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Efforts of Colonial State to Suppress Female Infanticide: Use of Sacred Texts, Generation of Knowledge

L S Vishwanath

This paper deals with the use of Hindu sacred texts, namely, the 'shastras' and a 'purana' a generation of knowledge and efforts of the British colonial government to suppress female infanticide in north and west India in the late 18th and 19th centuries.

Female Infanticide in Colonial India

The British first discovered female infanticide in India in 1789. Jonathan Duncan, then the resident in Benares province was asked by the Bengal council to settle the revenues in the province acquired by the raja of Benares. Duncan found during his tour for settling the revenues, that the Rajkumar rajputs in Jaunpur district destroyed their female children. Duncan immediately informed Lord Cornwallis the then governor-general of British Indian about his discovery. A few years later in 1794. Sir John Shore informed the Asiatic Society of Bengal of Duncan's discovery. In 1795, Duncan was appointed governor of Bombay. He visited Surat in 1800 and was informed during his visit by a minister of the Nawab of Surat that the Jadeja rajputs of peninsular Gujarat in Kathiawad (now Saurashtra) and Kutch killed their female children. Thereafter, the British discovered female infanticide in various parts of north and west India. The castes, which resorted to the practice in the 19th century, according to reports of British officials, included: rajputs, jats, ahirs, gujars, khutris and moyal Brahmins in north India. In western India, the only other caste besides the rajputs of peninsular Gujarat who practiced female infanticide according to the information in the records, were the lewa patidars and kanbis of mainland Gujarat. These castes were dominant at the local level in different parts of north and west India.

From the date of first discovery of the practice by the British (1789) till the passing of the Female Infanticide Act in March 1870 by the Viceroy's Council, female infanticide was the subject of elaborate correspondence and reports. These reports form part of several volumes of published and unpublished records in the archives. They tell us about the methods and strategies adopted by the British rulers to stop female infanticide and we also get information on the social institutions related to female infanticide.

The British colonial administration did not have a uniform policy for suppressing infanticide in the late 18th and 19th century. Since the practice was found to be prevalent among some land-owning Hindu castes, the British first employed the injunction against female infanticide in Hindu sacred literature to suppress the practice. Later, when they found that this way was not helping in the suppression of the practice, they resorted to coercion to stop female infanticide. It is noteworthy that the British administrators used sacred texts to stop female infanticide in the early years of their rule, that is, late 18th and early 19th century. By the 1830s coercion and persuasion of a different kind not based on shastra or puran was adopted to put down female infanticide. The reasons for this change in policy will be discussed later in this paper.

Though local officials had given up using Hindu religious texts to check female infanticide well before the mid- 19th century, the law courts in the Bombay presidency even in 1852, based their decisions on regulation passed by government which excluded caste questions from judicial review and provided that Hindus and Muslims should be governed by their own 'laws and usage's' as laid down in the shastras for Hindus and the Koran for Muslims.

The letters and reports of British local officials to higher authority clearly suggest that in all the castes found to practice female infanticide in north and west India, it was related to hypergamy, status maintenance and dowry avoidance. Castes such as, rajputs, lewa kanbis and patidars, jats, khutris and ahirs and possibly the gujars were internally differentiated. The middle and higher-level status groups in each of these castes tried to maintain their status and avoid substantial dowry payment which hypergamous marriage involved by resorting to killing of their female children. The problems of the top stratum in these castes were compounded by the fact that in addition to high dowries, the high status lineage's had to find eligible grooms in a restricted circle of elite families within their caste. Generally, therefore the higher status groups practiced female infanticide more extensively than the lower status groups. In the Gujarat region of Bombay presidency for example, the top stratum among rajputs and lewa kanbis resorted to more extensive killing of their female children than those of lower status in their respective caste. Since the jadeja rajputs in peninsular Gujarat constituted the top stratum among Gujarati rajputs in the 19th century, their options for finding eligible grooms if they preserved their female offspring were closed within Gujarat region. This being so, the jadeja rajputs resorted to almost whole-scale female infanticide. Alexander Walker, the British resident at Baroda in his report to Duncan of March 1808 estimated that the total number of jadeja rajput households in Kutch and Kathiawad was around 1,25,000 and the number of female infants annually destroyed was about 20,000. Walker also reported that in the household of the Rana of Porbandar, a jethwa rajput of high

rank, there had been "no grown up daughters for more than a hundred years". In July, 1816, James Carnac, the British resident at Baroda forwarded to Bombay government a statement sent by his assistant Captain Barnewell from Kathiawad, which showed that in the whole peninsula, there were "only 15 female children in jadeja rajput households". Equally alarming was the report of June 20, 1817 from Ballantine, the assistant resident at Baroda who submitted to the higher authorities a register of female children in jadeja rajput households in various talukas of Kathiawad. The register showed that in many talukas inhabited mainly by jadeja rajputs, there was only one female child and in some not even one. Ballantine reported that though the taluka of Drappa contained more than 400 jadeja rajput households, there was "not a single female child in any of them". Though the register did not give the total number of jadejas in the peninsula it showed that in the whole of Kathiawad "only 63 female children were alive from 1 to 15 years of age in jadeja rajput households".

From the commencement of British rule in 1803, Kathiawad (Pop 1,475,700 in 1842) was under indirect British rule. There were 195 estates large and small in the province. Most of these estates were controlled by rajputs belonging to different exogamous clans. The rajputs were thus dominant in peninsular Gujarat. They were 5.50 percent of the population in Kathiawad in 1881. "The basis of internal differentiation and status stratification among rajput clans was title, extent of territory controlled and prestige. The jadeja, jhala, gohil, jethwa and parmar rajput clans had within them princes, talukdars, owners of smaller estates, peasant proprietors and poor rajputs in that order. The jadejas, however, controlled the largest area in Kathiawad (9931 sq. ml). Kutch with an area of 45,652-sq. ml was also under jadeja rajputs. "Moreover, the non-jadeja rajputs in Gujarat acknowledged the jadejas to be the highest in the Gujarati rajput hierarchy. Thus besides extent of territory, their prestige seems to have given the jadejas the highest position among Gujarati rajputs.

Among the lewa patidars and kanbis, the British discovered female infanticide in 1847. Unlike the rajputs of peninsular Gujarat who had a warrior-ruler ideology and had talukdars and princes in the middle and top stratum, the lewa patidars were an enterprising peasant caste. They too had an elaborate hypergamous hierarchy consisting of the elite patidars who paid fixed rentals to government and received girls in marriage from lewa kanbis of lower status but refused to reciprocate. The top stratum in this caste comprised lewa patidars of 12 villages in the Charotar area of central Gujarat. The records refer to these patidars as the elite or aristocracy of the caste. A census taken in 1872 in the British part of Kaira district revealed that the proportion of boys to girls under 12 years of age among lewa kanbis was 73 girls to 100 boys: but the 12 elite lewa patidar villages had only 39 to 53 girls to 100 boys. That the elite patidar villages had a low proportion of females was confirmed by the decennial Census returns of 1891,

1901 and 1911. According to 1891 and 1911 Census of the Bombay presidency, the proportion of females to 1,000 males in seven elite patidar villages under Baroda was 707 and 717 respectively, the other Hindus in these seven villages had 839 females and the entire population 813 females per thousand males.

Though the elite patidar had a lower proportion of females than their fellow castemen of lower status, the kanbis, they did not resort to whole-scale female infanticide. By contrast, the jadeja rajputs of peninsular Gujarat did so since they constituted the top stratum in their caste and formed part of a rigid hierarchical system as noted earlier. The openness of the patidar and kanbi status hierarchy was related to commercial pursuits by members of this enterprising caste, which enabled new status groups to emerge. The latter after sometime laid claim to patidar status. Due to the emergence of the 'new patidars', the old aristocratic patidars had more options for marrying their girls than the jadeja rajputs.

In the Punjab region of north India, the bedi khutris practiced female infanticide extensively in the 19th century. The bedis were an influential caste of Sikh khutris who claimed high rank among Sikh khutris and also claimed to be descendants of the founder of the Sikh faith, Guru Nanak, Major Lake reported to the Punjab Board of Administration in 1851 that "it is an undoubted fact that there are a 1,000 families of bedis who, for the last 400 years have destroyed all their female offspring". The bedis received girls in marriage from khutri families of lower status but they refused to marry their daughters to boys from lower status families and instead resorted to female infanticide.

An investigation by a British official of female infanticide in the Benares division of the North-Western provinces conducted in 1856, brought to light some startling facts. It revealed that about a dozen rajput clans who were dominant landowners in different parganas, practised female infanticide very extensively. For example, the suryavamsh rajputs who controlled 78 villages in Amroha pargana of Gorakhpur district and ranked high among rajputs in the region, had 721 boys to only 129 girls living below six years; 10 suryavamsh village had no rajput female children. The bais rajputs, dominant in 30 villages in Deogam pargana of Azamgarh district had 332 boys to 37 girls living below six years; eight bais villages had no rajput girls at all. The story was no different for several other dominant rajput clans in the region. The interviews conducted by this official with rajputs showed that the rajputs were trying to prevent further erosion of their status. The rajput told him that their "position and means were not what they once were" and they could not afford 'lofty (hypergamous) marriages'. The researches of B S Cohn for the Benares region based on local records for the 19th century show that the rajputs were the heaviest lowers of land mainly to urban commercial interests due to their failure or inability to pay

revenue to the British. Though overall the rajputs managed to retain their dominant position, they lost 40 percent of their land.

Since the rajputs had a warrior-ruler ideology, they consciously avoided avenues of mobility other than conquest. The latter became difficult after the British rulers established firm control. Consequently, they did not have extra sources of income other than land. This being so, they found it difficult to meet the heavy revenue demands of the British and also pay the large dowries which hypergamous marriages involved. Female infanticide offered a solution to the problem and the rajputs of high status in the North-Western provinces resorted to it extensively.

Though it is certain that British revenue policies complicated matters for the landowning rajput lineage's in the Benares region in the 19th century, it may be noted that Duncan's reference to "no infrequent female infanticide" among the rajkumar rajputs in 1789 suggests that this rajput clan resorted to frequent infanticide even at the commencement of British colonial rule in the region, well before British revenue policies had their full impact. Like the jadejas of peninsular Gujarat, the rajkumars occupied a high position in the rajput hierarchy in Benares region and faced a unenviable situation when it came to selecting grooms if they preserved their female children.

Till the decline of Mughal power in the 18th century, jat and ahir landowning lineages were dominant at the local level in parts of north India. But during twilight of Mughal rule, several jat and some ahir chiefs carved out independent kingdoms. For example, Bharatpur in Rajasthan, Patiala, Jind, Nabha, Kythal and Faridkot in Punjab emerged as jat kingdoms. Rewari emerged as an ahir kingdom. The emergence of royal houses among jats and ahirs in the 18th century meant that the royal lineages were faced with an even more restricted circle for choosing grooms for their daughters and perhaps resorted to extensive female infanticide.

The decennial census enumerations showed that castes which practised female infanticide in the last century continued the practice in the 20th century. The 1911, 1921 and 1931 Census reports refer to deficiency of females among castes such as Hindu rajputs, jats, ahirs and gujars which were practicing female infanticide in the last century. The 1921 Census, classified castes in the major regions in north India in two groups; castes with a tradition of female infanticide showing a deficiency of females and castes without such a tradition which showed a higher proportion of females. It showed that castes with 'a tradition' of female infanticide such as Hindu rajputs, jats and gujars had 796, 789 and 778 females per thousand males, while castes without such a tradition which included chamer, kanet and a rain had 845, 936 and 830 females respectively per

thousand males. According to the 1931 Census, the number of females per thousand males among Hindu rajputs was 868 and among Hindu jats 805; while castes without a tradition of female infanticide showed a much higher proportion of females. The Brahmins, for example, had 902 females per thousand males, the kayasths 888 and the Musalman Sayeds 884.

For south India, the reference to female infanticide among the todas of Nilgiri hills by rivers and the recent revelations of the practice among the kallars of Usilampatti taluk, Madurai district and among the goundars of North Arcot Ambedkar district show that south India was not a female infanticide free zone as some scholars suggest. In fact Edgar Thurston refers to female infanticide among the Kallar even in the last century. Since dowry was not so widespread in south India during the 19th century, it is possible that fewer castes practised female infanticide in the south compared to the north. The British do not seem to have made any effort to suppress female infanticide in south India.

Generation of Knowledge and Orientalist Discourse

British intervention to suppress female infanticide in western and northern India during the early phase of their rule in the last quarter of the 18th and early 19th century, has to be understood from the standpoint of the Orientalist discourse. This discourse stressed the primacy of shastras and puranas for the administration of justice to the Hindus and for reform of Hindu society. Built into the discourse was the dichotomy between Muslims and Hindus. Communities such as Parsis, Jains and Sikhs got subsumed in the broad category of 'Hindus'. Orientalism had many dimensions. Relevant to our purpose is the fact that Jonathan Duncan who as resident at Benares was the first British official to discover female infanticide in India, used injunctions against female infanticide in the shastras, a particular purana and also caste sanctions to dissuade the rajkumar rajputs from female infanticide. Later Duncan followed a similar method to dissuade the jadeja rajputs of Kathiawad and Kutch from practicing female infanticide.

Duncan was a contemporary of Sir William Jones. Just five years prior to Duncan's discovery of female infanticide among the rajkumars, Jones delivered his inaugural address to the Asiatic Society in 1784. And about a year before Duncan's discovery, Jones wrote to Cornwallis in 1788, that he would direct and supervise the compilation of a digest of Hindu and Mohammedan laws. As a member of the British administration, Duncan would have been aware of Warren Hasting's judicial plan of 1772 which directed the law courts to decide cases "according to the laws of the shastras in respect of the Hindus and laws of the Koran in regard to Mohammedan". Hastings encourages the compilation of Code

of Gentoo Laws. With Hastings encouragement, this work was translated and published in English in 1776 by Halhead. More than these factors,

Duncan's orientalist perceptions are clear from his actions to stop female infanticide.

Duncan's perceptions in regard to female infanticide, took cognizance of two kinds of knowledge; one, empirical and the other derived from normative indological literature, especially the purana and shastras. An important point to note in regard to Duncan's efforts to suppress female infanticide is that the empirical knowledge he acquired after interviewing the rajkumars rajputs of Jaunpur and from reports sent to him by Alexander Walker about jadeja female infanticide were not used by him to put down infanticide. We will first notice the empirical elements, which were well within Duncan's cognitive knowledge and the agreements he obtained from the rajkumars and jadejas.

Soon after his discovery, Duncan not only informed Cornwall in December 1789 that "it is no infrequent practice among the tribe of rajkumar to destory their daughters by causing their mother's to refuse them nurture", he also refers in this communication to his superior of his interviews with the rajkumars. He states that he had talked to several rajkumar rajputs who "all un-equivocally admitted that they put their female infants to death though all did not fully acknowledge its atrocity". What is most important, Duncan's empirical knowledge on female infanticide among the rajkumars also included the reasons for its prevalence. He notes in his letter to the higher authorities that the practice was related to the :

Extravagant desire for independence entertained by the rajkumar rajputs and the imperative necessity for finding a suitable husband for their daughters before they attained the age of puberty and the disgrace that was attached to any omission of the obligation in this respect.

This shows that Duncan was aware that scale infanticide among rajkumar rajputs was not related to Hindu religion, 'puranas' or shastras but to marriage customs and problem of finding suitable grooms for daughters before puberty. Yet in the agreement renouncing female infanticide obtained by Duncan from rajkumar rajputs in the same year (1789) refers to female infanticide as "a great crime as mentioned in the Breteno Bywurt Pooran" (Brahma Vaivarta Puran). The punishment for those 'guilty' of female infanticide mentioned in the same puran is included in the agreement signed by rajkumars. It says that according to the puran:

"killing even a foetus was as criminal as killing a Brahmin and that for killing a female or a women the punishment is to suffer in 'narak' (naraka or hell) called

'kul sooter' for as many years as (number of) hairs on that female's body and that afterwards that person shall be born again and become a leper and be afflicted with 'zakham' (wound)" and whereas the British government in India whose subjects we are, have an utter detestation of such murderous practices, and we do ourselves acknowledge that although customary among us, it is highly sinful... we do therefore, hereby agree that to commit any longer such detestable acts and any among us who shall be hereafter guilty thereof... shall be expelled from our tribe, and we shall neither eat nor keep society with such person or persons besides suffering hereafter the punishments denounced in the above purana and shastra".

Among the jadeja rajputs too, Duncan was aware from the elaborate report sent to him by Alexander Walker in March 1808, that female infanticide was neither related to Hindu religion nor the shastras. After gathering information on female infanticide, Walker informed Duncan that the practice was related to the high position of jadejas in the rajput hierarchy in Kathiawad Walker stated:

They (the jadejas) pleaded their aversion to relinquish a custom, which they conceived to attach renown to their caste and to distinguish it above all other rajputs in this quarter at least.

Walker further states in his report to Duncan that the jadejas he interviewed on being how female infanticide originated narrated the story of a jadeja raja who had "a beautiful and accomplished daughter" and was anxious to find a suitable husband for her of "a rank equal to her own" but in spite of his best efforts he could not find a suitable match and decided to put her to death on the advice of his 'rajgor' (family, priest). This story of course validates hypergamy, the marriage norm among jadejas and other rajputs. Duncan's (and Walker's) knowledge of female infanticide among the jadejas is not restricted to the aspects noted above. In his communication of March 1808, Walker also informs Duncan that the jadejas practised female infanticide to avoid dowries and marriage expenses. He reported:

This was actually pleaded by the jadeja chieftains in defence of the practice which deprived them, they said of much care, vexation and expense. stranger's to parental emotions and affections the great cause for destroying their children is averice and that they may not be exposed to care and expenses attending their establishment in life.

Hence in continuation of his knowledge of rajkumar female infanticide, Duncan surely knew from Walker's communication that jadeja female infanticide was related to their high position, in the rajput hierarchy, hypergamy and dowry avoidance. Yet in the agreement which he made, the jadejas sign through the

agency of Alexander Walker in 1808, the puranic and shastric injunctions against female infanticide are included. Walker persuaded all the jadeja chiefs in Kathiawad including the head of the clan the Jam of Nawanganar to sign the agreement renouncing female infanticide.

The purana referred to in the agreement is the Bhahma Vaivarta Puran. It is the same as the one included in the engagement signed by rajkumar rajputs. No particular shastra is mentioned. The agreement does state that

The Honourable English Company having set forth to us the dictates of shastras and the true faith of the Hindus... (which) declares the killing of children to be a heinous sin, it being written that it is as great an offence to kill an embryo as a Brahmin, that to kill a woman is as great a sin as killing a hundred Brahmins, that to put one child to death is as great a transgression against the divine laws as to kill a hundred women, that the perpetrator of this sin shall be infested with as many maggots as he may have hairs in his body--- for the credit of the Hindu faith, that we shall from this day renounce this practice and in default of this, we acknowledge ourselves offenders against the 'sarkar'.

Caste boycott of those jadejas who continued to practice female infanticide is also included in the agreement.

The privileging of a single purana by Duncan is no different from the privileging of certain sacred texts by other British administrators. For example, Hastings privileged the Bhagavad Gita and got it published in England to show to his countrymen the itchinness of Indian civilization and to prevent imposition of common law on his orientalist government. Similarly, Jones selected the Institutes of Manu for translation. Duncan probably chose a single purana because the specific injunctions in it against female infanticide served his purpose.

In the late 18th century and early years of the 19th century, the predominant orientalist discourse was to select certain texts from India's 'glorious past', as the orientalist perceived it, and use them for governing society and social reform. At that point in time, even if Duncan had gathered more empirical knowledge about the factors which prompted rajputs to kill their female children it would not have mattered. What mattered to Duncan's orientalist perceptions was that the shastras and puran should be used to dissuade the rajputs from infanticide. Thus despite his empirical knowledge of institutions related to female infanticide, Duncan is falling in line with the predominant orientalist discourse of his time. It can be argued that even if the British has discovered female infanticide among non-rajput castes during this period, they would have used the shastra and puran to stop the practice. Viewed thus, the orientalist discourse

of the late 18th century and early 19th century has a 'reality' of its own which had nothing to do with the empirical knowledge gathered by the administrator.

By including the provision relating to caste boycott in the agreements, Duncan is using the traditional sanctions in rural society imposed by caste councils or its elders on recalcitrant members. How Duncan hoped to dissuade the rajkumar and jadeja rajputs from female infanticide by using caste sanctions is difficult to explain. The reports sent by Duncan to higher authority in connection with his revenue settlement in Benares province show that he was aware that in each of the areas where the rajputs were dominant or were major landholders, they also constituted a coparcenary and the division of landholdings was based on agnatic kinship. In Kathiawad too, Duncan knew from Walker's reports, that the jadeja estate holders were part of a 'bhayad', i.e. brotherhood of male kin. This being so, it was far from easy for one section of the dominant caste to impose sanctions or boycott on their fellow kinsmen particularly in a situation where most of them resorted to female infanticide.

Duncan's orientalism is also evident from the regulation, passed by the Bombay government during his governorship. For example, Bombay Regulation IV of 1879, provided that Hindus and Muslims were to be governed by their own laws not only with regard to marriage, inheritance, etc, but also in respect of "all sorts of claims". Similarly, Bombay Regulation 11 of 1808 pointed out that unlike in Bengal presidency where Mohammedan law was generally applied to all criminal trials "Gentoo (Hindu) natives under this presidency are allowed the benefit of laws of their religion in all trials".

British Efforts to Suppress Female Infanticide: An Interpretation

Most British administration came from the upper or middle strata of British society. They were shocked to find that landowning groups among Hindus destroyed their own female children. Hence they took steps to stop the practice. Adjectives such as 'obnoxious', 'abominable' and 'crime' are frequently used in the records by British administrators to refer to female infanticide. In both, north and west India, the British knew that female infanticide was practised by the upper caste, landowning Hindus who wielded power at the local level. This being so, they wanted to play it safe keeping in view the safety of their Indian possessions by resorting to legitimate action against female infanticide with the consent of the groups who practised it. And what action could be more legitimate than reminding the caste which resorted to the practice about the injunctions against infanticide in their own shastra and puran?

It is also clear that in the early years of their rule, that is, late 18th and early 19th century (till 1830), the British never resorted to coercion to suppress female

infanticide. However, by the 1830s when British rule was on a secure footing in western India and the North-Western provinces, they resorted to coercion, sometimes of a brutal kind to stop female infanticide involving close police supervision of castes who resorted to the practice and engaging paid informers to detect cases of infanticide. How far the British could go by the third decade of the 19th century, to stop female infanticide is evident from the exemplary punishment meted out to Suraji, the chief of Rajkot taluka and a prominent jadeja rajput by John Pollard Willoughby, the Political Agent in Kathiawad with approval of the higher authorities. After it was proved that this chief had destroyed his infant daughter in 1833, his estate was placed under attachment till a fine of Rs. 1,200 was paid by him, he was required to report pregnancies in his family to enable the colonial authorities to prevent further female infanticide and he was asked to sign another engagement renouncing female infanticide.

The perception of the British administrator who used the shastras and a puran to dissuade the rajputs from female infanticide is evident from Walker's communication to Duncan of March 1808 wherein he says that the jadejas rajputs acknowledged in the agreements they had signed that it was a sin to kill female children as laid down in their own shastras and they had given up the practice "of their own accord". This shows that the British wanted to stop female infanticide with the consent of the group who resorted to it.

From the interviews of British officials, with rajputs and other castes who practised female infanticide, it is abundantly clear that, not only the British rulers, but also the members, of these castes were well aware that the practice was related to dowry avoidance and status maintenance and not to Hindu religion. Yet in the agreements they signed and also in separate communications to British officials the jadejas acknowledged that "the sarkar (English East India Company) had reminded them of the dictates of their shastras against female infanticide.

What all this amounts to is that the colonial government in spite of knowing that female infanticide was unrelated to shastra of Hindu religion made its subjects sign agreements stating that the killing of female infants was a sinful act. The signatories acknowledged in the agreements that it was indeed a sin; but in their interviews with British officials they admitted that they wished to avoid dowries. That the subjects of the colonial government, had no serious intention of adhering to the agreements they signed is evident from the reports of British officials which referred to the agreements as a "dead letter". In 1833, some 23 years after the jadejas had signed the agreements renouncing female infanticide, Willoughby was reporting after taking a Census that the jadejas had 102 males to only 20 females below one-year of age. In the NWP, the official who investigated female infanticide in 1856, reported that the rajkumar rajputs were

practising female infanticide as extensively as at the time of Duncan's discovery. They had 283 boys to only 80 girls below six years of age.

For an understanding of British strategies towards suppression of female infanticide, it is better to view these strategies in the context of British attitude towards land revenue and privileged tenures. In the early years of their rule, the British were cautious in dealing with privileged tenures and revenue farming. Though the British started ruling in central Gujarat in 1803, they retained till 1815, the pre-British Maratha system of collecting revenue through influential local officials. Both Walker and Diggle recommended to higher authority that it is better to retain the local officials like Desai's and Amins in the job of revenue collection since these official wielded influence at the local level. They knew that in collusion with village headmen, these revenue officials pocketed sizeable chunks of revenue; still the British considered it prudent not to disturb them in the early years of their rule.

Moreover, unless the coparcenary land-holding broke down or was difficult to maintain, the British did not disturb the privileged patidari tenure particularly in central Gujarat for a major part of the 19th century. Pedder, the revenue settlement officer was in favour of retaining the patidari tenure. The coparcenary patidar lineage's were allowed to pay land revenue in a lump-sum which remained unchanged no matter what improvement were made in the land. Owing to its privileged nature, the patidars commanded high prestige within their caste.

British policy towards 'inam' tenures which yielded nominal revenue or no revenue at all can be gauged from the fact that even by mid-19th century, about 30 percent of the cultivated land in the Bombay presidency was under inam. The point is that if in an important matter like revenue collection the British were cautious in dealing with privileged tenures, they were obviously cautious in dealing with female infanticide practised by the superior landowning Hindu castes.

Female infanticide was not like sati in that while sati was practised in public, female infants were secretly done away with in the female apartments of castes who were dominant landowners, princes or talukdars. Soon after delivery or within a few hours of it, female infants were killed by giving them some opium or poison with mother's milk. In fact, the newly-born infants were so vulnerable, that neglect which took the form of refusal of the mother to feed the female infant or exposure to heat or cold were enough to finish them off. After the passing of the Female Infanticide Act, Census officials were reporting that castes which practised female infanticide were 'resorting increasingly' to neglect of their female children to escape detection.

Though by 1816 it was clear from the reports of local officials that the agreements the jedaja rajputs had signed acknowledging the puranic and shastric injunctions against female infanticide was a 'dead letter' in that the jadejas continued to practice infanticide with impunity, no new measures were taken till 1834 to suppress the practice. The Bombay government was alarmed by reports that whole talukas where the jadejas were dominant had very few female children or none at all: but it dragged its feet by refusing to sanction proposals by local officials that the best way to get rid of female infanticide and overcome the problem of secret destruction of female children was to engage paid informants whose duty would be to report cases of infanticide so that the authorities could take action.

The Bombay governments reluctance to sanction paid informers for detecting female infanticide was partly based on the view that such a measure would lend to too much intrusion into the domestic privacy of castes who resorted to female infanticide. Partly it was based on the apprehension that the paid informers may indulge in blackmail. This too shows the cautious approach of the British in dealing with infanticide. What led to the abandonment of the cautious approach more than 30 years after the British discovered female infanticide among the jadejas and acceptance by the Bombay government of a system of informers to detect cases of female infanticide in 1834 was Willoughby's persuasive language and the near ultimatum he gave by stating in his report, that the engagements based on shastric and puranic injunction signed by the jadeja chiefs with Walker in 1808 was a 'dead letter', and the authorities could "never hope to see conviction follow in thousand of cases of infanticide" unless the reservation against engaging paid informants to detect infanticide was overcome. Monstuart Elphinston who had a long and memorable tenure as governor of Bombay (1819 to 1827) was firmly against engaging informers to suppress female infanticide. He wrote in 1821:

"No effectual check can be imposed on this atrocious practice so long as it is so completely congenial to the feelings of the people, unless by employing hired agents as proposed by Major Ballantine whose duty it would be to detect offenders of this description. Such a measure would lead to so much intrusion into the most private and domestic proceeding of the superior caste (among whom alone to infanticide prevails) and would be open to so many abuses on the part of informers, that I do not think the chance of success would compensate for the disaffection it would create. It may also be doubted how far we have a right to interfere to such an extra-ordinary pitch with the private life of a people with whose civil government and internal policy we do not pretend to have any concern."

Elphinstone's reference to the 'disaffection' which too much interference would create not only points to the cautious approach adopted by him; his reluctance to intrude too much into domestic privacy of the castes who resorted to female infanticide, was shared by other British administrators. British officials who were against a coercive system to stop female infanticide and perceived it as an intrusion into the private domain were influenced by ideas from their own country about sanctity of the private domain into which the state should avoid interference. In fact, even after the coercive action against infanticide had been put in force in the 1830s, there was divergence of opinion in the British officialdom on the strategies to be pursued. Some officials like Willoughby in Kathiawad, Unwind in Manipur, Montgomery in Allahabad and Gubbins in Agra not only implemented a coercive system, they were of the view that this was the only sure method for eradicating infanticide. Some other officials like Erskine and Jacob (both in Kathiawad) felt that a coercive system will constitute intrusion into domestic privacy and create more problems than it solved. Erskine for example, referred to the murder of one informant and disappearance of some others in the Rajkot case, which led to the conviction of Suraji. John Lawrence in Punjab was also against a coercive system to stop female infanticide.

Elphinstone followed Duncan's orientalism so far as administration of justice for the native subject was concerned. During his governorship a code of laws known as the Elphinstone Code was passed. This code provided that the native subjects will have the "benefit of the laws of their religion" which meant application by law courts of Koranic law for Muslims and Shastric law for Hindus.

Besides using the knowledge of the culture and the sacred texts of the 'other' to stop female infanticide in the early years of their rule. British officials and also missionaries wrote and published accounts of female infanticide. For example, Charles Raikes who as magistrate of Manipuri district was actively involved in suppression of female infanticide in that district wrote about the practice in his 'Notes on the North-Western Provinces of India', first published in the Benaras Magazine in 1852 and later this was published in book form in the same year. Raikes work was followed a few years later by the publication in 1855 of a full-length monograph on female infanticide by the missionary, Rev John Wilson entitled 'History of the Suppression of Infanticide in Western India'. Based on the Bombay government's records. Wilson's book dealt mainly with jadeja female infanticide. As is to be expected, Wilson related female infanticide to the low position of women in Hindu society. John Malcolm who was for many years the

Political agent in central India wrote about female infanticide in his Memoirs of Central India. Both Raikes and Malcolm related female infanticide to rajput pride, hypergamy and dowry avoidance.

Beside engaging informants, the coercive measures adopted in Kathiawad in the 1830s, also included issue of a proclamation by the British government. The proclamation issued on November 24, 1834, threatened the jadejas with confiscation of their estates if they continued to violate the agreements renouncing female infanticide by persisting in the destruction of their female children.

Another important change in the strategies and measures against female infanticide in peninsular Gujarat in the 1830s was persuading rajputs to give up hypergamous marriage alliances and accept wives from other rajputs of equal status. It was also decided to persuade rajputs to reduce the expenses on daughter's marriages. This policy at once introduced an empiricism in British efforts to suppress female infanticide. For the first time in 30 years after they discovered female infanticide, the British used the knowledge they gathered of the institutions related to infanticide to stop the practice. The chief architect of this scheme in peninsular Gujarat was James Erskine, the British political agent in Kathiawad in 1837. His suggestion that a proclamation should be issued throughout Kathiawad asking rajputs to give up hypergamy and give daughters in marriage to rajput lineages of roughly equal status from whom wives were taken for sons was approved by the Bombay government. Another suggestion of Erskine that a meeting of the leading rajputs should be called at Bhuj, the capital of Kutch to persuade them to reduce expenses on daughter's weddings was also approved. Thereafter, follow up action to discourage hypergamy among rajputs was taken by Erskine's successors particularly Captain Lang. These efforts were virtually abandoned when the British found that they were not making much headway.

Thus British efforts to dissuade rajputs from female infanticide by using the Shastric and Puranic injunctions against infanticide failed. Their empirical approach of persuading the rajputs to desist from hypergamous marriages for daughters also did not meet with much success due to the rigid status hierarchy and warrior-ruler ideology of the rajputs. The measure that did produce short-term results was coercion. Though critical of the coercive system, James Erskine admitted in his report of 1837 that after the issue of the proclamation threatening the jadejas with confiscation of their estates if they persisted in practicing female infanticide had shown results. A census of 1836 showed that there were 73 jadeja females and 123 males of the age of one-year and under, though a year before the publication of the proclamation, there were 102 jadeja males and only 20 females of the same age. In the north too, in the districts of Allahabad, Manipuri and Agra, close police supervision of the castes known to practice female infanticide yielded significant results in terms of the number of female infants preserved. But these measure were of a local nature and produced short-term results in that female infants were preserved so long as affective police supervision lasted.

The British noticed that the lewa kanbis themselves had a tendency to counter hypergamy. They encouraged this tendency to suppress female infanticide. The higher status patidars tried to exclude the lower status kanbis by refusing to admit the latter's daughters into their families unless a large dowry was paid. The kanbis who aspired to patidar status were irked by this exclusion and formed endogamous units known as 'ekadas'. Each ekada comprised lewa kanbi lineages of roughly equal status who entered into a formal agreement sometimes on stamp paper which stipulated that the signatories will not marry their daughters to the higher status patidars and marry their sons and daughters within the ekada. Violation of the rule prohibiting hypergamous marriages were common. Though some ekada agreements contained a clause that those who married their girls hypergamously will be fined and/or excommunicated from caste, it was difficult to enforce such rules because the violator of the rules banning hypergamy was not placed in a state of religious impurity. Others could still associate with him. In fact some families made a provision for payment of fine for violation of ekada rules when they prepared the budget for wedding expenses.

British efforts to encourage formation of ekadas among lewa kanbis succeeded. In the 1850s there were few ekadas in British district of Kaira. But by 1872, their number had rises to 49. The British also tried to enforce the rules of the endogamous combination by imposing fines on lewa kanbis who married their daughters hypergamously. However, British efforts to enforce the rules of the endogamous combinations to counter hypergamy and female infanticide failed. This was due to two reasons. First, thought the lewa kanbis formed ekadas to overcome the feeling of inferiority imposed by their exclusion by the patidar, the hypergamous tendency remained strong. Second, when the lewa kanbis were penalised by British officials for marrying hypergamously, they appealed to the law courts and the courts ruled that hypergamous marriage was a caste matter and the administration could not interfere. The courts also took the position that their jurisdiction in caste matters was limited.

The stand taken by the judiciary in the Bombay presidency not only resulted in an impasse so far as administrative action against female infanticide was concerted; it also rises to an ironical situation. While administrative action for stopping female infanticide shifted from use of Shastrik and Puranic injunctions against the practice to empiricism in that efforts were made to counter hypergamy and reduce wedding expenses among rajputs and lewa kanbis, the law courts by mid-19th century was upholding regulations which excluded caste matters from the jurisdiction of the court and provided for application of Shastrik law to Hindus in the presidency.

By the 1850s, the Bombay government and the government of the north-west province were seriously contemplating enactment of legislation to stop female

Infanticide. To overcome the impasse created by the judiciary's verdict, the Bombay government wrote to the Sadar Faujdari Adalat in 1853 and asked the court to examine whether a law could be enacted making the violation of the rules of the endogamous combinations a punishable offence. However, the idea of the Bombay government to enact a law to enforce the rules of the endogamous combinations was checkmated by the uprising of 1857. In north India, in 1856, the government of the North-Western provinces asked the Sadar Nizamat Adalat in that province to frame a comprehensive draft law for the suppression of female infanticide. The court did frame a draft law; but as the 'Mutiny' intervened in the following year, no further action was taken.

Besides provisions relating to compulsory registration of births and deaths in areas suspected of female infanticide and empowering caste panchayats to take action for limiting wedding expenses, the draft act framed by the Nizamat Adalat of NWP in 1856 included by majority opinion a provision which constituted female infanticide a special offence. W R Moore who investigated female infanticide in the Benares division in the winter of 1855-56, had also suggested that female infanticide be constituted a special offence in view of that a large number of acquittals were taking place in the law courts due to lack of sufficient proof against the accused even when there was a strong presumption of female infanticide.

In his report, he referred to a number of cases where acquittal of the accused had taken place, though there was strong circumstantial evidence that female infanticide had been committed. The English judges who were called upon to pronounce a verdict in cases of female infanticide wanted clear proof that murder of the female child had actually been committed for convicting the person(s) brought for trial. English law required that unless there was clear proof of guilt in cases of murder, conviction could not take place. The prosecution found it difficult to furnish such clear evidence as in most cases of female infanticide, the instructions relating to the destruction of the infant were given by the child's father who was usually not present in the room or place where the child was delivered. The female attendants who assisted the mother in the delivery were either threatened and sent away by the father and/or his kinsmen who were dominant in the area or when summoned by the court to give evidence the female attendants mutually accused one another of committing the deed or gave doctored evidence.

In view of these problems, Moore recommended that in cases where there was strong presumption of the guilt of the father of the child and only circumstantial

evidence, the commitment for trial should be for female infanticide constituted a special crime. But when there clear evidence against the accused commitment for murder would naturally follow. The Sadar Nizamat Adalat accepted Moore's recommendation and a provision for convicting the father of the deceased female child on the basis of circumstantial evidence was included in the draft act. However, by the time the Female Infanticide Bill came up for enactment in 1870, the laws were being codified. The law, which became the Indian Evidence Act was based entirely on English law. It is obvious that the Viceroy's Legislative Council could not have included a provision in the Female Infanticide Bill which would empower the courts to convict the father of a deceased female child on the basis of only circumstantial evidence when the same council had before it a bill on the law of evidence based on English legal principles.

Moreover, though the law courts established by the British in India applied mostly English law in cases of murder, they were expected to apply regulation law in cases involving Hindus and Muslims, regulation law varied from province to province. Whitely Stokes who was closely associated with the codification of laws commented on the Regulation passed by the Bombay government and by governments of the two other presidencies thus: "The Anglo-Indian Regulations, made by these different legislatures contained widely different provisions many of which were amazingly unwise".

That the cautious approach followed by the colonial government towards suppression of female infanticide in the early years of their rule was re-introduced after the uprising of 1857, is clear from the remark of John Strachey who introduced the Female Infanticide Bill in the Viceroy's Council in January 1870 and later piloted it through the Council Strachey said that subsequent to 'the Mutiny', "the whole subject (female Infanticide) was for "a time lost sight of". Interestingly in his speech before the Council, Strachey made light of the danger to British rule from suppression of customs like female infanticide and sati. He said:

"Some people had talked about the political danger to British rule of unduly interfering with these atrocious practices. For my own part, I am confident that there is no danger of the kind. We were told the same thing when sati was prohibited and there are not wanting people to tell us the same at every step that is taken for the moral improvement of the people of this country. This talk of political danger is baseless and foolish but I would say for my part that even if it is true that such danger existed, that was no reason for such abominations to continue. Whatever might be the consequences, it is the duty of the British government to declare that it will not suffer any longer the continuance of these

horrible practices in any part of its domination's and that it would put forth the whole of its power for their repression.

This was certainly brave rhetoric. After the Bombay government mooted the proposal for framing a law for suppression of female infanticide in 1853 and the government of NWP as well as the Sadar Nizamat Adalat in that province had framed a draft law to put down infanticide in 1856, the uprising of 1857 made the colonial government 'lose sight' of female infanticide as Strachey put it to such an extent that the subject went into cold storage for nearly 15 years. This is evident from the fact the Female Infanticide Bill was introduced in the Viceroy's Council only in January 1870. Overall, the British were not overzealous reformers of castes, which resorted to female infanticide in the 19th century. The interest and safety of their Indian Empire far outweighed considerations of social reform.

When the efforts to suppress female infanticide are compared to the efforts to ban sati in colonial Bengal, it seems that the efforts to ban sati mainly centered round the interpretation of the Shastras by the social reformers led by Ram Mohan Roy, the orthodox elements in Hindu society and the colonial state. The colonial government reluctantly agreed to ban sati in 1829. The efforts to suppress of female infanticide went through several phases as indicated. The abandoning of caution and adoption of coercion in the 1830s seems to be related to a complex set of factors. For example, in the Bombay presidency, the demotion of the high office of governor by Monstuart Elphinstone who was firmly against a coercive system cleared the decks for adoption of a more vigorous policy against female infanticide. Then, a few years later came Willoughby's 'ultimatum' pleading for adoption of a strong coercive policy. These, plus the stability of colonial rule and the absence of any serious challenge to the colonial regime, at that point in time contributed to the shift in policy.

Finally, it is interesting to note that the subjects of the colonial government the rajputs who were sought to be dissuaded from female infanticide by use of the Shastrik injunctions had their own discourse based on ancient Sanskrit literature. The rajputs particularly of high status wanted to 'prove' that they were blue-blooded kshatriyas and so they claimed descent from the kshatriya heroes of the Ramayana and the Mahabharata. A caste of bards and genealogists known as the vahivancha barots maintained detailed records of their rajput patron's genealogy. The barots records showed that the rajputs were descendants of the Kshatriya heroes in the epics.

Thus while the colonizer (the British) tried to take legitimate action against female infanticide with the consent of the people who practiced it by using the shastrik and puranic injunctions, the colonized (the rajputs) tried to legitimize

their position in the varna hierarchy by taking the help of the genealogists. The colonizer and the 'other' each made selective use of ancient Sanskrit literature.

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