

Bentinck "Minute" on sati 1829

"Whether the question be to continue or to discontinue the practice of suttee, the decision is equally surrounded by an awful responsibility. To consent to the consignment, year after year, of hundreds of innocent victims to a cruel and untimely end, when the power exists of preventing it, is a predicament which no conscience can contemplate without horror. But on the other hand, if heretofore received opinions are to be considered of any value, to put to hazard, by a contrary course, the very safety of the British empire in India, and to extinguish at once all hopes of those great improvements affecting the condition, not of hundreds and thousands, but of millions, which can only be expected from the continuance of our supremacy, is an alternative which, even in the light of humanity itself, may be considered as a still greater evil. It is upon this first and highest consideration alone, the good of man-kind, that the tolerance of this inhuman and impious rite can, in my opinion, be justified on the part of the government of a civilized nation. While the solution of this question is appalling from the unparalleled magnitude of its possible results, the considerations belonging to it are such as to make even the stoutest mind distrust its decision. On the one side, religion, humanity under the most appalling form, as well as vanity and ambition, in short all the most powerful influences over the human heart, are arrayed to bias and mislead the judgment. On the other side, the sanction of countless ages, the example of all the Mussul-man conquerors, the unanimous concurrence in the same policy of our own most able rulers, together with the universal veneration of the people, seem authoritatively to forbid, both to feeling and to reason, any interference on the exercise of their natural prerogative. In venturing to be the first to deviate from this practice, it becomes me to shew, that nothing has been yielded to feeling, but that reason, and reason alone, has governed the decision. So far indeed from presuming to condemn the conduct of my predecessors, I am ready to say, that in the same circumstances, I should have acted as they have done. So far from being chargeable with political rashness, as this departure from an established policy might infer, I hope to be able so completely to prove the safety of the measure, as even to render unnecessary any calculation of the degree of risk, which for the attainment of so great a benefit, might wisely and justly be incurred. So far also from being the sole champion of a great and dangerous innovation, I shall be able to prove that the vast preponderance of present authority has long been in favour of abolition. Past experience indeed ought to prevent me, above all men, from coming lightly to so positive a conclusion. When governor of Madras, I saw, in the mutiny of Vellore, the dreadful consequences of a supposed violation of religious customs upon the minds of the native population and soldiery: I cannot forget that I was then the innocent victim of that unfortunate catastrophe, and I might reasonably dread, when the responsibility would justly attach to me in the event of failure, a recurrence of the same fate. Prudence and self-interest would counsel me to tread in the footsteps of my predecessors. But in a case of such momentous

I think it will clearly appear, from a perusal of the documents annexed to this minute, and from the facts which I shall have to adduce, that the passive submission of the people to the influence and power beyond the law, which in fact and practically may be and is often exercised without opposition by every public officer, is so great, that the suppression of the rite would be completely effected by a tacit sanction alone on the part of government. This mode of extinguishing it has been recommended by many of those whose advice has been asked, and no doubt this, in several respects might be a preferable course, as being equally effectual, while more silent, not exciting the alarm which might possibly come from a public enactment, and from which, in case of failure, it would be easy to retreat with less inconvenience and without any compromise of character. But this course is clearly not open to government, bound by parliament to rule by law, and not by their good pleasure. Under the present position of the British empire moreover, it may be fairly doubted, if any such underhand proceeding would be really good policy. When we had powerful neighbours and had greater reason to doubt our own security, expediency might recommend an indirect and more cautious proceeding, but now that we are supreme, my opinion is decidedly in favour of an open, avowed and general prohibition, resting altogether upon the moral goodness of the act, and our power to enforce it, and so decided is my feeling against any half measure, that were I not convinced of the safety of total abolition, I certainly should have advised the cessation of all interference.

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Sati Regulation XVII, A. D. 1829 of the Bengal Code: 4 December 1829

A regulation for declaring the practice of suttee, or of burning or burying alive the widows of Hindus, illegal, and punishable by the criminal courts. Passed by the governor-general in council on the 4th December 1829, corresponding with the loth Aughun 1236 Bengal era; . . .

The practice of suttee, or of burning or burying alive the widows of Hindus, is revolting to the feelings of human nature; it is nowhere enjoined by the religion of the Hindus as an imperative duty; on the contrary a life of purity and retirement on the part of the widow is more especially and preferably inculcated, and by a vast majority of that people throughout India the practice is not kept up, nor observed: in some extensive districts it does not exist: in those in which it has been most frequent it is notorious that in many instances acts of atrocity have been perpetrated which have been shocking to the Hindus themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the governor-general in council is deeply impressed with the conviction that the abuses in question cannot be effectually put an end to without abolishing the practice

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importance to humanity and civilization, that man must be reckless of all his present or future happiness who could listen to the dictates of so wicked and selfish a policy. With the firm undoubting conviction entertained upon this question, I should be guilty of little short of the crime of multiplied murder, if I could hesitate in the performance of this solemn obligation. I have been already stung with this feeling. Every day's delay adds a victim to the dreadful list, which might perhaps have been prevented by a more early submission of the present question. But during the whole of the present year, much public agitation has been excited, and when discontent is abroad, when exaggerations of all kinds are busily circulated, and when the native army have been under a degree of alarm, lest their allowances should suffer with that of their European officers, it would have been unwise to have given a handle to artful and designing enemies to disturb the public peace. The recent measures of government for protecting the interests of the sepoys against the late reduction of companies, will have removed all apprehension of the intentions of government; and the consideration of this circumstance having been the sole cause of hesitation on my part, I will now proceed, praying the blessing of God upon our counsels, to state the grounds upon which my opinion has been formed.

We have now before us two reports of the nizamat adalat with statements of suttees in 1827 and 1828, exhibiting a decrease of 54 in the latter year as compared with 1827, and a still greater proportion as compared with former years. If this diminution could be ascribed to any change of opinion upon the question, produced by the progress of education or civilization, the fact would be most satisfactory; and to disturb this sure though slow process of self correction would be most impolite and unwise. But I think it may be safely affirmed, that though in Calcutta truth may be said to have made a considerable advance among the higher orders; yet in respect to the population at large, no change whatever has taken place, and that from these causes at least rite can be rationally entertained. The decrease, if it be real, may be the result of less sickly seasons, as the increase in 1824 and 1825 was of the greater prevalence of cholera. But it is probably in a greater measure due to the more open discouragement of the practice given by the greater part of the European functionaries in latter years; the effect of which would be to produce corresponding activity in the police officers, by which either the number would be really diminished, or would be made to appear so in the returns.

It seems to be the very general opinion that our interference has hitherto done more harm than good, by lending a sort of sanction to the ceremony, while it has undoubtedly tended to cripple the efforts of magistrates and others to prevent the practice.

I think it will clearly appear, from a perusal of the documents annexed to this minute, and from the facts which I shall have to adduce, that the passive submission of the people to the influence and power beyond the law, which in fact and practically may be and is often exercised without opposition by every public officer, is so great, that the suppression of the rite would be completely effected by a tacit sanction alone on the part of government. This mode of extinguishing it has been recommended by many of those whose advice has been asked, and no doubt this, in several respects might be a preferable course, as being equally effectual, while more silent, not exciting the alarm which might possibly come from a public enactment, and from which, in case of failure, it would be easy to retreat with less inconvenience and without any compromise of character. But this course is clearly not open to government, bound by parliament to rule by law, and not by their good pleasure. Under the present position of the British empire moreover, it may be fairly doubted, if any such underhand proceeding would be really good policy. When we had powerful neighbours and had greater reason to doubt our own security, expediency might recommend an indirect and more cautious proceeding, but now that we are supreme, my opinion is decidedly in favour of an open, avowed and general prohibition, resting altogether upon the moral goodness of the act, and our power to enforce it, and so decided is my feeling against any half measure, that were I not convinced of the safety of total abolition, I certainly should have advised the cessation of all interference.

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A regulation for declaring the practice of suttee, or of burning or burying alive the widows of Hindus, illegal, and punishable by the criminal courts. Passed by the governor-general in council on the 4th December 1829, corresponding with the 10th Aghun 1236 Bengal era; . . .

The practice of suttee, or of burning or burying alive the widows of Hindus, is revolting to the feelings of human nature; it is nowhere enjoined by the religion of the Hindus as an imperative duty; on the contrary a life of purity and retirement on the part of the widow is more especially and preferably inculcated, and by a vast majority of that people throughout India the practice is not kept up, nor observed: in some extensive districts it does not exist: in those in which it has been most frequent it is notorious that in many instances acts of atrocity have been perpetrated which have been shocking to the Hindus themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the governor-general in council is deeply impressed with the conviction that the abuses in question cannot be effectually put an end to without abolishing the practice

altogether. Actuated by these considerations the governor-general in council, without intending to depart from one of the first and most important principles of the system of British government in India, that all classes of the people be secure in the observance of their religious usages, so long as that system can be adhered to without violation of the paramount dictates of justice and humanity, has deemed it right to establish the following rules, which are hereby enacted to be in force from the time of their promulgation throughout the territories immediately subject to the presidency of Fort William.

II. The practice of suttee, or of burning or burying alive the widows of Hindus, is hereby declared illegal, and punishable by the criminal courts.

IV. First. On the receipt of the reports required to be made by the police daroghas, under the provisions of the foregoing section, the magistrate or joint magistrate of the jurisdiction in which the sacrifice may have taken place, shall enquire into the circumstances of the case, and shall adopt the necessary measures for bringing the parties concerned in promoting it to trial before the court of circuit.

Secondly. It is hereby declared, that after the promulgation of this regulation all persons convicted of aiding and abetting in the sacrifice of a Hindu widow, by burning or burying her alive, whether the sacrifice be voluntary on her part or not, shall be deemed guilty of culpable homicide, and shall be liable to punishment by fine or by both fine and imprisonment, at the discretion of the court of circuit, according to the nature and circumstances of the case, and the degree of guilt established against the offender; nor shall it be held to be any plea of justification that he or she was desired by the party sacrificed to assist in putting her to death.

Thirdly. Persons committed to take their trial before the court of circuit for the offence above mentioned shall be admitted to bail or not, at the discretion of the magistrate or joint magistrate, subject to the general rules in force in regard to the admission of bail.

V. It is further deemed necessary to declare, that nothing contained in this regulation shall be construed to preclude the court of nizamat adalat from passing sentence of death on persons convicted of using violence or compulsion, or of having assisted in burning or burying alive a Hindu widow while labouring under a state of intoxication, or stupefaction, or other cause impeding the exercise of her free will, when, from the aggravated nature of the offence, proved against the prisoner, the court may see no circumstances to render him or her a proper object of mercy."