#### A CHAPTER OF INDIAN TESTIMONY

EUROPEANS, and especially missionaries, are often accused of making erroneous and exaggerated statements about India and India's people, particularly about the condition of women. We do not resent the charge. Perhaps some do, for as the Indian Witness says, "Missionaries may sometimes err in describing particular cases as typical of the whole, and, being human, may even exaggerate. But it is hardly possible to portray the sad condition of Indian women, generally, in too sombre colors. Indians themselves are our most reliable authority as to the woes they suffer, and the disadvantages under which they labor." For this reason we have taken special pains, with few exceptions, to quote Indian authorities in these pages.

We believe some of our Indian friends deny statements out of ignorance of facts. They have been happily circumstanced themselves, and have not come into close personal contact with much of the suffering of which we write, and hence are unwilling to believe it exists. Ramabai has

told us that up to the time she was sixteen or seventeen years of age, although she had visited almost every sacred shrine in India, in company with her parents, and afterward with her brother, she was so shielded that she knew nothing of the evils that existed in these places till long afterward.

Miss Thoburn says: "The late Mrs. Anandibai Joshi, who studied medicine in America, was unwilling to admit that child marriage was an evil. Her own marriage at nine had been to a relative, her teacher and best friend; and with this experience, and the traditions of her people, she had been unconscious of the suffering of others. She would have changed her mind, had she lived to practice her profession in India."

Then people may live so exclusive a life in their own caste, as to be ignorant of the customs and practices of other castes. We believe that this to some degree, accounts for the different statements made to travellers. The traveller argues thus: "Now here is a sensible Hindu. If he does not know about his own people, who should know?" In our investigations about the muralis, we asked questions of many Hindu friends, only to find some knew nothing about it, and though others knew there was such a

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custom, yet they had never paid attention to it and could give no information.

On the other hand, there is sometimes an unwillingness on the part of some to admit the real facts. Mr. Malabari in speaking about India reforming herself says: "And what is the present phase of Indian patriotism in this connection? Whenever a defect is pointed out, the first impulse of our average patriot is to justify and conceal. How can he be a witness to a cause, when he is anxious to hide the truth of it from the world's gaze? The only way to reach perfection is by getting rid of imperfections at any cost."

In view of what is often said against European writers and speakers, it has seemed best to have a chapter of Indian testimony concerning these wrongs, and thus set forth the opinions our friends themselves hold concerning the evils in question.

Take first the matter of custom: Dr. R. G. Bhandarkar, C. I. E., Vice Chancellor of the Bombay University, in an address delivered in 1894, said "Custom is a god whom our race devoutly worships, and religious sanction was accorded to these practices by the insertion of later texts in the later books. . . . The question now is, whether with our minds liberalized by

English education and contact with European civilization, we shall continue to worship custom and be its slaves, and allow our moral sentiments to remain dead, and our unjust and cruel practices to flourish. If an education does not lead us to protest against them, that education must be considered to be merely superficial. . . . Custom has been and is an authority; custom is our religion."

The Indian Social Reformer declared, about the same time, that "It is futile to suppose that India can herself heal her ills, if only more light is given her. The history of Social Reform for the last twenty-five years attests to this. Reformers have published the injunctions of the shastras on the subject of the disfigurement of the widow. They have shown that the custom has not the sanction of the shastras. But all the same, the Hindu community is heedless of their words. Is it not foolish to expect that a community like ours can be reasoned into wisdom and common sense? The community has lost the motive power to initiate, or welcome any wholesome reform."

Mr. B. N. Das, an Indian lawyer of high repute, writing to the *Lucknow Advocate* says: "We are living in a stormy epoch. We want a

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stormy patriotism, a patriotism independent and uncompromising, reckless of consequences, and ready to do battle with every social ill. The cup of political evils is full, the burden of social iniquities has become so intolerable, and the tyranny of custom stands out so red and foul, that a militant uprising of the better spirit in men against them has become one of the essential conditions of national salvation."

The editor of the Bengalee, commenting on a letter of Max Muller's, says:

"Prof. Max Muller writes a letter to the Times. in which he eloquently pleads for the child-widows of India. Theirs indeed is a pitiable lot, and should move the hearts of all good men and true. He very properly points out, that it is a part of the existing Hindu law, that child-widows should be consigned to this life of misery; and that the law should be changed. The manners of men changed with the times, and laws should change with manners and modes of thought. This is so obvious and elementary a principle, that we wonder our countrymen do not see it, or seeing it, do not act upon it. Laws which are antiquated and behind the manners of the age must impede the march of society. Laws should not be modified, or changed too soon; but it is a fatal mistake to

refuse to change them, when the necessity for such change has become apparent. We have been committing this mistake for centuries together. We have allowed ourselves to be guided by ironclad rules, some of which are wholly unsuited to the circumstances of the times, and to our present environments, and we have become slaves of customs which have tyrannized over us with a rigor surpassing the rigor of the most despotic Governments in the world. The worst form of slavery is that in which the slave hugs his chains and does not realize his true condition. We are afraid we have become the bondsmen of our own creation, victims in many cases of institutions, which the great legislators of the past, the illustrious founders of the Hindu system, would, if they were now living, declare to be wholly unsuited to the circumstances of the present day. The institution of enforced widowhood, and the prohibition to sea voyage are cases in point."

At a meeting of the Madras Social Reform Association in 1894, one of the speakers, Mr. B. Varada Charlu, said, "Custom in Hindu Society is the autocrat of all autocrats, and will tolerate not the least sign of a spirit of inquiry. Surely a religion which has been allowed to so far de-

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generate as to give every prominence to mere externalities without any reference to the inner life of its votaries, must either mend or end very soon. It is poor consolation to be told that our present social customs had a religious significance in the past, and should, for that reason, if for no other, be preserved intact for future generations to unravel the forgotten mysteries and infuse fresh life into them. By all means, if one is so inclined, let him preserve old customs where they are of an inocuous or indifferent character, but certainly let him not, at this fag end of the nineteenth century, deny the right of the individual, even though he be a Hindu, to act according to the dictates of his conscience and of his reason; especially when those customs are unsuited to present circumstances and pernicious in their effects on society."

We present, also, a few testimonies on the matter of Enforced Widowhood.

A recent correspondent of the Indian Social Reformer, writes on the subject of enforced widowhood, as follows: "In the days of my early childhood," writes a friend from the mofussil, "in those days when the mind can hardly penetrate through the thick folds of mystery which shroud half the things of the world, my simple

mind was drawn to the subject of the Hindu widow. Her melancholy attire, her disfigured head, her careworn appearance, the rude way in which she is handled by our society, all these created in me the impression that the widow somehow belonged not to the ranks of the two recognized sexes, that possibly she might be a being of a third sex, or else a member of a totally different species of the animal world! Nearly twenty-five years have elapsed since that crude notion entered my brain, and vet not all the education and experience I have gained has totally erased that belief of mine, though they have considerably modified it, as they do so many of our childish vagaries and crudities. Verily the Hindu widow belongs to a separate sex, a different order of living beings! Widowhood anywhere is tormenting enough; and in this glorious land of Arvavarth, custom adds insult to injury."

Another Indian writer testifies thus: "At the recent Akola Sessions, the judge passed a sentence of transportation for life on one, Tani, for having killed her infant child. . . . It was the usual tale of a Hindu child-widow. . . . Says the Judge: "The accused was a Brahman widow whose husband died when she was still a child.

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The crime she committed was that of a desperate woman bent on hiding her shame, and with the loss of caste staring her in the face. Such crimes, although they must be severely punished, are to some extent venial, and I shall move the Local Government to commute the sentence to one of six years' rigorous imprisonment." Many have bewailed the fate of the Hindu widow and have noted case after case in which the unfortunate creatures are, for mere shame, compelled to commit serious crimes. The Hindu widow has by mere perversity, blindfoldedness of those most concerned, been long a suffering, though unwilling victim at the sacrifice of inexorable and inhuman customs. Now and then comes to light a serious case like the present; but how many more may be occurring which are never brought to public notice! These occasional cases, however, hardly excite public opinion, and the stolid, indifferent communities again relapse into their usual drowsiness. Educated India, at any rate, was expected to come to the rescue, and give a new direction to the trend of public opinion; but the hope has never been realized. The educated man of the present day is a person entirely without a backbone, not only in this, but in all other departments of public activities. Persons speaking

from Congress platforms, and loudly demanding rights and privileges from government, might certainly direct their attention with greater effect to matters social. To rectify social evils one's own moral courage is a necessary ingredient and no extraneous help is necessary as in political matters; but politics means very little sacrifice to very many, while social problems involve real self-sacrifice and personal suffering by loss of caste and excommunication."

Mr. K. Subba Rao, in a lecture on the remarriage of child-widows, made this statement:

"The widow's presence is, on certain occasions, regarded as inauspicious. There are even yet, in the year of grace, 1895, educated and uneducated men by hundreds and thousands who, while starting from their homes bent upon achieving some cherished end, pass a few steps and suddenly retrace their steps, as if stung by some venomous reptile, because they see a widow coming in front of them. Some of them even contend that, in their everyday experience, the ominous presentment which the presence of the widow suggested to them, was verified by subsequent occurrences in the course of the day. While it is not within my province to offer explanations for all the chapter of inexplicable ac-

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cidents, what I wish to impress upon your minds is the existence of this deep-seated prejudice, the widely prevalent belief that the presence of a widow forebodes evil or failure. This belief is transmitted from generation to generation, and I am not sure that even the most polished and cultured among us have been always free from it. This is a living evidence of the centuries that have elapsed since the degradation of women began in this country. Sometimes the most affectionate of sons and brothers have had the sorrowful duty of imploring their widowed mothers and sisters to be careful of their movements on festive occasions like marriage, when bad and good omens play an important part."

The Poonah Sudharah, speaking of the famine says: "Nature would be herself again, and the unfortunate people who have suffered severelosses would soon be reconciled to their lot. There would still be a very considerable number of miserable beings who will not forget their misfortunes because the society to which they belong will not allow them to do so. The helpless Hindu child-widow, whose lot is dark misery, pure and simple, unmixed with the slightest ray of hope or escape, will continue to mope and shed tears of bitter sorrow. The number of these

poor victims to the bigotry of their community is always large, but this year it will be three or four times as large at the smallest. Let the Hindu community move, if it can move at all, and do something for the amelioration of their own sisters and daughters. Let them show at least that they are alive to the fact that the poor sufferers are their own flesh and blood. . . . We wrote a series of articles in our Vernacular columns, on the desirability of approaching government with a view to amend the existing penal law, so as to make the disfigurement of Hindu widows under the age of twenty-one punishable."

We turn now to the nautch-girl, and on this point a couple of testimonies must suffice. Dr. Bhandarkar said, a few years ago, in a public address: "I have always been of the opinion that he who patronizes dancing-girls does not sufficiently hate the immoral life which they professedly lead, or value as highly as he ought to do, female purity, which is the soil on which the noble qualities of women grow. The institution of Nautch cannot but have a debasing effect on the morality of men and women. I shall not, without strong proof believe in a man's being a faithful husband if he takes delight in giving

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Nautch parties and attending them. To have a nautch at one's own house is to give an object lesson in immorality to the boys and girls in the family; and especially to the former. As long as the Nautch is fashionable among us, and is freely indulged in, it is impossible that the morality of our men should greatly improve, or that our respect for women should increase; and in a country in which women are trampled upon, there can be no great advantage in social and moral matters."

The Indian Social Reformer of June 9th, 1894, asks very pertinently: "What has a prostitute to do in a marriage ceremony? How does her presence add grace or sanctity to such occasion? A virgin-widow, pure as snow and innocent as the dove, is an unwelcome guest to a marriage pandal. But a shameless prostitute who has sold her all, must tie the mangala sutra round the neck of the bride. What monstrous inconsistency! What degraded notions of immorality! Has Annie Besant or Vivekananda naught to say to this? We say that the dancing-girl and the child-widow are the two great blots on our social system and our Hinduism."

On the question of Child Marriage Mr. Munmohan Ghose says: "I look upon the system of

child matriage as the greatest curse of our country." And Mr. S. N. Tagore adds: "It is a canker that eats into the vitals of our national existence, and which, if not removed in time, may lead to the degeneracy and decay of the whole race."

Sir T. Madhaw Rao says: "And I also am of the opinion that such limit should be fixed. Even if it is fixed at ten, it will do considerable good. It may be fixed at fourteen or fifteen for non-Brahmans."

Mr. B. M. Malabari writes as follows: "A Madras native paper reports a marriage in which the bride is as old as from seven to eight years, and the bridegroom only sixty years old! Well may the reporter ask if such a marriage is not worse than slavery for the child-wife. A Madras friend told me last year of a marriage in which the bride was eighteen months, and the bridegroom about twenty-two years. Are such marriages heard or dreamed of in any other part of the world? So much for our progress."

Surely these brief but clear and pointed testimonies from members of the Hindu race, will show that we have not in any way overstated the matters with which we are dealing, but have rather understated the facts than otherwise.

#### XII

#### THE POSITION OF GOVERNMENT

A NATIVE once said "that the British rule was good in every way, only that we cannot treat our wives as we used to." We wish to consider just how far this is true, and just what the government has done for the amelioration of the condition of women.

The old East India Company was incorporated by Queen Elizabeth, December 31st, 1600, just as the sixteenth century passed away. Up to 1773, the government of Calcutta, Madras and Bombay had been that of Independent Presidencies. In 1773 the Regulating Act was adopted, the three presidencies were united under one government, and a Governor-General was appointed for all India, with a Supreme Council and a Court of Judicature. Warren Hastings was the first Governor-General.

In 1781 another Act of Parliament was passed which authorized the Governor-General and the Council of Bengal to make regulations which should have the force of law. The policy of the East India Company was to leave the people un-

disturbed in the exercise of their religious, domestic and social customs. Hindus were judged by Hindu law framed from their sacred books, and Mohammedans by Mohammedan law derived from the Koran. But in all other matters, such as contracts, civil wrongs, crimes or "wherever any question arose which affected the followers of all religions alike, it was necessary to have a common code to which there could be an equal appeal from all parties." In 1781 government began to give attention to this, and in 1834 Lord Macaulay was sent out to India, in the days of Lord Bentinck, as a legal member of the Governor-General's Council, to prepare a penal code for the use of the government of India.

During the rule of Lord Canning, came the Indian mutiny in 1857. This was the deathblow of the old East India Company and the birth of the new empire. The story of the mutiny roused the whole British nation, and in July, 1858, the government of India was transferred from the East India Company to the Crown. In November, 1858, a proclamation in all the different Indian languages was issued, declaring that Her Majesty had assumed the direct government of her Eastern Empire. The Governor-General ceased to rule in the name of the East India Company, and became

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the Viceroy of India. This proclamation was read publicly in every station, civil and military, with every accompaniment of ceremonial splendor, and was received by all classes throughout India with the greatest enthusiasm. Among other things promised, were the following:

"We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all other subjects; and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfill.

"Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our Royal will and pleasure that none be in anywise favored, none molested or disquieted, by reason of their religious faith or observances; but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us, that they abstain from all interference with the religious belief or worship of any of our subjects, on pain of our highest displeasure.

"When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer its government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant unto us strength to carry out these our wishes for the good of our people."

This proclamation has been called the Magna Charta of the Indian people. Nineteen years

later, January 1st, 1877, Queen Victoria, with great pomp, and certainly it can be said in these modern days, with unparalleled splendor, was proclaimed Empress of India. The brilliant Imperial Assemblage at Delhi was repeated with greater or less ceremony in every civil and military station in India. Sixteen thousand prisoners were set free, and public works were inaugurated by the benevolent in memory of the day. And this celebration was understood to be a renewal of the proclamation and promise of non-interference with the religious and social customs of the people that was made in 1858, when the Crown for the first time took over India from the East India Company.

"Since 1860, the Legislative Council of India has from time to time enacted many wise laws, as necessity has seemed to call for them; and recently, it has been said by Sir Henry Maine, that British India is in possession of a set of codes which approach the highest standard of excellence which this species of legislation has reached. In form, intelligibility, and comprehensiveness, the Indian code stands against all competition.""

The proclamation of 1858 was but the reiteration of the pledges made to the people by the

<sup>1</sup> India and Malaysia, by Bishop Thoburn.

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East India Company, whose "firmest article of faith was that all the customs of the natives should be scrupulously respected, and that nothing should be done to give umbrage to their religious prejudices." This policy has been consistently adhered to throughout the rule of the English in India. The only departures made from it, says a writer, "have been taken under some paramount sense that an outrage not sanctioned by God, and disapproved of by the higher conscience of the Indians themselves, was being perpetrated, shocking to the human mind and amounting to a scandal on our legislation. . . .

But respect and protection for the special religion of the Hindus cannot and must not allow us to be blind to acts which are in contravention of all religion, and opposed to the most clearly established rights of humanity. No religion can justify the sacrifice of innocent persons. A civilized government is bound to protect them or lose its reputation.

It is this pledge to the people, reiterated in the proclamation of 1858, and freshly emphasized in the proceedings of January, 1877, that, as is popularly believed, ties the hands of government when justice and humanity clamor for action on the behalf of women. And it is also the cry of

the orthodox and opposing elements amongst the Hindus against legislative interference.

Says Sir W. W. Hunter: "When the English assumed the government of India, they gave emphatic pledges that they would leave the religious and domestic customs of the people undisturbed. By degrees they found out that there were three very terrible customs affecting Hindu women. First, that as all women ought, according to the religious law of the Hindus, to be married; and as an unmarried daughter is considered a disgrace to a family, child marriage was universal among the higher castes in order to avoid the possible disgrace and to secure the fulfillment of the law. Second, that as in certain castes it was difficult to find husbands of equal rank for all the daughters, and to defray the extravagant cost of the wedding ceremonies, female infanticide was common. Third, that amongst the highest castes the cruel rite of burning widows on their husband's funeral pile prevailed; and that a widow who did not burn herself thus was condemned to lifelong celibacy and penance.

As the English rulers realized the inhumanity of the domestic system which they had undertaken to perpetuate, the more conscientious of

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them were pricked to the heart. On the one hand, their pledges not to interfere had been solemn and explicit. On the other hand, they found themselves compelled to be the daily accomplices of acts of abominable cruelty, and to recognize by law the organized murder of the two most helpless classes of their subjects. The widow and the infant, whose defenseless condition made them in a special manner the wards of the State, were precisely the persons to whom the State refused protection.

For three-quarters of a century after Bengal had legally passed under English administration, the new rulers felt their hands tied by the pledges which they had given. But during that period a maxim of interpretation in regard to those pledges had been acquiring precision and force, it was at length admitted that the British government could maintain the customary and religious law, only so far as that law did not conflict with its higher duty to protect the lives of its subjects."

Has it been an accident that the sovereign who is at the head of this great empire should be a woman; and that that woman should be one of the noblest and best women that the century has produced; as if Providence had decreed that the

people of India should have a living, standing protest against their treatment of women in the person of their sovereign? In India, according to the census of 1891, there is a population of over 287,000,000 under her rule; of which over 140,000,000 are women; more than twice as many women as are in all Great Britain and America taken together. This large number is composed of Christians, Mohammedans, Jains, Parsees, Hindus, Buddhists and Aborigines; but the larger proportion of them are Hindus.

Among these women we find, by the same census, nearly 23,000,000 widows. Eliminating widows of other religions, aged widows, widows with families, and widows of all but the two higher castes, Sir W. W. Hunter said, in 1886, "Broadly speaking, I believe that there are about 1,000,000 young widows of the Brahman and Rajput castes, to whom the system of forced celibacy must be held to be a cruel infringement of their natural rights." He further says that, "adding these to the young women of other high castes, there are not less than 2,000,000 widows in India to whom the existing Hindu law is an injustice and a wrong." This Hindu law the government recognizes, and accepts. To make this mass of 2,000,000 injured women

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real to our readers, we may say that it is equal to the whole population of the women of Scotland.

"This evil has its root in child marriage. All Hindu girls are either wives or widows before they reach the age of fifteen;" and, may we add, a large proportion of them are mothers when they should be playing with dolls, or should be in school. In one of the Bombay hospitals a young girl of twelve years of age was brought into the maternity ward. She gave birth to a little child, but in its birth her sufferings were so extreme that the doctor and nurse in attendance quailed at the sight of it. The doctor said with much emotion and great indignation: "Government should put a stop to such a thing."

Again, in every other country women are found in excess of men; but in India, according to the census in 1891, there are nearly six and one-quarter million less women than men. In our estimation this large number cannot be wholly accounted for by the practice of female infanticide; or from an unwillingness to make returns of the women of the family to the census taker; but by other wrongs against womanhood that tend to shorten life as well.

It is often said that the Acts bearing upon these

matters are practically inoperative and a dead letter, and in advance of public opinion. It is true that in some respects they are; but on the other hand they are not, and the result of them has been on the whole good; both as educative, and in strengthening the cause of reform.

Government often seems to evade responsibility, by throwing it upon the people with the excuse that the measure proposed is ahead of public opinion, or that it must be "asked for by a section sufficiently important in influence or in numbers to justify the course proposed." But if any reform can be practically promoted, it can only be by government identifying itself with it. To expect any unanimity, or anything approaching it among Hindus on any social question, is an impossibility; and if government wishes to wait till such unanimity is reached, it will be impossible to promote any reform however needful, There are hundreds of men in India who would be glad of legislative interference, and who have said of late, in a sort of despair, that there is no hope of help from government. There are other educated men who oppose legislative interference; yet if government would do it without their seeming to sanction it, they would be glad, for then they could say to their people: "What

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can we do? Government has done it, and we must submit."

Government must be prepared to take the initiative in any reform measure if they are convinced of its necessity, without waiting for the people to indorse their action. Some of these wrongs are a great iniquity and a scandal to any government. The people would grumble; but when it was done they would acquiesce. Hindu fatalism, if nothing else, would help them to do it. The Indian people are convinced of the power of the government, and we feel that all it needs to promote any reform is to be simply courageous; and we do not believe there would be any resistance to any of their righteous measures. With governments, as with individuals, it is always right to do right without regard to consequences.

Kaye, in his "Administration of the East India Company," speaking of the Suttee Act, says what we believe is equally true now: "It was a great experiment and a successful one. Its success was fraught with a great lesson. The prime want of human governments is a want of faith. A bold policy is generally a successful one. It is always successful when the boldness is the result of a strong determination to do what is right

and to leave secondary considerations to themselves. We have been continually conjuring up bugbears in the distance, only to discover, upon a nearer approach, that they are the merest conceptions of the brain. If we would only believe that a righteous policy is sure in the end to be a successful one, how much groundless alarm and unnecessary anxiety we should be spared in all our dealings with our fellows."

We summarize our thought upon these points as follows:

- 1. Sooner or later, government will have to face the question of fixing the marriageable age of girls. We feel that it made a great mistake in refusing the recent Madras Bill, with the excuse that it was ahead of public opinion.
- 2. We trust that, very soon, the enactment relating to the Restitution of Conjugal Rights will be abolished, or at least amended so as to make imprisonment impossible.
- We trust the forfeiture-of-property clause may be modified, so that a widow, in the event of remarriage, may be able to retain her civil rights.
- 4. We do not plead for a divorce law for the wife, so much as that the "rights" of the husband may be modified, and that the two may be

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put in a more nearly equal position. If the wife has no redress, then the husband should not be permitted to discard her. Hindu law does not regard even flagrant immorality on the part of the husband as ground for a judicial separation between husband and wife.

5. We plead that government disallow the adoption of little girls by Nautch girls; and that the dedication of girls to gods or temples be distinctly brought under the law in such manner as to enforce punishment for every such offence.

Says Justice M. G. Ranade to his fellow-countrymen: "If we are to abjure government help under all circumstances, we must perforce fall back behind the Parsees, Mohammedans and Christians, who have freely availed themselves of such help in recasting their social arrangements. Further, as it is likely that foreign rule will last over us for an indefinite length of time, we reduce ourselves, by accepting this policy, to the extreme absurdity of shutting out a very useful help for many centuries to come. In such matters, the distinction of foreign and domestic rulers is a distinction without a difference. It has a meaning and significance when foreign interests override native interests; but when the foreigners have no interest to serve, and the ini-

tiative is to be all our own, the recognition of State help is not open to the stock objection urged by those who think that we forfeit our independence by seeking such regulation on lines approved by us."

It has not been our desire to do any injustice to government, because we fully realize the peculiar situation in which it is placed by the pledges which have been given; but, at the same time, we dare not ignore the great opportunities and responsibilities of government to the millions of oppressed women under them; and we plead with them to rise to the full height of their opportunity and responsibility, and to be true to the trust given them when God allowed India to come under their rule. In view of this, we are impressed with the fact of how great the necessity is for the divine command that we "pray for all those in authority," that they may rule in righteousness: and what a failure it is for all Christians to neglect this command.

#### XIII

#### WHAT GOVERNMENT HAS DONE

Let us now see what government has done for the mitigation of these wrongs:

 While the Female Infanticide Act of 1870 does not properly come first here, yet, in its beginnings, it was one of the earliest forms of the wrongs of woman to engage the public attention.

Sacrificial infanticide, discovered by Carey and his fellow-workers in 1794, was soon completely abolished by government; but the complete abolition of Rajput infanticide is still in the future tense. Rules have been passed under the above Act which are working well in the local government of the Punjab, and our prayer is that it may not be long till the crime ceases to exist in India.

2. The enactment secured by Carey for prohibiting the sacrifice of children at Ganga Sagar and on the Ganges, was soon quoted as a precedent for further reform. Lord Wellesley took the first steps in 1805 in answer to Carey's memorial for the abolition of the Suttee, and had he

remained in office a year longer, a prohibitory Act would have been passed in 1808. He declined to notice the "prohibitory regulations" recommended by civilian judges; but these were adopted by Lord Minto, in 1812, who issued the following instructions to his magistrates: "The government after considering the replies of the pundits, premised that the practice, generally speaking, being recognized and encouraged by the Hindu religion, it appears evident that the course which the British Government should follow, according to the principle of religious toleration already noticed, is to allow the practice in those cases in which it is countenanced by their religion, and to prevent it in others in which it is by the same authority prohibited." The magistrates were then ordered to interfere under the following conditions:

- (1) To prevent undue influences on the part of the relatives of the Brahmans, or any one, on the widow to induce her to burn.
- (2) To prevent the criminal practice of drugging her to have it done.
- (3) To ascertain if she had attained the age fixed by Hindu law at which they were permitted to burn themselves.
  - (4) If pregnant, she was not allowed to burn.

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The police were required to inquire into cases to see that they fulfilled these regulations, or to otherwise forbid the burning.

In 1817 these orders were further modified; so that, if the widow were not in good health; if she had a child under four; or if she had children under seven for whom she could not provide a suitable guardian, she was forbidden to burn. Also the family were to give due notification of the burning to the authorities, and that it was not to be left to the police to find it out. Magistrates often attended in person to see that the widow had fair play if, at the last, she wished to escape.

At this apparent government sanction of the Suttee many high-minded officials revolted. Carey and his colleagues never ceased in their agitation of the subject both in England and in India. In the twenty-one years that elapsed between Lord Wellesley's departure in 1808, and the final prohibition of the custom by Lord Bentinck in 1829, perhaps no question of Indian policy was ever so thoroughly sifted and so minutely discussed. In 1824, when Lord Amherst was Governor-General, the question was again submitted and was one of the most pressing importance, and he came, says a writer, "to the

mortifying conclusion that it would not be wise to authorize any direct interference with a hoary custom in which the priesthood had an immediate interest. It appeared to him that the wisest course would be to trust to the progress of education, and to let Suttee die a natural death. He wrote in his minute on March, 1827: 'I am not prepared to recommend an enactment prohibiting Suttee altogether. . . . I must frankly confess, though at the risk of being considered insensible to the enormity of the evil, that I am inclined to recommend our trusting to the progress now making in the diffusion of knowledge for the gradual suppression of this detestable superstition, I cannot believe it possible that the burning, or burying alive of widows will long survive the advancement which every year brings with it in useful and rational learning." The next year he prophesied, "the progress of general instruction, and the unostentatious exertions of our local officers will produce the happy effect of a gradual diminution, and, at no very distant period, the final extinction of the barbarous rite of Suttee." His prophecy came true in a very short time, but in a different way from what he prophesied. Before that year closed Lord Bentinck was occupying the regal-chair, and on

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December 4th, 1829, an Act was passed prohibiting the Suttee under stringent penal enactments in the territories of British India.

3. The widow was thus rescued from the flames, but was left for the next twenty-seven years to the fate of what a leading reformer has appropriately called "cold Suttee." In 1856, after much agitation, Act XV. was passed by Lord Canning. This Act legalized the status of Hindu widows contracting a second marriage, and their children by such marriage. There were upwards of forty petitions against the bill, signed by from fifty to sixty thousand people, while there were only twenty-five petitions in favor of the bill bearing five thousand signatures. But this law did not preserve to the widow her civil rights, as the widow on marrying a second time, forfeits all property from her husband "as if," says the Act. "she had then died."

The change that is urged is this, that the widow who remarries shall be equally protected in her civil rights by the law, with the widow who remains unmarried. The difficulty with the framers of the bill seems to have been that, under Hindu law, a widow inherits from her husband on condition of fulfilling certain religious duties as a widow, which are for the spiritual benefit of the

husband and his ancestors, which she could not do if she remarried. There is much said for and against this phase of the case, but, says Sir W. W. Hunter, "It is questionable whether the time has not now come to modify the forfeiture clause of the law of 1856, in regard to property which a widow inherits from her husband's will."

In the forty-three years since the enactment, it is estimated that about five hundred widows have remarried. But caste excommunicates them for it, and sometimes all their friends with them. It is this awful persecution, and the public stigma that is still attached to remarriages, that makes the Act practically inoperative up to this time. Is there no way that government, having given her permission and made it lawful for her to remarry, can protect her from persecution after marriage? Could not excommunication for doing a lawful act be made illegal? Could it not be made criminal to injure the rights of a member of the community in this way?

4. As early as 1856, Dr. Chevers in his book entitled "Medical Jurisprudence for Bengal," called attention to this question and showed that the law, as it stood, was insufficient to protect child wives. He reverts to the question in a later

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edition in 1870, and recommends an increase of the age of consent by an amendment of the penal code which, since it had become operative in 1860, had stood at ten years. The revelations Mr. Stead made in London, in November, 1885, which formed one of the factors in the raising of the age of consent in England from thirteen to sixteen, called attention to the Indian Criminal Law on the same subject in this country. Mr. Dayaram Gidimul, of the Bombay Statutory Civil Service, wrote a series of articles in the Indian Spectator, and brought the question more prominently before the Indian public, exposed the defects in the present law, and made a proposal for amending it. These letters were afterward published by Mr. Malabari in pamphlet form, and circulated among the leaders of native society; and, in this way, he elicited a large number of opinions in favor of the amendment. He also elicited the private opinion of the late Sir Maxwell Melville in favor of a legal remedy and published the fact. This led to the public meeting held in Bombay in 1886, to oppose any legislation whatever affecting a reform of Hindu marriage customs. The pundits of Poona also took up the matter about the same time, and waited on Lord Reay to protest against the proposal. The sub-

ject was not allowed to rest. The W. C. T. U. ladies memorialized government on the subject. In December, 1889, the social Conference held its annual meeting in Bombay, and after warm discussion passed a resolution to government asking that the penal code be so amended as to extend protection to girls, married as well as unmarried, at least up to the age of twelve, and to treat any violation of it as felony.

In June, 1890, came the horrible death of Phulmani Dasi, a little girl under twelve years. Her husband got one year's imprisonment. The story of this little girl's death roused both the Indian and English public. In August, 1891, the Social Conference sent in their memorial to government, and this, with the rumor that the Phulmani case was likely to lead to a revival of the proposal of the amendment for raising the age of consent, were among the immediate causes of public meetings held in Madras, Satara and Poona against it. Phulmani Dasi's death, one among hundreds of such cases, brought matters to a sudden head and led the way to immediate action.

On reading the account in the papers, Mrs. Mansell, an American lady doctor at Lucknow, got up that memorable memorial to government signed by fifty-five lady doctors in India, which

went far toward securing the amendment. A noted Indian gentleman said to us, "I thought I had known a great deal, but the facts that the petition of the lady doctors brought out were"—he shivered, his face contracted, and then he added: "horrible."

The Indian Witness of October, 1890, says: "These cases are too horrible and sickening in their awful details to be given to the general public. They prove to the hilt all the heavy charges brought against the system of child marriage on the ground of suffering inflicted. Death, crippling for life, agony indescribable, torture that would put a fiend to shame-these are all here. If the officials of the Indian government can read this memorial without blenching, their hearts are turned to stone." The memorial concludes: "In view of the above facts, the undersigned lady doctors and medical practitioners appeal to your Excellency's compassion to enact or introduce a measure by which the consummation of marriage will not be permitted before the wife has passed the full age of fourteen years."

A very interesting memorial was sent in signed by eighteen hundred native ladies from all over India, addressed to Her Majesty, the Queen Empress, to this effect: "We, the undersigned

women living in India, beg most reverently to approach your Gracious Majesty with this humble petition, in the hope that your Gracious Majesty will respond to our prayer, and direct such steps to be taken as may appear meet to your Majesty to prevent a cruel wrong to which the womanhood of India is now subject. A case was recently tried in Calcutta, the circumstances of which are too horrible to relate; but, coming in the wake of several such previous cases, it emphasizes the necessity for legislation in the interests of child wives and other female minors. Well aware of the keen maternal interest your Gracious Majesty has always evinced in the welfare of your people, we venture to appeal to your Majesty for redress, and we feel confident that our appeal will not be made in vain. The remedy we seek is that the criminal law may be so altered as to protect at least girls under fourteen from their husbands, as well as from strangers." And then followed an able and exhaustive argument for the passing of the amendment

In the early part of 1800, Mr. Malabari had gone to England hoping that the change would benefit his health. His presence there at this juncture was most opportune, and helped to bring the

pressure of public opinion in the home-land upon the Indian government in the matter of this bill. Sir Andrew Scoble introduced the bill into the vice-regal council, January 9th, 1891. In the discussion that followed the introduction, the Viceroy, Lord Lansdowne, said: "Our object is simply to afford protection to those who cannot protect themselves; protection from a form of physical ill-usage which I believe to be reprobated by the most thoughtful section of the community, which is, to the best of my belief, entirely unsupported by religious sanction, and which, under English law, is punishable with penal servitude for life. Without any exceptions or reservations. I trust that the measure thus limited and restricted, will receive the support of public opinion, and I cordially commend it to the favorable consideration of the council."

After the most thorough sifting, as regards the religious authorities and prejudices of the people, as well as the points in their objection to the bill, it became law on March 19, 1891.

5. Aside from the Provinces that go to make up British India, there "are hundreds of native states, which still retain a greater or less degree of independence, and are ruled over by their hereditary princes. These are called Feudatory

States. The traditional policy of the Indian government has been for the Viceroy to appoint a British resident who resides at the Capital of the Indian prince. Nepaul is the only state in India which is really independent. Many of these states are insignificant both in size and importance. Only twelve have a population of over a million. Hyderabad and Mysore are the largest, the former with a population of about ten million and the latter of about four million."

This last state, Mysore, is in Southern India; and in 1894, the Maharajah, since deceased, seconded by his very able and well-known counsellor, Mr. Chentsalrao, passed an act prohibiting the marriage of girls under eight years of age, and forbidding the marriage of old men over fifty years with young girls under fourteen years. The act went into operation six months afterward, and the punishment of any violation was six months' imprisonment, or a fine not exceeding five hundred rupees.

There was not much agitation, though it was brought into force greatly against the wish of many of the people, even of some of the educated sections. It was the act of the Maharajah himself, who was an enlightened man. A friend who has lived many years in Mysore writes us:

"The Act is on the whole working well. There has been a tendency for magistrates to inflict lenient fines. I fear the Act is not always fearlessly carried out. I know of one case where an old man married a child wife, contrary to the provisions of the Act, but, because he was connected with the palace, no prosecution took place. My own opinion is that the Act has had a very beneficial effect upon the people.

"The chief influence has been educative, and I believe it will soon become a custom to marry at the time fixed by government. The people have realized that it is not necessary to have their children marry so early. Those who were anxious to move in that direction have had their hands strengthened; and those eager for early marriages have been restrained. But the Act only touches the fringe of a great subject. If the true marriageable age could be raised to thirteen or four-teen, a great advance would have been made."

The secretary to the government of Mysore reported that in 1895-1896, thirty-nine persons were prosecuted in sixteen cases, and twenty-six persons were convicted in thirteen cases. The Social Conference that met in 1898, at Madras, congratulates itself on the fairly successful workings of this Act, and expresses the hope it will

encourage other native states to follow the example of Mysore.

The Maharajah of Jeypore, a small Rajput state, after consulting the highest religious authorities at his court, has also fixed the marriageable age of girls in his state at fourteen.

6. A bill has been proposed for the prevention of child marriage in the presidency of Madras. This movement began to take shape in 1897. The Madras Presidency is the foremost on all subjects of reform of any part of British India. The different social conferences in the presidency expressed a conviction "that the time had come for applying to government for legislation on the subject to fix at least the marriageable age for boys, if not for girls; and to lay down a maximum limit of age for old persons who marry young girls on the plan adopted by the Mysore government."

The Hindu Social Reform Association appointed a committee to draw up a memorial on the same subject. "The province of Mysore borders on this presidency, and is inhabited by people most of whose institutions, customs, manners and religious observances are identical with those of the people in Madras. People of Madras of all castes have largely settled them-

selves in Mysore, and vice versa, and intermarriages between people of Mysore and this presidency are not uncommon. If a useful measure like the present one could be successfully attempted in any part of British India, this presidency, which has so much in common with Mysore, is best fitted for its introduction." So writes the framer of one of the bills.

Two bills were drafted proposing the marriageable age of girls to be eight years, with an imprisonment of three months or a fine, or both, for any violation of the Act. This proposal the government rejected as being in advance of public opinion. It is a question that, sooner or later, government will have to face; and we believe it made a mistake in refusing its sanction to this bill. A resolution was passed at the last Annual National Social Congress that says:

"The Congress learns with regret that the government of India has refused to sanction the introduction of the Infant Marriage Prevention Bills in the Local Legislative Council of Madras, on the ground that in its opinion the measures proposed, were in advance of public opinion. As both the Marriage Bills were drafted on the lines of the Mysore Marriage Resolutions, and fixed the minimum limits below the ages which are now observed by most classes of the people, the Conference hopes that, if the facts are properly placed before the government, it will be satisfied that the bills were not open to the objection taken to them. The Conference, therefore, recommends that

early steps should be taken by the Social Reform Association to memorialize government with a view that it may be persuaded to appoint a Commission of Inquiry to ascertain the advance made by public opinion on this subject, and to advise government on the action it should take in this matter."

- 7. Though affecting only the natives of the district of Malabar, in the Madras Presidency, and dealing with a sectional difficulty, the Malabar Marriage Law, passed in 1896, is a measure of importance. It was introduced and conducted through the Madras Legislative Council by the Hon. Mr. C. Sankarao Nair, to whose perseverance, tact and moderation the success of this, the first attempt at social legislation on the initiative of a non-official member of council, is entirely due. The law provides for the registration of marriages between members of the Malabar community, thus giving a legal basis to what has hitherto been a purely social institution.
- 8. There has also been passed an Act bearing upon the restitution of conjugal rights. This law is not native to India; is neither Hindu nor Mohammedan; but is an English law that was imported into India. It is enforced by imprisonment. In 1885 the celebrated Rakhmabai case was tried under this law. One judge dismissed the case, as revolting to all sense of justice to

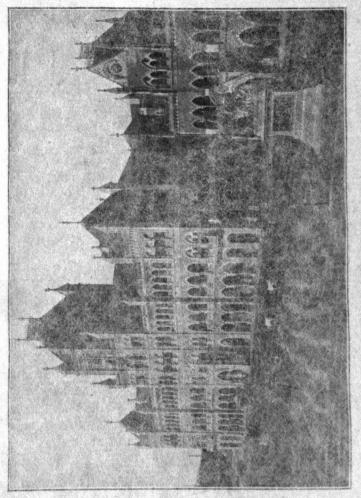
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compel a woman to consummate a marriage that had been arranged against her will, and without her consent. But the High Court decided in favor of the man. In 1890, when Mr. Malabari was in England, he got up a very influential committee on the subject of Reform of Indian Marriage Laws. They sent in a memorial to the Indian government, asking for four reforms. One was that the age of consent be raised to twelve, which was done; and resolution three was "that the suit for Restitution of Conjugal Rights, which is founded on ecclesiastical law, and has been rebudiated in its coercive form in all countries of Europe, and ought never to have been intro-DUCED INTO INDIA: that the continued prosecution of such a suit is likely to produce injustice; and that the whole requires reconsideration at the hands of government with a due regard to the marriage laws and the habits and customs of the people of India."

In 1894 a bill came before the Legislative Council proposing an amendment to the effect that imprisonment be left to the discretion of the judges. It did not touch a Hindu custom, it was a ruling imported from England, and the opposition of a part of the Bengal press to the amendment is inexplicable.

The bill was not passed. The law remains today. It is an injustice to womankind, and exists in no other country. No woman can be imprisoned in India for debt. Truly, this is a law that disfigures the statue-book. It was not in deference to Hindu law, or custom, that Rakhmabai lost her case; but under this English law that was practically obsolete at the time in England; and by the defeat of this case, the hand on the dial of the cause of womanhood was put backward ten years.

o. The India Universities, of which there are five, located at Madras, Bombay, Calcutta, Lahore and Allahabad, are all open to women; a fact of which we are justly proud, and in which we are ahead of the history of Western Universities. Perhaps we reaped the fruit of the agitation that opened the door of Western Universities to women. On the page referring to "Examinations, Honors and Degrees" in the calendar of the Bombay University, is the following unique sentence: "In the following regulations the pronoun 'he' and its derivatives are used to denote either sex, the male or female." We shall be giad when the heavy inequality between man and woman shall be removed in other departments of life, and when the rights of "she, hers



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and her" shall more nearly equal those of "he, his and him."

10. The Countess of Dufferin's scheme, or the National Association for supplying medical aid for woman, has also received gratifying attention.

The government of India has a fully equipped medical department for all India; and you will find hospitals and dispensaries in every town of almost any size. But as nearly five million women live behind the purdah, and would not see a male practitioner; and as many more, though not behind the purdah, are of the same opinion; consequently, they often suffer severely from the malpractice of ignorant doctors, and especially at the hands of the ignorant, bungling, superstitious midwives. Said a lady doctor recently in a distant city, with great indignation: "I should like to hang every one in the city."

In 1869, the American Methodist's Foreign Missionary Society sent Miss Clara Swain to India, the first woman physician with a diploma that ever set foot in Asia. Later the Indian Female Normal School Society sent Miss Bielby to Lucknow, whose name will ever be associated with the origin of Lady Dufferin's scheme. For many years, lady missionaries alone carried on

medical work for women in India. Then came the following break:

Miss Bielby was called to Punna, to attend the Maharajah's wife who was ill. She devoted herself to the sick lady, and was about to return to her work in Lucknow. In the meantime, the Rani had learned that Miss Bielby was about leaving for England. In bidding her good-bye, she dismissed all her ladies and attendants so that she could be alone with Miss Bielby, and said to her: "You are going to England, and I want you to tell the Queen and the Prince and Princess of Wales, and the men and women of England, what the women of India suffer when they are sick. Will you promise me?" She then explained that she asked for no change in their social condition, but relief from cruel suffering; and begged Miss Bielby to give the message in person. Miss Bielby explained the great difficulty she would have in getting access to the queen. "But," insisted the Rani, "did you not tell me that our queen was good and gracious; that she never heard of sorrow without sending a message to say how sorry she was, and trying to help?" The Rani insisted on dictating a message: "Write it small, for I want to put it into a locket, and you are to wear this locket around

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your neck till you see our great queen, and give it to her yourself: you are not to send it through another."

When the queen heard, through some of her court ladies, of Miss Bielby's work and message, she determined to see her and hear all for herself. Her Majesty listened with great interest, and asked many questions; and, turning to her ladies said: "We had no idea it was as bad as this; something must be done for these poor creatures." The queen accepted the locket and gave a message which might be given to every one with whom Miss Bielby spoke on the subject of such suffering of the women in India:

"WE SHOULD WISH IT GENERALLY KNOWN THAT WE SYMPATHIZE WITH EVERY EFFORT MADE TO RE-LIEVE THE SUFFERING OF THE WOMEN OF INDIA."

The subject attracted much attention in England; and, as Lord Dufferin was just about to sail for India as the viceroy-elect, the queen desired Lady Dufferin to do all in her power in this direction. This is the touching story of the origin of the National Association which was organized after Lady Dufferin reached India in August, 1885. It was one movement for India that was received by Hindus and Mohammedans with acclamation, and which received their sup-

port, both in sympathy and money. And though it is not a Government Act, and does not properly come under the heading of this chapter, yet it has had the patronage of the Queen-Empress and of the Viceroy, and seemed fitting to be classed with the other efforts for reform.

11. Female Education: government has done a good deal in this line in establishing schools and encouraging education for women; but we expect to treat this matter more fully in a later chapter.

Besides all these enactments, there are a few minor provisions, both in the Penal Code and the Criminal Procedure Code, which protect woman, especially Sections 372 and 373. Besides, widows in the Bombay Presidency have greater privileges in the line of inheritance from their husbands, and in the disposal of the same, than widows in other parts of India. This is due probably to the influential part played by Mahratta Princesses during the time of Shivaji and his successors. The Mahrattas were once a freer and more war-like race than most of the peoples in India, which probably insured greater freedom to their women.

#### XIV

#### WHAT THE REFORMERS HAVE DONE

Sir Monier Williams says that "as often as pantheistic and polytheistic ideas have been pushed to preposterous extremes in India, a reaction has always taken place toward simple monotheism; that the reformers, Ramanuja, Madhva, Vallaba and Chaitanya, who arose in the twelfth, thirteenth, fifteenth and sixteenth centuries, all taught the existence of one supreme personal God, of infinite power, wisdom and goodness, maker and preserver of all things, whom they called Vishnu, and whom they believed to be distinct from the human soul and the material world. But none of them succeeded in counteracting the corrupt tendencies inherent in the Vaishnava system, and notwithstanding the partial reformation accomplished, the tide of degrading idolatrous practices set in more strongly than ever.

"Then followed the monotheistic reaction, led by Kabir in the sixteenth century, and improved upon shortly afterward by Nanak, the founder of the Sikh religion. These movements were, in

a great measure, due to Mohammedan influences. Both Kabir and Nanak did their best to purify the Augean stable of corrupt Hindu doctrine. They even tried to unite Hindus and Mohammedans on the common ground of belief in the unity of the godhead. In the former they had only a limited success and in the latter were wholly unsuccessful."

Close upon the heels of the Mohammedan invasion which had induced the reaction led by Kabir and Nanak in the sixteenth century, there entered, through the arrival of the English in the seventeenth century, the beginnings of a power and influence destined to lead to reform, and eventually we believe to transform India, namely, Christian truth.

Says Sir Monier Williams: "Everywhere at the great centres of British authority, a mighty stir of thought began to be set in motion, and able men educated by us made no secret of their dissatisfaction with the national religion, and their desire for a purer faith than that received from their fathers. At the moment when thoughtful Hindus were thus asking for light and leading, the right leader appeared. The Hindu reformation inaugurated by RAM MOHUN

<sup>1 &</sup>quot; Religious Thought and Life in India." (1883.)

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Roy, was the first reformation due to Christian influences, and to the diffusion of European ideas through English education. He was the first modern theistical reformer of what may be called British India." <sup>1</sup>

This man was born in North India, in 1774; a Brahman, whose father held offices under the Mogul Emperor. That his son might rise to some such place, the father had him educated in Persian and Arabic, which of course included the Koran, and which startled his mind into questions of religious reform. At the age of sixteen he wrote a spirited attack against idolatry; and in later years he was most vigorous in his public attacks upon the same evil. On his advent in Calcutta, he gathered about him men of sympathetic spirit, and in January, 1830, he organized the Hindu Unitarian church and set on foot the Theistic movement now so well known in India.

He was the contemporary of the Serampore missionaries and Dr. Duff. He was the first prominent reformer that battled for the cause of women. He was one of the leading spirits in the agitation for the abolishment of the Suttee, and wrote articles and booklets denouncing the practice, and proving that it had no Vedic sanc-