legal
rights of the widows who have
been married, or of those who took part
in such marriages.

24-16-102

[Signature]

Journal of Management Studies, 19(1), 67-80.

22. *Chrysomelidae*

100

Madrid: 23rd April 1883

My dear Master

I Enclose a formal
Report in answer to Yours of
the 21st inst

Yours sincerely
J. W. Sullivan

Madras 23rd April 1883.

From

The Honorable P. Chellappan

Advocate General

To

The Honorable C. G. Master

Chief Secretary to Government

Storehouse Hill

Sir,

I have the honour to state that judgment was given by the High Court, on the 20th instant, in Criminal Appeal No. 244 of 1882, preferred by me, on behalf of Government, to the High Court against the acquittal of the defendant, by the Joint Magistrate of the Godavari District, in Calandar case No. 2 of 1882, wherein A. L. Narsimham, of Rajahmundry, was the complainant and Sree Sukarachary was

CHIEF SECRETARY
GOVERNMENT OF MADRAS
24 APR 83

In pub. 1600/13

C17/r

the defendant.

The High Court held that the decision of the Magistrate was correct upon all the charges save and except that of defamation. As to the charge of defamation, they convicted the defendant and sentenced him to pay a fine of Rupees 200 or, in default of payment, to suffer one month's imprisonment. The Court was of opinion that the defendant had authority to communicate the complainant and to notify the fact to the members of the caste and to the complainant: but in notifying the fact to the complainant the defendant made use of a post-card, instead of a letter under cover, and thereby exceeded the privilege which his position of Priest gave him. This was a point taken in appeal and was not made before the Magistrate.

The judgments of the Judges (Harris

12/5/

C. J. and Muttuswamy Iyer J.) were I believe of considerable length: but they were not read in Court, the substance of the conclusion arrived at having been stated by the Chief Justice and the judgments ordered to be printed.

I return the papers sent to me with the Order of Government dated the 12th August 1882, N^o. 948, Judicial Department.

I have the honour to be

Sir

Your most obedient servant

P. V. Sullivan
Advocate General

1/11/0 948-12-0-02
 1610/02
 1670/02
 1843/02
 2320/02
 2431/02
 2569/02

Govt (1883) Department
 (Criminal Appeals)
 From

The Honorable
 the Advocate General
 To
 The Chief Secretary
 to Government

Dated 23rd April 1883.

Received
 600 ppts.
 dated

No. 1600
 Subject

Stating that the High
 Court in Criminal Appeal
 No. 244 of 1882 convicted the
 defendant of defamation and
 sentenced him to pay a fine of
 Rs 200 or in default to suffer
 one month's imprisonment.

OFFICE SECRETARY
 24 APR 83
 GOVERNMENT OF MADRAS

Exhibit A

58

గ్రామ పంచాయతీ కమిషనరీని సక
 లు నిరసించి పరిష్కారము జరుగజేయు
 వచ్చినట్లును కారణములను
 సమీక్షించి తగు చర్యలు

[illegible]

(True Copy.)

In Answer
 H. Jacob Magistrate-

[illegible]

6/

ಶಾಂತಿ ಪೂಜೆ ಮಾಡುವುದು

ಪ್ರವಚನದಿಂದ ಸಂಪಾದಿಸಿದ ಫಲವನ್ನು

ದಾನಂ

ಸಿಂಹಾಸನ
ಮಾನ್ಯತೆ

Exh A CV
C.P. No 2
10782

పత్రికా
 దీవురాలు మహాత్మాగాంధీవరంగం కుమారిచేత నవింగ
 ముయిం య గడ్డెరుగిన వి తంతు వివాహము లాకి తొ
 ంబూంల మునకు పట్టు నట్లు మానవ్యు డి తెలియ నున్న
 ంక్ష పత్రికాకారెడ ముయినది గనుక వచ్చు వచ్చావ
 పుడవై మావల్ల విజ్ఞాతృ ప్రాదున్నితృ ముయిరుగిం
 ముకుని నుట్టు తపై నండుగ ను దరులంక్ష పత్రికను రద్దు
 పరచి యానండ్లు పత్రికను యిప్పింబడ ముయినది నోయి
 తరులు నవం క్రి బీజగాచినంబుంధ మునకు గవనము
 నుండు యేది ముయినట్లు నీ త మ వ దు

వృక్షగాఢమునందు నూరములు గల వాని
చిత్రములు ముద్రాపములు

△ మొదలు పురుషి—

అనంతపురం జిల్లా పరిషత్తు

(True Copy)

ag. H. Magistrate

Exhibit D

ॐ नमो भगवते वासुदेवाय

6.3

అతిపాదవాంశమును ప్రకటించుచున్నాము. ఇది
 శ్రీమద్భగవద్గీతా యొక్క ఐదవ అధ్యాయము. ఇది
 శ్రీకృష్ణుని యొక్క ఐదవ అధ్యాయము. ఇది
 శ్రీకృష్ణుని యొక్క ఐదవ అధ్యాయము. ఇది
 శ్రీకృష్ణుని యొక్క ఐదవ అధ్యాయము. ఇది

సంప్రదించు. - రాజకీయ ప్రభుత్వం వద్ద ఉన్న వ్యవస్థాపక సంఘం. [సంప్రదించు.]

[illegible]

[The page contains dense handwritten Telugu script, which appears to be bleed-through from the reverse side. The handwriting is highly stylized and cursive.]

[illegible]

1. వానశ్యమును పుట్టించునట్లు
 2. వానశ్యమును పుట్టించునట్లు
 3. వానశ్యమును పుట్టించునట్లు
 4. వానశ్యమును పుట్టించునట్లు
 5. వానశ్యమును పుట్టించునట్లు
 6. వానశ్యమును పుట్టించునట్లు
 7. వానశ్యమును పుట్టించునట్లు
 8. వానశ్యమును పుట్టించునట్లు
 9. వానశ్యమును పుట్టించునట్లు
 10. వానశ్యమును పుట్టించునట్లు

1. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు
 2. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు
 3. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు
 4. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు
 5. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు
 6. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు
 7. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు
 8. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు
 9. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు
 10. అంబా నామ సంకీర్తనమును వినుచు నున్నప్పుడు

[illegible]

1. వాటిని అనుసరించి
 2. వాటిని అనుసరించి
 3. వాటిని అనుసరించి
 4. వాటిని అనుసరించి
 5. వాటిని అనుసరించి
 6. వాటిని అనుసరించి
 7. వాటిని అనుసరించి
 8. వాటిని అనుసరించి
 9. వాటిని అనుసరించి
 10. వాటిని అనుసరించి

[illegible]

M. B. W.

(Free extract)

H. A. W.
Sq. Joint Magistrate

యెసేయి.
 ఆ పత్రికలు కుకం రం యెం గా మం లో స వ్యక్తా వే సెయి
 జ్జి యెం ఏ వం చం సము కడ వలు సు వీరి నం చిని, యెం గా
 మం లో యెతలల యెల్లె మం న్ని క్కె మం డాం సు మం ల్లా ద వం న్నా
 న వలు లం కెం వి వ్యే మం డాం సు మ్మ యే వి వీరి డ్డె
 3. ఆల్బం వం శం ముల మం పయి న వుద వం రిం చి న్నాం డ్డె లం చు వ్ర
 యెం దు క్కె మం గా వం ల యె ము లం వి వ్ర కిం చి డ్డె
 యెం దు క్కె మం గా వం ల యె ము లం వి వ్ర కిం చి డ్డె

దానిమార్గము—రహితముగా మనస్సు (నిర)

A. J. Jones May 21 to

69
 Copy Deleted
 there on

I see no reason to apprehend any breach of
 the peace; such apprehension only would justify
 my issuing a magisterial order on this subject.

Petitioners can keep the temple gates closed
 against intruders; and can apply to the Civil Court
 to issue an injunction forbidding those persons
 to enter the temple whom they seek to exclude.

(signed) E. C. Johnson
 J. C. Johnson
 J. C. Johnson

(True copy)
 (7/2/57)

J. C. Johnson
 J. C. Johnson

2-2-57

69
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 there on

1. செய்த உ.தி. 1000
 2. செய்த உ.தி. 1000
 3. செய்த உ.தி. 1000

1. Die erste die
 2. Die zweite die
 3. Die dritte die
 4. Die vierte die
 5. Die fünfte die
 6. Die sechste die
 7. Die siebente die
 8. Die achte die
 9. Die neunte die
 10. Die zehnte die

వీరినందఱు
 చి వచ్చి చూచు
 గ్గు పు మూలు
 వీ యం నకు
 న ది చి గు
 ద్ద ప త్ర శబ్దం
 దీ చ ర శూ లం
 య్ కొ య క
మై న ది —

విజయపురము
 లక్ష్మీపురి
 లక్ష్మీపురి
 లక్ష్మీపురి
 లక్ష్మీపురి
 లక్ష్మీపురి
 లక్ష్మీపురి
 లక్ష్మీపురి

೧೦೦೦ ರೂಪಾಯಿ
 ೧೦೦೦ ರೂಪಾಯಿ
 ೧೦೦೦ ರೂಪಾಯಿ

[illegible]

(True copy)

In Two

(1) పుష్కరు చానూరి పాపము.
 (2) పుష్కరు చానూరి పాపము.
 (3) పుష్కరు చానూరి పాపము.

[illegible]

మధు మనకు
విన్నపములు తరుప్రియసిద్ధియు యీ ప్రంచదస్థతులచేసినరాంజమనే
ద్రవపునివాంసులుతనకవందలుబాచెడిప్రంసుకొనినదిజ్ఞాపనప
త్రిక-
గణించుంగ్గశిరబలచిహ్నంబగుప్రస్తుతివలనరాంభ
పట్టుకొనుటలిఖండే గోసులచేయబడ్డారాములుగాంభతిదుర్లంబు
ంభవపురంబలిఖండే కనకగురవుతాత్పర్యమునందువును
యాంపట్టుకొనుటలికంటెగూడాగమంగాంభయింపవచ్చునరాం
క్షంబునెసుకున్నాం.

[illegible]

యిట్టిది లోతమ అర్జునాం నది యుక దని నగు అగ్రాం వంందు
 పులుగుకొదతి మం శనదపద ముకన్ద ముగాం కన నీదుతున్నది.
 గనుక అర్జునుల పం కని యిప్పుడు వే డును నది యేమంటే.
 పయిన పుదహాచరించిన రెండుది తంతుని వాం వా ములలో శోజన
 ములవేసినటువంటి స్థి తాలంబుం లముల కన్దై నటువంటి వారి
 వేషయము అర్జునుల యిట్లు ముఖాని నముల కుం తం బం లములకు
 వేస్తినవాం కివేష యముల అర్జునుల యిట్లు ముఖాని నదలు క్కాం చీము
 లకు వేరిచి వాం కి తం సవం పుకన్ద ముల నముల వేసే వాం కివేషయము
 తమయ్య క్త మును ముదాన్దం బి అర్జుదయ వ యింజవత నని
 ప్రాంధ్వి గుం పునాభము యింబుల అర్జుండ్ తపు లగుడ్ర మించ

[illegible]

80
Sketches, from the Office of the Collector
of the Godavari District which I can
send you if they are required.

I have the honour to be

Yours most obedient Servant

W. Sullivan

Jud. (1883) Depo
(Hindu Widow re-
-marriage)

From

The Advocate Genl.
Ludlow.

27 30th } June
Recd 30th

Encls 3.

2465.

Prof. Mr. J. M.
- Govt. judgment & the exhibit
- its sent to him with fo.
948 of 1882, for the purpose
of presenting appeal to
246 of 1882 to the High Ct.

For Madras Office
with regn. 1882 to go
to H. for official
copy to be sent
up till the end

CHIEF SECRETARY
GOVERNMENT OF MADRAS
20 JUN 1883

For Jud. 2465/83

The copy of the order given to
under Secy of the Govt.

18
Jud. Depo.

Read again Progs of Govt. of Aug 12/82
No 948.

Read letter from Adolph. of 15th
- dno.

Telegram to Joint Magis.
Bengal. of 18th idem

- letter from Adv. Genl. of 23rd April
/83

The Memorialists will be informed
that, besides authorizing the Adv. Genl.
to present in appeal after the Joint Magis.
tribunal judgment of acquittal in Calcutta
Case No 2 of 1882, the Govt. called for the
Adv. Genl.'s opinion as to the legal effect
of the Govt.'s prohibition after the remarried
widows, & the other persons he has ex-
- communicated, entering the Temples; or
- denying that Act IV of 1856 reserves
all rights to Hindu widows re-
- marrying.

2. The result of the appeal was that the H. Ct.,
while holding that the Joint Magis.
judgment was correct upon all the other charges
preferred, acquitted the defendant of
defamation, & sentenced him to pay a
fine of Rs 100 or, in default of payment,
to suffer one month's impr.

in regard to the question put to the Adolph.,
his opinion is, 1st, that
where a widow had a right to go into a
Temple & worship, prior to her marriage,
she does not lose it by reason of her re-mar.

...wage by the express words
of the Act, & that it would be a good
defense to plead that the woman for-
feited her right, not for remarriage
but, for excommunication from caste; the
explanation following from & being
wholly attributable to the remarriage.

Secondly, he considered that the
rights of the remarried widows in this
respect seems to stand on a different
footing from the rights of any other
person who has been excommunicated
together with them, & who has not
protected by any legislative enactment
as remarried widows are. In any
civil suit brought by such person to
establish his right to worship at a
Temple, the result will depend upon
the evidence adduced; if the evidence
established a custom to exclude ex-
communicated persons, the suit will
probably fail.

3. The question, has every inf. striver,
has yet to be decided; if it were
decided that a blind, excommuni-
cated for encouraging a marriage
which the law declares to be lawful,
and which he believes to be sanction-
ed by a true, interpreted view of the
precepts of the Hindu religion, has
forfeited his right to worship at the
national temples — this Govt.
will be prepared to recommend

unfortunately

then ~~is~~ ^{is} ~~formally~~ ^{formally} ~~enacted~~ ^{enacted} ~~that~~
his abetment of a custom, the
adoption of which does not
involve any right to admit the
person who otherwise he excluded,
shall be declared to be as harmful
there as remarriage is to him.

ML-12/6/3

Are we in the habit of
stating the opinion of
the Advocate General in
reply to Memorialists?

(2) As to para (3). In these
very ticklish religious or
quasi-religious questions
would it not be best to
say & to do as little as
possible?

June 16/13
ML

Chief Sec.
Please bring to
me when I meet Mr. J. M.
& look to Council.

Hindu Widows
Remarriage

Note for Chief Secy
It was agreed last
Council that it wd be advise-
-ble to consult the C^o India
before issuing this draft.
The papers &c. &c. have now been
forwarded - & the proposed C^o
forwarded on a separate sheet,
& the whole sent to India - I pre-
sume in the Home Dep^t. or
perhaps Department - with
a d^o to the Secy, as follows.

Do No. 309. Copy
to H. H. H. H. H. H.
Jury to the
H. H. H. H. H. H.

Dear Sir -
I am directed, in
sending you a collection of
recent papers on the subject of
Hindu widows re-marrying,
to inquire if the Gov^t India see
any objection to the draft
Resolution at accompanying -
the third paragraph of it prom-
ising to recommend certain leg-
-islation to the G. C. in f. sh^t it
be judiciously decided - as the
Adv. Gen^l appears to think it
not be - that parties seeking
such marriages are liable to
lose rights which they exercised
previously, although in this
respect the widows are fully
protected by Act XL of 1856,
Sect 5.
It appears to me Gov^t that it
must have been from owing to only
that the protection accorded to widows
was not extended to those who ought
arrive to marry again. &c. 23/6/83

[Despatch]

BACK PAPER, No.

OF 1883.

READ AGAIN Order of Government, dated 12 Aug^t
1883, No. 948. Miscellaneous.

i.e. C^o 1610 + E. 36
* 1863
* 2338
* 1670 + f. 3/4
* 2431
& add.

FURTHER PAPER, No.

OF 1883.

ENCLOSURES.

CURRENT No.

2646.
Telegram to Mr. H. H. H. H. H.
1600

STATEMENT WITH DITTO.

ORDER, &c. OF GOVERNMENT - A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL.
(not paged.)

Order
Letter
Collection

N.B. -

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

Copy of the original
- & order signed
- & order signed

[1]

PRESS.

first DEPARTMENT.
G.O. DATED
No. 1

1st 519-19-2-1911

First copy sent to Press.

Returned for signature.

Despatched in print.

[Despatch Abstract.]

519

22.2.1884