

ORIGINAL ARTICLE

Policing Sati: Law, Order, and Spectacle in Postcolonial India

Saumya Saxena

Faculty of History, University of Cambridge, Cambridge, UK
Email: ss2035@cam.ac.uk or saumyasaxena111@gmail.com

Abstract

This article explores the response of the postcolonial state to the question of widow immolation – sati. It demonstrates that the conversation on the practice of sati at the high point of Hindu law reform in the 1950s reflected the simultaneous pressures on the new democracy to establish rule of law while also accommodating the renewed reverence for tradition and religious custom in an independent nation state. Distinct from the colonial response to sati that treated women as either “helpless and pathetic” or “brave and valiant,” post-independence police records describe women committing sati mostly as “insane” or “not in their senses,” and yet chiefly responsible for their actions. The article contrasts administrative and parliamentary narratives of the crime. Local belief in miracles surrounding the performance of sati not only obscured the experience of the woman’s suffering but also made collection of evidence in such a case particularly difficult. This rendered convictions of the abettors of such “painless suicide by insane women” weaker. Legal interventions in sati eventually prompted administrative responses to shift from emphasizing the “uncontrollability” of the spectacle to deeming the spectacle a necessary precondition in distinguishing a sati from suicide.

Throughout its history, the controversial practice of sati or widow immolation among Hindus has brought into conversation multiple legal provisions and principles:¹ right to life; right to freedom of religion; right to freedom of expression; murder, suicide, and abetment to suicide; and even criminal

¹ For a general background on the practice of Sati see Joerg Fisch, *Burning Women: A Global History of Widow-Sacrifice from Ancient Times to the Present* (London: Seagull, 2006); Sakuntala Narasimhan, *Sati: Widow Burning in India* (New Delhi: HarperCollins, 1998); John Stratton Hawley, ed. *Sati, the Blessing and the Curse: The Burning of Wives in India*. (Oxford: Oxford University Press, 1994); Arvind Sharma, *Sati: Historical and Phenomenological Essays* (Delhi: Motilal Banarsidass, 1988); Romila Thapar, “In History,” *Seminar* 342 (1988):14–19; Catherine Wittenberger-Thomas, *Ashes of Immortality: Widow Burning in India* (New Delhi: Oxford University Press, 2000); and Andrea

negligence in case of failure to prevent the crime. There has been controversy over the arbitrary categorization of “voluntary” and “coerced” sati as being two different crimes under colonial law. Both categories blurred out the complicity of the mobs, as well as the micro-economics of a Hindu family: inheritance and succession laws that lay at the foundation of the practice. Later in 1987, when glorification of sati was criminalized, this led to further debates about what qualified as glorification.

The making of “law” to prevent sati as well as its glorification in colonial and postcolonial India has attracted tremendous scholarly attention. Many of these discussions have been structured around questions of agency and autonomy, demonstrating the absence of the female agency in the legal debate on sati. Later scholarship also recovered instances in which satis participated in the narrative around their own oppression.² The British response to sati betrayed their will to maintain their monopoly over violence and death,³ whereas postcolonial sati, particularly after the 1987 law, began to be “un-labelled” and treated as suicide just as conviction became more difficult when it was broadened to apply to the crowds glorifying sati.⁴ Major’s analysis of sati in late colonial India historicizes the subject of sati within imperial, nationalist, and revivalist discourse, as she points to how there has been little scholarly debate on the subject between the Bengal Sati Regulation of 1829 and the Roop Kanwar case of 1987.⁵ Disciplinary tools employed by historians draw on the nineteenth century colonial archives, and anthropological focus has been on contemporary developments. These writings occupy a different genre, and draw from different sources, which may also have contributed to retaining this distance between colonial and contemporary engagement with sati. This article attempts to fill some of this gap by studying the incidents of sati post-independence, leading up to the 1987 case and beyond it. It shows from the lens of the administrative state, rather than from subjects or citizens, how sati was recorded and reported in postcolonial India.

Incidents of sati in this period were dealt with as problematic spectacles prompted by a local woman’s unreasoned sacrifice, which caused law and order issues for the police. Underplaying occurrences of sati in government records was linked closely with the idea of transitioning to the modern

Major, *Sovereignty and Social Reform in India: British Colonialism and the Campaign against Sati, 1830–60*. (London, Routledge, 2010.)

² Lata Mani, “Contentious Traditions: The Debate on Sati in Colonial India.” *Cultural Critique* 7 (1987): 119–156. Loomba reviews this position in Ania Loomba, “Dead Women Tell No Tales: Issues of Female Subjectivity, Subaltern Agency and Tradition in Colonial and Post-Colonial Writings on Widow Immolation in India,” *History Workshop* 36 (1993): 209–27.

³ Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India*. (New Delhi: Oxford University Press, 2000).

⁴ Deepa Das Acevedo, “Changing the Subject of Sati.” *PoLAR: Political and Legal Anthropology Review* 43: (2020): 37–53.

⁵ Andrea Major, “The Burning of Sampati Kuer: Sati and the Politics of Imperialism, Nationalism and Revivalism in 1920s India.” *Gender & History* 20 (2008): 228–47. Kumkum Sangari, and Sudesh Vaid. “Sati in Modern India: a Report,” *Economic and Political Weekly* (1981): 1284–88 is one of the few writings on sati in post-independence India before the 1987 case.

world. As the Hindu code bill dominated public debate, sati was invoked in parliamentary speeches only as *glory of the past* and to emphasize liberalism of the present when sati *no longer prevailed*. This simultaneously preserved the ideas of the “valiant self-sacrificing Hindu widow of ancient India” and “the honourable Hindu wife with constitutional rights in independent India.” The questions of dowry, succession, and women’s right to property were peculiarly separated from sati in parliamentary debates on Hindu law reform throughout the 1950s. This was despite the frequent occurrence of cases of sati, particularly in Rajasthan and Madhya Pradesh. When sati did prompt a law in 1987, the victim herself was made liable to punishment, allowing the state to diminish the spectacle as any other suicide. Vesting criminal responsibility in the subject of sati, the article shows, was important to maintaining a narrative of the helpless state. And in this sense, postcolonial sati somewhat shifts from its colonial readings, as criminal responsibility was no longer mitigated by a cultural defense of “tradition,” but rather by the legal argument of the widow’s insanity and administrative excuse of helplessness in the face of violent crowds.⁶

The 1950s not only continued to witness instances of sati, but importantly, this period also witnessed a national response that was dually burdened with creating a modern nation state, while also trying to preserve local culture, custom, and an Indian ethos. Such a response required the separation of widow immolation, which was a crime, from reverence for a holy miracle or ultimate sacrifice that generated a pilgrim site where worship was permitted as a constitutional right to freedom of religion. Unlike in colonial India where regulation of sati took place in a context without any clear representation of “society,” and it was recorded as contests among reformists, revivalists, and a civilizationally superior state, postcolonial sati functioned in electoral democracy with modernizing impulses and an uncertain but formal commitment to gender equality. Occurrence of sati was now a state’s failing, rather than being a marker of civilizational inferiority. The theater of sati and miracles witnessed around the sati *sthal* (site) therefore find an uneasy representation in the legal archive. The confrontation between the administration and the local population is recorded in binary and oppositional terms, which was often not the case in practice. News reports reveal that the local administration was hesitant to dismiss the rumors of miracles that tended to characterize occurrence of sati. The narratives of sacrifice of the widow and the spectacle surrounding it aided the common police claim of “impossibility of arrest,” and the courts remained sympathetic to the police’s failings.

Broadly following a chronology, the first three sections of the article analyze the administrative, parliamentary, and judicial responses to sati to show that the description of a hapless, wretched, and innocent widow in need of saving was, over time, somewhat replaced with the image of someone “insane,” intoxicated, or stubborn: a woman beyond saving. The helplessness was instead

⁶ See Catherine L. Evans, “At Her Majesty’s Pleasure: Criminal Insanity in 19th-Century Britain,” *History Compass* 14: (2016): 470–79 for an intriguing discussion on insanity as a defense in colonial India.

attributed to the police who were powerless when confronted with reverent crowds, and this became a common defense for the administration's inability to convict in sati cases. Thus, the postcolonial state in some sense strategically deployed a language of incapacity, which often acted as an effective political mask for broader ideologies shaping governance.⁷

The final section briefly traces the post-1987 developments in the sati debate, when enhanced punishment for the crime of sati entailed making all spectators of sati complicit in the act of glorification of the practice.⁸ Decentralizing the responsibility of the act made conviction more difficult. Stronger sentences led not only to unwilling witnesses and encouraged unreliable testimonies, but also contributed to greater emphasis on wording the incident of sati essentially as suicide in official records, whenever conviction was difficult. The disaggregated nature of state authority also allowed for the blame to be dispersed or shared between the failures of the "law" and those of "order." Similarly, insanity, extramarital affairs, and madness allowed for the recording of these instances in a way such that the godly status of the widow bestowed on a sati could be ruptured in order to make her arrest, or the prevention of the construction of a shrine in her honor, more acceptable. In gauging the state's response to sati, the article zooms in from constitutional law to local police's dealings with sati, in an attempt capture the anxieties of postcolonial law-making. The article focusses on specific cases, based largely on the popularity that these gained nationally. What case became of national interest often depended on the scale of the event, the number of people involved, how locally influential they were, and their caste, as well as on whether conviction was made promptly or not. The cases explored in the article are ones that made international or national news, prompted transfers of officials, or at least made it to courts, if not prompting parliamentary intervention.

The Hits and Misses of Policing Sati

In December 1949 in Sitapur City in Uttar Pradesh, an 18-year-old woman "became a sati." "She neither wept, nor showed any grief" in her walk up to the pyre and only requested that no one touch the body while she recited the Hindu epic *Ramayana*.⁹ The police did not make any arrests in this case, as all relatives claimed that they did everything they could to prevent the girl from committing sati. This was a very typical description of the incident representative of a number of cases occurring around this time. In 1951 in Rewa district of Madhya Pradesh, another incident of sati occurred.¹⁰

⁷ Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence, and Poverty in India*. (Durham: Duke University Press, 2012). See also, Poulami Roychowdhury, *Capable Women, Incapable States: Negotiating Violence and Rights in India*. (New Delhi: Oxford University Press, 2020), ch. 6; and Srimati Basu, *The Trouble with Marriage: Feminists Confront Law and Violence in India*, Vol. 1 (New Delhi: University of California Press, 2015).

⁸ Rajeswari Sunder Rajan, "The Subject of Sati: Pain and Death in the Contemporary Discourse on Sati," *The Yale Journal of Criticism* 3 (1990): 1.

⁹ *The Times of India*, December 25, 1949. Newspaper page numbers are not available.

¹⁰ *The Hindu*, March 9, 1951.

A crowd of people had gathered at the funeral of a Brahman (high-caste) man.¹¹ Some among the crowd forced the deceased's wife onto the top of the funeral pyre. The police managed to dismount the woman but were outnumbered by the crowd; the three officers sustained injuries and one of them succumbed to his injuries. Before the police arrived with reinforcement the woman was burned to death. The officers however received gallantry awards for their efforts to prevent the incident.

In Rajasthan in 1952, one sati was prevented, although whether by locals or the police remained uncertain. Maharani Gayatri Devi of Jaipur gave 500 rupees as a compassionate allowance to a widow who had survived.¹² In another case the sati could not be prevented, even in the major city of Gwalior, Madhya Pradesh, as the family of the deceased Mangilal, a District Court Wazir, was influential locally. A crowd of several thousand had gathered and they shouted 'sati mata ki jai' (long live Sati mother) as the pyre was prepared for the cremation, and the 22-year-old Banarsibai, third wife of the deceased, announced her decision to perform sati. The newspapers reported that "many attempts were made to dissuade her, but to no avail."¹³ The woman left behind a young son. Many among the crowd reported witnessing miracles as she mounted her husband's pyre, and believed that the pyre lit itself as she uttered the words "Om tat sat." The police noted, however, that the pyre was lit by a relative, who was chiefly responsible for abetment of sati. Yet the woman herself was also so strong in her resolve that even an appeal to live for her young son failed, the police concluded.

Two letters to *The Times of India* two weeks after the Gwalior incident questioned the role of the police, who were allegedly seen accompanying the funeral procession of Mangilal after the sati took place. The role of the police was almost always questioned in the reporting of sati incidents in newspapers. The police on its part documented their role in substantial detail in their file noting and diary entries. These entries, however, depended frequently on the scale of the spectacle, the size of the city or village, the caste of the people involved, and the general influence that the family carried locally. Correspondingly, all the factors (of caste, of local influence, etc.) were also reflected in the detail in which the police recorded and reported the incident. Prevention of sati was recorded more meticulously than its failure in police records, and predictably, news reports covered incidents of rather than unsuccessful attempts of sati more prominently. The government files recorded both the reports of the police and articles from English newspapers that showed a causal relationship between stories in prominent national English dailies and the police taking cognizance of the issue. In fact, international reportage sometimes directly prompted parliamentary interest and police action.

Despite arrests and fines, convictions remained difficult, as evidence was often shaky. For instance, two more incidents, in the villages of Phulera and

¹¹ Sangari and Vaid, on "Sati in Modern India," show that while sati has predominantly been studied as a Rajput custom or a Brahman custom, it gradually also became acceptable even among the Baniya caste.

¹² *The Times of India*, March 4, 1952.

¹³ *The Times of India*, April 19, 1951.

Khandera, both in Rajasthan, were recorded together.¹⁴ In the former case the 11-year-old son of the widow lit the pyre and could not be arrested as he was a minor. Others were charged with abetment to suicide and culpable homicide (sections 306 and 304 under the Indian Penal Code). In defense of the police officials in charge, it was noted that had it not been for the distance between the police station and the site of cremation (12 miles), the woman could have been saved.¹⁵ The trial remained pending at the time of the report. In another case, the newspapers reported the acquittal of seventeen persons accused of assisting a young widow commit sati, because the police could not reach her on time and their reports were considered unreliable. The trial revealed that the men accused had allegedly sought police intervention when they learned of the widow's intention to commit sati and had locked her in a room to prevent it. The woman, however, possessed by "sat" jumped out of the window, ran to the pyre, and plunged into the burning fire. Reports of incidents rarely resulted in conviction, as the situation was seen as being beyond anyone's control: neither the state nor the people. Two cases in Rajasthan's Jaipur and Jodhpur cities, however, became particularly famous and finally propelled the issue of sati to legislative debates, lifting it above mere law and order concerns.

The Senseless and the Saint

The prevention of one sati case in Rajasthan's state capital Jaipur saw tremendous media coverage and a correspondingly detailed police record. In October 1952, the highest-ranking officials of the state pieced together in meticulous detail the successful prevention of an incident of sati.¹⁶ While returning home after a routine meeting with the Commissioner of the City, the District Magistrate (DM) of Jaipur was informed that a large crowd was moving toward the Chandpole gate, where the funeral of Ballabhdas, a bullion merchant, had been arranged. It was rumored that a sati would take place at this funeral. The iconic Chandpole gate (or the "moon" gate) was a grand pink gate that formed the western entrance of the city. Upon an initial inquiry into the event and a brief visit to the funeral ground, the DM estimated that the crowd at Chandpole gate was close to 50,000 people. On consulting with the Deputy Superintendent of the Police (DSP) as well as the Superintendent of Police (SP) who had arrived on the spot, the officers talked to a relative of the deceased who confirmed their suspicions that a sati was about to take place. The officers eventually persuaded the relative of the deceased who had been in contact with them, to bring the "sati," Ballabhdas's wife, outside the house. The woman hesitantly climbed into the police jeep, but as the car moved through the crowd, people began to hurl abuses. The woman, perturbed by this, decided to leave the vehicle, accusing the police of "betraying" her.

¹⁴ File No. D5413-PA/52, Government of Rajasthan, National Archive of India.

¹⁵ *Ibid.*

¹⁶ Copy of Confidential letter from District Magistrate Jaipur to Chief Secretary, Government of Rajasthan F.No. 124/C.J.R. dated October 5/6, 1952. No.D.I.3579-Pol.(C)/52 Government of Rajasthan. NAI.

After much persuasion, the DM stated, he and the other officers were successful in “inspiring her confidence,” and she agreed to go to the police station accompanied by a relative of the deceased.¹⁷ Their car was flanked by Rajasthan Armed Constabulary (RAC), which guided the vehicle out of the furious crowds. Newspapers reported the incident as “revolting,” and one that showed the “barbarity” and “utter moral depravity” of crowds drawing sadistic pleasure out of widow immolation.¹⁸ The officers who remained at the Chandpole gate then began to encourage the relatives of the deceased to bring out the body of the deceased Ballabhdas and proceed toward the cremation ground. “Mischief-mongers,” the report stated, hurled stones and shoes and even used “lathis” or wooden sticks against the police to express their dissatisfaction at being denied the visual of sati.

The official records granted the police many a metaphorical pat on the back for their clever efforts in preventing the sati, repeatedly reiterating that “after all precautions were taken,” the officers left the ground and the Deputy General of Police (DIG) joined them to make a round of the city. The case appeared to have involved all high officials in the city, and their names and positions were detailed in the report. The administration then sent out jeeps with loudspeakers carrying the message that the sati had changed her mind. “Our calculations worked well. So many of the crowd on coming out when they came to know that Sati had gone away, retreated...Loud-speakers fitted in jeeps were sent to the city to proclaim that the Sati had changed her mind and left. This had the desired effect of dispersing the public from the burial ground. Steps were taken to see that the pyre was set on fire without avoidable delay (sic).”¹⁹

The police concluded upon later investigation that the deceased had died of a heart failure and left behind five children and a mother. Notably, the wife is not mentioned as part of the family but instead as “sati” throughout the text. “Information received on phone denotes that the sati has been somewhat pacified and is agreeable to return to her house.”²⁰ “After persuasion,” the police claimed, Ballabhdas’s cousin came forward with a few other relatives and agreed to take care of the widow, provided that she continued to reside with them. The report further stated that the sati appeared to have “returned to her senses” after hours of convincing by the police. She then expressed a desire to go home and take care of her children. The relief of a successful prevention of sati however was short lived.

The Jaipur case was followed by one of the most high-profile cases of the decade: the Jodhpur Sati case. The case received publicity even outside of India, with the official response triggered chiefly because of a news report in the *Time* Atlantic edition, which narrated the Jodhpur Sati case as follows:

¹⁷ File no. D.I.3579-Pol.(C)/52 Dy. D5477 PA/52, October 9, 1952.

¹⁸ *The Times of India*, October 7, 1952.

¹⁹ Dy. no. D5477 para. 11–14.

²⁰ *Ibid.*

In the city of Jodhpur... last week, a woman named Sugan Kunwar mourned her husband, Brigadier Jabar Singh. The brigadier had been a man who played polo, spoke English with an Oxford accent and administered the Maharajah of Jodhpur's estates and palaces; but Sugan married to him for 27 years, had chosen to remain in the veiled seclusion of purdah. When the brigadier died, Sugan put on her wedding dress of red silk, threaded with gold; and tied Jasmine and gold ornaments in her black and lustrous hair. All night chanting ancient Hindu laments, she kept vigil beside the body...²¹

Sugan, as the wife of someone who had served in the armed forces, became a bit of a martyr herself, in public memory. This story encouraged the idea that men would give their lives for the nation that and women would give their lives for their men, and that this was their true *dharma* (duty), and also the most "honourable" way to die. The news reports further described the various stories that surrounded the event of the funeral. One version suggested that Sugan wrenched herself free from the clutches of those who tried to restrain her; another presented that she calmly cradled her husband's head in her lap while the flames engulfed both their bodies. The police got nowhere in their inquiries. Instead, reverent Rajasthanis thronged into Jodhpur to pay homage. By week's end, 100,000 people had visited the tramped-out fire. Many kneeled to scoop the dust, now sacred, into their mouths and foreheads. "It was a great and noble act of Sutte" observed one of Sugan's male relatives, "her name will long be remembered."²²

The international reporting of the incident presented a story of a grand spectacle without necessarily condemning the crime. As the news spread, many milled toward the crematorium to pay homage to the deceased woman, whose death the locals had called a "heroine's death."²³ How the woman made her way from her residence to the cremation site, which was a mile away, and further, how she managed to climb the high funeral pyre without assistance, remained unclear. A national newspaper reported that the Brigadier's wife "reached the funeral site without the knowledge of family members. The funeral was arranged opposite the DIG's bungalow here."²⁴ This raised suspicions about more than mere laxity, but rather, complicity of the local administration, which reacted to the incident after the sati had been completed, despite the spectacle taking place opposite the house of a senior police official, the Deputy Inspector General.

The site was becoming a place of pilgrimage, drawing large crowds. The occurrence of miracles and cures of disabilities were also being widely discussed in the area, and women took particular interest in it.²⁵ Within three weeks of Sugan's sati, 80,000 people had visited the *samadhi*: a shrine

²¹ *Time*, Atlantic edition, November 1, 1954.

²² *Ibid.*

²³ *The Times of India*, October 7, 1954.

²⁴ *Hindustan Standard*, October 20, 1954.

²⁵ "Rush to Sati Samadhi," *The Statesman*, November 25, 1954.

erected for the widow. Three women reported to have gained or improved their vision after offering prayers at the *samadhi*, one Thakur (upper caste) woman claimed that she had been through multiple eye operations without any relief until she arrived at the *samadhi*, which helped her partially regain her vision, and another woman from the nearby Merta city reported nearly identical stories.

The fabrication of such “miracles” was instrumental in the justification of the presence of the *sat*: the truth, and for establishing the godly status of the victim.²⁶ Ritual possession of spirits, ordinarily considered demonic, was revered as “sat.” Vaid and Sangari characterize the violence that surrounds the spectacle as “spontaneous and popular and therefore uncontrollable.”²⁷ It was often described that “the pyre lit itself” or “the *henna* appeared out of nowhere” and served to absolve the onlooker from responsibility toward the actual event, thus blurring the memory of the events that preceded the *sati* that constituted crucial evidence that could have led to conviction.²⁸

By inserting sacrifice into the narrative, distinctions of voluntary/involuntary understanding of *sati*, or arguments of agency, or even cruelty, pain, or grief associated with death were rendered ineffective, as the only memory allowed to exist of the deceased was that of the sacrifice. This became a way of individualizing criminal responsibility for the death in the figure of the *sati* but allowed the memory of the supreme sacrifice to become public. Based on this memory, supportive ideologies and disseminative institutions such as temples, schools, carnivals, committees, and societies were formed.²⁹ Here, the state treats the *sati* as a citizen responsible for her actions, while also claiming an inability to stop the reverent crowds, absolving both itself and the crowds from the act of the “sat-possessed” widow. Vaid and Sangari write:

The spectacularity of widow immolation lends itself to a double violence: we are invited to view *sati* as a unique, transhistorical, trans-geographic category and to see the burnt widow as a woman with special powers to curse or bless, as one who feels no pain, and one who will be rewarded with everlasting extra-terrestrial marital bliss. She is marked off from all other women by her will; thus her desire, her ‘decisions’ are to be revered by the community even as theirs are consistently erased.³⁰

While the police were still investigating the case of abetment of suicide, the sale of this memorabilia had generated up to 6 lakh rupees.³¹ A number of

²⁶ Sudesh Vaid and Kumkum Sangari, “Institutions, Beliefs, Ideologies: Widow Immolation in Contemporary Rajasthan,” *Economic and Political Weekly* (1991): WS2–WS18.

²⁷ *Ibid.*

²⁸ For an interesting analysis of the transformative potential of fire in the context of communal riot in Bombay in 1992–93, see Thomas Blom Hansen, “The Political Theology of Violence in Contemporary India,” *South Asia Multidisciplinary Academic Journal* 2 (2008): 1–14.

²⁹ Vaid and Sangari, “Institutions, beliefs, ideologies.”

³⁰ *Ibid.*

³¹ Equivalent to ~£48,000 today.

restaurants and shops subsequently came up on the side of the 3-mile route to the *samadhi*, and seemed to be doing good business. Further, the Brigadier's family had given the copyright of the couple's picture to twenty picture dealers. The proceeds of the sale contributed toward building a memorial for Sukan. The practice of sati had not only social approval but also a dedicated market. The market thrived to the extent that it became a premier shopping and tourist attraction, and its constant bustle ensured that even petty crime and pickpocketing became common. Many women reported snatching of jewellery and petty robberies.³²

Offerings began to pour in, in the form of "chattars," or mini-canopies. One such donated by a Thakur, an influential local upper caste man, was made of gold. These were used in the memorial that was proposed to be put next to the *samadhi* of Sir Pratapsinghji, the grandfather of Brigadier Jabar Singh. All-night vigils that were marked by singing of devotional songs, along with mementos of Sukan's photo with her husband's head resting on her lap as well as booklets about ballads and folk songs related to sati were also compiled, and characterized the general festivities that surrounded the spot. The theatrics served to engrave the event in public memory, around which local histories could be written. Institutionalization of the ritual through the construction of sati temples sacralized the violence, conserving and reinvigorating beliefs and ideologies that surround it.³³ Two days after the incident, another woman claimed that she was about to commit sati, and this prompted an eager crowd of 10,000 to gather waiting anxiously for the rumoured sati to take place. They waited until the night for the funeral, but the local police authorities hastily took the woman into custody. In January 1955 in the nearby village of Sikar, another woman, Bhanwaribai, was taken into custody just as a very large crowd became anxious in anticipation of sati.³⁴ On January 24, 1955, another sati was prevented in Nidar Village in Jaipur.³⁵ The police claimed that it now had to be exceptionally vigilant that such an interest in the incident did not prompt more such occurrences.

While sati-preventing police patrols continued to rise, the locals were particularly encouraged by the Maharaja's royal visit to the site to offer prayers in December 1954. Almost 60,000 people had visited the *samadhi* when the news of the Maharaja arriving at Sukan's sati-*sthal* was announced. Traffic was disrupted in many parts of the city, and two religious groups, Hindu Seva Dal and Sewa Samadhi, made arrangements to manage the crowds. Arrangements of such scale were almost impossible without police permissions or local administration finding out. The police appeared particularly de-legitimized in these moments when they tried to prevent sati in the area, but also provided security for VIP visits to the sati *samadhi*. Several arches were erected in honor of the Maharaja, the

³² *The Statesmen*, December 20, 1954.

³³ *Ibid.*

³⁴ *The Times of India*, January 6, 1955.

³⁵ The woman was a 16-year-old widow of a schoolteacher. The police learned that she had received permission from her family to commit sati at her husband's funeral pyre. Upon hearing this, SP Mr. Tripathi rushed to village with a small police force and succeeded in prevention.

spectacle was marked by decorations, and the royalty arrived on their horses to commemorate the sacrifice of the widow.

The police remained under pressure to prevent other incidents, but did little to tone down the festivities around Sujan's sati-*sthal*. Policing sati became particularly complex when political and royal patronage of the custom continued but opposition to the practice by women's groups as well as by some parliamentarians became more pronounced. The news reports, mostly in English dailies, ensured that the matter was not buried, and in the days following, a question was listed in Parliament by a member, Jayashree Raiji, over the Phulera and Jodhpur cases and the Rajasthan government's inability to prevent the continuing instances of sati. This question, however, was disallowed by the speaker and was redirected to the Ministry of State instead, which was asked to pass on any related information on the matter to the member who requested it. The Rajasthan chief secretary's response to the parliamentary question was as follows: "The occurrence of Suttee (sic) is not frequent at all. Two recent attempts at Suttee were successfully prevented. The government of Rajasthan is alive to the need of utmost vigilance in this respect."³⁶

Parliament and Sati

In April 1951, three bills were sponsored by three women parliamentarians, Uma Nehru, Jayshree Raiji, and Durgabai Deshmukh of the Indian National Congress Party, to address the problem of dowry prevalent in Hindu society. Uma Nehru had remained active in the women's movement and wrote frequently for *Stree Darpan*, a women's journal, where she was vocal in her criticism of patriarchy within the family. She represented the Sitapur constituency where a sati had recently taken place. Jayshree Raiji represented the Bombay Suburban constituency, and Durgabai continued to be an influential voice as a former member of the panel of chairpersons of the Constituent Assembly. While two of the bills proposed to make the practice of dowry a penal offense, the third bill, by Durgabai, sought to curb but not criminalize the practice. The third bill in public discussions in English dailies was projected as the most "practical" and least radical measure in a society where sati still occurred and widow remarriage continued to be frowned upon.³⁷ The dowry bills along with the Hindu Code Bill were postponed for debate until after the first election in 1952, so that the democratic opinion on the matter could be generated. The All India Women's Conference repeatedly addressed the issue of dowry and Hindu women's right to property in its correspondence with the government.³⁸ Protecting women's financial interests as daughters, wives, or widows would have obvious consequences on a practice like sati. A primary motive behind sati was to prevent the widow from inheriting family property of her husband after his death. Women also did not inherit parental

³⁶ F. no. D5868PA/52; No. P3(283) Police A/52 NAI.

³⁷ *The Times of India*, April 23, 1951.

³⁸ File No. 32-1048, All India Women's Conference (AIWC) Files, Nehru Memorial Museum and Library, New Delhi (NMML).

property, and although often harassed with dowry demands, they had no access to their own dowries, leading to complete financial dependence on their husbands during his lifetime. However, Parliament decided that dowry would be addressed when Hindu law was codified, and the bills were not taken up separately once the debates on Hindu law recommenced after the election in 1955. Further, the presence of an existing 1829 “law” against sati also became a reason to put aside any question on the continued instances of sati or its links with questions of dowry and inheritance law.

Throughout the debates on the Hindu Succession and Hindu Marriage Act, the position of women within a marriage and their plight as widows found mention. However, so extreme was the anxiety over the unattached widowed woman that some in parliament even spoke in defense of sati as an alternate to a bitter life of suffering as a widow. She was inauspicious when alive, but a goddess once dead. N.C. Chatterjee went as far as to say that “real women” would be able to endure. “This is what women want.”³⁹ Thus, the idea of sati, the ultimate sacrifice of an honorable widow of the past, became so persistent in Parliament that the reality of sati, the violence or coercion, was erased. Writing sati as a story of valiant widows of the past permitted its glorification as a *historical* occurrence rendering its present critique unnecessary. This simultaneously preserved the idea that sati was an act of valor, but also that reformed Hinduism had been purged of the practice by parliamentary intervention. The police on the other hand, confronted the reality of this violence and the local reverence for it, encouraging the police force to hold the chief sacrificers responsible for producing situations beyond the control of the state.

Critique of the institution of marriage within the Hindu Code Bill debates was limited, and the discussion continued to favor upper-caste households as “honourable.”⁴⁰ Certain readings of the bill would allow us to see the overarching agenda of women’s rights, but there remained tremendous hesitation in enacting the bill, and many speeches described women as chaste, stoic subjects possessing tolerance and spirit of sacrifice. Thus, sati informed ideas on nation and family in more than one way: first, as a practice that Hinduism had rid itself from and that the Hindu code bill was also in the spirit of such reform, but second, the debates were also a reminder of what the ultimate woman’s sacrifice once was, and promoted the idea of devoted Hindu wives who now possessed constitutional rights.

In November 1954, Members of Parliament Balwant Singh Mehta and N. Keshaveingar of the Congress Party who represented Udaipur and Bangalore North constituencies, again posed a question to the Minister of Home Affairs expressing concern over the sati incident in Jodhpur, Rajasthan. They asked whether the authorities took any concrete steps to prevent this, and whether the government could provide any answers about who could have been

³⁹ N.C. Chatterjee in *Lok Sabha Debates*, May 2, 1955, col.7698.

⁴⁰ Eleanor Newbiggin, *The Hindu Family and the Emergence of Modern India: Law, Citizenship and Community*. (Cambridge: Cambridge University Press, 2013). See also Saumya Saxena, *Divorce and Democracy: A History of Personal Law in Post-Independence India*. (New Delhi: Cambridge University Press, 2022), ch. 1.

responsible for it. The question was disallowed again, because it related to a matter that was primarily the concern only of the Government of Rajasthan.⁴¹ In parliament, good wives had rights, dowry was an acknowledged social evil, and sati was quite simply the Rajasthan government's problem.

Meanwhile in Rajasthan, by February 1955, the police investigation over Sujan's sati and the Phulera case had run into further delays owing to the lack of local cooperation. Religious sentiments associated with the shrines ensured that the witnesses remained reluctant to testify against those chiefly involved in orchestrating the sati. The incident also had political repercussions. In March 1955, two other incidents from the villages of Kusuma and Malahra came to light. In one, the police only reached the scene after the cremation. In the other, sati had allegedly been prevented locally and the police was only later informed. In December 1955, in Panna District in Madhya Pradesh, Malti Devi, the widow of Parashuram Pathak, had jumped into the fire before the police could reach the scene.⁴² The police relied on very uncertain testimonies and reluctant witnesses to finally charge seven people with abetment of suicide. The continuing cases and parliamentary attention prompted Mohanlal Sukhadia, the then Chief Minister of Rajasthan, to transfer forty-one officials in a single day for the police's ineffective prevention of sati. All eyes were on Rajasthan, as many politicians critiqued the decision to transfer officials, which would have a "psychologically demoralising effect on the officers."⁴³

The relationship between colonial police and the subjects has been studied as one of antagonism and collaboration, as well as control.⁴⁴ Jauregui notes that the police in post-independent India could be situationally "hyper-empowered" but also structurally disempowered.⁴⁵ The police continued to be viewed with suspicion and was even undermined, with political leadership producing middlemen, *dadas*, local goons, and local royalty, among others who could indulge in Robin Hood violence and command local loyalty. The police's encounter with the spectacle of sati therefore had the potential to challenge constitutional and judicial understanding of sati and its categoriation as a crime.⁴⁶

⁴¹ A list No. 27 of questions disallowed or withdrawn, which was circulated with the Lok Sabha Secretariat memorandum No. 2-Q/54, dated November 13, 1954.

⁴² *The Times of India*, December 31, 1955.

⁴³ "Crime Situation - 'Sati' Incident - Transfer of Officials," *The Hindustan Times* February 16, 1955.

⁴⁴ David Arnold, "The Police and Colonial Control in South India," *Social Scientist* 4, no. 12 (1976): 3-16. See also, David A. Campion, "Authority, Accountability And Representation: The United Provinces Police and the Dilemmas of the Colonial Policeman in British India, 1902-39," *Historical Research* 76, no. 192 (2003): 217-37.

⁴⁵ Beatrice Jauregui, "Beatings, Beacons, and Big Men: Police Disempowerment and Delegitimation in India," *Law & Social Inquiry* 38 (2013): 643-69.

⁴⁶ Pooja Satyogi's dissertation presents a remarkable analysis of policing "domestic cruelty" in women's cells in Delhi where she traces the police's interpretations of law, ideas of accountability, and actual encounters of violence in context. Pooja Satyogi, "Intimate Public Spaces: Policing Domestic Cruelty in Women's Cells, Delhi" (PhD diss., Johns Hopkins University, 2017).

The Court and Sati

The role of the police and their effectiveness in preventing cases of sati was directly questioned in the case of *Tej Singh versus the State*⁴⁷ in 1958. In the cases that made it to court, a similar narrative was maintained, of officers doing “all they could,” in the face of local conspiracy to execute a sati, and the childish resolve of a stubborn woman. *Tej Singh* however, set a strong precedent that oral support and encouragement fell within the ambit of abetment to suicide. In enhancing the sentence for the abettors of sati, the court widened the definition of abetment to acknowledge that even the people applauding the decision by raising supportive slogans were complicit in the abetment. However, while the case acknowledged the role of the crowds and the general glorification as a central problem, its envisioned solution was the arrest of the sati herself, yet again making the woman a pre-eminent actor in her own death, under postcolonial law.

Briefly, the case summarized that while Todaram, a Brahmin from Bamania Village, Rajasthan awaited death after a long illness, his wife Saraswati had resolved to “become a sati.” The rumor reached Sub-Inspector Heer Singh, on August 12, 1956, and he along with other constables made his way to Bamania Village to make further inquiries and dissuade Saraswati. Saraswati and her relatives, however, curtly told the police that the rumors were false, and that no sati would take place. The judgment notes that Heer Singh was not satisfied by this information, continued to make enquires in the village, and stayed there for another 4 days.

Todaram died on August 16. Heer Singh immediately made his way to the house of the deceased and the mourning relatives informed him that there would be no sati. However, two hours after the death, preparations for sati began and people from neighboring village began collecting at Bamania to witness it. On hearing this, Heer Singh returned to Todaram’s house where he was met by his three brothers and two sons, along with four other men, who confirmed that sati was about to take place. All nine were accused of abetment of sati. Moreover, the judgment observed that the sub-inspector attempted to reason with these nine people only to be told that now the news had spread and that the sati had to honor her vow.

Thereafter, the funeral procession moved, with Saraswati in the lead dressed in her bridal finery and jewellery. The inspector tried to stop the procession midway, in front of a local school, but felt overpowered by the 1,500-strong crowd that shouted “*sati mata ki jai ho, sati hona dharma hai*” (All hail sati mother! Being sati is religion/duty). The police could not stop the procession, and five relatives of the family set fire to the pyre where Saraswati sat with Todaram’s body. Within half an hour, the cremation was over and Saraswati was dead. The police, the judgment noted “had not been severely molested except that it was surrounded from all sides and not allowed to interfere with the funeral pyre and to stop Mst. Saraswati from immolating herself.”⁴⁸

⁴⁷ *Tej Singh vs. the State* AIR 1958 Raj 169.

⁴⁸ *Ibid.*

While the police had attempted to contact their station at Bhimsar District, Rajasthan conveying the gravity of the situation and requesting back up as soon as the procession had started, by the time the Circle Area inspector arrived, the funeral was long over. Eventually, once the Circle inspector took over the investigation, twelve persons were arrested. All twelve accused pleaded innocence and produced an alibi to show that none of them were present when the incident took place. The prosecution relied on the evidence supplied by three people against the accused, two constables Dule Singh and Suganchand, and Sub-inspector Heer Singh. The session's judge stated that he had no reason to think that the police officers would provide false evidence, noting that he believed their testimony "in-toto."⁴⁹

This was then contested by Tej Singh and others, who appealed the decision arguing that all three witnesses were policemen and that no "independent" evidence corroborated their statements. Tej Singh's counsel further argued that all three policemen were suspended for dereliction of duty for their inability to prevent the sati and, therefore, they were now perjuring themselves by giving false evidence. The High Court, however, noted that it saw no reason why the suspended officers would perjure themselves, as their suspension should have nothing to do with the veracity of their evidence. And so as far as the charge of "no independent evidence" was concerned, the court concluded that in circumstances like this, it was unlikely that any villager would testify against a powerful family, particularly when the majority of witnesses revered the act of sati. The appeals were dismissed, and the punishment was enhanced for some of the accused based on the policemen's evidence.

The court further observed that during the cross examination in the trial court, the session's judge had urged that the police could have done more to prevent the sati, either shooting at the villagers or initiating a lathi-charge. The police were often blamed for inaction, but were simultaneously attacked for intervention in narratives around sati. The Rajasthan High Court took a sympathetic view, stating:

So far as lathi-charge is concerned, there were only two police constables with lathis, and it would be ludicrous for two men to charge with lathis at a crowd of 1500. As to their using guns, all that we need say is that these police officers were rather in a difficult situation, with a man dying and a woman threatening to become Sati and we cannot imagine what would have happened if these police officers had started shooting at anyone. Nothing short of arresting Mt. Sarswati would, in our opinion, have stopped Mt. Sarswati from becoming Sati that day. It may or may not be an error of judgment on the part of the Sub-inspector not to have arrested Mt. Sarswati; but that is the best that he could have done.⁵⁰

Although the crowd could have obscured the view of the sati, the court reiterated that the policemen were there for hours following the cremation,

⁴⁹ Ibid.

⁵⁰ Ibid., para 7.



Figure 1. Todaram and Sarswati (Facebook fan page, accessed July 2019). This page has since been reported and deleted from Facebook for glorification of sati.

particularly that Heer Singh was standing on elevated ground from where he had a clear view of the participants. Given that the “wall” of people surrounding the pyre was not fixed but moving, the court found no reason to doubt the eye-witness accounts of the three policemen. The High Court therefore also overturned a part of the judgment where the sessions court did not admit the police’s evidence on the participation of four of the accused. The High Court stated that “We are therefore of opinion that the prosecution story as given in the first report with respect to all the twelve accused has been proved beyond any manner of doubt by the evidence of these three witnesses.”⁵¹

Bamania Village, however, is still known for a large Sati Sarswati temple that was built with the donations offered by Todaram’s father, and continues to host an annual mela celebrating sati. The police therefore did not ultimately succeed in preventing the construction of a shrine. Todaram and Sarswati remained popular figures locally and even had a dedicated page on social media (Figure 1) that celebrated Sarswati’s devotion to her husband.

Threats to the police were very real, and on many occasions the sati cases were reported much after their occurrence, making intervention seem impossible.⁵² The police hits and misses in preventing sati continued, with the government repeatedly emphasizing the “rarity” of such cases throughout the 1950s and 1960s. It was in the 1970s that autonomous women’s movements were gaining ground in India. The 1974 *Towards Equality Report*, as part of the celebration of

⁵¹ *Ibid.*, para 9.

⁵² *The Times of India*, January 18, 1960. In Selwara Village in Madhya Pradesh, another 25-year-old woman accompanied her dead husband to the funeral pyre. The police only learned about the incident 2 days after it had taken place.

the International Year of Women in 1975, presented multiple law reforms for elevating the status of women. The *Towards Equality Report* placed the burden of the empowerment of women decidedly on the law, and offered a deep criticism of religious and cultural patriarchy.⁵³ It acknowledged colonial legislations of widow remarriage, the banning of child marriage, and sati with a critical lens, but viewed legal interventions largely as positive measures that had relatively improved the position of women in colonial India.⁵⁴ In 1976, the 66th Law Commission also submitted a report on the Married Women's Right to Property Act.⁵⁵ Cases of sati dwindled toward the 1970s and 1980s, but occurrences of sati continued to average around at least one reported and publicized case per year, and parliamentary interest in the practice receded. There are even fewer reported judgments on sati, which could indicate either a fall in number of cases of sati, lack of reporting of such cases, increased convictions by the police, or that convictions were not appealed. In 1980, there were three demonstrations against the building of a Rani Sati temple in Delhi, and this corresponded with the autonomous women's movement's protests against price rises and alcohol-related domestic violence, among other issues.⁵⁶ However, it was only in 1987 that sati again took the centre stage, this time prompting a new law.

Crime and Shrine

In September 1987, in a small village in Rajasthan, Deorala, an 18-year-old girl, Roop Kanwar, ascended to the funeral pyre of her dead husband, Maal Singh. The case was initially reported in an obscure corner of a local daily. The national English daily the *Indian Express* picked this up after three women's organizations had sought a meeting with the state's chief minister expressing their shock and concern at the administration's inability to prevent the sati.⁵⁷ Their meeting with the chief minister reportedly lasted a mere 2 minutes, during which they were informed that the Magistrate and SP were aware of the incident and were taking appropriate actions. The story received exposure as one of national shame and concern only after the women's movement's persistent attempts to convey their indignation about the practice. Kavita Srivastava writes about how a local school headmistress opened up school premises to allow for discussions among women's groups on actions to curb sati. Meetings and seminars continued, and the counter-response, led predominantly by the Rajput community, also grew. On one occasion, Rajput youths travelled with swords across the city on their way to a meeting with the

⁵³ *Towards Equality Report of the Committee on the Status of Women in India* (New Delhi: Department of Social Welfare, Ministry of Education and Social Welfare, Government of India, 1974).

⁵⁴ *Ibid.*, para 4.8.

⁵⁵ See Geetanjali Gangoli, "Introduction," in *Indian Feminisms: Law, Patriarchies and Violence in India*, (London: Routledge, 2016), where she discusses the problems that the Marriage Amendment of 1976 inadvertently generated.

⁵⁶ *The Times of India*, March 8, 1981.

⁵⁷ Sharada Jain, Nirja Misra, and Kavita Srivastava, "Deorala Episode: Women's Protest in Rajasthan," *Economic and Political Weekly* 22, no. 45 (1987):1891–94.



Figure 2. At the *Chunri* ceremony held 13 days after the death of Roop Kanwar on the funeral pyre of her husband Maal Singh Shekhawat, in Deorala in 1987. (www.frontline.in)

chief minister. The police did little to stop the ruckus, instead the incident encouraged women protestors to intensify their fight.⁵⁸

Media reports highlighted the confrontational narratives of the event by opposing groups, in particular the National Federation of Indian Women and Sati Dharma Raksha Samiti (Sati Protection Committee). These came to represent the binary of “right to life versus freedom of religion.” In the Roop Kanwar case of 1987, the contention was over the organization of a *chunari Mohotsav*, a carnival in the *sati-sthal*, on the 13th day after the death of the couple, proposed by the pro-sati groups. Roop Kanwar memorabilia, *chunaris* (scarfs), bangles, and pictures of Roop Kanwar superimposed on the picture of the sati goddess⁵⁹ were available at the festival (Figure 2).⁶⁰

This was an important moment for the Indian women’s movement. Delhi and Jaipur saw large-scale protests against the valorization of the practice of sati,⁶¹ and major religious leaders from the Arya Samaj movement⁶² also joined

⁵⁸ Ibid.

⁵⁹ Sati, Goddess and the wife of Lord Shiva, who had died for the honor of her husband, reincarnated as Parvati, also wife of Shiva.

⁶⁰ “Deorala Finds Place on Religious Map,” *The Times of India*, September 25, 1987.

⁶¹ This episode was particularly significant also because it followed the Shah Bano case of 1985 in which an 80- year-old Muslim woman had been denied maintenance by her husband, and religion versus women’s rights was a trope that gained tremendous centrality. For analyses of the two cases in the specific context of the rise of Hindu nationalism in 1980s, see Radha Kumar, *The History of Doing: An Illustrated Account of Movements for Women’s Rights and Feminism in India, 1800-1990* (New Delhi: Zubaan, 2014); Zakia Pathak and Rajeswari Sunder Rajan, “Shahbano,” *Signs: Journal of Women in Culture and Society* 14 (1989): 558–82; Vina Mazumdar, *Memories of a Rolling Stone*, (New Delhi: Zubaan, 2014); and Saxena, *Divorce and Democracy*, ch. 4.

⁶² There was also opposition to the practice of Sati from some leaders of the Hindu sect of Arya Samajists led by Swami Agnivesh. See, “Swamiji’s March to Deorala,” <http://www.swamiagnivesh.com/>

to condemn sati. However, women activists protesting the *mela* were deemed as “Western” and “elitist” by the local strongmen, and even the government of Rajasthan initially showed reluctance in taking a position and hesitated to stall the festivities.⁶³ A large counter-procession was organized by local groups in Rajasthan, led by Sati Dharma Raksha Samiti, seeking the protection of Hindu widow’s right to commit sati and demanding the construction of a shrine to commemorate Roop Kanwar.⁶⁴ Ironically, the samiti consisted of mostly men and had no representation of Hindu widows among them, whose right to commit sati they vociferously demanded.

The High Court of Rajasthan issued an order to prevent both the *chunari mohotsav* and the construction of a shrine at the site of sati, the *sati-sthal*.⁶⁵ The government of Rajasthan also promulgated the Sati (Prevention) Ordinance, 1987, notably at a time when the Legislative Assembly was not in session, indicating that this may not have been democratically endorsed and lacked popular consensus.⁶⁶ Kumar illustrates how a number of members of Parliament and local leaders paid tribute at the *sati-sthal*, and the Shiv Sena⁶⁷ was one of the few political parties that actively supported the pro-sati mobilization.⁶⁸ Many organizations and individuals filed several writ petitions against this weak ordinance and the *mohotsav* and sought the prevention of the construction of the temple, which continued, having disobeyed both the court order and the ordinance.⁶⁹ Kishwar and Vanita argue that it was not the lack of law, but the lack of political will to prosecute, that allowed the pro-sati lobby to withstand the pressures of a much larger anti-sati campaign.⁷⁰ Subsequently, national legislation was brought in to prevent the practice of sati, and the construction of sati temples as well as criminalizing any praise of the practice.⁷¹ The national bill against sati treated the ritual as murder or suicide and, therefore, considered the woman to be punishable if the sati was “voluntary.”

The case also revealed that there were accusations against Maal Singh’s family for having drugged Roop Kanwar, along with rumors that Roop Kanwar had an affair with a lower-caste man, motivating her husband’s family to arrange the sati fearing that she might bring shame upon her family. Despite the public pressure and the new law, no one was convicted in the Roop Kanwar case. Large crowds witnessed the act, and forty-five people present at the ritual were initially accused but later acquitted, owing to a lack of evidence in 1996. This was followed by the acquittal of eleven accused at a later investigation

naarisudhar.htm (accessed December 2014). See also, “Deorala Sarpanch Assails Sati,” *The Times of India*, December 21, 1987.

⁶³ “Deorala Finds Place on Religious Map,” *The Times of India*, September 25, 1987.

⁶⁴ See “The Agitation Against Sati,” in Kumar, *The History of Doing*, ch.11.

⁶⁵ *Madan Singh S/O Sumer Singh v. State of Rajasthan* 1988 (1) WLN 551.

⁶⁶ “Furore over Sati Still On,” *The Times of India*, October 23, 1987.

⁶⁷ A Hindu Nationalism political party based in Maharashtra.

⁶⁸ Kumar, *The History of Doing*.

⁶⁹ *Madhan Singh S/O Sumer Singh and Ors vs. State of Rajasthan* 1988 (1) WLN 551.

⁷⁰ Madhu Kishwar and Ruth Vanita. “The Burning of Roop Kanwar,” *Manushi* 42 (1987): 15–25.

⁷¹ The Commission of Sati (Prevention) Act 1987.

(2004) for glorification of the practice of sati. In the meantime, one of the accused, Ram Singh Manohar, had also begun to convene a committee against police atrocities, for allegedly rounding up men without even clearly having established the occurrence of sati.⁷² Eventually investigations concluded that Maal Singh's 15-year-old brother had lit the pyre, but being a minor at the time, he was not convicted. Others, who had abetted the suicide, were let off because the prosecution lawyer accused the participants of murder rather than of abetment to suicide, and the charges were difficult to prove.

Rajan writes that modern sati has rendered itself at once spectacular and secret; no one can report a sati without logically having to submit themselves to examination as well.⁷³ She contrasts the official surveillance before the Bengal Sati Abolition law with the collective amnesia after the enactment of the 1987 law. Law demands surveillance in order to recognize suicide or punish a crime. The ban on recording of the event—lest it be used for glorification—has produced unreliable witnesses who refuse to be identified.⁷⁴

Fire and spectacle also contributed to dismantling ideas of pain. In the local narrative of Deorala, the act of sati was couched in the language of widow's "sacrifice," which allowed for the reframing of death into a celebratory event.⁷⁵ Sacrifice also allowed for the assertion of a certain claim on the geography of the city. Once the space, *sati-sthal*, was transformed into a temple or shrine, it would no longer remain a crime scene. The absence of a shrine in Deorala's case, however, denied its legitimacy and normalcy.⁷⁶ In a personal account of her visit to Deorala, Goswami writes that the absence of a shrine symbolized a death that has not been commemorated, associating a certain morbidity with the site.⁷⁷

The house of the late Maal Singh and Roop Kanwar was better built than most in the locality. But within the house, there was a small shrine placed in a corner.⁷⁸ The lack of a public shrine in Deorala produced a peculiar type of a void in the locality, as if there were a sacred site, but without any of the celebratory symbols of temple bells, *prasad*, or devotional offerings. Courtright describes how his companion expressed eagerness to move away from the site. A temple structure would

⁷² "Sati and the Verdict," *Frontline*, March 12, 2004.

⁷³ Rajan, "The Subject of Sati," 13.

⁷⁴ In 2018, a film on the mythological tale of queen Padmavati's sati to escape her capture by the Mughal Emperor Allauddin Khilji brought the practice back into public debate. The film-maker and actors received death threats from a Rajput organization called Karni Sena, which objected to the representation of Rajput women and in particular Queen Padmavati on the silver screen as a Muslim ruler's muse. This sparked a debate across the country about vigilantism as well as about freedom of creative expression that, ironically, glorified sati.

⁷⁵ Thomas Blom Hansen, "The Sacrificial Self: Recasting Renunciation in South Asia," *The Kingsley Martin Memorial Lecture*, University of Cambridge, April 17, 2014. Hansen differentiates the meanings of the word "sacrifice," which translates in Hindi as "Tyag," which implies to "give up," and "balidan," which implies an "offering." The latter definition could apply to sati.

⁷⁶ Paul B. Courtright and Namita Goswami, "Sati, Law, Religion, and Postcolonial Feminism," in *Religion and Personal Law in Secular India: A Call to Judgment*, ed. Gerald James Larson (Bloomington: Indiana University Press, 2001), 200–225.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*



Figure 3. Outlook, October 12, 2019. Photograph by Suresh K. Pandey.⁸⁰

have made the space accessible and in therefore, would have been an attempt to make the violence palatable, but lack of a symbol made it eerie.⁷⁹ Yet, to date, there remains a makeshift shrine at the spot of Kanwar's death.

The Rani Sati Trust, a Kolkata-based trust, hit back against the 1987 law and immediately contested in court that the right to worship at a sati temple was not glorification of the act of sati itself. In the case of *State of Rajasthan v. Shree Rani Satiji Mandir*, the court concluded that worship at a sati temple could not be prohibited by the new law and that the offering of prayers did not amount to glorification. The All India Democratic Women's Association and Janwadi Samiti filed a petition requesting that temple donations could, at the very least, be used for "uncared for ladies," but this was dismissed by the Supreme Court as a submission not requiring any serious consideration.⁸¹ With this memorialization of the sacrifice intact, the focus of the administration has been entirely on preventing further construction of new temples. Sati temples have remained a big draw for the public, and even the ban on glorification of sati after 1987 protects existing temples from demolition. This means that clandestine attempts to build temples of makeshift shrines continue, as once constructed, their removal becomes almost blasphemous. Sati-*sthal*s not only made popular sites for pilgrimages, but they also became social spaces for entertainment, tourism, and healing. Rajan and Srivastav show that it was mostly the

⁷⁹ Ibid.

⁸⁰ "Thirty Two Years After Roop Kanwar's Death, Blind Faith Still Overshadows Reason," *Outlook*, October 12, 2019, <https://www.outlookindia.com/magazine/story/india-news-thirty-two-years-after-roop-kanwars-death-blind-faith-still-overshadows-reason/302221>.

⁸¹ *AIDWA & Ors. v. Union of India* 1989 AIR 1280.

local elite who benefited from the economies of sati. The denial of a sati shrine was therefore a critically important moment in the state's position on the practice. Very often, even when arrests were made, cobbled-together shrines with *chunaris* surrounded by incense sticks were allowed to exist (Figure 3). It is precisely this focus on preventing new shrines that led to the police in subsequent cases de-recognizing the very act of sati. The law had made it difficult to report a sati, commemorate it, make an arrest, or convict anyone in connection with it.

A number of cases that took place after Roop Kanwar's have been considered suicides, with the scale of the spectacle also tempered in reports.⁸² Underplaying the spectacle and the sacrifice and disallowing the shrine essentially undid the sati so that legal vocabulary of murder, suicide, and subsequent arrests could apply. Yet the new non-goddess this created had to necessarily remain insane or senile in case the policy failed to prevent the crime or round suspects. In 2002, another sati occurred in the Panna village of Madhya Pradesh. Kuttu Bai mounted the pyre of her husband, which was witnessed by more than 1,000 people. Many suspected foul play and coercion, as Kuttu Bai was reportedly estranged from her husband and therefore had no reason to grieve his death to such an extent. In this case, the police again came under some suspicion. While some locals who voiced their opposition to the practice claimed that they had contacted the police at 7 a.m., the police record stated that they received this information only at 9 a.m. The Madhya Pradesh government, under pressure from the National Commission for Women, cut funding for the already impoverished village two weeks after the incident as a collective punishment for a village.⁸³ The police arrested both of Kuttu Bai's sons along with fifteen other people, but eight of them, including her sons, were released on bail for performing final rites for their parents. The police investigation concluded, "She was either awash with guilt or simply senile." However, in a later investigation, four persons including Kuttu Bai's sons were sentenced to life imprisonment for abetting sati. The conviction four years later was also a symbolic gesture, and widely contrary narratives of the incident were reported across Indian and international news.⁸⁴

The locals at Panna Village reportedly were proud of having added another name to their history of sats and recalled Kuttu Bai alongside the previous case of sati of Malti Devi in 1953. Even the team from the National Commission of Women that arrived at the village for inquires concluded that despite the collective sense of pride about the sati, there was no immediate familial pressure on the woman to commit sati, and that she did it of her own volition. The police, although unwilling to speak to reporters on the issue, followed government orders by frequently traversing through the village with sticks to prevent any memorialization of Kuttu Bai, but incense sticks continued to appear on the charred spot of land. Constables also installed literature preaching against sati, but in a village where the literate population was

⁸² See Acevedo, "Changing the Subject."

⁸³ "Outrage over India Ritual Burning," *BBC News*, August 8, 2002, http://news.bbc.co.uk/2/hi/south_asia/2180380.stm (accessed October 2020)

⁸⁴ "The Ultimate Sacrifice," *The Guardian*, April 23, 2002; "Four Jailed for Sati Incident in MP," *Oneindia.com*, April 6, 2006.

marginal, it is uncertain whether these posters aided in creating any deterrence or remorse.

Conclusion

In the official narrative, it became necessary for women to appear as helpless, wretched, or insane, in order to become non-goddesses and be arrested instead. Sati had to be stripped of all its power and influence to deny the miracles that surrounded the event. The body of the state represented by the police, judiciary, and Parliament, however, did not always follow a common narrative. If there was a conviction, the police were applauded, if there was no conviction, the spectacle and the crowds were blamed. Regardless, the woman attempting or committing sati remained insane, not in her senses, or senile. This criminal responsibility was not reduced by a cultural defense, as was the case in colonial India, but rather a secular legal trope of insanity was deployed immediately after the law was tightened to broaden conviction. Women's voices were not missing in the legal archive, but they were often discredited. In preventing shrines and pilgrimages to the sati-*samadhi*, the police had to de-mystify the sati in their narrative as a crime "committed": murder or suicide, rather than a supreme sacrifice, but also they also maintained room for ambiguity in case conviction did not take place. A woman either *became* sati, a transformation that could not have been prevented by force, or committed it, in which case she was the criminal.

The police records generated the category of an imbecile subject and a helpless state. Satis in postcolonial India were, therefore, not even in need of saving, but were women who were beyond saving and protection. Thus, while parliamentary interventions and court judgments looked to define sati *in the law* as murder, suicide, abetment to suicide, or criminal glorification, the local administration dealt with the *law in sati*, which continued to draw crowds to temples dedicated to it.

Acknowledgments: I thank the British Academy for supporting my research, the anonymous reviewer of this article, Alastair McClure, and all contributors to the special issue who read and engaged with this article.

Saumya Saxena is British Academy Postdoctoral Fellow in the Faculty of History at the University of Cambridge, United Kingdom. <ss2035@cam.ac.uk> or <saumyasaxena111@gmail.com>

Cite this article: Saumya Saxena, "Policing Sati: Law, Order, and Spectacle in Postcolonial India," *Law and History Review* 41 (2023): 341–363. <https://doi.org/10.1017/S0738248022000591>