

## **Historical Development of Sati Prohibition Act**

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### **Introduction**

The abolition of Sati in colonial India was a subject of major debate among the British as well as amongst the local people. The British questioned the validity of the custom of *sati* in the Hindu scriptures and this kick-started a debate between the British and the Indian regarding the status of women in India. This research paper has been undertaken to study in detail what reasons led to the passing of the sati prohibition act and how it changed the perception of people regarding the status of women in colonial India. This topic is relevant even today as even in contemporary India debates over the status of women and the paternalism of the state are alive. It also highlights the fact that British undertook the task of defining the Hindu customs and religions and this helped them to understand the society better for administration, for resolving disputes among the subjects and also played a vital role in formulating the policies in future. The researcher aims to study the official discourse on sati by the British officials during the colonial period. The objective is to understand the reasons which made the British to pass the Sati Prohibition Act.

This paper is divided into three major parts. First part discusses about Sati in Hindu Texts. In this part study of the scriptural sanction of sati has been carried out. Second part throws light on Sati in Colonial India, Social Reform and Official Discourse. The practice of sati prevalent in India during colonial period has been discussed in this part. The last part deals with Sati Prohibition Act and its impact on society.

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## Sati in the Hindu Scriptures and Its Prevalence in Society

The word *sati* is derived from *sat* meaning truth, and a *sati* was a woman who was “true to the ideals”.<sup>2</sup> Within the framework of patriarchal ideology, *sati*, a predominantly upper caste Hindu Practice, is comprehended as the duty of a virtuous wife. By immolating herself, the widow purportedly enables herself as well as her deceased husband to enjoy “heavenly pleasures” and even, according to some scriptural texts, to escape thereafter the cycle of birth and death.<sup>3</sup> The scriptural sanction for widow burning is ambiguous and varies in form depending upon the time period in which they were written.

The practice of *sati* does not find its mention in either *Avesta* or the *Rigveda* where it certainly would have been mentioned if it had been in existence.<sup>4</sup> But a verse in the *Rigveda* is often quoted to show that widows were, in fact, required to ascend the pyre at the funeral of their husbands.<sup>5</sup> Such an interpretation, however, could be rendered plausible only by changing the last consonant of the stanza from *agre* to *agneh*: The verse in question refers to women with their husbands living coming forward to anoint the corpse before it was consigned to flames, and contains no reference whatsoever to any widow immolating herself on her husband’s funeral pyre.<sup>6</sup> In fact, in the *RigVeda* the act was only a mimetic ceremony. The widow lay on her husband’s funeral pyre before it was lit, but was raised from it by a male relative of her dead husband. Attempts were made in the sixteenth century, to seek *Vedic* sanction for the act by changing the word *agre*, to go

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<sup>2</sup> V.N. Datta, SATI: WIDOW BURNING IN INDIA, 19 (1988).

<sup>3</sup> N.B. Halhed, A CODE OF GENTOO LAWS, OR ORDINATIONS OF THE PUNDITS, 43 (1776).

<sup>4</sup> A.S. Altekar, THE POSITION OF WOMEN IN THE HINDU CIVILIZATION, 117, (2<sup>nd</sup> edn., 1999). The author says that, it is true that in the great controversy that raged at the time of the legal prohibition of *sati* by Lord William Bentinck, it was argued that the custom had a *vedic* sanction. It was maintained that the funeral hymn in the *Rigveda* refers to widows ascending the funeral pyre.

<sup>5</sup> *Ibid.*, at 120 ( *Ima nariravidhavah sapatneerajanena sarpishad samvishantu Anashravoanameevah suratna arohantu janayo yonimagre.*)

<sup>6</sup> *Supra* Note 3, at 124.

forth into *agneh*, to the fire, in the specific verse.<sup>7</sup> Another point to be noted here is that the *Rig Veda* text endorses the system of *niyoga* or levirate where a widow is permitted to marry her husband's brother if she has not borne a son to her husband.<sup>8</sup>

The *Atharva Veda* also clearly mentions widow remarriage, and it has been pointed out that widow burning could not have been decreed since the two are contradictory.<sup>9</sup> Stray references to the custom of sati began to be made from about 300 B.C. The *Mahabharatha* records only a few instances of sati. The most famous among them was that of *Madri*.<sup>10</sup> In the *Musala Parvan* of *Mahabharata*, four wives of Vasudeva ascended his funeral pyre. As against the few cases of Sati, there are scores of instances of widows surviving their husbands.<sup>11</sup>

In the original portion of Ramayana there is no case of Sati. In the original kernel of the epic, it is found that when Ravana by means of his magic raised before his eyes of Sita the illusion of the fall of Rama, she expressed the wish to be burnt along with her husband.<sup>12</sup>

Puranas refer only few cases of sati. The vast majority of the widows that figure in Puranas survive their husbands.<sup>13</sup>

The original sati of mythology was not a widow and did not immolate herself on her husband's pyre. She was the daughter of Daksha, son of

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<sup>7</sup> R. Thapar, *Sati: In History*, (342) SEMINAR 16, 17(1988).

<sup>8</sup> *Ibid.*, at 16. (Levirate in patrilineal clans is often intended to consolidate property).

<sup>9</sup> P.V. Kane, HISTORY OF DHARMASTRAS—Vol. II, Part I, 626 (1974)

<sup>10</sup> *Ibid.*, at 628. Madri was determined to die with her husband, firstly because she was the cause of his death, secondly because she would be unable to control her passions, and thirdly because she might find it difficult to treat evenly her sons and stepsons.

<sup>11</sup> *Supra* Note 8, at 629. The wives of Abhimanyu, Ghototkacha and Drona did not become Satis.

<sup>12</sup> *Supra* Note 8, at 630. This passage is probably a later interpolation, for none of the wives of Dasaratha or Ravana are represented in the epic as accompanying their husbands to their funeral pyre.

<sup>13</sup> *Supra* Note 8, at 627. It is interesting to note that some of the sati cases in Puranas are the imaginary creations of a later age, and go against the earlier tradition.

Brahma, the creator of the universe. Sati was married to Shiva, another of the Trinity which includes Brahma and Vishnu. Once, when Daksha wished to perform a grand sacrificial ceremony, he invited everyone except his son-in-law whom he wanted to humiliate. Sati felt so outraged at this insult to her husband that she invoked a yogic fire and was reduced to ashes, with a prayer that she should be born as Parvati and become Shiva's consort again.

### **Sati in Practice in Society**

Sati became gradually popular from AD 400.<sup>14</sup> The earliest historical evidence for this practice dates from AD 510, when the wife of General Goparaja who fell while fighting against the Hunas, immolated herself on her husband's funeral pyre and this was commemorated in an inscription at Eran.<sup>15</sup> The practice of sati continues to gain popularity mainly among the fighting classes as the conduct of a widow boldly burning herself with the remains of her husband appeared to them as the glorious example of supreme sacrifice.<sup>16</sup>

Contrary to the idea of Sati in the Hindu Scriptures, in the modern interpretation it has been believed that if a woman gives up her body by burning, like the original Sati, she deserves to be venerated. But there is deeper level of explanation which can be attributed for the rise in the practice of sati. Between the end of the vedic period and 12<sup>th</sup> century A.D, the idea seemed to have gained ground that the husband should have exclusive and total control over his wife's sexuality. Pre pubertal marriage was the surest way to make certain of it.<sup>17</sup> Pre pubertal marriage also transferred the responsibility for safeguarding the girl's sexuality from her male kin in her natal family to her husband and her agnates. Total control over her sexuality

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<sup>14</sup> *Supra* Note 8, at 631. It was known to Vatsyayana, Bhasa, Kalidasa and Sudraka. Vatsyayana points out how clever dancing girls gain ascendancy over the mind of their lovers by swearing that they would burn themselves in their pyres.

<sup>15</sup> A.S. Altekar, THE POSITION OF WOMEN IN HINDU CIVILIZATION, 123(2<sup>nd</sup> edn., 1999). Also R. Thapar, *Early India*, 304 (2002).

<sup>16</sup> *Ibid.*, at 306. Mainly existed among the Kshatriya clan.

<sup>17</sup> A. Sharma, SATI: HISTORICAL AND PHENOMENAL ESSAYS, 6 (1988).

was not only for the duration of the marriage: it extended to pre and post marital periods, absurd as it may seem to outsiders. The death of her husband was attributed to the sins she had committed in a previous incarnation. The widow who decided to commit sati was, on the contrary mirror image of the widow who had decided to live. She was seen as auspicious and her martyrdom gave good reputation to her family and her village.<sup>18</sup>

Arguably, a reason for the perpetuation of this custom was the existence of Dayabhaga system in Bengal. Dayabhaga system which prevailed in the Bengal region permitted a childless widow to become an heir to her husband.<sup>19</sup> Therefore, in order to prevent women from inheriting any of husband's property, people coerced the widow to go sati and thus averted the transfer of property in favour of the widow. The fundamental reason which motivated people to adopt such a methodology against women was, to keep women socially and economically dependent on male members of society. Had she not been coerced to go sati, she would have had property rights after her husband's death and this would have led to her economic independence which the society did not want then. This reasoning is clearly brought out by Walter Ewer's (Acting Superintendent of Police in the Lower Province) letter where he argues that, "widows were coerced and sati was performed for the material gain of the surviving relatives."<sup>20</sup> He also suggested that relatives might be motivated by the desire to spare themselves the expense of maintaining the widow and the transfer of her legal right over the family estate.<sup>21</sup>

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<sup>18</sup> M. Kosambi, *Women, Emancipation and Equality: Pandita Ramabai's Contribution to Women*, 38(1) ECONOMIC AND POLITICAL WEEKLY 1384, 1386 (October 29, 1988).

<sup>19</sup> L. Mani, *CONTENTIOUS TRADITIONS: THE DEBATE ON SATI IN COLONIAL INDIA*, 26 (1998).

<sup>20</sup> *Supra* Note 18, at 29 where the author says that, "Hungry Brahmins" greedy for the money due to them for officiating such occasions were also said to apply pressure on the widow by extolling the virtues and rewards of *sati*. Even if the widow succeeded in resisting the combined force of relatives and pundits, she would not be spared by the crowd.

<sup>21</sup> *Supra* Note 18, at 30. According to Walter Ewer, scriptural transgression, such as the coercion of widows or the performance of *sati* for material gain, could be the result of ignorance of scriptures or might reflect conscious design on the part of relatives and pundits.

## Practice of Sati in Colonial India, Social Reform Movement and Official Discourse

Widow immolation held peculiar fascination for the colonial official not just because there was a particular horror attached to a woman being publicly burnt alive, but since the practice appeared to enjoy the sanction of the sastras.<sup>22</sup> For a long time British refused to legislate on sati, fearful of social revolt. Yet this was at odds with its self proclaimed role as the force that introduced “civilisation” to India.<sup>23</sup>

By its very definition, sati could neither be common nor widespread since its very moral force was derived from it being heroic or exceptional. Anand Yang has pointed to the fact that the practice was known only to some very specific communities. The incidence of widow immolation in the Hugli district, which consistently showed higher returns than any other part of India, amounted to 1.2% of the overall number of widows in 1824 the average number of immolations amounted to a mere 0.2% of the total number of widows.<sup>24</sup> Yang notes a high proportion of poor women amongst those immolated and, in many cases, these were women of advanced years.<sup>25</sup>

The first recorded enquiry about the practice took place in 1789. In exactly forty years the practice was outlawed.<sup>26</sup> In 1805, acting magistrate of Bihar, Elphinstone intervened against the burning of an intoxicated 12 year old, widow. The issue was referred to the Nizamat Adalat, with specific instructions to establish whether there was a scriptural basis for the practice and whether it precluded abolition. Pandit Ghanshyam Surmono, who was

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<sup>22</sup> J. Nair, *Women and law In Colonial India*, 53 (2000).

<sup>23</sup> *Ibid.*

<sup>24</sup> A. Yang, *Whose Sati? Widow Burning in Early Nineteenth Century India*, 1(2) JOURNAL OF WOMEN'S STUDIES, 18 (1990).

<sup>25</sup> *Supra* Note 21, at 54.

<sup>26</sup> L. Mani, *The Production of An Official Discourse on Sati in Nineteenth Century Bengal*, 21(17) ECONOMIC AND POLITICAL WEEKLY, 33(1986). The article also talks about the Widow immolation being outlawed in Calcutta proper from as early as 1789 because the city fell under the jurisdiction of British Law. M.H Brooke, the collector of Shahabad, uncertain about the status of regions beyond Calcutta, prohibited the burning of a widow.

called upon to comment on the issue, did declare that widow immolation had *scriptural sanction* but also mentioned that it was voluntary act intended to ensure the long afterlife of the couple. He further specified the conditions under which it was prohibited i.e when a woman was pregnant, intoxicated, less than 16 or coerced. Surmono's comment formed the basis of the instructions which were circulated among the District Magistrates, requiring them to judge whether widow immolations which occurred in their jurisdiction were being performed according to what was perceived as the correct rendering of the scriptures.<sup>27</sup> The preface to these instructions clarified that, given the scriptural status of *Sati* and the government's commitment to the principle of religious tolerance, sati would be permitted "*in those cases in which it is countenanced by their religion and prevented in others in which it was by the same authority prohibited.*"<sup>28</sup>

There was a considerable degree of overlap between the manner in which colonisers and Indian liberals saw sati as a problem to be solved by a legislative ban. Even such reformers as Ram Mohan Roy, who has been identified as the one who ushered an age of modernity into India, did not in fact make a decisive break with the past, and their efforts were of a limited and deeply contradictory kind.<sup>29</sup>

In his "*Abstract of Arguments Regarding the Burning of Widows as a Religious Rite*" which was written in 1830 and constitutes the sum of his arguments between 1818 and 1830 where he raised the question of whether the practice of burning widows alive on the pile and with the corpse of the

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<sup>27</sup> *Supra* Note 18, at 90. Parliamentary Papers on Hindoo Widows, 18(30), 1821.

<sup>28</sup> *Supra* Note 18, at 57. Sati was thus to be prohibited in all cases in which the widow was less than sixteen years of age, pregnant, intoxicated, or in any other way coerced. Magistrates were also instructed to transmit to the Nizamat Adalat details of each incident of the practice taking place in their jurisdiction, including any prohibitive measures they might have taken.

<sup>29</sup> J.K. Mazumdar, RAJA RAM MOHUN ROY AND PROGRESSIVE MOVEMENTS IN INDIA: A SELECTION FROM RECORDS, 141(1941).

husband is imperatively enjoined by the Hindu religion.<sup>30</sup> His own answer offered an extract from Manu as evidence that this was not the case. He then cited Yagnavalkya as proof that a widow was enjoined to live with her natal or marital family after her husband's death. Roy thus tried to replace the notion of sanctioned widow immolation with that of ascetic widowhood. However Roy made a surprising shift from his early intellectual conviction about the irrelevance of religion in such contexts and instead he increasingly placed reliance on the religious frame to defend or reform Indian tradition.<sup>31</sup>

While Ram Mohun Roy advocated the abolition of sati, he was not initially of the view that it should be done by the British Government. He feared that intervention by the colonial administration in the religious practices of Hindu communities would lead to outrage and fierce opposition.<sup>32</sup> By legislatively prohibiting sati, the colonial state might only serve to provoke an orthodox backlash, by creating fear that the British were intent on interfering in religious affairs.<sup>33</sup>

Lord William Bentick had heard of Ram Mohun Roy as an advocate of the abolition of sati and sought a meeting with him, thinking that he would receive considerable help from the Raja in suppressing the pernicious custom of widow burning.<sup>34</sup> Raja Ram Mohun Roy's opinion according to Lord William Bentick was that "*the practice might be suppressed quietly and unobservedly by increasing the difficulties and by the in indirect agency of the police. He apprehended that any public enactment would give rise to general*

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<sup>30</sup> I. Singh, RAMMOHUN ROY : A BIOGRAPHICAL INQUIRY INTO THE MAKING OF MODERN INDIA, 214 (1958).

<sup>31</sup> *Ibid.*, at 218. Raja Ram Mohun Roy argued that sati was not prescribed by shastric text and that its resurgence corresponded to the degeneration of Hindu ethos. Rammohun's opponents similarly cast their arguments within this scriptural discourse and attempted to undermine the credibility of Rammohun's interpretation.

<sup>32</sup> R. Kapur, and B. Cossman, SUBVERSIVE SITES: FEMINIST ENGAGEMENT WITH LAW IN INDIA, 46 (1996).

<sup>33</sup> R. Kumar, THE HISTORY OF DOING: AN ILLUSTRATED ACCOUNT OF MOVEMENTS FOR WOMEN'S RIGHTS AND FEMINISM IN INDIA, 45 (1993).

<sup>34</sup> *Supra* Note 16, at 45. The meeting did take place and was noticed in the *Indian Gazette* of July 27, 1829.



*apprehension, that the reasoning would be, while the English were contending for power they deemed it politic to allow universal toleration and to respect our religion, but having obtained the supremacy their first act is a violation of their profession, and the next will probably be, like the Muhammadan conquerors, to force upon us their own religion.”<sup>35</sup>*

It is therefore clear that while Raja Ram Mohun Roy advocated the abolition of sati, *he did not approve of this being done by the British Government directly*. He did not approve of British governmental interference in the sphere of Hindu social life.

### **Sati Prohibition Act of 1829: impact on Society**

Officials in favour of abolition argued that such action was in fact consistent with upholding indigenous tradition. And indeed this was how the regenerating mission of colonization was conceptualized by officials: not as the imposition of a new Christian moral order but as the recuperation and enforcement of the truths of indigenous tradition. C.B Eliot, joint magistrate of Bellah expressed this sentiment when he suggested that the preamble to the *sati* regulation should appeal to scriptural authority for abolition, through apposite quotations from the Hindu texts.<sup>36</sup>

Official conception of colonial subjects held the majority to be ignorant of their “religion”. As Bernard Cohn has also argued, however their knowledge was conceived as corrupt and self serving.<sup>37</sup> The civilizing mission of colonization was thus seen:

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<sup>35</sup> U.N. Ball, RAMMOHUN ROY, 97(1933).

<sup>36</sup> *Supra* Note 18, at 112. Parliamentary Papers on Hindoo Widows, 28 (136), 1830.

<sup>37</sup> *Supra* Note 16, at 49. Bernard Cohen, “The Command of Language and the Language of Command”.

- to lie in protecting the “weak” against “artful”, in giving back to the natives the truths of their own “little read and less understood Shaster.”<sup>38</sup>
- The officials were in favour of abolishing sati because they felt that such action was consistent with upholding indigenous traditions.

Contrary to the mythology that has overgrown the outlawing of *sati*, official strategy was to focus on its scriptural status and to insist that the prohibition of widow Bengal immolation was consonant with enforcing the truest principles of “Hindu” religion. As Bengal fell under the jurisdiction of British Law, sati was outlawed there by Sir Ansthruther, Chief Justice of the Calcutta Supreme Court of Judicature, in 1789. Bengal was the first city where sati was legally prohibited and this prohibition later came to be applied to all the provincial presidencies.

So due to the assumptions made above by the British regarding the abolition of sati, in 1829, Sati Prohibition Act of 1829 was passed by Governor General William Bentinck which declared “the burying or burning alive of widows as culpable homicide”<sup>39</sup> and made it illegal in British India.

Despite Raja Ram Mohun Roy’s apparent disagreement with the colonial strategy for abolishing sati, once the British administration enacted the regulation prohibiting sati in December 1829, he openly supported it. In 1830, Rammohun along with 300 residents of Calcutta presented a petition to Bentinck supporting the prohibition.<sup>40</sup> The petition was intended to counter the mobilizing efforts of those who opposed any intervention in the practice of sati. The enactment of the regulation prohibiting sati provoked a highly public controversy, in which the supporters and opponents of social reform were

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<sup>38</sup> *Supra* Note 18, at 115. Parliamentary Papers on Hindoo Widows, 18(238), 1821.

<sup>39</sup> *Supra* Note 14, at 45. Regulation XVII of 1829. This regulation had been promulgated on December 4, 1829.

<sup>40</sup> L.P.V.D. Bosch, *The Burning Question: Sati and Sati Temples as the focus of political interest*, 37(2) NUMEN 177, 179 (December, 1990).

engaged in a contest over tradition; over the power to define and redefine tradition. The social reformers and orthodoxy were engaged in a struggle over the authenticity of Hindu tradition, a struggle in which scripture/religion/culture were all collapsed into a ubiquitous concept of 'tradition'.<sup>41</sup> While the ordinance prohibiting sati was passed, the controversy had succeeded in mobilizing a resistant discourse that insisted on the cultural legitimacy of sati. The legislation condemned the practice of sati, but the outcome of the discursive struggle was somewhat more equivocal. In many ways, Rammohun Roy's fears were well founded, and his words of warning to Bentinck haunted the efforts of the social reformers throughout the nineteenth century. Campaigns to reform social practices through law were over and over met with outcries of 'religion in danger', and threatened to upset the precarious legitimacy of colonial rule, premised in part on non intervention in the customs and traditions of religious communities.

Though the custom of Sati was prohibited in British India in 1829, it continued to linger in Rajputana, its greatest stronghold, for about thirty years more. At the death of Maharana Jivan Singh of Udaipur in 1833 and of Maharaja Man Singh of Jodhpur in 1843, several women mounted the funeral pyre. Udaipur was the greatest stronghold of the orthodox Rajput tradition and the last public case of a legal Sati took place there in 1861 at the death of Maharana Sarup Singh in 1861. In modern day, Roop Kanwar sati facilitated the passing of the Sati Prohibition Act of 1987, which made the practice of sati a criminal act by law.

## **Conclusion**

The history behind the Sati Prohibition Act has been examined in this paper. Along with studying the custom of sati in scriptures, the reasons for its rise and prevalence have also been considered. It has been found out that the

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<sup>41</sup> *Ibid.*

British were of the belief that Indians were ignorant of their religion. They saw the widows as a subordinated and weak class because they were seen as incapable of consenting and therefore they felt that the imposition of legal sanction as a way to protect them from the pundits and crowds alike.

Official discourse on sati was grounded in three interrelated assumptions about Indian society: the hegemony of Brahmanic scriptures, unreflective indigenous obedience to the texts and the religious nature of sati. These assumptions shaped the nature and process of British intervention in outlawing the practice. Those in favour of abolition stressed its “material” aspects (such as the family’s desire to be rid of the financial burden of supporting the widow) and thus the safety of intervention, while those opposed to prohibition emphasised its “religious” character and thus the dangers of intercession.

One important issue that this paper reveals is the fact that sati was practiced not for the sake of scriptures as the Indian claim, but it was in order to prevent a widow from inheriting the rights in husband’s property and to keep her economically and socially dependant on the male counterparts. The high incidence of sati in Bengal province during colonial period was due to the existence of Dayabhaga system which gave property rights to the childless widow and therefore in order to keep the property rights of the family intact, the widow was forced to go sati.

The close examination of the scriptural validity of sati which was undertaken prior to the passing of this act, allowed a very useful insight in the manner in which the Brahmins interpreted the religious texts to their own advantage. When British realised this, they passed this act in order to protect the society as well as the widows from their corrupt practices.

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