

Early British Efforts to Crush Karo Kari in Colonial Sind

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Abstract

Karo kari or honour killing is a chronic issue, deeply rooted in the socio-cultural life of Sindh and Baluchistan province since ages. This article dilates upon it from the perspective of crime prevention policy in the recent past when India was ruled by the British colonial power. The efforts and concerns of Charles Napier about dealing with this issue are critically evaluated in this paper. A historical analysis of the times of Charles Napier will provide ample insight for the present law enforcement policy makers and social researchers.

Keywords

Sindhi, Baluchi, Karo Kari, Muslims, Hindoos, Capital Punishment, Jirga, Magistrate, Trial, Female Suicide.

Introduction

1. The Baluch Sense of Honour, Violent Disposition and Urge to Wipe Out Insult with Blood.

Around the late 18th and early 19th century, “the most numerous of the non - Sindhi Muslim races in Sindh were the Baluchis.” Having been “invited by the Kalhora princes who ruled Sindh at the time, and who wished to employ them as Soldiers” the Baluch entered Sindh on a large scale in the 18th century, and formed about a fifth of its Muslim population. The Talpur chiefs ruled Sind until the British conquest of 1843. Naturally, they relied on their fellow - Baluchis to assist their government. The Baluch impact was specifically obvious in the Talpurs army that was composed entirely of Baluchis. In addition, many of the most important landholders were, therefore, Baluchi warlords. Hence, it was inevitable that Baluchis had an importance in Sindh, even after the British conquest, which was completely out of proportion to their numbers.¹

As indicated by David Cheesman, “the Baluchis had an intense sense of honour and a violent disposition which, coming together, were incompatible with a modern ordered society. They felt an obligation to wipe out insults with blood, and if a Baluchi did not take steps to uphold his honour, he was put to shame.” In 1901, for example, two Brauhi brothers killed a man from the Mochi tribe who had cut off a plait of their niece's hair.” The Jirga which tried the case said that the brothers had no choice but to avenge the insult unless they wished to be “held up to universal scorn

and execration by all their fellow tribesmen.”² Cheesman cites another example from the proceedings of a Jirga at Jacobabad on 24th December 1900: “Dhani Bux Dombki tried to avoid killing his wife, Baiti, in punishment for her infidelity, but he was eventually driven to it by the taunts of his neighbours.”

The Ritual and Practice

Kenneth Raye Eates, an experienced police officer in colonial Sind clarified that “according to Sio Kari law the husband of the erring wife is her rightful liquidator.” He also clarified that it was “not bad in Baluch law for a close blood relation of the injured husband, such as a brother, to redeem the family honour.” Elaborating further Eates observed that according to ritual the killer, “who is considered defiled having shed blood which is unclean, has to bathe himself, put on clean clothes and go to a mosque for prayer.” The killer then informs his *Sardar* (Tribal Chief), and, “as likely as not, proceeds to the nearest Police Station or Outpost where he reports the killings and offers himself for arrest.”³ Eates further mentioned that “by such killings alone” could a Baluch husband redeem his lost *izzat* (honour).”

John Court Curry, the author of “The Indian Police” and an officer who worked as Assistant Superintendent of Police (ASP) Karachi, ASP Hyderabad, Naushero Feroze and as District SP Sukkur and Larkana, observed that “the great majority of murders in Sind were the result of marital infidelity. It was the accepted view among Sindis and Baluchis that an injured husband should be expected to kill his wife and her lover, and many cases occurred in which a man walked into a Police Station. to say that he found his “*wife being embraced by her lover*” and that he had “*killed them both.*” Such a killer had no hesitation in surrendering the weapon of offence, the primary evidence, at the police station: *here is the axe,*” as he handed over the weapon covered with blood.

Curry elaborated that among the Baluch tribes on the Sind Frontier the idea that honour required a man to commit murder of this kind was even more strongly implanted than in other parts of the country, and a special law applied to them. By this law certain cases could be referred to a Jirga or Council of Elders who heard the evidence and arrived at a decision, the proceedings being conducted under the supervision of a magistrate.....The principles which governed the procedure of a Jirga were directed less to the punishment of crime than compensating the injured party for the injury suffered.⁴

Treatment of Karo Kari Prior to the British Conquest

In a 1967 - 68 talk, Kenneth Raye Eates who had a vast experience in policing Sindh in the 1940's mentioned that under the rule of the Talpur Mirs in Sindh, the

Baluch tribal custom, whereby a husband could kill a disloyal wife and her lover, “and too often did so on the barest suspicion, prevailed throughout the borderlands.” In 1854, in a series of queries raised on the system of criminal justice prevailing during the Talpurs, especially the treatment on cases of Karo Kari, Major Goldney, Magistrate of Shikarpur, stated that husbands were entitled to slay wives for adultery. He added that “doubtless the accusation was frequently brought forward against a wife, whom it was merely desirable to get rid of.” This view stood supported by Kenneth Raye Eates who realised that the Sio Kari or Karo Kari law of the Baluch clans which justified the killings of an unfaithful wife was “not infrequently taken advantage of by a husband to rid himself of a hag, nag or otherwise unwanted appendage.”⁵ Captain Anderson, Deputy Advocate General, Hyderabad, in reply to a query on certain aspects of Karo Kari, related that the Baluch used to put his wife to death with impunity, her relatives being in general satisfied with his bare assertion of her misconduct. In short, the natural affections seem to have been the only checks to domestic tyranny of every description.⁶

While asserting that Karo Kari, under the colonial government, was a punishable offence, Major Goldney admitted that in cases of undoubted criminality on the part of the wife, he was inclined to side with the husband, “considering that society and religion alike sanction, may inculcate, the penalty.” Captain Preedy, Magistrate of Karachi, however, expressed that under the British regime in Sind, the husband's authority over his wife had been considerably circumscribed. The husband could not, as earlier, cut his wife down in a fit of jealousy, with impunity.⁷

Napier's Realisation of the Karo Kari Culture

Historians agree that in the urge for quick justice and reform, Napier became extremely involved with crushing practices which appeared to be savage and barbarous. The frequency in the murders of unfaithful wives was one such barbaric practice. Immediately after the conquest of Sindh, Napier had announced that all murders would be punished with death and actually initiated measures to carry out his threat.⁸ The following proclamation on the subject was issued on 6th August 1844:⁹

“Be it known to all the Mahomedan inhabitants of Scinde that I am the conqueror of Scinde, but I do not intend to interfere with your religion. I respect your religion, but it is necessary that you should also respect mine. We both worship one God, and that God has prohibited us to take away life, but not withstanding this you kill your wives without pity. I tell you plainly that I will not allow this. I am the ruler of the country, and if anyone here after kills his wife, I will have the matter

investigated by a court of justice, and the offender shall be punished according to his crime. The order is to be duly obeyed in Scinde. Let no one break it.”

Richard Burton indicates that a few months after Sir Charles Napier had conquered Sind, he issued an order promising to hang any one who committed this species of legal murder. Having an insight on the customs and traditions of the Baluch, Burton added that “the sanguinary custom of the Muslim world overwhelms with ignominy the husband or son of an adulteress who survives the discovery of her sin; he is tabooed by society; he becomes a laughing stock to the vulgar, and a disgrace to his family and friends.” In those days even the timid Sindis “every now and then were driven to despair by their dishonour.” Cases could be quoted wherein, “with the rope round their necks,” they avenged their outraged “shame,” and died, rather than drag on a scandalous existence.¹⁰

Edward Charles Marston, earlier the Lieutenant of Police and later the Captain of Police, in Karachi, from 1843 to about 1869, and even later, felt that the circumstances connected with murder almost invariably occurred from jealousy and revenge.¹¹ Edmund Cox Bart, who served as the District Superintendent of Police in Shikarpur, District Superintendent of Police, Hyderabad and then as the first Deputy Inspector General of Police in Sindh in 1897, mentioned in his book, “My Thirty Years in India,” that “if the woman was of a flirtatious turn of mind, the aggrieved husband, as a matter of course, smashed in the head of his wife and her lover if he detected a liaison.”¹²

Causes of Karo Kari

Captain Rathborne, Magistrate of Hyderabad, was of the view that murder or manslaughter, as occasionally committed, principally arose out of cases when female virtue had been violated.¹³ Major Goldney, Magistrate of Shikarpur, thought that adultery was very common, murders were quite frequent and “commonly connected with adultery, real or suspected.”¹⁴ Similarly, Captain Preedy, the Magistrate of Karachi observed that the principal crimes were murder, burglary and cattle stealing, the former arising generally from motives of jealousy and adultery.

Captain Young, Judge Advocate General initially serving under Sir Charles Napier, also believed that murder in most cases was caused by blood feuds or was due to the infidelity of the wives or other female relations of the murderers. He regretted that “the practice of murdering women” still prevailed to “a most lamentable extent,” not withstanding the efforts that had been made to put it down.”

Talking about the Talpurs, Capt Young stated that in order to “restrain their evil propensities the late Government permitted the exercise of uncontrolled authority

over the life and liberty of women; and there was no punishment for him who killed his wife, daughter, sister, or other near female relative if he could bring proof of her impurity. Proof, however, was seldom required, and the word of the murderer was in general considered proof sufficient of the guilt of his unfortunate victim.”¹⁶

Sir Charles Napier and His Efforts to Crush Karo Kari

Lieut. Gen. Sir William Napier's *The Life and Opinions of General Sir Charles James Napier*, in four volumes, published in 1857, provides a valuable insight into the psychology and strategy of Sir Charles, his brother. Although Sir William is guilty of gross exaggerations and has glorified even the ordinary acts of Sir Charles, some of the incidents mentioned therein indicate the desire and firm resolve of the conqueror of Sind to eradicate Karo Kari.

In April 1844, while writing to Richard, another brother, Napier expressed “there is only one crime I cannot put down here --- wife killing! They think that to kill a cat or a dog is wrong, but I have hanged at least six for killing women: on the slightest quarrel she is chopped to pieces. Elaborating further, he mentioned

*“a chief here came yesterday to beg off another, a follower of his. I'll hang him said I. What! hang him! He only killed his wife! Utter astonishment painted on his face.”*¹⁷

In his journal, Napier wrote, “a slave or a woman is here murdered as readily as a cook kills a chicken I will hang them all.”

Karo Kari: Savagery in the Mode and Manner of Death

Captain Young stressed that “many women have actually been put to death by their husbands, on no other evidence of guilt than having been seen talking with a man when coming from the well with water. In fact if the brutal husband was satisfied of her guilt, no man had a right to question him if he murdered her. She was his property, and he was the principal loser by her death.”

Elaborating further, Captain Young stated that “the lives of both the offending parties were taken, if possible, but the man was generally able to escape.” Unfortunately, the woman was seldom so fortunate; “she knew her punishment, but it was rare even that she attempted to avoid it.” Frequently, it happened that “the wretched creature” had “knelt down by order of her savage oppressors, her head being cut off with almost the formality of a judicial execution.” This was not done in isolation, but often “the bystanders evidently looking upon it as such, and never attempting to interfere.”

According to Captain Keith Young, the man, generally escaped, but if at any future period he fell into the hands of the tribe whose honour had been insulted, they made no hesitation in murdering him, unless he was able to purchase his life with a sum of money, or by presenting a daughter or other female relative in exchange for the unfortunate woman who had been murdered on his account. If the tribe were determined on blood, no lapse of time was sufficient to prevent their gratifying their revenge. The Judge Advocate mentioned that a case was recorded in this office of an unhappy man having been cruelly murdered on account of a supposed intrigue with the mother of one of the murderers about 20 years previously.

Hindoos Adopt the Practice

Keith Young was of the opinion that the practice of murdering the women was not confined to the Muslim population of Sindh. According to him, the Hindoos also adopted it and carried it out with equal savageness. He felt that the Hindoo population of Shikarpur alone appeared to be an exception to the rule.

Captain Anderson's Report on Karo Kari

In the 1850's, Captain Anderson was the Deputy Judge Advocate at Hyderabad and he initiated a report on the practice of murdering women. Since Anderson had worked as the Deputy Collector and Magistrate of Hala for some years, he had ample opportunities of making himself acquainted with the manners and customs of the people, and his opinion therefore is entitled to great weight. In his report, Captain Anderson, made a statement that murders were "committed sometimes solely for the purpose of robbery, but most frequently from revenge or jealousy." The cases of most common occurrence were those of wives killed by their husbands "for real or supposed infidelity."

He argued that under the Talpurs, the Baluchis "were in the habit of putting their wives to death with impunity, not only on taking them in the act of adultery, but often on the bare suspicion of infidelity." He was of the view that these men would "not speedily be made to forego this custom" but would "continue to take the law into their own hands, preferring to wipe out their dishonour with the death of one or both of the guilty parties, even at the risk of being hanged," unless some modification of the law regarding the punishment of adulterers was made for their protection."

Napier's Orientation on Criminal Justice: Heavy Leaning on Capital Punishment

Napier believed that the arguments in favour of the doctrine that opposed all capital punishment "were only applicable to a high wrought state of society, which

furnished so many other modes of repression of crime” and expressed that those who adhered to it in Sind, “would soon be thrown into the Indus.” His view was that “Becaria and Living stone would find it hard to rule Baluchis without capital punishment.” There is, however, some evidence to indicate that Napier always kept the colonial interest above all other considerations. Young quoted him as saying that “it was from political motives principally” that “he had recourse to capital punishment.”

One reason for the aggressive and tough stance of Napier was that the police force and the armed militias were comparatively much less than the requirements and as expressed by Napier: “I must keep the whip hand or be thrown in the race, and for that my force is small and widely spread.” In a complacent mood, Napier expressed that “all that he could do in the short time at his disposal was “to stop murder, form a strong police, and fortify some important posts.”

Napier's views on infliction of punishment were quite specific. While perusing case files of murder cases wherein either Preedy or Keith Young had suggested for imprisonment in place of a death sentence, or a light sentence, he exclaimed: “to execute the law is the great thing: this they fancy to be justice! Cast away details good man and get a general view; take what the people call justice, not what the laws call justice, and execute that.” He was convinced that both legal and popular justice had their evils, but assuredly the people's justice was “a thousand times nearer to God's justice.”

A typical order from General Sir Charles read: “Collector at Sukkur..... you are hereby ordered to execute the murderer Jemadar Jaffer Khan..... you are hereby ordered to execute the murderer Moojoodeen. These murderers are to be hanged at Shikarpoor on the road leading to Khelat. Upon the gallows you are to affix a paper declaratory of the crime for which the culprits are hanged. You are also to affix the accompanying proclamation on the walls of Shikarpoor, Sukkur, Roree, Larkana, and in all parts where it may be practicable for instance at Khelat.” Yet another order sent to the Collector of Sukkur: “you are hereby directed to cause to be hanged the murderer Sydoo who hanged upon a tree at *Shere Mohammed Ka Gote*, the man Pyara whom he, Sydoo, called his *slave*.”

While dispensing justice, Napier invariably had the state interest paramount, that is, not what the facts of the case dictate as judgement, but what the then current situation in Sind demanded. In a letter to Keith Young, he elucidated: “the safety of this country is in my charge, and it cannot be preserved but by repressing murder and robbery with a strong hand.” He was of the view that if murderers “of the grossest description, murderers without the slightest provocation” were allowed to escape punishment because a Collector was “openly deluded with a cock and bull story, got

up by the men of a tribe to save a clansman, and in this instance got up by criminals -- if this is to be we must not pretend to govern barbarians, who are much to acute not to see our weakness." Napier expressed that such tribals would "laugh in their sleeves" as this murderer went free over the land, and would boast that they could shed the blood of Englishmen against English law, with impunity.

Napier was quite clear that there was no need to go into the finer points of law or evidence to arrive at an assessment of the guilt and the extent of involvement of the accused. In a letter he stated to Captain Keith Young that their object was "to convict guilt and acquit innocence; not to support quibbles about what is law and what is not law in England." In another letter, Napier was blunt in his views and confirmed this stance by stating that his object was to "have sentence passed according to the real conscientious conviction of the judges," and not according to what was "required in an English court of justice". In his Journal, Napier wrote that "the great receipt for quieting a country" was a good thrashing first and great kindness afterwards." The "wildest chaps" were thus tamed. Even Rosamund Lawrence, a relative of Napier, writing his biography some ninety years after his death stated "certainly, his justice was rough."

An idea of the views and opinions of Sir Charles can be assessed from what he wrote in a letter to General Simpson: "if you get hold of any chap plundering your camels try what a flogging will do; but hang the next and keep his body guarded a sufficient time to hinder his people touching it: that will make the execution more effective." He was inclined to think flogging would have more effect than capital punishment because they screwed "up courage to meet death." However, when "Nuseeb - fate, takes a fancy to a cat - o - nine tails" it became disagreeable.

Procedure for Trials and Trials by Magistrates

In December, 1843, Napier wrote to his brother William that ten men had been hanged for murder and indicated the mode of trial. All men had first a regular trial by the magistrates, then it came to Napier and he read it over with the judge advocate for civil affairs, an officer established for the purpose by him. If he concurred with the magistrates, the sentence was confirmed and sentence executed, whether death or imprisonment.

Gradually, Napier became quite averse to trials by Magistrates. His views were that severe punishment should be inflicted while Preedy and Keith Young went by the merits of each case. He was of the firm view not to allow magistrate to try cases which involved capital punishment. "I will try them all by military commissions: they are those of murder, and robbery with violence on the highway." Napier is credited with the statement that he had "never considered what is legal, or not legal."

His stance was that Sind was a conquered country ruled by martial law, which Napier, being a soldier, understood, adding that not one of them, as soldiers, had “the slightest knowledge of any other law.” He pointed out that “the power of life and death was in the hands of the Ameer,” but by conquest had been “transferred to the military commander” and martial law obtained.

In a case pertaining to the death of Mrs. Barnes, where the accused was Buksha Chandio, Napier was quite agitated because the victim was a European lady while the accused was a local and Napier had assumed that a death sentence would be the verdict of Young and Preedy. In his letter dated 21st February 1844 to Keith Young, Napier observed that “both Capt. Preedy and yourself have decided that there is no proof against this man -- the murderer of Mrs. Barnes. I shall therefore, as you are so satisfied and so impressed, give him the benefit at your request. But by this weakness, for such it is, I am guilty of having murdered every man I have hanged in this and other countries; for so help God!

In the case of Buksha Chandia, Sir Charles argued heatedly that he did not require the advice of Young, adding that “while you talk of law you appear to me to have but slight acquaintance with it.” Napier's assessment was that Chandiya was not legally tried and acquitted, hence if they made “any official application to the Sudder Court, the advocate general, or any other constituted authority,” he would consider it to be “an act of military insubordination and act accordingly.”

Napier got agitated so much that he became personal in his attacks on the Judge Advocate General. At one stage he said to him “you fancy yourself acquainted with civil law because you are called the Civil Judge Advocate General. You forget that Scinde is under a military government, and martial law alone is recognised. You fancy yourself sent here to form a criminal and civil code of laws. This is an error.” He reminded Young that his duty was “merely to regulate the proceedings of military courts.” He pointed out that he was “unfortunately obliged, by being in a recently conquered territory, to act in that arbitrary manner” which was permitted to general officers commanding an army in presence of an enemy. Napier stressed that Young's duty was, not to teach him how he should exercise the power entrusted to him by his superiors, but to assist him “in the execution of such powers by attentively doing the duties” confided to him.

In the specific case of Santoo Hindoo, Napier was quite explicit and stated that “the case should not have been submitted by Keith Young to him “as proceedings held upon the trial of Santoo Hindoo for manslaughter.” He expressed that it was really very hard upon him that those under his command would not contend

themselves with executing their own duties, but insisted upon advising him how to execute his. Again Napier expressed that he would ensure that the collectors should have no more cases of this kind in their hands; such cases should go before commissions formed of three officers, and be judged like military criminals.”

Death Penalty Did Not Curb Karo Kari

Kenneth Raye Eates held that “ history makes it clear that all the efforts of Sir Charles Napier to curb, if not crush, the barbarous practice of Sio Kari, rigidly observed for many generations as a religious, if not a divine right, proved abortive.” The unfortunate part is that despite the fixation of Sir Charles Napier with the death sentence as a punishment for Karo Kari, the infliction of this did not curb Karo Kari. Eates felt that Sir Charles Napier adopted drastic measures to eradicate the practice, but “hanging and transportation had little, if any, deterrent effect, the killings continued, but in a different guise, wives were found not axed as before, but hanged, and that rather too frequently to be above suspicion.” Every case was an apparent suicide, but factually a calculated murder.”

Writing about Karo Kari, R. K. Pringle who took over from Sir Charles admitted that “the attempt to repress it by severe punishment” had doubtless been in some degree effectual, but the crime was, even then, “still sufficiently prevalent” to show that it had been but partially so, and it had on the other hand “led to evasion by attempts to make it appear that the victims have committed suicide.” Pringle conceded that the attention of the Government had been “anxiously directed to the suppression of this crime” and still required to be so.”

Dr. Hamida Khuhro, in her doctoral dissertation, specified that “the death penalty did not prove to be an adequate deterrent to murder, and finally the Judge Advocate General was forced to seek some other method of punishment which might prove more effective.” Captain Keith Young consulted various locals and officers of experience in Sindh and came to the conclusion that only transportation would act as a deterrent. His view was that it was “dreaded as something terrible by the people of this province,” while the punishment of death was, according to him, “regarded with comparative indifference.” Young cited the opinion of Meer Khan Mohammed who had observed that “the very name *Kala Panee*” was enough to “subdue the heart of the greatest villians.” He explained that the natives of Sind were “particularly attached to their own soil,” and expatriation to them was “the greatest of horrors, for they must bid adieu to their families, friends and even language as well as their native land.” In this context, Meer Khan Mohammed had mentioned that the ex Ameers “thought little of their being deposed compared to their being expatriated.”

A New Phenomenon: Controlling Karo Kari Led to Alleged Incidents of Female Suicides

Subsequent to Napier's tough measures, it was discovered that the incidence of female "suicides" had greatly increased. Being an astute administrator, he realised that these suicides were in fact murders. Hence Napier threatened to inflict a dire punishment to any village where a woman was found to have committed suicide under suspicious circumstances. As elaborated by Dr. Hamida Khuhro, "a fine was to be levied on the whole village, the Kardar was to be dismissed, and all the dead woman's husband's family was to be brought to Karachi." In his Proclamation, Napier announced that this would "cause such danger and trouble" to them that all of them would tremble if a woman was said to have committed suicide in their district, for it would be an evil day for all in that place."

While the crime decreased, unfortunately, it was for a short duration only. Napier being quite agitated again wrote "I beg of the magistrates to warn the kardars that they must find out the truth --- they can do so with ease --- and if they do not, they too shall suffer. It is just one of those fearful conspiracies to baffle a just law that must be met with great firmness and punished with great rigour." Subsequently, the crime did not decrease in any appreciable degree, and during the period July 1852 and April 1853 112 cases were reported. Elaborate rules were issued by the Commissioner in Sind to combat the crime. The basic point stressed was that whenever there was not sufficient proof to obtain a conviction for murder, "but where there was sufficient reason for suspecting that the female did not destroy herself," a fine was to be levied from the whole community, similar to fines levied under Section XXXVII of Regulation XII of 1827. In addition, it was specified that the sentence must clearly specify the parties from whom and in what manner the fine was to be levied. Napier realised that merely punishing the Baluch male wasn't enough, the requirement was that adultery must be severely punished also. At the same time, where information was received, would be suicides were to be dissuaded from carrying out their intention by reasoning. As stated by Dr. Hamida Khuhro, "the murder of unfaithful wives continued to rank with cattle stealing as a favourite Sindhi crime."

An important source of information on the situation immediately after the conquest of Sindh, especially up to the middle of the 19th century, are the Parliamentary Papers. The 1854 Papers indicate that in Sindh, during the year 1846, 2076 persons were tried out of which 46 were for murder.

Number of Murder Cases and Their Disposal 1846

Item	Sukar	Hyderabad	Kurrachee	Total
Tried	13	30	3	46
Acquitted	2	4	-	6
Convicted	11	26	3	40
Executed	1	6	1	8
Imprisoned	8	14	2	24*
Transported	1	4	-	5
Flogged	-	-	-	-
Fined / Punished	1	2	-	3

*19 sentenced to death, but sentence commuted. 46

In the area now forming Larkana, the crime returns for the year 1845 46 indicated that murder was the most frequent, they were all in cases of adultery. Here too, severe punishment was inflicted. Initially there was a reduction in wife killing, but later a rise was observed in female suicides.

Senior British Officers Realise the Complexity of the Problem.

Lieutenant James, the Deputy Collector and Magistrate of Larkana acknowledged that it would “not be easy to stop a practice of such long standing as this barbarous custom, to court the feelings of a nation, the change must be gradual, and a less severe punishment than that of death might preclude the necessity of concealment, and render detection and punishment more certain.” Captain Keith Young stated that numerous murderers had been tried under Sir Charles Napier's government and in some instances they had been sentenced on conviction to transportation to Aden. He, however, admitted that the means that had been adopted to put a stop to the practice had been attended with but partial success, and it was a matter which, around the 1850's still required the anxious consideration of government.

Keith Young elaborated further that several instances had occurred of women having been found hanging under circumstances that left no moral doubt of their having been foully dealt with, but without sufficient proof to bring their murderers to trial, of their guilt there was little question. He was of the view that it was only since murdering women was pronounced a crime that such frequent instances of suicide had happened. Captain Young stated that suicide was, in fact, almost unknown in Sindh around the time of the British conquest.

Captain Anderson, the Judge Advocate, explained the background for his pessimistic conclusions. So determined were these people on this point, that it was supposed to be customary with them to strangle or otherwise murder their wives,

and then suspend them on a beam, to make it be *believed that they have made away with themselves.*” He added that on a recent trial the prisoner himself admitted this to be true. In this context he alluded to the recent increase, “real or pretended” in suicides.

Those who were acquainted with the customs of the people had little doubt that in most, if not all of these cases, the women were cruelly murdered. However, Anderson, as a Magistrate, had to admit that there was generally so much difficulty in proving the charge of murder that around the 1854 conviction took place in one only out of the many instances which had then occurred in the Collectorate, and that too, was almost solely on the prisoner's confession. Keith Young agreed with the views of Captain Anderson and observed that the crime was unfortunately extremely difficult to prove, “but it was a very prevalent one, and required the urgent attention of the authorities.”

According to Anderson's report, “incontinence among married females was formerly checked to a considerable extent by the power exercised by husbands, of putting them to death when taken in the act, or suspected of infidelity.” He was apprehensive that this check being removed, there was every reason to dread that the crime was on the increase. Anderson specified the causes commonly assigned for adultery which, according to him were “impotence on the part of the husband, brought on by an early and indiscriminate course of debauchery and disparity of age, girls just bordering on womanhood being forced by their parents, from mercenary or self interested motives, to marry men old enough to be their grandfathers.”

The Deputy Judge Advocate elaborated further that “incontinence in unmarried females” was said partly to be attributed to the reluctance with which the Belooch disposed off his daughter in marriage, “either from pride or unsuitableness of the match offered with regard to settlement or respectability”. He further added that “this, together with constitutional causes and general depravity,” gave “rise to illicit intercourse between the sexes.” While emphasizing that some measures needed to be speedily devised to check the wanton destruction of life, the Deputy Judge Advocate admitted that “the question was, no doubt, difficult in many respects, but it was one which well merited the earnest and prompt attention of the government.”

Establishing Guilt: Changing Attitudes and Orientation

With the passage of time, a cultural change in another direction was noticeable. While the number of convictions had increased, the local inhabitants, accustomed, at that time, to British Courts, almost invariably started pleading “not guilty,” and summoned “a host of witnesses for their defense; whereas formerly they seldom

denied their guilt.” Captain Keith Young indicated that formerly, no one guilty of a murder of the nature then under discussion, attempted to deny it. The murder and the cause of it were frankly acknowledged.”

However, after a few years of British rule, murderers, finding that murder was considered a crime, whatever the provocation, and punished accordingly, had “commenced a more careful and concealed method of destroying their victims.” Keith Young observed that “the most common plan now of murdering women” was to “hang them by the neck to a rafter of the house, or strangle them on the ground, and suspend the body afterwards by the neck to a beam, so as to make it appear to have been an act of suicide on the part of the woman.”

Need for a Law to Control Adultery

Since control of Karo Kari was also linked with action to be initiated against adultery, this aspect did not go unnoticed to the then administrators of Sindh. Captain Rathborne, the Magistrate of Hyderabad, admitted that “no notice was taken of ordinary offences against morality, such as adultery, unless the husband or a relative whose honour was wounded, complained.” Major Goldney, the Magistrate of Shikarpur, mentioned that if women were accused of adultery, their husbands, if Mussulmans, usually took the law into their own hands. Keith Young agreed with Captain Anderson that it was desirable to take into serious consideration the state of the law as affecting adulterers. In the early 1850's their punishment was almost nominal, and the injured husband seldom attempted to seek redress at the hands of a magistrate.

In those days, offences against morality were punished by magistrates, whenever they were brought to their notice. No scale of punishment was laid down for such offences, but adultery would be punished by a civil magistrate by the imprisonment and corporal punishment of the man, and by the public disgrace of the woman. This view stands confirmed by Keith Young, the Judge Advocate General, who stated that male adulterers were punished by fine or imprisonment, and the adulteress had occasionally been subjected to public disgrace, or to imprisonment for a short period. He, however, was quite clear that it was absolutely necessary that distinct instructions should be issued, defining the notice that was to be taken of the crime of adultery.

The administrators of Sindh realized that murder chiefly arose out of the cases of adultery or jealousy, it was caused by “the prevalence of infidelity, and the former toleration of private retribution.” Pringle, the successor of Napier, in his note to Sir John Clerk, the Governor of Bombay, specified that adultery was an offence in which the state of feeling, perhaps, required to be more strictly visited by the

magistrate in Sind than in most countries because the parties whose honour was affected by it were, after the conquest, severely punished if they took the law in their own hands, compared to former times. Recognising the urgent need for an equally serious balancing action, Pringle emphasized that for the Baluch male it was necessary that “the law should afford them what protection it can against dishonour, the sense of which is very keen among them.”

The Helplessness of Colonial Administrators Led to Induction of Sind Frontier Regulation and Jirga in the Late Nineteenth and Early Twentieth Century. British Compromise Due to Intense Baluch Feeling on Karo Kari.

According to Kenneth Raye Eates “so strong was the belief and intense the feeling” regarding infidelity by the wife, that it was found necessary in 1892 to modify the criminal law and provide special legislation under the Sind Frontier Regulation for the trial of such an offence among Baluchis by *Jirga*, a Council of Elders consisting of a panel of Baluch Sirdars.” Before a *Jirga*, a husband invariably admitted the killing and produced at times, “most flimsy evidence” to establish the guilt of his wife, who had incidentally, “already paid with her life for the accusation against her, whether justified or not.” If found guilty and convicted by a *Jirga*, an accused person was sentenced by the District Magistrate to a fine and / or imprisonment, or transportation for a term not exceeding 7 years.

Eates was of the view that such punishments as a rule, included the grant of a *Sang* (compensation) to the clan of the murdered woman, whereby a girl or woman from the clan of the killer was given in marriage to a youth of the clan of the woman murdered. Unfortunately, an accused in a case of *karo kari* manipulated the issues in the case in his favour to an abnormal extent in order to avoid a sentence of transportation for life or of death. Under the ordinary law, Baluchis residing in areas where the Sind Frontier Regulations did not apply, “invariably conveyed a doomed wife to an area where the Frontier Regulations did apply,” before taking her life, so as to get the benefit of a trial by *Jirga*.

Senior and experienced police officers, quoted Baluch Sardars who said that “the law of Sio Kari, which enjoined a husband to kill an unfaithful wife and her *yaar* in order to remove the stain on his honour had been a Baluch tribal law for hundreds of years and could never be done away with.” Others reconciled themselves to the view that “it was a vital part of Baluch faith and the *izzat* of a Baluch was worth very much more than the life of a faithless woman.” In his 1967-68 talks in London, Kenneth Raye Eates held that “extreme severity, even death, failed to restrain the compelling force of a religious custom.” Here, it is necessary to point out that Eates was wrong in labelling Karo Kari as a “religious custom.” However, his conclusion was that “the rule of the Mirs came to an abrupt end in 1843” and “that of the British ended as abruptly 104 years later”, but “the Baluch rule of Sio Kari survives and will hold sway over the *Last of the Baluchis*.”

End Notes:

1. See p. 31 in David Cheesman's 1980 Ph.D. dissertation at the School of Oriental and African Studies of the University of London. Henceforth referred to as Cheesman, 1980. In 1997 the contents of the dissertation were published as a book "Landlord Power And Rural Indebtedness In Colonial Sind, 1865 – 1901" by the Curzon Press, Richmond Surrey.
2. Quoted by Cheesman from Proceedings of the Sindh Commission, Judicial Department, Acting Judge, Saddar Court, Sind to Secretary to Govt. of Bombay, 10 June 1901, File 1, 1901 Vol. iii, Part 1, Compn. 13, pp. 89 to 91 and p. 108.
3. See Chapter IX, p. 1, Sio Kari in the Eates Papers at the Asia and Pacific Collections of the British Library. Kenneth Raye Eates was a competent Superintendent of Police (SP) who had worked in various districts of Sind, including Sukkur and in the 1940's as SP CID Sind, Karachi. His major contribution to the colonial cause in Sind was in his confidential reports regarding the Hur insurgency of the 1940's and in building up the case against Pir Sibghatullah Shah, the Pir Pagaro in the ML Court which ended in the execution of the latter.
4. The Joys of the Working - Memoirs of an Indian Policeman, 2 Vols., John Court Curry, 1962. Vol. I. The Carefree Years, p. 72.
5. Eates Papers, Chapter IX, Pg. 1, Sio Kari.
6. Parliamentary Papers, Accounts and Papers, Thirty Six Volumes (II) East India, Scinde, Session 31 January – 12 August 1854, Vol. XLIX, 1854. Chapter XVII: (N) General Queries, p.327.
7. Ibid, pp. 326, 327.
8. Napier Proclamation, Selections from the Records of the Govt. of Bombay., LVI, NS part V, pg. 79 – 80.
9. Parliamentary Papers, 1854. Chapter XI (G) Criminal Justice. P. 256, Answer to query No. 5.
10. Richard Burton, Sindh Revisited with Notices of the Anglo-Indian Army, Railroads; Past, Present, and Future, etc., (two volumes). 1877, London, Richard Bentley and Son. Vol. II, pp. 54, 55.
11. Parliamentary Papers, Vol. XLIX, 1854. p. 258, answer to query No. 6
12. Edmund Cox Bart, My Thirty Years in India, London: Mills and Boon Ltd, 1909. P. 184.
13. Parliamentary Papers, 1854. p. 255, Answer to query No. 5.
14. Ibid, p. 255, Answer to query No. 5

15. Ibid.
16. Ibid.
17. The Life and Opinions of General Sir Charles James Napier, G.C.B. By Lieut. Gen. Sir W. Napier, k.c.b. John Murray, London 1857. Vol. III, p. 95. Letter from C. Napier to Richard Napier.
18. Ibid, Vol. III, p. 132, Journal, August 10th 1844.
19. Parliamentary Papers, 1854. Chapter XI (G) Criminal Justice. Pp. 255, 256, Answer to query No. 5.
20. Ibid, p. 256.
21. Ibid.
22. Ibid, p. 258.
23. Napier, 1851, p. 33.
24. Scott, 1912, p. 10.
25. Life and Opinions of General Sir Charles James Napier, G.C.B. By Lieut. Gen. Sir W. Napier, k.c.b. John Murray, London 1857. Vol. II, p. 378 and p. 409.
26. Ibid, p. 422.
27. Ibid, p. 448.
28. Ibid, Vol. III, pp. 49, 50. Letter from C. Napier to Capt. Young, Judge Advocate.
29. Ibid, p. 58, Napier to Gen. Simpson.
30. Ibid, Volume III, p. 34.
31. Charles Napier, Friend and Fighter 1782-1853, Rosamond Lawrence. London, John Murray, 1952, p. 137.
32. The Life and Opinions of General Sir Charles James Napier, G.C.B. By Lieut. Gen. Sir W. Napier, k.c.b. John Murray, London 1857. Vol. III p. 7.
33. Ibid, p. 19.
34. Ibid, pp. 47, 48. Letter from C. Napier to Capt. Young, Judge Advocate.
35. Ibid, p. 53.
36. Ibid, p. 52.
37. Ibid, pp. 48, 49.
38. Eates Papers, Chapter IX, pg. 1, Sio Kari.
39. Parliamentary Papers, Accounts and Papers, Vol. XLIX, 1854. Commissioner's Report on the Conditions and Mode of Administration in the Province of Scinde. No.

3886 of 1847, Political Department. Pg. 53, para 53: From R.K. Pringle, the Commissioner in Scinde to the Hon. G. Russel Clerk, Governor and President in Council, Bombay, Kurrachee, 31-12-1847.

40. Keith Young to Napier, 27 May 1846, Records of the Commissioner's Office, Sindh, Vol. 201, Political Dept.

41. Khuhro, Hamida, 1965. Thesis presented for the degree of Doctor of Philosophy, University of London. The British Administration of Sind Between 1843 and 1865: A Study In Social and Economic Development.

42. Napier Proclamation, Selections from the Records of the Govt. of Bombay., LVI, NS part V, pg. 79-80

43. Circular Orders issued for the Guidance of Officers in Sind, 11 Nov. 1847, Selections from the Records of the Govt. of Bombay, LVI NS part V.

44. James Gibbs, Selections from the Records of the Government of Bombay, LVI, NS, Part V, P. 81.

45. Khuhro, Hamida, 1965.

46. Parliamentary Papers, Vol. XLIX, 1854. Chapter XI (G) Criminal Justice. P. 261.

47. Ibid, P. 115, Item V, Report on the Pergunnah of Chhandookah; Lieutenant Hugh James, Deputy Collector and Magistrate. 15th December 1847, p. 135, para 26.

48. Ibid, p. 136.

49. Ibid, Chapter XI (G) Criminal Justice. Pg. 256, Answer to query No. 5.

50. Ibid, p. 258.

51. Ibid.

52. Ibid.

53. Ibid, p. 115: V, Report on the Pergunnah of Chhandookah; Lieutenant Hugh James, Deputy Collector and Magistrate. 15th December 1847, pg. 136.

54. Ibid, p. 256, Answer to query No. 5.

55. Ibid, pp. 258 to 260, answer to query No. 6; Major Goldney, Magistrate of Shikarpur.

56. Ibid, p. 260, See Answer to query No. 6 by Capt. Preedy, Magistrate of Kurrachee and by Capt. Keith Young, Judge Advocate General.

57. Ibid, Commissioner's Report on the Conditions and Mode of Administration in the Province of Scinde. No. 3886 of 1847, Political Department. From R.K. Pringle, the Commissioner in Scinde to the Hon. G. Russel Clerk, Governor and President in Council, Bombay, Kurrachee, 31-12-1847.

58. Eates Papers, Chapter IX, Pg. 1, Sio Kari.
59. Ibid, p. 2.
60. Ibid.

References:

A. Primary Sources

1. Proceedings of the Sind Commission, Judicial Department.
2. Records of the Commissioner's Office, Sindh, Vol. 201, Political Department.
3. Selections from the Records of the Government of Bombay, LVI, NS Part V.
4. Parliamentary Papers, Accounts and Papers, East India, Scinde, Session 31 January 12 August 1854, Vol. XLIX.
5. Eates Papers MSS/EUR/E 314/1-2.
6. Eates, K.R. Memories Grave and Gay, a typed copy is available in the Eates Papers.
7. James, Lt. H. (1847) Report on the Pergunnah of Chandookah. In Parliamentary Papers, 1854, House of Commons, Vol. XLIX, Item V.
8. La Bouchardiere, B. Memoirs of Basil la Bouchardiere, available in the Basil la Bouchardiere Papers.
9. The Joys of the Working --- Memoirs of an Indian Policeman, 2 Volumes, John Court Curry, 1962.

B. Secondary Material.

1. Aitken, E.H.: The Gazetteer of the Province of Sind. Karachi: Mercantile Steam Press, 1907.
2. Bart, Sir Edmund Cox: My Thirty Years in India. London: Mills and Boon Ltd., 1909.
3. Bart, Cox, Sir Edmund Cox: Police and Crime in India. Lon.: Stanley Paul and Co, 1910.
4. Burton, Richard: Sindh Revisited with Notices of the Anglo-Indian Army, Railroads; Past, Present, and Future, etc., (two volumes). London: Richard Bentley and Son, 1877.
5. Burnes, J.: Narrative of a visit to the Court of Sind at Hyderabad on the Indus . London: Longmans, 1839.
6. Cheesman, D.: Rural Power and Debt in Sind in the Late Nineteenth Century 1865-1901. University of London, Ph.D. thesis, 1980.

7. Curry, J.C.: The Indian Police. Lon. Faber and Faber, 1932.
8. Griffiths, Sir P.: To Guard My People, The History Of The Indian Police. Lon. Ernest Benn Ltd., 1971.
9. Hughes, A.W.: A Gazetteer of the Province of Sind. Lon. George Bell and Sons, 1876.
10. Khuhro, H: The British Administration of Sind Between 1843 and 1865: A Study in Social and Economic Development. University of London, Unpublished Ph. D. Thesis, 1965.
11. Lambrick, H.T.: Sir Charles Napier and Sind. Oxford: Clarendon Press, 1952.
12. Lambrick, H.T.: John Jacob of Jacobabad. Lon.: Cassell and Co. Ltd., 1960.
13. Lambrick, H.T.: The Terrorist .Lon. Ernest Benn Ltd., 1972.
14. Lawrence, Rosamund: Charles Napier, Friend and Fighter 1782-1853, London, John Murray, 1952.
15. Napier, Sir W.: The Conquest of Sind, 1836 - 43. Lon. T and W. Boone, 1845.
16. Napier, Sir W. (1851) History of General Sir Charles Napier`s Administration of Scinde, and Campaign In The Cutchee Hills. Lon. Chapman and Hall, 1851.
17. Napier, Lieutenant General William, k.c.b.: The Life and Opinions of General Sir Charles James Napier, G.C.B, (in 4 Volumes). John Murray, London 1857.

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