

**CRIME IN NINETEENTH CENTURY COLONIAL
INDIA: THUGI, DACOITY AND RIVER CRIME**

Dissertation submitted to the Jawaharlal Nehru University
in partial fulfillment of the requirement for
the award of the Degree of

MASTER OF PHILOSOPHY

SAMIRA KULSUM



**CENTRE FOR HISTORICAL STUDIES
SCHOOL OF SOCIAL SCIENCES
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI, INDIA**

2004

Chairperson
Centre for Historical Studies
Jawaharlal Nehru University
New Delhi-110067, India



Certificate

The dissertation entitled *Crime in Nineteenth century Colonial India: Thugi, Dacoity and River Crime* is submitted in partial fulfillment for the degree of MASTER OF PHILOSOPHY of this University. This dissertation has not been submitted for any degree of this or any other university and is my original work.

We recommend that this dissertation be placed before the examiners for evaluation.

Mridula Mukherjee

Prof. Mridula Mukherjee
(Chairperson)

Chairperson
Centre for Historical Studies
School of Social Sciences
Jawaharlal Nehru University
New Delhi-110067

Tanika Sarkar

Prof. Tanika Sarkar
(Supervisor)

Centre for Historical Studies
School of Social Sciences
Jawaharlal Nehru University
New Delhi-110067

**For
Papa & Mumma**

Contents

Acknowledgements

Introduction 1

I. Thugi in Central India 28

II. Dacoity in Colonial India:
A Case of 'New Discovery' or
'Resurgence' in Nineteenth Century 55

III. River Crime: Problems of
Policing and Patrolling 78

IV. Elaboration of the Legal-Administrative
Structure for the Suppression of
Thugi and Dacoity and the
Legal-Judicial Construction of the Crime 103

Conclusion 128

Bibliography 134

Acknowledgements

This research work has been a result of continuous encouragement and support of my supervisor Prof. Tanika Sarkar, who has been my teacher since my post graduate days. It was her inspired guidance which saw me through the completion of this dissertation. To her, I owe a good more deal than I can say. But I would like to thank her especially for her undiminishing patience, which was put to test by me on several occasions.

Dr. Radhika Singha was kind enough to help me, not just with ideas and suggestions but also with books, xeroxes of articles and even with her notes and extracts from some useful documents. Her initial comments on the chapter on River Crime helped me immensely in giving it an appropriate direction. I am also indebted to all my Professors who have broadened my understanding of history during my four years learning at J.N.U.

I would like to thank Dr.Pramod Mehra, my father's friend and colleague, at the National Archives of India (NAI). He constantly helped me with ideas and references, which helped me greatly in my research work. I would also like to thank the staff of NAI Library-Mrs.Santosh Tyagi, Mrs.Vandana Devi and Mr.Dhaneshwar Kumar, who took unlimited pains to trace my study material. I am equally grateful to the staff of the J.N.U. Library and NMML. A special word of gratitude for Mrs.Kapur and Dharmendra Sir, who gave me all possible assistance during my years in J.N.U.

My greatest personal debt is to my family. My Grandparents-Dada, Nana and Nanna- who always supported and encouraged me to pursue my interests. I thank my parents for supportively standing by my side in all my endeavours. It would not have been possible to complete this research work, on time, without Zufa's help. She stayed up till odd hours with me, without any complaints. Zain made my difficult days lively and cheered me with his regular anecdotes.

There are others, too, who deserve a mention. Urfi chacha helped me in all possible ways. Tanu gave me sound advices whenever I required them. I thank her for her unconditional friendship.

Samira Kulsum

INTRODUCTION

The dissertation aims at highlighting some of the themes and issues involved in the historical investigation of 'crime' in 19th Century India, namely- *thugi*, *dacoity* and *river crimes*. The area of study would be the contemporary state of Madhya Pradesh, while focusing on the crime of *thugi*. In the case of *dacoity* and river crime, the attempt would be to study them in the geo-political context of 19th century Bengal. The aim is to analyze the processes that went into locating these groups, the socio-economic milieu in which they emerged and operated, their organization and practices, and critically analyze the subsequent elaboration of the legal apparatus by the colonial state to effectively suppress such forms of collective criminal action and check its further spread. The discussions would then largely focus on issues like what constituted 'crime' and what were the governing ideologies and imperatives behind colonial responses.

The source material has largely been official reports¹, private papers and accounts of colonial officials² and the testimonies of individuals apprehended³ for the crimes. These provide the details of *thug* and *dacoit* bands operating in the region, their organization, practices and beliefs and of their interactions with other vagrant, peripatetic, itinerant as well as settled communities of the region. These also contain details of the activities and expeditions of the *thug* and *dacoit* bands. However, the colonial accounts view the phenomenon as one which is rooted in antiquity and accord it a cult status, thus completely ignoring the issue of contextualization in a more immediate present. The explanation given for

¹W.H.Sleeman, *Report on the System of Megpunnaism* (1839), *Report on the depredations committed by thug gangs of Upper and Central India* (1840), *Report on Budhuk Alias Bagree Dacoits and other gang robbers by Hereditary Profession* (1849) . C.Hervey, *Report on the Crime of Thugi by Means of Poison in British India* (1867).

²W.H.Sleeman, *Rambles and Recollections of an Indian Official* (1844). Edward Thornton, *Illustrations of the History and Practices of thugs* (London 1837).

³ Home Files, Thugi and Dacoity (T&D), NAI.

crime was devoid of specifications of time, place and linkages to the socio-political order. Instead, notions of honour, mindless violence and religious motivation were elaborated upon to describe crime.

The more recent work on this topic includes the writings of Stewart Gordon, Sandria Freitag, Radhika Singha and Mark Brown which form a substantial part of readings on the *thugi* and *dacoity* phenomenon⁴. These writings lay great emphasis upon contextualizing 'crime' and thereby studying it in its full complexity. Highlighting the particularities of colonial expansion, these works discuss the levels of interaction between 'crime, law and authority' in colonial India, and reflect upon the nature and the pace at which the legal reforms were carried out in response to the colonial anxiety regarding the need to uphold state authority.

These issues, however, would be discussed in section two of the Introduction. In the first section I primarily focus upon the conceptual frameworks which have been developed in the writings on 'crime' and 'criminal lives'. However it would not be an extensive and comprehensive study of the literature on this topic.

I

The history of crime, law and authority remained a peripheral topic in history writings until it was brought to the forefront and given its rightful place by the proponents of the writings in 'social history'.

⁴ S.Gordon, 'Scarf and Sword: Thugs, Marauders and State Formation in 18th Century Malwa', *Indian Economic and Social History Review*, No.4, December 1969.(Hereafter *IESHR*); S.Freitag, 'Crime in Colonial North India, *Modern Asian Studies*, Vol.25, No.2, 1991 (Hereafter *MAS*) and 'Collective Crime and Authority' in A.A. Yang ed. *Crime and Criminality in British India* (Tucson 1985); 'Sansiahs and the State: The Changing Nature of Crime and Justice in Nineteenth-Century British India' in M.R.Anderson and Sumit Guha ed. *Changing Concepts of Rights and Justice in South Asia* (OUP 2000); R.Singha, *A Despotism of Law: Crime and Justice in early Colonial India* (OUP 1998); Mark Brown, 'Crime, Governance and the Company Raj: The Discovery of Thuggee', *Brit. J. Criminol*, 42, 2002.

The study of the long term trends in 'crime, law and authority' has been a significant theme in the writings on 'social history' and in the 'history from below' approach, particularly the exercise of setting 'crime' against its socio-economic context, instead of concentrating solely on the purpose of criminal law and its relation to political imperatives. The strictly 'legal' criterion was done away with and the definition of 'crime' was enlarged in its scope, while the complexities of the 'class-power' approach to the study of crime were highlighted. This new approach gained prominence in the 1960s and 70s. It concentrated on 18th Century transformations which took place in Britain- namely the transformations from a pre-industrial society to a capitalist system. It focused on the lives and activities of the 'poor', 'the left out' and the 'working and laboring classes' i.e. the crowds and their motives⁵. The attempt was largely to study 'crime' in its full complexity i.e. in relation to its social and political contexts. A certain focus was also on the attempts at classification made by the ruling class and the state which marginalized some groups and dubbed their long standing economic activities as criminal.

The general definition of 'crime' then became the first issue of debate among the various historians. It acquired greater complexity when it was viewed in its historicity. In general, 'crime' can be defined as an aberrant behaviour that violates criminal law. As stated by J.A.Sharpe, the institutional definition of 'crime' would be 'an illegal behavior which if detected and prosecuted led to a criminal charge answerable in a court of law and carrying certain penalties'.⁶

According to Durkheim, 'crime' consisted of those acts which 'shocksentiments which for a given social system are found in all healthy

⁵ The more significant writings of this genre are E.P.Thompson, *Whigs and Hunters; The Origin of the Black Acts* (London 1975). Douglas Hay et al ed., *Albion's Fatal Tree* (London 1975). Peter Linebaugh, *The London Hanged; Crime and Civil Society in the 18th Century* (London 1991).

⁶ J.A.Sharpe, 'A History of Crime in Late Medieval and Early Modern England', *Social History*, No.3, Vol.2, 1978, pp.150.

conscience' i.e. to say that 'crime' is an act which violates the 'conscience collective'⁷. This opinion tended to view society as a unitary whole, devoid of contradictions and social divisions. It was therefore rejected by the proponents of 'history from below' approach who thereby raised the issue of distinct and contested social ideologies and processes which define 'crime'.

'Crime' within the 'social history' framework is to be then understood in terms of the breakdown of the communal and differential authority patterns due to a succession of confrontations between the customary moral economy and the innovative market economy, the idea is to locate the incidence of certain crimes in their changing socio-economic context, identifying the imperatives and priorities underlying the definition of 'crime'. The emphasis was to then study collective or individual actions as responses to such transformations and raise the elusive issue of popular attitude towards 'crime'. Embedded within this viewpoint, were the notions of popular perception of what is 'legal' and 'legitimate', and the concept of 'social crime'. E.J.Hobsbawm defined 'social crime' as a 'conscious, almost political challenge to the prevailing social and political order and its values' i.e. an act of law breaking which is not considered as a 'crime' in public opinion and which remains located within the existing socio-economic conditions and the 'moral order' of the time⁸.

Further describing 'social crime' as an act of law breaking which contains manifest dimensions of social protest and where conflicting sets of official and non official interpretations of the legal system exist,

⁷ E.Durkheim, *The Division of Labor in Society* (New York 1964), pp.73. Penal law, to him, was essentially a reaction to 'crime' and he recognized punishment as an expression of a particular form of social relation- a solidarity maintained by the enforcement of collective belief. It was defined as a mechanism whereby the domination of the society over individual is reproduced. Further, he pointed out that the explanation of change in punishment lies in a changed social evaluation of the moral seriousness of crimes. pp.96.

⁸ E.J.Hobsbawm, 'Distinction between Socio-Political and Other Forms of Crime', *Society for the Study of Labor History Bulletin*, No.25, pp.5.

Hobsbawm presented the notion of 'social banditry' which valorized the actions of the peasant bandits in predominantly agrarian societies⁹.

These bandits were described as 'peasant outlaws whom the lord and the state regarded as criminals but who remained within the peasant society and were regarded by their people as heroes, champions, avengers, fighters for justice and even perhaps as leaders of liberation and reformers'¹⁰. Further, the actions of 'Robin Hood' or the archetypal 'noble robber' were described to be in 'self defense, to uphold honor and for exacting justified vengeance'¹¹.

The social banditti in Hobsbawms' view was thus not just admired but also helped and supported by the village populace in organizing peasant movements aiming at the restoration of the traditional order¹².

Such emphasis placed upon the judgmental process by the 'history from below' approach tended to delineate 'social crime' from 'real crime', as those actions which had a degree of community or subaltern acceptance. This approach legitimates collective actions that were linked to social protests from below. It further drew attention to the fact that laws were not universally accepted and some offenders, on some occasions, could be legitimized by social groups and communities. 'Crime' here would refer to a situation where certain kinds of behaviour and activities were defined as 'crime' when social concepts of deviance were attributed to them by those in a position of power and authority to do so¹³.

The trend which then emerged in social history writings was to search for distinctions between 'good' bad guys and 'bad' bad guys.

⁹ E.J.Hobsbawm, *Bandits* (London 1965), pp.9-11.

¹⁰ *ibid*,pp.17

¹¹ *ibid*, pp. 43-44.

¹² *Ibid*,pp.17

¹³ Michelle Perrot stated "*There are no facts of crime as such, only a judgmental process that institutes crime by designating as criminal, both certain activities and their perpetrators*" 'Delinquency and Penitentiary System in 19th Century France',pp.219 in Forster R. and Ranum O. ed., *Deviants and Abandoned in French Society: Selections from the Annales Economies, Societies, Civilisations*, Vol.4, (Baltimore 1978).

There are good criminals, who are premature revolutionaries or reformers, forerunner of popular movements-all kinds of rioters, smugglers, poachers, primitive rebels in industries. This appears as 'social crime'. And then, there are those who commit crime without qualification-thieves, robbers, highwaymen, forgers, arsonists and murderers¹⁴.

It was the beginning of industrial enterprise which intensified the contact between various groups and thereby created a proliferation of norms and prohibitions. In a sense it reflected a rupture from the past situation where there existed considerable laxity over the issues of customary rights, perquisites etc, which were criminalized by the new order as these were regarded as obstructive to the trajectory of capitalist inroads into labour regimes. The argument presented from the 'social history' position was that the 'poor' was being increasingly criminalized with the tightening up of the laws of private property, penal codes and police-bureaucratic authoritarianism, with the transformation to factory production and rational technological innovations.

The resistance of the agrarian proletariat against the landlords, due to the intensification of agrarian capitalism and increased the use of the Enclosure Act in the 18th Century and that of the cottagers involved in resisting the Waltham Black Acts of 1723, were now viewed as 'crimes'. These had been fostered by hardships, sanctioned by the community of the poor and conducted with a distinct living memory of a 'regulated moral economy'. These resistances were to pursue 'not luxury but livelihood' as what was being criminalized was an enormous range of customary perquisites and appropriations and certain 'use rights'; access to land and timber was restricted and hunting, poaching etc had been made capital offences. Thus, it was with a strong sense of moral outrage that the 18th Century cottagers resisted the new order¹⁵.

¹⁴ Douglas Hay et al, *op.cit.*

¹⁵ E.P.Thompson, *Whigs and Hunters*, *op.cit.* The Black Acts were typical of the 18th century 'bloody codes' which sanctioned capital punishment for any forceful defense of the customary rights.

Similarly, workplace crimes- the actions of the Luddites protesting against industrial capitalism and rational technological innovations, through sabotage and wrecking of machinery, were regarded as attacks not on private property but on state authority. These actions resisted the criminalization of the earlier tolerated practices like-claiming scraps of woods or chips at dockyards, pilferage of cargoes of tea, tobacco etc, and the imposition of wage discipline and punctuality.

Crowd action in 18th Century England was directed against socio-political changes and towards a preservation of traditional rights and customs. Agrarian capitalism and commercialization, market specialization and industrialism, which led to the breakdown of the communal and differential authority patterns, were attacked. Since this was done from within an understanding of the 'moral economy' the objective of resistance was not to 'condemn' the capitalist order but to 'correct' the abuses of the trade. Thus, the essential qualification for 'social crime' was the motive of the 'criminal'; this was a forceful defence of traditional customary rights, which were now eradicated by privatization or over-written by new laws.

Peter Linebaugh has demonstrated how the 'picaresque/yahoo' proletariat of 18th Century England took to crime under a 'sense of grievance'. For example, the 18th Century butcher, who lost his livelihood with the centralization of capitalist marketing and an increased control of wholesalers and dealers, took to highway crime out of necessity. Just as the imperative for the crime was derived from their workday lives, the gains which was derived was used in restocking of business and for personal survival. The image, thus, projected, was of a 'family man, sharing attributes of plebian tradesman and proletarian victim of oppression'. Their bold actions did not question the inegalitarian hierarchy of the society,¹⁶ yet, they were dubbed as 'rebellious and criminal'.

¹⁶ Linebaugh, op.cit.

Other crimes of a similar nature- fostered by economic hardships and encouraged by opportunity are widely recorded in context of 18th Century England. One striking example is the case of *Thomas Rolf*, convicted of highway robbery in October 1754. It was destitution which led him to crime, he was unemployed and his wife was about to deliver their third child¹⁷. In a way, 'social/distress crime' was then distinct from 'criminality' evident in the case of 'professional or habitual' criminals¹⁸.

The notion of a 'criminal class' remained a convenient one for the state or the ruling classes to describe the 'laboring classes'. It was insisted that 'crime' in society was committed on law abiding citizens by an 'alien group', thereby completely absolving the upper class of the responsibility for working class destitution¹⁹. This represented bourgeois social and political anxieties rooted in the imperative concern to protect private property and political order. The Habitual Criminals' Act (1869 & 1871), in Britain, reflected the same urgency about exercising control over the criminal sections of the population which, the bourgeoisie feared, could challenge the socio-economic order. Further it also sought to segregate the 'honest working classes, the moral subjects of the bourgeois order' from those who were regarded as 'degraded, degenerate and unskilled parasites' who threatened bourgeois property. This attitude shaded off imperceptibility into criminality, as it was anxieties over moral order that shaped images of criminality.

¹⁷ The evidence indicated that *Rolf* had behaved politely and apologetically to his victim as he robbed her. Though initially he was sentenced to death, *Rolf* finally did receive a free pardon. Langbein, op.cit., pp.111-112.

¹⁸ Habitual criminals are a set of people who make crime the object and business of their lives, to commit crime is their trade, they deliberately scoff at honest ways of earning and living', J. Morrison, 'Prison Reforms: Prisons and Prisoners', *Fortnightly Review*, Vol.71,1898.

¹⁹ Clive Emsley, *Crime and Society in England 1700-1900* (Longman 1987), pp.133. Distinctions were drawn in standards of morality, dress, argot and physiognomy and images of vagrancy, poverty, crime and political revolution were used to denigrate and condemn the working classes.

Since the inclination within writings on 'social history' was towards studying 'law' both as an ideology and as actuality, the emphasis was upon the realization of the social process which went into the making of laws or which preceded prosecution. Within this purview 'law' was then widely accepted as a legitimate means of 'exercising authority' and as a vehicle of 'class oppression and coercion mediating and masking class relations'. It was regarded as a 'ruling class conspiracy' against the lower orders, crucial for sustaining 'ruling class hegemony and preserving private property'²⁰ i.e. it addressed political and economic imperatives as much as the concern for crime control. Thompson further stated that 'law' is not distinct from culture but is a part of it, official legal concepts may be informed by cultural understandings even when those concepts are at odds with customary norms'²¹. Popular attitudes towards 'law and authority' then figured significantly in these writings where socio-economic and political changes acquired centre stage²².

These were well reflected in the food riots which took place in 18th century England. E.P.Thompson describes them as 'compulsive not unthinking' reactions to hardships. The food riots were not 'simple responses to economic stimuli'-be it bad harvest, down turn trade, roaring prices, hunger or malpractices²³. As described, such food riots were highly organized and disciplined, with clear objectives and rested upon a consistent traditional view of social norms and obligations which constituted the 'moral economy' of the 'poor' which, in its turn, rested upon a 'selective reconstruction of the traditional paternalistic notions'²⁴. That is to say, all participating men and women were 'informed' by the

²⁰ E.P.Thompson, *Whigs and Hunters*, op.cit., pp269. Also Hay, op.cit., pp.30.

²¹ E.P.Thompson, *The Poverty of Theory* (London 1978)pp.288

²² Sally Humphreys has described 'law' not as a corpus of practical rules, but a part of the ongoing discourse about the good and the bad states of society, in 'Law as Discourse', *History and Anthropology*, No. 1, 1985,pp.251

²³ *ibid*, pp.76.

²⁴ These served as a repertoire of proven tactics which were strikingly adaptable to the changing times as the rioters took into account the different regional and local economic and political contexts in which they acted.

belief that they were defending 'traditional rights and customs' and were supported by a wider consensus of community which overrode motives of fear or deference²⁵ despite the hostile attitude of the state towards such assertions.

Embedded within this viewpoint was the notion of 'moral righteousness' of the crowd i.e. the popular perception and attitude towards law enforcement and crime.

Douglas Hay while documenting the disjunction between the popular idea of 'legality' and the legal intentions points out that there existed a discrepancy between 'codified law and observed law'. Even though the death penalty was prescribed for an extraordinary number of offences against property in 18th Century Britain, there was no corresponding increase in the number of executions. Statistically proven, deprivation of resources- fines, compensations, physical sanctions-corporal punishment, transportation and banishment were more common forms of punishment.

The 'rule of terror' was then a reflection of 'social anxieties' and was to deter criminals because the sacredness of property was the prime concern of the state²⁶. This was, once again, a reminder of the intimate relationship between law, property and class assertiveness. More than any other social institutions, and in the absence of a police force or the prison, it was the 18th Century English Criminal Law which made governance possible.

Michael Ignatieff, too, recognized the role of the ruling class ideology in shaping up of the penal regime. In his work, he refers consistently to the growth of the reformatory prison system and the rehabilitation programs as being causally tied to the activities of the emerging liberal and capitalist state as it needed to justify this change. For the same reason, religious and

²⁵ E.P.Thompson, 'The Moral Economy of the English Crowd in the 18th Century', *Past and Present*, No.50, Feb.1971, pp.78.

²⁶ Douglas Hay, 'Property, Authority and Criminal Law' in Hay ed., op.cit. , pp43.

philanthropic impulses behind institutional reforms were stressed upon²⁷. He states that all members of the bourgeoisie were 'of necessity drawn into the tactics and strategy of class rule in a time of conflict and that central government responded in a systematic way to it'²⁸. He also acknowledged the complex motives of the reformers. To Ignatieff, not only did they act out of political self interest but also from religious belief and a sense of guilt, an understanding that the wealthy had some responsibility for crime. The reform in his words was the result of 'symbolic persuasion'²⁹.

From the legal history position, studies of judicial doctrine and statutory reforms were normally done to trace the history of present day laws, ignoring and overlooking the internal contradictions or the social context. The history of crime and law, then, is generally constructed as the story of reform carried out by the legalists. It is described in terms of a grand advance out of a medieval world of disorder into the 20th century where serious crimes are largely conquered and the rights and needs of the criminals fully protected. J.H. Langbein, an adherent of this approach, presented an 'internalist' argument, stating that 'prosecution was not the preserve of the ruling class', the policy of capital punishment and deterrence were employed because 18th Century England had neither a professional police nor a system of secondary punishment. Further, these capital statutes were repealed in the 19th Century as the legal system sought to reform and revise itself by incorporating ideals of 'humanitarianism and benevolence' implying that deterrence and reform were joint aims which were advocated simultaneously and coherently. As stated 'the whole of the criminal justice system was designed to protect the people who suffered from crime'. The system in his view was not arbitrary

²⁷M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution* (London 1978) pp.42, 54-55.

²⁸ Ibid, pp.163-168.

²⁹M. Ignatieff 'State, Civil Society and Total Institution: A Critique of Recent Histories of Punishment', pp. 88., in Cohen S. and Scull A. (ed.), 1983, *Social Control and The State: Historical and Comparative Essays*, Oxford.

or self interested but rather based on 'good faith considerations of the ethical decision makers'³⁰. That is to say that 'crime and punishment', instead of being regarded as behaviorally defined type of action in response to social-political stimuli, was defined by prior legal definition. Crime, within this perspective, is assumed to be an objective fact, and criminal policy was then described as a more straightforward response to it.

The social historians however rejected the 'givens' of modern criminology in their study of crime and criminals. In the given context of 18th century transformations, the proponents of 'history from below' approach pointed out that legal change and transformation was not taking place in a social- ethical and politico-cultural vacuum. The 'hegemony of law' was never complete and unbroken³¹. The 'fabric of authority' was constantly torn by frequently occurring organized popular protests. The 18th Century food riots and other work-place based insurrections, sabotage, wrecking etc were serious misdemeanors to the existing traditional authority patterns. If the peasants' concept of the 'moral economy' was shaped up by the rigid transformations which took place under the garb of modernization, then the states' and the ruling classes' attitudes towards crime and criminality were shaped up by such instances of widespread resistance which sought to negate the new norms or attempted to revert to the traditional norms forcibly.

The 'history from below' approach brought to the study of 'crime and law' by the proponents of 'social history' has successfully rejected the uncritical notion of 'crime' being just aberrant behavior. It also successfully established that the 18th Century criminalization of the poor and the marginalized sections of the society was more a case of certain

³⁰ J.H.Langbien, 'Albion's Fatal Flaws', *Past and Present*, No. 98, 1983, pp101. The criminal justice system was to protect an over whelmingly non elite population of small shopkeepers, artisans, innkeepers, who were victims of rioting, robbery, theft. Thus, there was certainly a class line but not a class gulf to the argument.

³¹ *ibid.*, pp.55.

kinds of behaviors being overwritten by socio-political context in wake of a very brutal transformation to the capitalist norms. These notions of 'distress/social crime' have, however, certain limitations and these also evoked criticisms. Firstly, the definition of 'crime' got laced with ambiguity. What constituted as 'real crime' became difficult to ascertain as with greater emphasis on the 'judgmental process' any offender could be characterized as a 'social criminal'. It, in fact, led to the romanticisation of 'crime' as well of 'criminals'. Any act of crime was now easy to dub as one resulting out of felt grievance and the criminals' concept of legality, no matter how detached it may be from the actual legal conception of crime. And finally, the approach is criticized for giving undue emphasis to the elements of class conflict. In his critique of Hobsbawms' *Bandits*, Anton Blok dubs the concept of 'social banditry as a figment of human imagination'. Taking the concept of 'social banditry' beyond the agrarian context, Blok has pointed out that there more to it than the concept of 'social protestor'. He describes the 'bandits' as a broad category, inclusive of the mafia, bandit gentry, raider communities etc³². Also, he argues that there is more to 'banditry' than the idealization of class conflicts because there existed a complex web of relationships determined by power which allowed the bandits to forge vertical as well as horizontal ties of solidarity with classes beyond the poor. That is to say quite often they 'terrorized those from whose very ranks they managed to rise and even on occasions suppressed them'³³. Blok in his approach emphasizes the power domain within which the bandit forged ties of kinship, community and even political networks.

However, despite these obvious limitations, this 'history from below' approach saw more in 'crime' than just an act of law breaking. It problematised the domain of law by contextualizing and historicizing

³² Anton Blok, 'Peasant and the Brigand; Social Banditry Reconsidered', *Comparative Studies in Society and History*, No.14, Vol.4, 1972.

³³ *ibid*, pp.496-500. This holds true particularly for bandits who assumed retainership and received protection and patronage from lords.

'crime' it also did address the issue of socio-economic and political complexities in relationships and attitudes.

Foucault's study of the 19th Century prisons and penal regimes prised open a new territory to address the issues of 'crime, law and authority'. While concentrating on specific events and transformations that occurred between the 17th-19th centuries in France, like the emergence of new forms of knowledge, human sciences, new forms of exercise of power, he developed the concept of 'power-knowledge' to illustrate these changes. The most significant of the transformations was identified as the development of a centralized state apparatus for control and punishment of 'crime and delinquency' and the 'care and cure' of other types of 'deviants'. The state through 'discipline and surveillance' of populations also produced both 'new domains of objects and definite forms of knowledge'³⁴.

Foucault described 'power' not as a privilege or preserve of the dominant class but saw it rather as a strategy, manoeuvre or tactic to exert pressure³⁵. The transformation of the penal system into a penitentiary technology, to him, was synonymous with the diffusion of 'disciplinary power', which sought to discipline or normalize the criminals without the use of violence. It was not just to deter them from the criminal activities but also aimed at their character building³⁶. He asserted that 'disciplinary methods' were employed at all the levels of the social domain and in forms that are not contained or exhausted by the state and its apparatuses, and they spread to specific social institutions like the hospital, military academy, factories etc marking the 'extension of surveillance' and 'diffusion of disciplinary mechanisms' in the entire social domain³⁷. These

³⁴ M.Foucault, *Discipline and Punish: The Birth of the Prison* (London 1977).pp.190-194

³⁵ Ibid, pp.26-7.

³⁶ Ignatieff too notes that the idea of prisons as places of long term confinement for punishment and reformation of the criminals was some thing new at the end of the 18th century.

³⁷M.Foucault, op.cit., pp.227-8

institutions served not just the immediate practical aim of social control but also the ultimate goal of the state which was the development of character by reinforcing a structure of values.

Further, 'discipline' was identified as the key concept in the emergence of the prison as the dominant form of punishment at the beginning of the 19th Century. The penal process was then described as one where 'a corpus of knowledge, techniques, scientific discourses is formed and becomes entangled with the practice of the power to punish'³⁸.

Further, the character and motive of penal policy, too, were transformed. To Foucault, it was the failure of the classical reformers, like Beccaria, in producing order and sufficient social control which led to the formulation of schemes of penality. The 18th Century tactics were described as 'ceremonial punishment' which were aimed at transformation and reform. In the 19th century these tactics became both a procedure for requalifying guilty individuals as subjects, so that they might be able to resume their place in society and also as means for discouraging the population of potential offenders. Undoubtedly, the penal policy then was reflective of the deep structures of power. Also the fundamental quest of the penal reform had been 'not to punish less, but to punish better'³⁹. The practice of imprisonment was then recognized to be a mechanism for differentiating offences rather than eliminating them, for establishing and reproducing a 'politically and economically less dangerous type of illegality(delinquency)'⁴⁰.

The central themes of the 'Panoptican'⁴¹ - 'surveillance and observation, security and knowledge, individualization and totalisation, isolation and transparency' thus found their expression in the institution of the prison

³⁸ *ibid*, pp.23.

³⁹ *ibid.*, pp.82.

⁴⁰ *ibid*,pp.276-80.

⁴¹ It was theoretical concept of prison reform developed by Jeremy Bentham in 1791. It was proposed to develop as a structure which enabled constant supervision. Further, it was to operate as a profitable commercial enterprise, selling the products of convicts' labour.

along with the mechanics of producing obedient subjects. To Foucault, this structure was reflective of the states' attempts at inducing in each prisoner a state of permanent visibility that assured automatic functioning of power⁴². This kind of 'supervision and punishment' was aimed at controlling the mind, whereas, the earlier forms of punishment were directed at the body. In a sense it meant a complete appropriation of an individual for his transformation. Penalty, thus, was regarded as perhaps the most extreme example of state's routine coercive power and its legitimation⁴³.

The exercise of 'disciplinary power' and 'disciplinary punishment' was not regarded as reducible to 'judicial punishment'. 'Disciplinary power' was then exercised on departures from the rule, on non observance of imposed norms and its aim was essentially corrective, to close the gap between the '*deviant*' and the programmed norm. However, Foucault suggests the hidden function of the prison was constructing a criminal class. As stated, the prison 'fails to eliminate crime.....but has succeeded in producing the delinquent as a pathologised subject'⁴⁴. Thus, the prison was regarded as an institution to confine and discipline the poor, the unemployed and the socially disadvantaged. Ideologically, the prison superbly reconciled deterrence and reform and terror and humanity.

Historians dealing with 'history from below' had for long emphasized social organization, complexities and tensions involved in the definition of 'crime' which emanated largely from the tensions in the society, where the class divide was prominent. The revisionism to this approach has

⁴² M.Foucault, op.cit., pp.200-02.

⁴³ Foucault draws clear contrasts between 3 ideal types of punishment mechanisms. (1) Corporal, which was exemplified in the punishment system of ancient regime. (2) Juridical, which was imposed by classical reformers like *Beccaria*(1764) who advocated 'deterrence' for the offenders and to others. Punishment in its intent was 'preventive' and public work was identified as the best possible form of penalty. (3) Carceral, which found expression in the prison, whereby early punishments based on vengeance, cruelty and ignorance gave way to informed, professional and expert intervention. *ibid*, pp.130-131.

⁴⁴ *ibid*, pp.227.

emphasized equally on the presence of the state apparatus along side the class-power conflict. Moving beyond the notion of conspiratorial class strategies, this approach stressed upon the conception of power within the various institutions which sought to alter the criminals' personality. The responses of these various state apparatus and other institutions to crime and criminals formed the backdrop of the legal, as well as, the penal structure. In their endeavor, not only have they succeeded in the scrutiny of the earlier claims of law and institutions being reflective of the 'rational march towards reason' but concomitantly produced writings and micro-studies of these various issues which enrich our understanding of 'crime, legal structures and authority patterns'.

II

Colonial presence has determined the character of historiography on 'crime, law and authority' in the context of late 18th-19th Century India. The overwhelming focus has been on the policies of the *Raj* and on colonial attitude towards indigenous values and institutions. This, according to David Arnold, provided the entry point into the 'insights of the nature of elite-subordinate relationship'⁴⁵.

Legal structures-their codification, elaboration and administration, within the colonial context, too, tended to buttress a colonial social order. This was designed to reinforce those at the top the hierarchy of groups who agreed to embrace the moral norms – on issues of personal law and property rights, as defined by the colonial state. It did signify tensions between 'indigenous custom and alien state law'⁴⁶. The transformation which took place from the 'law of status to the law of contract' thus was

⁴⁵D.Arnold, 'Crime and Crime Control in Madras, 1858-1947', in A.Yang ed., *Crime and Criminality in British India*, (Tuscon 1985), pp.77.

⁴⁶ A clash of values and a bipolarity of authority and norms have been emphasized, between the indigenous and colonial legal systems in B.S.Cohn, *An Anthropologist among Historians* (OUP 1987).

not devoid of serious overlaps. This change was not without qualifications as the colonial state did preserve a degree of local autonomy due to its complicity with a few status groups, who were turned into legal experts⁴⁷. However, it also brought about a 'judicial homogenization' through textualisation- Brahmanisation/Islamisation, of tradition, norms and customs⁴⁸.

The colonial legal policy thus developed as a curious mix of Laissez-faire, Utilitarianism and Bureaucratic authoritarianism, laced with continued reliance on certain indigenous authority structures. The primary reason for this was the fact that it was being constantly pulled in different directions while catering to the needs of and securing the cooperation of the powerful elements-indigenous elites, local officials and various other pressure groups, within a civil society. The legal reforms were claimed to be a part of the 'civilizing regime' of the British as the already existing criminal codes were identified as 'abusive' and were replaced by a new 'humanistic interpretation'. This inevitably implied the supposed timelessness of India against the modernizing colonial project. The focus thereby remained on grand binary distinctions of- status/contract, tradition/modernity, law/custom, alien/indigenous.

This approach represented how 'law' was restricted through either open or covert means but ignored how legal concepts were appropriated and manipulated by different groups in civil society⁴⁹. The 'rule of law' under colonial despotism was not simply a 'liberal progression to reason, humanity and natural justice'- as was claimed, by the state, but it was riven with contradictions. It was laced with caste and class considerations

⁴⁷ By treating the Sanskrit texts as the most authoritative text for native law, not only did the colonial state legitimize the demands and identity of the higher classes but greatly intensified the *Brahmanisation* of Indian law. A similar course was followed for the Quranic texts. Sally Humphreys, 'Law as Discourse', *History and Anthropology*, No. 1, 1985, pp.246.

⁴⁸ M.R.Anderson, 'Classification and Coercions; Themes in South Asian Legal Studies in the 1980s', *South Asia Researches*, Vol.10, No.2, November 1996.

⁴⁹ M.R.Anderson and S.Guha ed., *Changing Concepts of Rights and Justice in South Asia* (OUP,N.Delhi 2000). The pandits, maulvis and other pre-colonial legal officers played a key role in shaping colonial understanding of prevailing legal norms. pp.2-3.

and privileges. Often it also recognized claims to 'patriarchal/masculine honour' which were in conformity with the legal claims of the state⁵⁰.

The study of the 'history of crime' in India through the lens of 'social history' has brought to the forefront many groups of criminals from the Indian past - armed and raiding groups-mendicant groups, *bhils* and *pindaris*, *thugs*, *dacoits*, criminal tribes, etc. Though not necessarily, their trial led to the category of 'social crime' it, however, provided analytical glimpses into the larger system – political, legal and socio-economic, of which they were a part.

By the beginning of the 19th century, the Company had seized almost the whole of India and asserted itself as the dominant state. Its rationale was existence and the need to preserve order. Malcolm noted that the conquest was the easy part in comparison with what remained to be accomplished: the preservation of the newly acquired empire⁵¹. The need was then to eliminate the isolated loci of resistance and protest and thwart criminal enterprise.

Colonial attitudes towards 'crime and criminals' were formed by certain notions which the British carried with them into the subcontinent, which acquired a more definite view as it interacted with indigenous values and institutions. Most significant of colonial notions was the 'absolute and exclusive' concept of British authority in India which was fused with the idea of 'moral influence' and 'state power'. This was, then, in stark contrast with the divisible perception of authority prevalent in 19th century India⁵².

A multiplicity of compulsions and loyalties was the hallmark of the Indian socio-political system in the 19th century because of shifting political boundaries, indefinite jurisdiction- written and unwritten bodies

⁵⁰For details see 'The Magistrate and the Domestic Sphere' in Singha, op.cit.

⁵¹Malcolm, *A Memoir of Central India*, op.cit.,

⁵²Frietag in Yang ed., op.cit. pp.141.

of law and custom which could be ignored or evoked as and when required⁵³. There existed a multiplicity of legal authorities along with a plurality of customary sources of rights and laws. Thus, emphasis was placed on the 'rule of law'- which was to be firm and impartial, standardized and based on universal principles and a 'civilized state', which would rule in a 'benign patriarchal fashion' with a 'moral authority'. The colonial state therefore sought to regulate the incidence of 'crime' which were collective and was therefore far less concerned with individual crime as the more organized disturbances virtually amounted to the denial of authority of the Company. Frietag argues that collective crime was perceived as most threatening to the British authority in India. The legislations and institutions were designed first to protect the authority; crime control measures of detection and conviction were secondary⁵⁴. Apart from the position of authority, another reason for the colonial state to reinforce effective means of control to curb the steady growth of crime and the breakdown of law and order was to be able to maintain its strong fiscal position, as the collection of revenue suffered greatly during the times of turbulence

From the inception of colonial rule in India, there prevailed an atmosphere of tension, violence and resistance. Apart from the organized peasant movements there were also the unorganized ones, carried out by mendicants, mercenaries and others, which lacked any declared political aim and which reflected a tradition of militancy. This made it increasingly difficult for the newly established state to distinguish between rebellion and crime, rightful cause and malevolence. The demarcation between legality and illegality was difficult to ascertain. The concepts of criminal classes and tribes were used by the British because their own notion of authority encompassed, at once, government power and moral influence.

⁵³ Malvika Kasturi, 'Rajput Lineages, Banditry and the Colonial state in 19th Century British Bundelkhand' *Studies in History*, Vol. 15, No.1, 1999.

⁵⁴ Frietag in Yang ed., op.cit., pp.157.

TH-115-83

The groups which were absorbed by the society, albeit on the margins, were denied any voice by the colonial authority. Thereby, most of the early patterns of behaviour were perceived as forms of violence, resistance and disorder which threatened their authority and interests. These were identified by the state as acts of 'marauding, banditry, dacoity' and were identified as problems of 'law and order' and 'lawlessness'.

The 18th century territorial expansion into the Indian subcontinent by the company set the context for colonial administrative responses as the authorities were suddenly faced with various forms of 'collective action' as the colonial intrusions along with certain socio-economic developments of the time disrupted the 'intermediate economy', as the transition took place from a 'tribute based state' to one reliant on land revenue⁵⁵. Therefore most of the popular movements of the time were restorative in character, resisting any change brought about in the continuing patterns of rural society by colonial intervention.

In Bengal, the colonial inroads were resisted by the armed bands of *Sanyasi and Fakir Raiders*, whose traditional rights of levying taxes, plunder and indulgence in trading, money lending and smuggling of goods, etc were curtailed by the colonial state⁵⁶. These mendicants were rooted in the socio-cultural background of the region and were part time householders/agricultural workers maintaining close ties with the peasants as well as with the wandering soldiers. It was this combination of forces, fundamentally of peasant origin, which bolstered the *Sanyasi and Fakir* rebellion.



⁵⁵ C.A. Bayly, *Rulers, Townsmen and Bazaar: North Indian Society in the Age of British Expansion 1770-1870* (Cambridge 1983). He has elaborated upon the practice of mercenary bands combining plunder and extortion with nomadic cycles of pilgrimage and trade. The term 'intermediate economy' was used to denote the non agrarian economy, characterized by the expenditure of local rulers and elites upon military service and other service sectors.

⁵⁶ Jamini Mohan Ghosh, *Sannyasi and Fakir Raiders in Bengal* (Calcutta 1930). The Sanyasis lived on the free holdings around the villages of Barabazar, Dampara, Tenguri and indulged in trade of raw silk, cotton goods, opium, precious stones and spices.

They resented the Regulation of 1788, which meant the resumption of the rent free holdings by the state and the imposition of the pilgrim tax. Further with the strengthening of the Company's monopoly and the drive for revenue maximization the trading activities of the *Sanyasis* suffered⁵⁷.

Of a similar nature were the *Chuar rebellions* where the *chuars* or the *bhumij* people of *Midnapore* district were deprived of their age old privileges and prestige stood against the Company under the leadership of their zamindars. The famine of 1770 aggravated the plight of the rural population and it further witnessed the participation of the artisans and weaver community in these rebellions.

It was during the period from 1772-73 to 1777-78 that the *Sanyasis* and *Fakirs* gained more footing in rural Bengal. As part of the resistance, they intercepted collections for treasury and snatched them on many occasions. Also the peasants started handing over the revenue dues to them and they also collected money a 'tax' from the landlords⁵⁸.

The post-Permanent Settlement period was marked by the second phase of the *Chuar rebellions* which witnessed the decline in the status of *zamindars* as well as of the primary producers. By 1798-99, the rebellion spread to most of rural Bengal.

In the Central Provinces, the mercenary armed bands of the *Bhils* and *Pindaris* were dislocated and disbanded in the early 19th Century. Robinson has described the 19th Century transformation for these communities as one from 'political competition to social banditry'. This change was primarily brought about by the change in the nature of the state with the innovative regulations and law codes which created 'social bandits' and rebels out of peasant protesters and men of political

⁵⁷ Basudeb Chattopadhyay, *Crime and Control in Early Colonial Bengal* (Calcutta 2000), pp.11.13.

⁵⁸ B Chatterji, 'The Darogah and the Countryside: The Imposition of Police Control in Bengal and its Impact 1793-1837, *Indian Economic and Social History Review*, Vol.18, No.1, 1981.

ambition⁵⁹. Guha too points out that the 19th Century witnessed the destruction of a system of political relation between ‘the politics of the forest and the open country’, as had existed for centuries. This was not merely because of military technique deployed but was more a consequence of the great sedentarisation that the British supremacy was able to impose.

With the annexation of the *Peshwa's* territory, the colonial regime was able to institute policies of subjugation and settlement along the entire periphery of Central India, extending to Deccan. It was then that the various mobile itinerant communities came to be regarded with suspicion⁶⁰. The existence of such ‘predatory’ bands not just impinged upon the company’s revenue in the context of Bengal, where it had recently acquired *diwani* rights and had imposed the Permanent Settlement, but also posed a great threat of armed resistance thereby obstructing the colonial economic and political-administrative order⁶¹. Thus, even when the region was ‘pacified’ and these bands had been ‘annihilated’, the fear of armed attacks from the wandering communities remained ingrained in the colonial mind and rhetoric and any violent incident in the countryside was almost instinctively interpreted as threat to public order.

Also, within the colonial context, famines were regarded as times of ‘crisis and disorder’ as looting, pillage, rioting, dacoity, etc which accompanied it shattered the administrative structures and questioned colonial authority.

Sanjay Sharma has described the various ‘famine crimes’ as active responses from the peasantry to the socio-economic context, an expression

⁵⁹ F.B.Robinson, ‘Bandits and Rebellion in 19th Century Western India’, in Yang ed., op.cit.

⁶⁰ Sumit Guha, *Environment and Ethnicity in India 1200-1900* (CUP 1999), pp.135.

⁶¹ In Bengal, from 1772-73 the Company started to develop a civil administration as they felt a greater need was to quell every disturbance/resistance which created a barrier to their economic interest and their political plans.

of collective/ individual frustration, desperation and despair, for satisfying immediate subsistence needs⁶². To Arnold, rioting and looting were the established forms of protest of the underprivileged. Often such actions were expressions of the panic and anger felt by the poorer classes against the abrupt rise in prices, grain trade, anticipated famine, etc. Attacks on grain stores, edible goods, on transit on land as well as navigable routes were dubbed as 'spontaneous acts of rioting and plunder' which were anticipated and posed as a different situation to handle⁶³.

In the wake of recurring famines, solidarities (vertical and horizontal) too were forged as a part of the popular action. Often temporary, they involved a breakdown of conventional hierarchies and a blurring of distinction between the 'good' and the 'habitual' criminal.

CER Girdlestone wrote "the starving people forgot all rights of possession and violently laid their hands on the neighbor's supply"⁶⁴. The continuation of the traditional moral authority and local mechanisms which stressed paternalistic obligations and social qualification to property brought in elements of ambiguity in state attitude as it was more familiar with the notions of 'sacredness of private property'.

The problem was also of state action against 'collective action' which rendered anonymity to the 'crime' as it was difficult to procure evidence, and classify and categorize the culprits. In a sense, the colonial state was faced with a situation of socio-ethical vacuum which allowed it to let loose repressive measures of rural policing and deployment of armed troops for suppressing 'famine crimes', which were sanctioned by the traditional moral leader, as they threatened colonial authority.

This implies the fact that there were notions about the right order of society inscribed in certain procedures of the colonial government which differed in certain ways from those of the Indian elite- as in attitudes

⁶² Sanjay Sharma, *Famine, Philanthropy and the Colonial State* (OUP 2000).

⁶³ David Arnold, 'Looting, Grain riots and Government Policy in South India', *Past and Present*, 84., 1979.

⁶⁴ *Report on Past Famines in North Western Province* (1868).

towards 'subsistence crimes', mendicancy, charity etc. These differences, when found expression in law and police practices, tended to impose sharper boundaries of social marginality for certain groups. The official attitude towards beggars and mendicants remained one of caution. Also, the colonial authorities were gravely concerned with recurrent petty offenders i.e. 'those who live by theft'⁶⁵.

It is within this historiographical context that the dissertation attempts to explore and examine the categories of *thugs* and *dacoits* and their specific crimes. The objective is not to trace the origins of these crimes but to locate them within the context of colonial expansion in India. Further, while elaborating upon the life and activities of the *thug* and *dacoit* bands the intention would not be to construct the paradigm of 'social crime' but to highlight their criminal character.

Thugi, an indigenous term, in its literal sense means 'to cheat or to deceive'. The ACT XXX of 1836 stated

Whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of thugs, either within or outside the territories of the East India Company, shall be punished with imprisonment for life with hard labour⁶⁶.

It was the draft penal code of 1837 that attempted to define *thugi* as 'murder by stealth' perpetrated by gangs of 'highway robbers'⁶⁷.

The ACT XXIV of 1843 extended the anti-*thug* law to professional bandits or *dacoits*, whose crime, like that of *thugi*, was not defined explicitly. It stated

⁶⁵ As Singha points out, the indigenous term *uchchakagiri*, which described petty stealing, pick pocketing etc, suggests a belief that there were people who made a regular practice of it. Op.cit., pp.71.

⁶⁶ F.L.Beaufort, *A Digest of the Criminal Law of the Presidency of Fort William and Guide to all Criminal Authorities Therein* (Calcutta 1857), pp.821.

⁶⁷ Clause 311 of the Draft Penal Code,1837, stated 'Whoever belongs ,or has at any time belonged, to any gangs of persons associated for the purpose of gaining livelihood by inveigling and murdering travelers in order to take the property of such travelers is designated as a thug'. Quoted in Singha, op.cit, pp.168

Whoever is proved to have belonged, either before or after the passing of this Act, to any gang of dacoits, either within or without the territories of the East India Company, is to be punished with transportation for life, or with imprisonment for any less term, with hard labour⁶⁸.

A gang of dacoits was simply any party of persons associated for the purpose of committing a dacoity, and to have belonged to a gang of dacoits is said of anyone who has at any time, even once, associated himself with such party.

These definitions were rather opaque and imprecise and failed at specific identification of the targeted groups. Also, the defining line between *thugi* and *dacoity* wasn't very clear, but the categorizations were robust in the minds of the officials. Differences were insisted upon and were established through practices – where the former involved enticing/inveigling and 'murder by stealth', the latter was identified with more organized armed attacks in the open and its 'hereditary' character.

Both *thugi* and *dacoity* were rooted in the specific socio-economic and political context of 19th Century British India. Political anarchy and chaos, displacement of traditional social hierarchies, disbanding of mercenary bands, all propelled instances of 'collective action'. But despite this, the colonial explanation of the 'crime' was devoid of specifications of time, place, linkages to politics, society and economy. Instead, notions of 'mindless violence', 'pursuit of honor', 'kinship loyalties' and 'other remnants of pre-colonial traditions' were played upon. The *thugs* and the *dacoits*, with their collective organization and social norms which were self written, were thus dubbed as 'timeless' and 'innate' and were identified as 'disturbers of peace' posing a direct threat to colonial authority⁶⁹.

⁶⁸ Beaufort, op.cit., pp.849.

⁶⁹ Governor General for Central India observed that the paramount power was greatly concerned with the extensive system of depredation in the region. GG's minutes, 30 March, 1838, FPC, 11 July 1838, No. 1-2, NAI.

Chapter 1&2 of the dissertation would then concentrate on the life and activities of the *thugs* and *dacoits*, in the geo-political context of 19th Century Central India and early colonial Bengal, respectively. The effort would be to bring into focus the various processes that went into the making of these categories and also highlight their forms of organization, practices and operation and thereby detangle the various associated myths.

Chapter 3 would be a digression in terms of geographical extent as the focus would shift to the practice of **river crime- river thugi**, evasion of tax *chowkies*, smuggling, pilferage and also what the colonial state identified as ‘public nuisances’, which were carried out on the Gangetic river system in Upper India and the Lower Provinces of Bengal.

The initial resistances which the colonial state faced from the mendicant and peripatetic groups along with the perceptible threat of collective action generated colonial anxieties and ‘panic waves’ which propelled the colonial authority to devise mechanism to control the ‘crime waves’. Thus apart from the already existing informal mechanism of suppression⁷⁰, a legal code and a ‘covert’ system were required on a priority basis to prevent crime⁷¹.

Chapter 4 then focuses on the colonial responses to ‘collective crime’ *thugi*, *dacoity* and river crime and the attempts at repression. The establishing of the *Thugi and Dacoity Department*, the special techniques of gathering intelligence- the use of informal/indigenous mechanisms, the approvers’ system, constant elaboration of the legal apparatus, maintenance of surveillance and police checks, all were part of the colonial administrative and legal structure which was directed towards eradication of ‘crime’.

⁷⁰ Of grave concern was also the pre colonial practice of maintaining partnerships with the criminal collectivities, though often uneasy ones but nevertheless profitable. It was crucial to disrupt such local ties of collusion and patronage for the successful working of the legal – administrative structure.

⁷¹ Freitag, ‘Crime in Colonial North India’, *MAS*, op.cit., pp.231.

Chapter One

THUGI IN CENTRAL INDIA

The first chapter attempts to locate the *thugi* phenomenon in the geo-political context of 19th Central India, a region which included areas under the British rule, as well as the princely states of Bhopal, Gwalior and Indore.

Geographically, the region can be described as the centre of the Indian Peninsula, a large portion of broad belt of hills and a plateau country which separates the plains of *Hindustan* from the Deccan, stretching approx. from 17° 47' to 25° 9' North to 75° 57' to 84° 24' East¹. It includes the Malwa Plateau, Gondhwana Formations, valleys of Narmada and Tapti Rivers and is bound by the Vindhyan and Satpura ranges. The rocky flat topped hills along with the stunted forests and narrow deep ravines make the region practically impervious and add to the diversity of the region. The general terrain of the country is undulating, broken by low hills- the Vindhyas, the Satpuras, which define the geographical boundaries of the region.

The colonial power acquired some territories, which came under British Paramountcy, following the Third Anglo-Maratha War. The British territories, however, remained geographically cut off from other British provinces. To the North and the North West were the princely states. On the West were the states of Bhopal. Indore and Khandesh, to the South were Berar and the Nizam's Dominions².

Politically, the region remained the hub of disturbances and distress from the beginning of the 19th Century. The British conquest of the region in

¹ *The Imperial Gazetteer of India, Provincial Series, Central Provinces*, (Calcutta 1908), pp.1-2,
² *ibid.*

1818 was followed by large scale suppression and disbandment of the *Bhils* and *Pindaris*. These were the non agrarian social groups who inhabited the region since ancient times and worked as bards, soothsayers, iron workers, dancers and also as soldiers³.

John Malcolm wrote of the *bhils* of the Malwa region that 'they were dependent on the neighbouring villages, in the plains, for grain, tobacco and liquor. They often possessed cattle, bred fowls in great numbers, the sale of which is a source of profit'⁴. Mostly they were employed as watchmen and guards by the villagers and also as crop watchers, wood cutters and hunters⁵. Robinson stated that the 'wild tribes' were accommodated in the police apparatus of the early colonial state. They were employed as mercenary soldiers and bowmen. Even at the time of the annexation the *bhils* were employed by the British to secure information and negotiate surrender⁶. In a sense, a working compromise was reached between the colonial state and the local population as most of the pre-colonial arrangements continued even after the British conquest.

The *Pindaris* were identified as the 'lowest of the labouring classes' who were settled in the Malwa region. They were freebooters serving as useful auxiliaries for different Maratha powers-Scindhia, Holkar and others⁷. As Malcolm records, the *Pindaris* in large numbers were employed as mercenaries in the Peshwa armies and their returns came primarily through plunder. They were described as 'locally recruited and locally based marauders'⁸.

Their emergence can be more appropriately attributed to the weak political authority and corruption in the region, as the conventional wisdom which prevailed regarded the employment of the potential

³ *ibid.*, pp.159.

⁴ John Malcolm, 'Essays on the Bhils', *Transaction of the Royal Asiatic Society*, Vol.1, 1830, pp.88-89, quoted in Sumit Guha, *op.cit.*, pp.43-44.

⁵ *ibid.*, pp.97-98.

⁶ Robinson, *op.cit.*

⁷ J.Malcolm, *Report on the Province of Malwa and Adjoining Districts* (Calcutta 1927), pp.188-89.

⁸ Quoted in Gordon, 'Scarf and Sword', *op.cit.*, pp.428.

plunderers, as military servicemen, was a sensible alternative to stationing regular troops. Such a policy not only reduced the possibility of crime in the region but also absolved the state of the responsibility of the payment to these troops. As plunderers, they appropriated enough for themselves as well as for the state by raiding the enemies' territories and also ensured the protection of their own territories against similar excursions made by other groups competing for economic resources.

The entire 'predatory system' was brought to an end with the campaign of 1817-18, with the establishing of the military supremacy of the British in the region. This resulted in their increased demobilization and impoverishment and increasingly the *Pindaris* were denounced as 'criminals-robbers and murderers' and as 'enemies of public peace'⁹.

This process of complete disbanding of the local militia and enforced sedentarisation¹⁰ led to other unprecedented problems-*thugi*, *dacoity* and other criminal activities. Ochterlony noted that the suppression of the *Pindari* system led to a practice of not just open violence, but the more 'sanguinary and universal' practice of committing robbery by perpetrating the crime of murder. The system which became prevalent was stated to be carried out by bands of miscreants from all quarters who formed large or smaller divisions under certain heads and had a general intercourse and communication with each other, uniting or separating as occasion or circumstances required. These were mostly identified as the subjects of the

⁹ *ibid.*, pp. 188-196.

¹⁰ As part of the 'pacification process' the erstwhile 'predatory bands' were given land and pensions so as to settle down and engage in more peaceful occupations. Guha cites interesting cases of willful settlement of the *bhils*. A British officer, in Nawapur area, reported in 1848 that the '*baniyas* are the virtual owners of the land and the *bhils* their bondmen'. A settlement officer in Nandurbar taluka commented approvingly in 1862 that 'many *bhils* have become very useful farm servants of their *Gujur* masters. Selections from the Records of the Government of Bombay, 93, pp.473, quoted in Guha, *op.cit.*, pp.177-8.

Scindhias, the Holkars and, of other princely states in Malwa and Rajputana¹¹.

The region also witnessed spells of scarcity and famines which aggravated the distress and dislocation¹². In cases of drought, famines and socio-economic dislocation, flight and emigration were standard responses of those on the margins of the agrarian order. The great political and socio-economic instability also allowed the peripatetic communities of all sorts and mendicants to indulge in criminal activities occasionally. Those who wanted to stay away from the not so rewarding routines of the peasant life or persons failing to gain an adequate livelihood from the agrarian system moved to its margins as predators and warriors and shifted to other forms of subsistence which ensured quick and immediate returns. Crime, thus, emerged as the shorthand for the survival strategy of poor.

Stewart Gordon sets out the context of political and geographical setting of 18th Century Malwa to describe the phenomena of *thugi*¹³. For Gordon this political and social instability and the collapse of local authorities was the root cause for the emergence of the *thugi* phenomenon. As argued, with the general collapse of the local level infrastructure these part time marauders came to acquire a non local source of revenue and their plundering operations acquired a new freedom and terrain. The local level infrastructure and state apparatus tended to link up with and give protection to some groups of part time marauders. Dirk Kolff, in the context of the military-labour market in India from the 15th to 19th centuries, has described the region of Central India, along with the

¹¹ Ochterlony to G.Swinton, Foreign Department, Political consultations, 24th May, No.7, 1822, NAI. Cited in N.K.Sinha and A.K.Dasgupta ed., *Selections from the Ochterlony Papers, 1818-1825, in the National Archives of India* (Calcutta 1964). Capital punishment, hard labour and imprisonment were suggested as punishments for those apprehended to end the crime.

¹² 1823-7 was a period of poor crop yield.1828-9 witnessed famines.1834-5 was the time of partial failure of crops.1868-9 was again a year of famines in the region. *The Imperial Gazetteer of India*, op.cit.

¹³ Gordon, 'Scarf and Sword', op.cit.

surrounding regions of Rajasthan and Bundelkhand, as the most significant of the provisioning sectors. The region was known to be inhabited by armed peasant masses who posed a constant challenge to the local authorities. They operated by contracting new alliances and defended themselves against the central governments' prerogatives. With this tradition of militancy they were looked upon as being capable of becoming good soldiers. When pushed beyond the margins of the agrarian order, they indulged in banditry for survival¹⁴. These arguments accorded a structure to the pattern of crime. *Thugi*, in this paradigm, emerged as a crime resulting directly from the demilitarization which took place in the region.

Radhika Singha, too, has pointed out the demilitarization of the countryside and the decommissioning of soldiers as primary reasons for the escalation of the phenomenon in the region¹⁵. These soldiers were adept in moving on the highways, in the use of arms and had a good knowledge of the routes. This *sipahi-thug* connection featured prominently in official records and testimonies¹⁶. But she describes it as an even less structured phenomenon than described by Gordon¹⁷. To her, gang robbery on the roads was not only the preserve of the mercenary bands. In the flux of state building, territorial expansion of the Company and the wide dispersal of arms the peripatetic communities of various sorts and mendicants occasionally took to crime, thus, attributing the escalation to the general rise in lawlessness and wandering. This fluidity of the line between the civil and the predatory and between military service and robbery is evident even in the writings of John Malcolm¹⁸.

¹⁴ Dirk H.A.Kolff, *Naukar, Rajput and Sepoy: The Ethno-history of the Military Labour Market in Hindustan 1450-1850* (CUP 1990).

¹⁵ Radhika Singha, *A Despotism of law*, op.cit., pp.177-8.

¹⁶ *Thugs* were discovered in the regular regiments of the Gwalior brigades in *Sindaus* causing grave colonial anxiety. Home, T & D, G. 8, Letter .No. 2505, 8th Feb., 1839 July 1838- April 1839, NAI.

¹⁷ Singha, op.cit., pp.191.

¹⁸ J.Malcolm, *A Memoir of Central India*(1823), pp.173-74.

Central India was one of the many regions which were highly infested by the *thug* bands. The most obvious of all reasons was the chaos and anarchy due to the lack of any single political authority¹⁹ and disbandment. There were also various patterns, not necessarily, of displacement which contributed to increased traffic on the roads which propelled crime. There were the famine migrations, movements of pilgrims and of service communities in search of service opportunities-labourers, petty traders, wood cutters, pastoralists and others. There were also the perennial factors like the poor state of roads and the slowness of traffic which helped attackers. The more specific of the reasons contributing to the incidence of crime on the high roads was the flourishing trade in the region during the 1830s. It not only meant a heavy concentration of traffic of traders and merchants but also of goods and cash. With the Company acquiring the monopoly of opium in Malwa there was enormous liquid currency on the roads, particularly in Central and Western India.

The earlier writings, from the Mughal period, too, point out the existence of the crime of *thugi*. These highway robbers were described as persons too powerful for travelers, who fell upon them with some weapons and robbed them²⁰. References to unsafe travel on the road are found in abundance. William Finch, who came to India in 1610, recorded that the road between Surat and Agra and between Gwalior and Ahmedabad was full of 'thieves and beastly men'²¹. Aurangzeb, in his letters, complained of the bad conditions of the roads and the activities of these highway

¹⁹ Sleeman noted, 'there existed a constant state of disorder where plunder and murder seemed to be all land owners favourite pastime', in *Journey through the Kingdom of Oude in 1849-50*(1858), Vol. II, pp.92-93.

²⁰ *Fatwa-i-Alamgiri*, Vol.II, pp.727, quoted in S.P.Sangar, *Crime and Punishment in Mughal India*, pp.41 (Delhi 1967).

²¹ Foster, *Early Travels in India*, pp.23. A medieval Hindi poet, Banarsi Das Jain, in his autobiography, *Ardhakanta*, too has referred to unsafe travel during a pilgrimage in 1580. *ibid.*, pp.41&44.

robbers on the road between Burhanpur and Aurangabad²². Often political uncertainty aggravated the crime. Manucci wrote that these bands had a free hand during the Wars of Succession. After Dara's defeat and Aurangzeb's occupation of Agra, 'the villagers and the thieves were plundering on the highways, and created a good deal of tribulation to travelers, robbing and slaying them'. Most of them took refuge in the woods near Burhanpur, but almost the entire country was infested with this problem. Also, the problem became rife when Aurangzeb fell ill in 1694²³.

Sleeman has written in detail about the numerous *thug* bands which operated in the region. Apart from providing insights to the modus operandi, practices, and various rituals and beliefs of the *thugs*, his writings also gave information about their expeditions. For obvious reasons, these bands operated on the high roads in search of easy targets and good returns²⁴. The major trade routes, along with the numerous feeder lines which connected the prominent urban centers of Nagpur, Ujjain, Ratlam and Jabalpur, witnessed greater incidence of crime with each passing year. It was while on the high roads that contact was also established with the other operating bands²⁵. With this abundantly available information, the need is then to contextualize *thugi* to understand it in its full complexity. The idea is to displace the notion that it was a phenomenon rooted in antiquity and to view it in the backdrop of colonial expansion in India.

²² J.N.Sarkar, *Letters of Aurangzeb*, pp.26-27. The other regions where these bands perpetrated tyrannies included parts of Deccan- the roads between Chamar, Gundeh and Kadirabad. pp.40.

²³ Manucci, Vol. I, pp.307 & 67, quoted in Sangar, op.cit., pp. 44&65.

²⁴ W.H.Sleeman, *Report on Depredations*, op. cit. Other than the regions of Malwa, Bundelkhand and the Rajputana, the regions of Deccan-Sattara, Pune, Sholapur, Hyderabad and also regions of North West Provinces were particularly infested by the *thug* bands.

²⁵ The confessions of the apprehended *thugs* are replete with the details of how contact was established with other operating bands, like the *Jamaldehis* of Awadh or with the *Arcotee* or *Deccani thugs*, primarily to gain information regarding the movement of treasures or goods consignment and also on few occasions to work in collaboration. Home Files, T&D, D.2,NAI.

The definition of *thugi* and also of a *thug* remained rather loaded with imprecision. No rigid categorization was possible as it incorporated a wide spectrum of activities and a broad category of individuals. As discussed in the Introduction, the word '*thugi*' stood for deception or trickery, in the broadest terms. Yet, at the time when the *thugi* model came into the picture for the elaboration of the campaigns for its suppression, Sleeman had by then associated the term with the act of strangling, followed by robbery and with other similar forms of highway crime. Gordon dubs this as a misappropriation of an Indian term, which tried to explain a badly understood social phenomenon as the principal meaning of the word was not even robbery, much less a particular style of robbery²⁶.

Dr. Sherwood, writing in 1816, too described the *thugs* as 'stranglers/*phansigars*', in his observations made in the territories subject to the presidency of Fort St. George²⁷.

W. H. Sleeman, in his writings, described it as a phenomenon of 'highway crime' where victims were murdered at the scene of the crime by strangulation. The *thugs*, who preyed upon native travelers, he asserted, were villains as 'subtle, rapacious and cruel' as any who were to be met in the records of human depravity. These gangs communicated among themselves in a distinct argot and shared certain beliefs and cult practices: worship of kali, using a scarf for strangulation, eating *gur* before embarking on expeditions, etc. The phenomenon was described as one rooted in antiquity²⁸.

This definition of *thugi* was expanded by the late 1830s to include the practice of *Megpunnaism*. The term was used by the *thugs* to define the act of murder of indigent parents for their young children, who later were sold. The practice prevailed in the Delhi territories and in the native states

²⁶ Gordon, op.cit.,pp.408.

²⁷ Thornton, op.cit., pp. 5

²⁸ Sleeman ,*Rambles and Recollections*, op.cit.

of Rajputana, Alwar & Bharatpur²⁹. This 'new phenomena', which caught Sleemans' imagination, was described as a 'hideous practice which prevailed for the last 10 years unknown to and unsuspected by any of the Europeans'. The system, in his view, probably began with the siege of Bharatpur in 1826, prior to which there might have been instances of 'occasional murder' but it did not exist as an 'exclusive trade'³⁰. A list of 273 *Megpunna thugs*, who were registered, and were at large, was given at the end of the Report³¹.

Further, the famines of 1833-34 were regarded as one of the immediate factors propelling the phenomenon; as it compelled displaced families to move to different regions and in, case of severe impoverishment, sell their children³².

By the 1840s it was *thugi* by means of poisoning or the crime of *Dhatura thugi* which emerged in official records as the 'new phenomena', superseding *thugi by strangling*. It involved administering drugged food to the victim with the purpose of stupefying him. The unconscious victim was then easily robbed without any protest or bloodshed. *Dhatura* was widely used for this purpose of drugging as it was easily available from the roots and trees in jungles and was also used as a medicine for cattle. The act was primarily carried out by men in the garb of religious mendicants as it made the offering and consuming of drugged food relatively free of suspicion. The *dhaturias*, as these *thugs* were known, heavily infested the highways. It was carried out on both land and water, whenever an opportunity was available. The crime was incorporated within the initial model³³, and brought under the administration of the

²⁹ *Report on Megpunnaism*, op.cit, Introduction, pp.1

³⁰ *ibid*, pp. 1-5.

³¹ *ibid*.

³² *ibid*, pp.106-121.

³³ ACT III of 1848 defined 'child stealing and poisoning' as the species of *thugi*. It was also stated that the practice of *dhatura* poisoning was started by the emigrants coming from Mauritius. Foreign Department, No.794, 15 September, 1863. The statement was

Thugi and Dacoity Department³⁴. This crime of poisoning, for robbery, often leading to the death of the victim was defined as the 'greatest evil which was diabolical and cowardly in nature'. For C. Hervey, the Assistant General Superintendent, Thugi and Dacoity Department, it required the most 'stringent measures and the severest punishment for its repression'³⁵.

The report on the expeditions carried out by the Gwalior and Bundelkhand gangs for the year 1826-27 states that more than 750 *thugs* operated on the highroads of the region³⁶. Similar depredations were carried out by the other prominent gangs of Central India belonging to the region of Malwa, Khandesh, Berar, Rajputana. Often gangs from Awadh, the region of Doab and Gujarat too committed *thugi* in Central India³⁷. The intensity of the crime can be gauged from the figures of crime given by Sleeman. It was recorded that between the years 1826-1835(both inclusive), 1892 prisoners were committed by various Magistrates. Of these, 384 were punished by death, 1144 transported, 68 imprisoned for life, 71 imprisoned for a limited period. A total of 1688 persons were convicted, 21 were acquitted, 123 died before the sentence, 11 escaped and 49 were admitted for providing evidence for prosecution. Between the years 1835 and 1840, 1797 *thugs* were committed, 82 received death sentence, 360 were transported and 865 were imprisoned for life. 7 turned approvers, while 76 were acquitted. There was only one recorded case of escape³⁸.

made in light of the fact that similar crimes were perpetrated by Indian coolies in the oceanic colonies.

³⁴ In 1838, *dacoit* operations were brought under the Thugi Department. With the ACT XXIV of 1843, for the conviction of professional *dacoits* the Department was rechristened as Thugi and Dacoity Department.

³⁵ Home Judicial, No. 52, 26 March, 1852, Bombay. In Western India, it was referred to as *Mawa Thugi*. Home Department, No.624, 1 August, C. Hervey to E.C.Bayley, 1868.

³⁶ *Report on Depredations*, op.cit., pp.17-18.

³⁷ *ibid.*

³⁸ *ibid.*, pp.185.

More than the official accounts, the narratives of those arrested as *thugs* provide us with the details of practices and forms of organization and beliefs associated with *thugi*³⁹.

The *thug* gangs, as these narratives suggest, were formed of discrete individuals-Hindus and Muslims, men in their 20s or 30s, belonging to different castes. We find references largely for the lower castes-*Chamars, Naiks, Gujjars, Meenas*. A few belonged to the *Banjara or Kalberia* tribe. Stray references are also made to *Brahmins, Kshatriyas & Rajputs*⁴⁰. They were of diverse origins and occupations, often not even belonging to the same village. These men united to form a band with the intention of going on an expedition. The core group of the band often comprised of family members, who had been murderers for generations. The *thugs* described it as an act practiced by their 'forefathers'⁴¹.

the *thug* identities which emerged, from the testimonial evidence, were either associated with the character of *thugi-Megpunnaism, dhatura thugi*, or were regional. The gangs were recognized as **Arcottee, Deccani, Jemaldehi, Multani** and others, in accordance with the region in which they operated.

Once on the highroads, which were the sites of crime, acquaintance was established and friendship struck up with the victims. Having gained their confidence, the gang awaited the right opportunity to attack and rob. The body of the victim was quickly disposed off. It would be either buried or thrown into some nearby stream, and the bands moved on, looking for new victims. Often the parties, which fled after looting, returned at night to dispose of the bodies⁴².

The entire act of crime was linked by the *thugs* with 'skill'. It required the donning of an appropriate disguise to minimize suspicion. Malcolm

³⁹ Home, T&D Files, D.2, No.1 – 5, 1834 – 1862, NAI. *Report on Megpunnaism*, op.cit

⁴⁰ *ibid.*

⁴¹ *ibid.*

⁴² *ibid.*

stated that the 'thugs assume every disguise'⁴³. They would pass themselves off as traders, soldiers, travellers and as mendicants. Further, *thugi* was described as the art of 'inveigling and strangling which anyone could learn'⁴⁴. It required a specialization in a skill- inveigling, strangling- which had be taught and mastered. Also, the *thugs* regarded it as a 'profession', an 'avenue of employment'. It was thus, interwoven with the pattern of subsistence⁴⁵.

The strength of their bands varied from a small number of 3 members (in case of *thugi by poisoning*) to a gang comprising of 400 members. The leader was a referred to as *Jamadar/Subedar*. Usually he was a man of great experience. A certain degree of specialization was evident from the organization of these gangs. The stranglers were different from those who procured intelligence i.e. the scouts or the spies, regarding the movement of traders, merchants or caravans, from the *bazaars, sarais* and places of worship. Often these men were sent out on the high roads too, not just for gaining information but also to strike deals with the other operating bands of the region to carry out combined expeditions. A set of men/women were entrusted with the task of seducing the victims and gaining their confidence. A different set of men stood on guard while the attack was carried out. The cleaners were to erase evidence, once the crime had been perpetrated and the grave-diggers were charged with the responsibility of disposing of the body. The task of the *Kotwals* within the *thug* organization was to make arrangements with the *zamindar* for procuring firewood, flour and other requirements and also keep the accounts of the

⁴³ John Malcolm, A Memoir of Central India including Malwa and Adjoining Provinces (1832), pp.188

⁴⁴ Home, T&D Files, D.2, No.1 – 5, 1834 – 1862, NAI. Dheera, who had come to Rohtak in search of employment became a member of a Megpunna gang to earn a living. *Report on Megpunnaism, op.cit.*, pp.32.

⁴⁵ The terms used were-*rozgar, chakri*. Home, T&D Files, D.2, No.1 – 5, 1834 – 1862, NAI. *Report on Megpunnaism, op.cit.*

members⁴⁶. In the case of *Dhatura thugi*, where the intention was not always to murder the victim but to stupefy him and rob him, it was often carried out by individuals alone. A female druggler from Patna, 25 years of age, duped people in the disguise of a mendicant. Drugged *prasad* was offered, which was readily accepted⁴⁷.

The organization, however, was not very rigid within the gangs. Individuals drifted in and out of the gangs. The bands were constantly fragmenting as new men proved their prowess and gained followers. Also, different bands often come together for a large scale expedition, their *jamadars* having made prior negotiation regarding the sharing of booty. The gang was held above the interest of the individuals. In a case when a *thug*, Koduk Bunwaree, strangled a man singlehandedly and appropriated property worth Rs. 16,200/-, he distributed it among the other members of the gang⁴⁸.

Strong family ties were the characteristic feature of the *thugs*⁴⁹. Since heredity was not the only way by which the bands persisted for years, men from outside were incorporated within the gang. More often it was out of the free will of the individuals. Familial expressions were deployed to establish intimacy among the original and the incorporated band members. The new members of the *thug* families were often described as 'adopted son/brother'⁵⁰. They could be those who joined the band, as the numerous instances suggest, or even those who acquired a standing/position in the band due to their 'skill and prowess' and gained ascendancy within the ranks of the organization. The initiation process

⁴⁶ *Report on Megpunnaism*, op.cit, pp.22. The terms *jamadar/subedar* and *kotwal* denoted military rank. This once again can be interpreted as a reflection of the *sipahi-thug* connection.

⁴⁷ Home, T&D Files, D.2, No.4, 1849, NAI.

⁴⁸ Cited in Hutton, op.cit., pp.27.

⁴⁹ Feringheea, a noted thug of Central India, could only be apprehended when his family-mother, wife and children were arrested by the colonial authorities.

⁵⁰ *Report on Megpunnaism*, op.cit, pp.22. Adoption was an easy way to increase the family income as not just a member was added to the gang but it also meant receiving an extra share in the booty.

was usually a gentle transaction, particularly for the family members. It began with the receiving of booty, then proceeded to accompanying the gang on the expeditions to observe and learn the skills and develop a fondness for the roving life. In a sense, it was the mind which was gradually attuned to the crime.

The stolen booty, goods and cash, was distributed among the members. In most cases, each member received an equal share. Often the *jamadar*, because of his rank, took possession of goods like carts, swords and horses etc. Stranglers because of their 'special skill, swiftness and expertise' received a little extra amount along with those who had their own ponies/horses. Also, as a general practice, a part of it was kept aside which was to be used for feasts and festivals and to bear the expenses of future expeditions. Most cases, the *jamadar* stayed back from the expeditions due to his old age. The other non participant members- wives, younger children and a few men who stayed behind to take care of the thug families and due to various other reasons-as a rule, did receive their share of the booty⁵¹. This was perhaps the best way to keep every member satisfied and buy his silence. Receiving a share meant that the complicity of an individual was established in the crime, whether or not he had participated in the act. As larger bands meant lesser share in the booty⁵², *thugs* often complained of not having received enough for subsistence⁵³.

The highroads were particularly chosen to target traders, treasure carriers of the princely states as well as of the Company, wealthy merchants. Often victims also included sepoy's proceeding on leave, travelers, displaced

⁵¹ Badal, a member of a gang of poisoners, was refused a share in the booty when he did not accompany the other members on an expedition. After an argument over the issue, he reported the crime at the *kotwali* and led to the arrest of the gang members. Home, T&D Files, D.2, No.4, 1849, NAI.

⁵² *Thugi* by means of poisoning was regarded as one which 'reaped greater profits' as the strength of the gang was usually less in numbers. *ibid*.

⁵³ In the confession made before Lt. Mills, 17th August 1838 by Radha, wife of a *Megpunna thug*, it was stated the booty recovered was never more than what is required for maintenance of the family. *Report on Megpunnaism*, op.cit., pp.85-89.

families and *fakirs*. Not being very target specific didn't mean that murders were perpetrated out of a 'psychological blood lust'⁵⁴ or were 'religiously sanctioned'⁵⁵. The gangs were willing to murder even for small pickings because long months on the roads meant living from one murder to another and being able to return home with a good haul. Often satisfied with the booty received, the *thugs* left the expedition midway and returned to the roads after a considerable gap⁵⁶. Having operated on the roads for eight months, during the dry season, the *thugs* usually returned to their villages during the rainy season and engaged themselves in agriculture, trading and other activities⁵⁷. The fascination for the trade was almost incredible. The testimonies are replete with instances where *thugs* were enlisted in the services of the local ruler or the Company as soldiers, revenue officials etc. Yet, given an opportunity, they joined the thug bands⁵⁸. Ramzan, a **Jemaldehi thug** from *Awadh*, who became an approver, in his deposition stated that for a brief period he also entered the service of a *zamindar* as a *zillahdar* or a revenue collector of five villages and received a salary of Rs.4 per month for his duties. No one suspected him of being a *thug* and he continued to go on expeditions, entrusting to a friend his duties of revenue collection. Having resigned from this post, later again, he took up the job of revenue collection in the territories of

⁵⁴ J.H. Sleeman wrote 'the basic motivation was psychological blood lust', stalking of men was regarded as a 'higher form of sport', plunder therefore was a 'secondary consideration' in *Thugs or a Million Murders* (London 1933), pp.3-5.

⁵⁵ Percival Spear regarded *thugi* as 'ritual murders- carried out in the name of religion, the practice was sustained and sanctioned by Hinduism' in *The Oxford History of Modern India* (1958), pp.575-76.

⁵⁶ Confessions of Bheelum Burre Khan, *Jamadar of thugs*, Home.T&D, D-2, No.2, 18 August, 1836, NAI. Having received a share of Rs.70/-, he returned home and did not go on an expedition for about 2 years. The Sindaus thugs were in the habit of making very long expeditions. They never returned home in less than six months; and if they were unsuccessful, they sometimes remained absent for as long as two years. Thornton, op.cit., pp.473.

⁵⁷ Home, T&D Files, D.2, No.1 – 5, 1834 – 1862, NAI. Thornton, op. cit. Kolff too acknowledges the fact that plundering ceased on the high roads after the onset of monsoon because the rains made these part time marauders devote their time to agrarian and other activities. op.cit., pp.16

⁵⁸ Feringea too served under General Ochterlony as a low rank soldier. Dilawar Khan, a noted *thug* leader of *Awadh* was attached to the local thana as a *chaprasi*, in Kusseea, Gorakhpur. *Report on Depredations*, op.cit.,

Raja Surat Singh of Dunowli, where he was employed at the time of his arrest by the British. In both the above instances, the zamindars were not aware of the criminal activities of the subject⁵⁹.

There was no rigid segregation of men and women within the thug gangs. Female participation was rare, except in the case of *Megpunnaism* where women were part of the *thug* gangs⁶⁰. Lt. C.E. Mills recorded in 1838 that the women were entrusted with the task of 'alluring and inveigling the strangers and gaining their confidence'. Also they were required to take charge of the kidnapped children who were not informed about the murder of their parents⁶¹. These female members often belonged to the victims' family who, instead of being sold to the *banjaras* or the prostitutes, were 'adopted as wives' and incorporated into the gang. On being questioned whether they felt 'no compunction in aiding and abetting in the acts of assassinations', their reply was that they had 'reconciled' to it as a 'way of life'⁶². Cases of attempted escapes were very few. Women in the families were often aware of the activities of the male members even when they

⁵⁹ *ibid*, pp.143-45.

⁶⁰ Women accomplices were not uncommon in cases of *dhatara thugi*, being required for enticing the victims and gaining intimacy with them. A gang of 6 female poisoners was arrested in Midnapore, who were known to have successfully carried on *dhatara thugi* for years. They later turned approvers by confessing to their crimes. *Report on the Suppression of dacoity in Bengal for the years 1855-56*(Calcutta 1857), Selections from Bengal, on Microfiche in NMML, Appendix I. There are stray references to female band leaders as well. Khumba Jamadarni was a noted *Megpunna thug* leader. *Report on Megpunnaism*, *op.cit.*, pp.19. Bukhtawar jamadar's wife too accompanied the gang on the expeditions in the Jaipur territories and worked along side as a strangler. Thornton, *op.cit.*, pp.261.

⁶¹ *Report on Megpunnaism*, *op.cit.*, pp.22. Thevenot recorded that *thugs* operating between the Agra-Delhi road strangled travelers through the agency of a beautiful woman, who would cast a spell on the traveler and lure him to get her on the horse back behind him. Sitting there she would throw the snare round his neck and strangle him, till her companions came to complete the process. Thevenot, *Indian Travels*, III, pp.41&58.

⁶² *Report on Megpunnaism*, *op.cit.*, pp.22. In the confession made before Lt. Mills, 17th August 1838 by Radha, wife of a *Megpunna thug*, it was stated that she did think of running away but never got an opportunity. *ibid.*, pp.85-89.

did not accompany them to the expeditions. Only in rare cases the reality regarding the criminal occupation was kept away from them⁶³.

Along with providing rich details of the *thugs*' life, the testimonies also helped in demythising the crime of *thugi*. There existed no *thug* 'subculture'. Despite colonial assertions that the phenomenon was one 'rooted in antiquity' and that the *thug* fraternities were a part of 'nation wide conspiracies', these testimonies reveal that the history of the crime did not go back more than 30-40 years. The genealogies constructed, based on these confessions, did not go beyond 2-3 generations. The notion of a fraternity in operation, too, is displaced by the fact that even when most of the *thug* gangs were widely dispersed- in Central India, Deccan, Awadh and other regions, their action was localized. As the testimonies reveal, it was rarely that permanent alliances were forged and contact established, between the gangs who met up on the highways, to carry out plundering activities. Once that was accomplished, the gangs splintered, each moving away towards its desired direction. No definitive pattern of their action can, thus, be constructed. Further, many of the apprehended *thugs* turned approvers and led to the arrest of their band mates and gave information regarding the expeditions of other gangs which operated in close proximity. Often, false information was provided against rival gang members.

The slang which was described as a secret code of communication and was collected with great care by the officials, did imply a long association among members and a shared participation in events. It seemed essential for concerted action. Regarding its etymology, however, Bayly argues that the '*thug argot*' was nothing more than 'working class *hindustani* slang'⁶⁴.

⁶³ The Jamaldehi thugs settled in Awadh, it is recorded, kept their wives in ignorance and also did not initiate their sons till they had reached puberty. *Report on Depredations*, op.cit.

⁶⁴ C.A. Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870* (CUP 1999), pp.173.

Characteristics like invocations of the deity, making religious offerings, ritual use of certain objects, observance of omens, signs etc are difficult to ascertain conclusively. References to kali worship-before and after the expedition- or for the initiation of new members and animal sacrifice are rare. There are references to lavish feasts which were laid during the times of festivals like *Holi* or *Dussehra*. Most of it can be interpreted as a general popular practice and reflected the notion that such piety might protect them and save them from mishaps, arrests etc. Omens, too, varied for gangs, from the eating of *gur* i.e. coarse sugar, to following the call of jackals, partridges, spotting of certain men and animals, etc. These, it was thought, would bring fortune or misfortune for the gangs on the move. Further, other than the *rumal* or the silk scarf, cords, knives, pickaxes etc too were used by the gangs⁶⁵. This implied that strangling was not the only method of killing. The prevalence of *dhatura thugi* establishes this. The 'area of operation' too was chosen where pickings were best; this wasn't based on some predetermined notion of 'fabled centralized direction'. Further, no one was spared from the act of indiscriminate slaughter. Some confessions suggested that women, Brahmins and elderly people were not to be killed by the *thugs*. This was not actually practiced, as there is greater evidence to suggest otherwise.

None of these characteristics and practices was indicative of a distinct *thug* culture but they were a part of widely held beliefs and practices among local lower caste groups reflecting 'a loose amalgam of militant Hindu devotionism and Muslim tomb worship'⁶⁶. Singha argues that ascribing a cult character to *thugi* would mean attributing criminal characteristics to popular culture and religion⁶⁷.

These *thug* bands were also well integrated with the local social and economic setup. Interaction with other social communities-settled or

⁶⁵ Thornton, op. cit. Also Home, T&D Files, D.2, No.1-5, 1834-1862, NAI.

⁶⁶ Bayly, op cit. pp.173. Freitag, 'Crime in Colonial North India', MAS, op.cit.

⁶⁷ Singha, op.cit., pp.201-03.

vagrant was not uncommon. The commercial middle strata of society had a very important role to play as, through these ties of exchange, the *thugs* were linked to the local economy. The links with the local shopkeepers, innkeepers, *sahukars*, *bantias*, *sonars* and other petty traders and with bigger centers like Bombay, Surat and Agra were almost indispensable as these connections ensured the immediate sale of the looted goods/booty and an unrestricted source of easy cash which was crucial in financing the expeditions⁶⁸. Also, these allowed them to spend the money which was robbed and integrated them with the local *bazaar* and to the larger networks of commerce⁶⁹. In a sense then, as the illicit trade ran parallel to the fair trade in an equally organized manner, the division between legitimate and criminal transaction was never clear at any level.

There was one important aspect of *thugi* which the official reports as well as the verbatim testimonies of the *thugs* point out. There existed patterns of collusion and concealment between the *thugs* and the local infrastructure-namely the *zamindars*, petty *rajahs* and, in a few cases, the police authorities. These connections were, in fact, axiomatic because with their actions and systematic plans of depredations it was difficult for the *thugs* to remain at the same place for a long time without evading checks and suppression. Also, as the testimonies reveal, these *thugs* were not landless or uprooted but were part time marauders. They resided permanently in villages to which they returned during the rainy season. While they operate on the highroads, their families stayed back in the villages. This meant that their activities were encouraged and connived at by people in authority and there existed a pattern of continuing relationship⁷⁰. The relationship of the *thugs* with the ordinary villagers, too,

⁶⁸ In the specific context of Central India, the role of the *Gosains* features more prominently than any other social group as petty traders in the region who maintained ties of exchange with the operating bands. Home, T&D Files, D.2, NAI.

⁶⁹ Most zamindars shared connections with distant itinerant merchants. It is recorded that merchants from Benaras came to purchase the stolen goods of the Gwalior gang as they were available at cheaper rates. Thornton, op.cit., pp.320-21.

⁷⁰ Home, T&D, D.2, NAI. Basudeb Chattopadhyay in *Crime and Control in Early Colonial Bengal 1770-1860* (Calcutta 2000) has elaborated these networks and ties in his

was one of reciprocity. In an interesting case in 1816, even when Burjone Singh, the *Thakur* of *Powai* near Shikarpur, had chased away the *thugs* seeking shelter, the villagers, expecting a share in the booty, rescued them and escorted them to the neighbouring village of *Simareea* where the zamindar did agree to provide shelter to them but, in return, stripped the gang of its belongings⁷¹.

In return for the promise not to commit robbery/murder in the local *zamindar's* region and a share in the booty the *thugs* were left unchecked and their families, too, received protection in their absence. On their return, the *thugs* were camouflaged and protected as local cultivators, traders or even as revenue officials. Land was usually rented for the purpose of cultivation as most of the *thugs* did not own land. The landlords had other reasons, too, in protecting and patronizing these bands as they acted as the domestic strong arm force against the other non local operating bands. However, these connections do not project the *thugs* as 'social bandits', who were united with a larger milieu, expressing commonly held greivances against an 'elite world'. The poor, too, were undoubtedly exploited by these bands. The idea is to highlight the socio-economic relationship which these bands shared with the local infrastructure which was crucial in shaping up and in the elaboration of the legal apparatus for its suppression.

The *thug* gangs and families were sheltered and abetted by the landlords. In return, they received a share in the booty or levied taxes. Regular rent rolls were maintained. A tax of 24 *annas* was levied on every house inhabited by the *thugs* by the *Raja of Bharatpur*, *Rohilla* Chieftains and in the *paraganas* of *Pareehar* and *Susae*⁷². The criminal activities of the *thugs* were screened by these *zamindars* who allowed them to take up cultivation and other occupations. Also, food and other requirements of

study of the crime of *dacoity* in colonial Bengal. He has pointed out that there existed close ties of collusion between the criminals, the *zamindars* and the police *darogas*. Chapter Two, on *dacoity*, deals with these issues.

⁷¹ Cited in Hutton, *op.cit.*, pp.37. Also, Thornton, *op.cit.*, pp.166-69.

⁷² Thornton, *op. cit*, pp 473-75.

the operating gangs were met locally. The village *baniyas*, along with the *zamindars*, also were involved in the process of disposing of the stolen goods implying sharing of the benefits of crime⁷³. Norms of prey, practiced by the *thugs*, too varied for the village in which the *thugs* resided, their 'area of operation' was distinct from the 'area of residence'⁷⁴. Often the colluding *zamindars*, too, were stripped of their ranks and property. In 1800, Raja of *Rampur* stripped the collaborating *zamindar* and the *thug* gangs, of their property⁷⁵. *Thug* sanctuaries maintained by *zamindars* or *rajas* were thus not uncommon. The *raja of Jugumunpur* in Gwalior maintained 200 houses of *thugs* in the region and collected a tax of Rs.25 per house. Similarly, the *raja of Purhearha* too maintained about 220 homes and levied a tax of Rs.25/-.The *rajas of Gond, Rohilla* Chieftains, The *raja of Bharatpur*, too, patronized the *thug* bands and asylum was provided to those evading arrest and seeking shelter⁷⁶. In one instance the *thakur* of *Sindaus* himself led a *thug* gang. There were 12 villages with approximately 318 houses of the *thugs* taxed at Rs. 7791/- per annum⁷⁷.

During the early 19th Century, numerous instances of *thugi* were recorded in the *Nizam* territories. The *Arcottee thugs* were quite prevalent in the region. Most of these *thugs* conducted themselves well while they stayed in the villages. They were men of excellent private character with strong domestic commitments. They were generally passed off as cultivators and operated in collusion with the *polygars* in return of a settled contribution⁷⁸. There was no attempt at concealing this reciprocity. Even with the extension of the Company's powers, the problem could not be overcome as these groups assumed different names and sheltered

⁷³ Home, T&D, D.2, No.5, 1849, NAI.

⁷⁴ The areas which were particularly infested with the *thug* gangs were the regions of Deccan- Sattara, Puna, Sholapur, Hyderabad, Bijapur, the North Western Provinces, Rajputana, Malwa and Bundelkhand. Thornton, op. cit.

⁷⁵ Thornton, op. cit., pp.473.

⁷⁶ Thornton, op. cit. pp.320-1,472.

⁷⁷ Deposition of Suntoke Rae, 24 August, 1834. Thornton, op. cit, pp. 471-72.

⁷⁸ W.H.Sleeman, *Report on the Depredation*, op.cit. Thornton, op.cit., pp.4.

themselves behind subterfuge and dissimulation. *Thug* gangs residing on the Western borders of the Puri district took shelter under the protection of revenue officials once the exaction of the *Raja* became severe. The official who now supported them and connived in their malpractices was well paid for his service⁷⁹.

Captain Malcolm complained that some *taluqdars* in the *Nizam* territories barred the village gates against the *thug* pursuing party and refused to provide any assistance⁸⁰. The primary reason behind this could have been the enormous rent and the valuable presents that they received from the thugs along with the assurance of not committing crime in the patron's territories. The anti-*thugi* campaigns, due to this attitude of the native rulers and landowners, suffered great setbacks. But to think that the *thugs* were always provided protection and were given shelter, would be a misconception. Instances have been recorded of the repression of these gangs by the local authorities⁸¹. Mahadji Scindhia carried out the execution of 70 thugs at Mathura. Rajput and Rathore zamindars, who earlier used to collect Rs. 10,000 annually, at the rate of Rs.125 from every *thug* family arrested these 80 thugs at Nudha⁸².

As Singha records, often the Indian chiefs and princes did not refuse their protection/ *sharan* to the gangs due to an 'ignorant and besolted point of honour'. The *thugs* were released after a warning⁸³. Also, in many cases that were reported, the whole village came out to defend the accused *thugs* against British capture. In 1865, the *zamindar* of *Burhea* tried to shield the *thug* poisoners who were his slaves/ *nuffers* even when two of them were identified by the victims. The Commissioner of the Division later stated

⁷⁹ W.H.Sleeman, *Report on the Depredation*, op.cit.

⁸⁰ *ibid*, 23 November. 1840.

⁸¹ The information provided by the village *patil* to the police authorities of the halt of the gang in his village, while it was on expedition, led to the arrests of the *thugs*. Home, T&D, D.2, No.1, 1834, NAI. In another case, the *mamlatdar* handed over the *thug* to the police, expelled his family from the village and took over the property. Home, T&D, D.2, No.2, 1836, NAI.

⁸² James Hutton, *Thugs and Dacoits of India* (Delhi reprinted 1981), pp.13-15.

⁸³ Singha, op.cit., pp.205.

that in the past too the *zamindar* had not reported any such cases. He requested the *Monghyr* police to keep a watch on him⁸⁴.

Ramzan in his deposition stated that his entire village knew that he was a *thug* and he propitiated his *zamindar*, *Raghunath Singh*, by offering him gifts, like all other *thugs* to buy his freedom⁸⁵. Other accounts provided similar details where *thugs* returned to their villages and worked as cultivators, traders, etc. Concealment seemed quite unnecessary as the *zamindars* fully connived at the purchase and disposal of plunder. In a case of *Megpunnaism*, the *zamindar* of Beebeepur took 5% off on every child that was disposed by the gang⁸⁶. Horses, too, were usually bought by local *rajas*.

Thugs, on evading arrests, received support and asylum from the *zamindars* and villagers. In lieu they extracted some tribute. During the year 1829-30, Feringeea, a noted *thug* of Central India evaded arrest by sheltering in the villages of other *thugs* who had either been apprehended or were at large. There also existed *thugs* who had arrangements with the *darogas*; there was a relationship of protection and sharing of booty with them as well⁸⁷. The Kusseea *daroga*, Chardee Lall, levied contributions on the *thugs* and received *nuzzar* from them in return of protection and a promise not to operate within the *thana*⁸⁸. The village watchmen, among others, who surfaced prominently in the patterns of collusion and concealment and connived with the *thug*.

This *thug*-landlord symbiosis, collusion, sheltering, as well as the maintenance of rent rolls by *zamindars* implied that not only were the *thugs* integrated with settled agrarian life, sharing its values and codes of behavior, but they have also gained some legitimacy for their operations.

⁸⁴ Hervey, *Report on Crime of Thugi By Means Of Poisoning*, op.cit.

⁸⁵ Recorded in 1837, *Report on the Depredations*, op.cit., pp.138.

⁸⁶ Confession of Roopla *thug*, taken before Lt. Mills, 1838, Meerut in *Report on Megpunnaism*, op.cit., pp.58.

⁸⁷ In July 1864, *Bhagalpur*, a head constable was punished for attempting to conceal a case of *dhatura* poisoning. *Report on the Crime of Thuggee by Means of Poisons*, op.cit.

⁸⁸ *Report on the Depredations*, op.cit., Introduction, lv.

An interesting example is of a local *zamindar*, of Goottupaliam in Chittoor, who shared regular economic ties with the *thug* families, providing them with grain and other material. On one occasion, when the *thugs* failed to pay the cost of the goods they bought, they offered the *zamindar* to accompany them on the expedition, which he did and he stayed on with the gang even after receiving his share⁸⁹. But the relationship between the settled and unsettled communities was evidently unequal.

Also, no clear cut division between legitimate and criminal transactions was ever there at any level. *Dhatura* seeds, which were required for the crime of *thugi* by means of poisoning, were readily available with the local *bantias*⁹⁰. In the case of *Megpunnaism*, the networks were quite elaborate and extensive in connection with the sale and transportation of the stolen children and women. But the distinction between legal and criminal trade was blurred. The association with the *banjaras* and other roving bands featured prominently in the context of *Megpunnaism*. The *banjaras*, in Upper India were well connected with the grain and salt trade, had connections even with the prostitute households and the *zenana* of respectable elite households who emerged as prominent buyers of these women and children. Often the arrangements were institutionalised. Children were sold, on a regular basis, to the prostitutes of Jaipur, Delhi, Karnal and to the *Nawab of Jhujjur*⁹¹ and to others who were well acquainted with the nature of trade and its proceedings. *Thugs* certainly did enjoy complicity and support. Their argot, too, had distinct terms to denote individuals who shared ties with them. The term '*tome*' stood for a village chief or any other patron and '*burgela*' meant those who knew their secrets and kept them too⁹²; these could be the *bantias*, *sonars* or the

⁸⁹ Feb. 1814, Confession of Sheikh Madar before the Magistrate of Chittoor. Thornton, op.cit., pp.277-287.

⁹⁰ In January 1864, it was recorded that in Jubbulpur a local bania was fined for Rs.25/- for selling *dhatura* seeds. *Report on the Crime of Thuggee by Means of Poisons*, op.cit.

⁹¹ *Report on Megpunnaism*, op.cit., pp.7. Home, T&D Files, D.2, No.3, 1838, NAI.

⁹² *ibid*, pp.67-70.

petty traders. The wide use of such terms also indicated the fact that individuals outside of the organisation were well versed with the use and the meaning of the *thug* linguistic codes. The expressions were thus used by all those who participated in the criminal activities, whether directly or indirectly.

Urbanisation had an equally important role to play in determining the nature of the crime, as it required bigger and more flourishing cities, newer trade routes and increased traffic on the high roads. The phenomenon of *thugi* increased with the expansion of the communication networks. For the *thug* bands operating on the highways, the new routes along with the local inns and *sarais* and the *bazaars*, became significant for gathering information regarding the movement of possible victims- the *beoparis* or the traders, and targetting them with considerable ease. Disguise, too, became much easier to carry off as the increased traffic on the roads meant that the *thugs* could easily pass off as traders, merchants, soldiers, mendicants and others, without arousing suspicion or inviting detection. A noted *dhatara thug* of Central India, Buldewa Bhat, in his confession admitted that he engaged in extensive campaigns in the Rajputana region and in the adjoining areas of Bharatpur, Dholpur, Gwalior, going up to Nimach and Kathiawar⁹³.

There also appeared various new species of the crime. *Tusmabaz thugi* emerged particularly through gambling on the highroads and inns. As Singha states 'the birth of Tusmabaz thugi took place in the bustling low life of the Company's army and extended by its campfollowers'⁹⁴. As the legend goes, this new form was developed by a European private soldier named Creagh, stationed at Kanpur, in 1803. He initiated several natives into the mystery of the stick and garter, and afterwards, they, appeared as

⁹³ *Report on the Working of the Thugi and Dacoity Department for the year 1874*(Calcutta 1876), pp.4-5, NAI.

⁹⁴ Radhika Singha, 'Settle, Mobilize, Verify: Identification Practices in Colonial India', *Studies in History*, Vol.16, No.2, 2000, pp.161.

leaders of many gangs, who traversed the country, gambling with whomsoever they could trap. Also known as 'pricking the garter', the trick was to insert the stick or a peg in the strap which was folded many atimes. The act required putting in the stick in such a way that the strap, when unfolded, came out doubled⁹⁵. The act was related with skill and trickery, any form of religious motivation and rituals which were associated with other forms of *thugi* were completely missing in this variant of the crime.

The introduction of the railways⁹⁶ and steam navigation meant greater penetration of colonial authorities but for the communities on the margins of the agrarian stucture it meant a decline in resources as well as opportunities to earn a livelihood. The crime of **river *thugi*** increased manifold with the inuaguration of steamers on the Ganges and due other changes in the river system. The details will be discussed in the chapter 3. Similarly, with the expansion of the railways, the scene shifted. Incidents of *dhatura thugi* on the trains increased in the 1860s. On 27th August 1865, a railway inspector was found drugged⁹⁷. The crime was less easily detected and the culprits more difficult to trace⁹⁸.

The **Thugi and Dacoity Department** continued to receive reports for the crime of *thugi* by means of strangulation and by means of poison till the 1860s, even as claims were constantly been made by the officials of having eradicated the crime. There were 8 reported cases of thugi from Bengal in 1856⁹⁹. In 1859, H.Boddam, Assisstant Commisioner for the

⁹⁵ *Rambles and Recollections*, op.cit., pp.91.

⁹⁶ The possibility of the greater facilities of escape and travelling offered to the criminals by the expansion of the railways was noted in the *Statement of the Crime of Dacoity in British territories for the year 1874*(Simla 1876), NAI.

⁹⁷ *Report on the Crime of Thugi by Means of Poison*, op.cit.

⁹⁸In an instance cited, on 24th July 1865, the passenger who boarded the train at Hyderabad was found dead, after being drugged, at the Sehere station. The culprits for the crime could not be discovered. *ibid*.

⁹⁹ *Report on the Suppression of dacoity in Bengal for the years 1855-56*, op.cit.,pp.28.

Suppression of Dacoity, stated that 'thugs were operative in large numbers and there seems no effective way to check them'¹⁰⁰.

The real significance of discussing the nature and character of the crime along with its socio-economic aspects was to highlight and understand the slenderness and intermittency of relationships that existed in the local context. The crime of *thugi* in all its 'discovered forms', certainly was not taking place in isolation, the *thugs* did stay on the margins of the socio-economic and political structure but were, nonetheless, closely linked to the agrarian society, to the rural power structures of their times, and to the newly emerging patterns of urbanisation.

¹⁰⁰ H.Boddam to the Commissioner for the Suppression of Dacoity, 31 January 1859. *Report on the Suppression of dacoity in Bengal for the years 1859*(Calcutta 1860), Selections from Bengal, on Microfiche in NMML.

Chapter Two

DACOITY IN COLONIAL INDIA: A CASE OF 'NEW DISCOVERY' OR 'RESURGENCE' IN THE NINETEENTH CENTURY

The enquiry into the crime of *dacoity*, as in the case of *thugi*, would aim at highlighting the context in which the crime occurred, and the manner in which it was carried out, especially by forging alliances with various levels of local authority and society. It will also look into the organization and practices of the *dacoits*. The focus would primarily be on the 19th century Central India. However, the initial upsurge in the crime in early colonial Bengal cannot be ignored. Therefore, a section of the paper would be devoted to the emergence of *dacoity* in Bengal.

I

As the political upsurges which took place in the last quarter of the 18th century in colonial Bengal subsided, *dacoity* emerged as the dominant form of crime in the rural countryside by the early 19th century. The Famine of 1770, and the promulgation of the Permanent Settlement (Regulation XXII of 1793), provide us with the entry point, into an enquiry into crime of *dacoity* in Bengal, as both these events marked the breakdown of the earlier modes of control, thereby causing an escalation of crime in the region¹. These provided the broad elements of dislocation in the Bengal countryside.

Rural violence was the most obvious outcome of this dislocation and it got manifested in various forms. These ranged from insurgencies like the

¹ Basudeb Chattopadhyay, *Crime and Control in Early Colonial Bengal 1770-1860* (Calcutta 2000), Introduction xvi.

Sanyasi and *Fakir Rebellions*, the *Chuar rebellions* that have been discussed earlier, to numerous instances of *dacoity* and smuggling. However, it was the Permanent Settlement made with the landlords, which brought long term changes to the countryside. The Settlement ended the military functions of the *zamindars*² and the local militia comprised of *lathials*, *paiks*, *barkandazes*, *dafadars*, *chaukidars* and others, were disbanded. In consequence, many of these people were deprived of any ostensible means of support and some among them invariably turned to crime as a source of livelihood³. Their earlier experience of being a part of the local militia served as an advantage for forging quick local alliances with those in authority, and for carrying out acts of depredations. In a situation like this, the local authorities-*zamindars* and *talukdars*-did not help the police to capture these gangs but, in most cases, harboured the criminals who had earlier served under them. The patterns of patronage extended to these groups by these local notables suppressed all evidence that pointed at their activities.

Although *dacoity* and banditry were present during the Mughal times⁴, under the Company's rule the instances increased in scope, year after year. It was with the beginning of the 19th century, that the administration became preoccupied with more localized incidents of violence which threatened not just public peace but also affected the collection of revenue. *Dacoity*, in this context, emerged as a menace to them which superceded other problems like- small scale rioting, smuggling and other petty offences.

² 'In every area the British brought under control, they forced the disbandment of local military forces and systematically destroyed the forts and fortified houses of local land controllers', Bernard S. Cohn, *India: The Social Anthropology of a Civilization* (New Jersey 1971), pp.80.

³ 'Government officials clearly were aware that banditry increased after the Company deprived the *zamindars* of the police powers', J.R.McClane, 'Bengali Bandits, Police and Landlords after the Permanent Settlement', in Yang ed., op.cit., pp.30.

⁴ In most of the travel writings of the Mughal period references are there of Rajput highwaymen frequenting the country, committing robberies and living as outlaws in the jungles. Sangar, op.cit., pp.48.

The Committee of Circuit in 1772 stated that 'the dacoits of Bengal are, not like the robbers in England, driven to such desperate courses by sudden wants. They are robbers by profession and even by birth, they are formed into regular communities and their families subsist by the spoils which they bring home to them'⁵. Warren Hastings noted that he received 'repeated complaints from all parts of the province of the multitude of dacoits who have infested it for some years past and have been guilty of the most daring and alarming excesses'⁶. The Collector of Rangpur, too, reported that 'the dacoits are now assembling in such numerous bodies committing robberies and murder throughout the Rangpur district, that I fear the revenue will fall short and be greatly impeded'⁷.

Almost every district reported on the high frequency of these crimes and their impact on revenue collection. Raid on revenue in transit became frequent and, often, the commercial factories of the Company were also targeted. Hastings, therefore, recommended the adoption of some stringent measures to deal with what he undoubtedly considered as a severe menace to the state. The outcome was the Article 35 of 1772, whereby the punishment for dacoity was death penalty. Punishment was also extended for the crime to the family as well as the village of the dacoit⁸. Police establishments were remodelled in April 1774, due to the 'increased confidence of the dacoits and because of the difficulty in obtaining intelligence of such events as related to the peace of the country'⁹. At the same time, he admitted that the term '*dacoit*' has no one definite meaning and the need is to establish distinctions between a 'professional dacoit' and those who turn to *dacoity* due to hardships in acquiring adequate

⁵ *Report from the Select Committee on the Affairs of the East India Company with a General Appendix for the year 1831-32*, Vol.5, British Parliamentary Papers (Irish University Press Series) Appendix, pp.70.

⁶ Bengal Revenue Consultations, 8, Range 49, Vol.45, quoted in Chattopadhyay, op.cit., pp.17.

⁷ Calcutta Committee of Revenue Consultations, Range 67, Vol.55, 17 Nov. 1772, quoted ibid., pp.17.

⁸ Hastings had proposed that the dacoit families be enslaved. Singha, op.cit., pp.169&225.

⁹ F.L.Beaufort, op.cit., pp.6.

means of livelihood¹⁰. As a remedy, landlords were made responsible for the losses sustained by their neglect, and they were required to assist the *faujdar*s in apprehending *dacoits*. Also, all persons convicted of abetting/conniving at the practices of robbers were to be adjudged equally criminal, and so be punished by death. However, most zamindars, having lost their prestige and power, were deeply involved in the crime. The Supervisor of Rangpur regretted the fact that the *zamindars*, instead of helping the administration to apprehend the *dacoits*, 'have been the chief encouragers of them for lucrative motives'¹¹.

The confession of a *dacoit*, Mohammad Hossien¹², to the Commissioner of Sunderbans, highlighted the complicity of the *zamindars* in the cases of *dacoity*. Muhammad Hayat, Hossein's employer, was himself a *girdwar*(police officer)who discovered that 'the abuse of his office was likely to bring him more lucre than the loyal pursuit of his lawful avocation' and, subsequently, he organized a gang appointing, Hossien and some others as *sirdars*. The gang operated over a wide stretch between Bakargunj and Noakhali. The confession listed instances where the *zamindars* not just the shared the loot and extended patronage to these operating gangs, but also personally led these parties of dacoits¹³. The Magistrates of Dacca and Sylhet asserted that 'no dacoit plundered without the knowledge and support of the zamindars'. Also, often the *zamindars* collected a tax from these gangs¹⁴.

In December, 1792, the police system was entirely remodelled. Having taken an immediate note of the problem, Cornwallis got down to redesigning police control, as the earlier piecemeal measures instituted by

¹⁰ *ibid*, pp. 21.

¹¹ Records of the Government of Bengal, Proceedings of the Controlling Council of Revenue at Murshidabad, Vol.1, quoted in *ibid*, pp.17.

¹² Deposition taken before Henry Lodge, Commissioner of Sunderbans on 23rd January 1789, quoted in *ibid*, pp.21.

¹³ Hossein mentions the name of 3 *zamindars*-Ghulam Haider Chauduri of pargana Bhulua, Kirtinarain Roy of Ratandi Kalikapur and Ainuddin Shikdar of taluka Shafipur. *ibid*.

¹⁴ *ibid*, pp.35.

Hastings had collapsed. As the *faujdari* jurisdictions of the zamindars were abolished, the old pattern of local responsibility for the crime could no longer be enforced, where the *zamindars* and the *talukdars* had been made answerable for all instances of crime committed within their jurisdiction. What then evolved was a system of regulations and police structure as the essential components of colonial control. The office of the *Daroga* was constituted, comprising a *jamadar*, a *bakshi* and a few *barkandazes*, and the *thana* was established. The duty of the *darogas* was to apprehend and forward to the Magistrates and to the neighbouring *thanas*, all persons residing in their jurisdiction, who were notorious as dacoits, robbers, thieves, receivers of stolen property¹⁵. The entire countryside then became dotted with *thanas* as local centers of police control presided over by the *darogas* as the local representatives of the Company¹⁶. The informal mechanism of appointing *goyendas*(informers/spies) too became institutionalized and functional from 1794. They were employed, with the prior sanction of the Magistrate, to discover the haunts of dacoits, to watch their movements, to mix with them, occasionally, with a view to acquiring accurate intelligence of their operations and designs. They were to communicate to their employers the result of such enquiries and, finally, to point out to the police authorities the person whom the Magistrate may order to apprehend¹⁷. Even as the actual presence of the colonial authority was nominal, the entire police structure in itself stood for the Company's penetration into the

¹⁵ Regulation XX of 1817, Section 20, Clause 1, quoted in Beaufort, *op.cit.*, pp.702. Corruption was declared to be punishable by dismissal from the office under Regulation XVII of 1816, Section 9, Clause 1, *ibid.* pp.368.

¹⁶ The Regulation XXII of 1793 invested the Magistrate with the responsibility of dividing their districts into police jurisdictions comprising an extent of country not exceeding 10 *coss* square which was to be controlled by the local *thana*. *ibid.*, pp.11-12. A similar system of police control was introduced in Benares by the Regulation of 1795, with slight modifications in the Ceded provinces in 1803 and in the conquered territories of the *Peshwa* with the Regulation IX of 1804, *ibid.*, pp.13.

¹⁷ *ibid.*, pp.86.

countryside. It was with the specific aim of bringing down such instances of 'heinous offences'¹⁸ that the rural police structure was evolved.

The system depended heavily upon the information it gathered from the local men- *zamindars*, *barkhandazes*, *chowkidars*¹⁹ and the *goyendas*, who were appointed for this very purpose of procuring information about crime and criminals around the *thana*. This followed upon the earlier success that the *goyendas* had achieved in the suppression of crime in Calcutta and Nadia under Blacquire. The reliability of any of these informants had been difficult to ascertain. The newly introduced system of informants worked no differently and was laced with abuses. As has been mentioned earlier, the *zamindars* did extend protection to the *dacoit* gangs, if they were not leading them. The *chowkidars*, too, became identified as 'protectors of the thieves in gang robberies' and seldom were instrumental in effecting arrests of dacoits. Rich *dacoits*, who could afford to pay a bribe, were let off and the poorer ones were apprehended. Often an understanding between the *dacoits* and the *goyendas* allowed the former to carry on with their acts of depredation outside the *thana* jurisdiction²⁰. Often the *darogas*, too, struck direct deals with the *dacoits*, which meant letting off the *dacoits* in return of a similar promise²¹.

¹⁸ A general definition of crime was 'an act committed or omitted in violation of the public law, either forbidding or commanding it'. The ACT VII of 1854, Section 21, described treason against Her Majesty, murder, rape, dacoity, thugi, robbery, knowingly receiving property obtained by dacoity, robbery, cattle stealing, arson, forgery and embezzlement in public office as 'heinous offences'. *Ibid.*, pp.61.

¹⁹ By the Regulation XX of 1817, Section 15, Clause 7, the landlords and the village *chowkidars* were required to furnish information to the police officers making inquiries in cases of robbery, burglary and theft. They were to point out the place where the offence was committed, who are the suspects and on what grounds and where the persons suspected have been at the time of crime. *ibid.*, 425. The Regulation VI of 1810 provided for penalties on zamindars and farmers for neglecting to give information about the resort of 'dacoits, thugs, budhuks and other robbers'. Under the ACT XX of 1856, Section 52&55, the village watchmen were declared subject to orders of police darogas. They had the power to detain, examine and apprehend those involved in 'heinous offences' and convey them and other available information to the nearest *thanas*. Any misconduct or neglect of duty was punishable by either 6 months imprisonment or fine not exceeding 6 months wages. *ibid.*, pp.388.

²⁰ Chattopadhyay, *op.cit.*, pp.80-83.

²¹ For greater details see Chatteeji, 'The Daroga and the Countryside', *IESHR*, *op.cit.*

Though the police met with only partial success at the beginning, with the discovery and apprehension of notorious dacoits, corruption was rampant, which accounted for the failure of the system in the long run²². The Senior Judge of the Murshidabad Court of Circuit remarked in 1817; 'from a reference to the statement of crimes in years proceeding, dacoits would appear to increase'²³. The machinery for suppression was criticized as 'the number of persons apprehended for 'heinous offence' bears no proportion to the number of crimes perpetrated'²⁴. Growing attention was paid to the growing hiatus between 'reported crime' and 'actual crime', on the one hand, and between apprehension and conviction, on the other. The crime wave did not subside even by the mid 19th century. It was difficult to keep a watch on the local men who maintained close ties with the dacoit gangs. Other than the zamindars, these were the *thangidars* or the receivers of stolen goods, namely the *sonars* (gold and silver smiths), *shroffs* (dealers in money), petty *mahajans* and peddlers. Since the stolen goods were immediately disposed off through these channels, it was even more difficult to procure evidence to establish the crime. The abuse of power by the *goyendas* and *darogas* made the situation even worse.

Further, the system of retaining *lathials* by the *zamindars* continued, though in a more clandestine fashion, as it helped in settling of land/tax disputes effectively. Mostly local men-disbanded militia, evicted peasants, and sometimes up-country men were hired as *lathials* by the *zamindars*. The *lathial-dacoit* connection was the most menacing of all as it easily screened the criminal acts which were perpetrated. Most of the time the armed bands of *dacoits* passed off as *lathials*. Confessions recorded for the later years not only substantiate this but also point out that at no point the colonial authorities were able to bring crime within effective limits. Also,

²² For in depth study see Chattopadhyay, op.cit.

²³ Quoted *ibid.*, pp.72.

²⁴ Judicial Criminal Proceedings, 14 March, 1817, quoted *ibid.*, pp.73. The total number of dacoities committed in the Lower Provinces increased from 217 in 1818 to 336 in 1819.

the *dacoits* gloried in the dread that their name inspired. They took no pains to conceal their names and wallowed in the public notoriety. Witnesses against these men and those who volunteered to apprehend them, risked their lives²⁵.

Bishtoo Ghose was employed as a *lathial* by the *zamindar* of Nakashipara to settle intra-family affairs. After being in service for some time, he returned home and committed dacoity for a year. He also accepted that most of the *zamindars* knew of *lathials* committing dacoities and never stopped them from doing so²⁶. Instances like this can be easily multiplied.

This generated a new sense of urgency, particularly when claims were made of eradicating the crime of *thugi* and *dacoity* in Central India and, yet, the crime showed no signs of abatement in Bengal. Like *thugi*, *dacoity* too was perceived as dangerous to the power and the security of the state and was presented by officials as an overwhelming threat which needed to be speedily eradicated. This was because this horde of organized banditti, under established leaders, operated and committed depredations within a few miles of Calcutta, the seat of Government of India. It was also recognized that *dacoity* was not just committed for subsistence, but because as a profession it was found to be more profitable and easy than any other means of livelihood. Babooram Bagdi, in his confession recorded on 26th June 1858, stated that he 'took to dacoity as he regarded it as a profitable trade. Since he had a mistress, 'who spent more than he could earn, he took dacoity to be able to support her'²⁷. There was then an

²⁵ *Report from the Select Committee on the Affairs of the East India Company with a General Appendix for the year 1831-32*, Vol.3, pp.70, British Parliamentary Papers (Irish University Press Series).

²⁶ Confession of Bishtoo Ghose of Nadia, 14 June 1855 recorded by J.R.Ward, Commissioner for Suppression of Dacoity. *Report on the Suppression of Dacoity for the year 1855-56* (Calcutta 1857), Selections from Bengal, on Microfiche in NMML.

²⁷ It was also recorded that A Brahmin, who was a member of the gang acted as a spy and got useful information for the *dacoits*. The gang comprised of 30 men, who carried *lathis* and torches. Dacoity was committed on land as well on the river by this gang. *Report on the Suppression of Dacoity for the year 1857-58* (Calcutta 1859), Selections from Bengal, on Microfiche in NMML.

abiding temptation among the police officials to extend the system, operative in Central India, to Bengal as well. Official correspondence is replete with instances where demand is being made for the introduction of a similar system in the provinces of Bengal²⁸. For this purpose, then, the hereditary character of criminals was constructed and emphasized. Consequently, the newly established office of the Commissioner for the Suppression of Dacoity started functioning from 1852, which borrowed heavily from the system that was applied in the Central Provinces, including the Approvers' system²⁹.

The renewed operation targeted the well organized bands of professional *dacoits* (not hereditary/belonging to any certain tribe) which operated in the region, notably the *Chandernagore* gangs, the *Lattara* gangs in Calcutta and Howrah, who were as durwans or gatekeepers and chowkidars by the wealthy babus and zamindars, *Hughli* gangs, *Nadia* gangs, *Howrah* gangs and the gangs of the *river dacoits* and the most dreaded of all, the *Shikari/Bediya* gangs in the Barasat and 24 Pargana³⁰. The 'up-country men', generally low caste Hindus- Chamars, Doms, Dosads, in search of employment opportunities, settled around the urban centres, too, were suspected of being involved in *dacoity*. One such gang operated in the 24 parganas. The men were settled in Entally and were headed by a Brahmin, Sham Chand Chatterjee³¹. The railway coolies

²⁸The Superintendent of Police, W.Dampier insisted that the ACT XXIV of 1843 must be made applicable in Bengal as well. No. 360, W.Dampier to J.P.Grant, Secretary to the Government of Bengal, 4 March 1851. J.P.Grant, Secretary to the Government of Bengal, stated 'I feel perfectly convinced that unless the thuggee system is brought into operation against these gangs, we shall fail in putting down the system', Letter to the Secretary of the Government of India, 11 March, 1852. *Correspondence Relating to the Suppression of Dacoity in Bengal in the year 1854*, Selections from Bengal, on Microfiche in NMML.

²⁹ Details of this system are discussed in Chapter 4.

³⁰ It was the Lower Provinces region which was most infested with the *dacoit* bands. The *Shikaris* were described as 'hereditary dacoits', originally from Awadh, maybe belonging to the clan of *Budhuks*. They were low/inferior caste men, generally Muslims, employed by the *Rajahs* of Kishnaghur as huntsmen to destroy wild beasts and catch prized birds like Kingfishers. They were also employed as *chowkidars* in the villages as it was understood that their appointment would protect the village from crime. *Correspondence Relating to the Suppression of Dacoity in Bengal in the year 1854*, op.cit., pp.2-13.

³¹ *Report on the Suppression of Dacoity in Bengal for the year 1859*(Calcutta 1860), pp.4, Selections from Bengal, on Microfiche in NMML.

were regarded as another group which carried out *dacoities*. Supposedly numbering in thousands, unknown to all and unrecognizable, they carried out extensive depredations. Also, if it got too dangerous for them to remain at one place, they moved to another railway station which would be only 20 miles away. A few runaway prisoners and *badmashes*, it was recorded, also seized the opportunity and carried on *dacoity* whenever they could collect a few companions³².

The police measures had a positive impact. Some of the major gangs, like the Chandernagore and Shikari gangs, were broken up, and a few of the most notorious *sirdars* were apprehended. They later turned into informers³³. The statement for the year 1853 shows that 247 dacoits were brought to trial out of whom 175 were convicted, and 150 were sentenced to transportation for life and 26 to 16 years' of imprisonment³⁴. In 1869, 473 cases of dacoity were reported. This led to the apprehension of 2373 dacoits of whom 1040 were convicted for the crime³⁵. The Commissioner for the suppression of *dacoity*, too, commented that 'in every district there has been a check to the crime, which up to the time when this office was established had been year by year increasing. It is neither presumptuous nor unreasonable inference to draw that this office has had some influence in producing good result'³⁶.

³² *Report on the Suppression of Dacoity in Bengal for the year 1855-56* (Calcutta 1857), Appendix F xxiv, Selections from Bengal, on Microfiche in NMLL.

³³ Gour Shikari, the noted leader of the *Shikari* gangs, confessed to 17 dacoities since 1840, some of which were long distance ones extending to Nadia and Sunderbans. He also resorted to blackmailing the wealthy and asked for grain, money, clothes etc and was seldom refused. *Correspondence Relating to the Suppression of Dacoity in Bengal in the year 1854*, op.cit., pp.5.

³⁴ *Report on the Suppression of Dacoity for the year 1855* (Calcutta 1856), op.cit.

³⁵ *Report on the Police in Lower Provinces*, 1869 (Calcutta 1870), pp.16, NAI.

³⁶ *Correspondence Relating to the Suppression of Dacoity in Bengal in the year 1854*, op.cit., Appendix A i.

II

The 1840s witnessed the discovery of '*dacoits*' as a criminal category, as Sleeman identified them, who operated in the region of Central and Upper India, residing in and receiving protection from the princely states³⁷. They were described as 'impressive figures' who were 'gallant, brave and daring' in their acts. Sleeman particularly noted their attitude towards the women. He stated 'these robbers, by profession, have never been known to offer any violence or insult to females. I have never found an instance of a female having been otherwise disgraced or insulted by them'³⁸. The membership to the gang had to be earned i.e. recruitment was from outside the community, usually from children. In the confessions it was constantly reiterated that the *dacoit* bands possessed no rigid organization and there was considerable fluidity as men came and left as they willed. Also these accounts and later reports point out that these *dacoits* belonged to a number of heterogeneous castes and social groups-*Rajputs, Khanjars, Lodhis, Kolis, Chamars, Gosains, Mewatis, Gujars, Ahirs, Meenas and Gonds*, to name a few. They had some distinct clans as well. The *Budhuks*, who resided in the Awadh terai³⁹, operated in Rajasthan and Gwalior. Often their expeditions ranged as far as Bombay, Baroda and Delhi. They mostly took the disguise of pilgrims and merchants to minimize suspicion on their expeditions. Also known as *Bagrees*, settled on the banks of Chambal River, they were greatly favoured by the Native prince and other powerful landlords in the region of Rajputana, Malwa and Gwalior. The punishment meted out to the dacoits, by the local zamindars, for their actions rarely went beyond a compulsory restitution of the stolen property.

³⁷ *Report on Budhuk alias Bagree Dacoits*, op.cit.

³⁸ *ibid.*, pp.125.

³⁹ It was recorded that 1200 of these Budhuks were employed by Shuja-ud-Daula as the 'wolf regiment' commanded by their own leader when the depredations had become intolerable. James Hutton, *Thugs and Dacoits of India* (Delhi, reprinted 1981), pp.130. Sleeman recorded that almost 12,000 families of *budhuks* were settled in the region Alwar-Jodhpur region, under the protection of the landlords. *Report on Budhuk alias Bagree Dacoits*, op.cit.

Also, their reckless liberality made them very popular with the poorer classes⁴⁰. The *Sansiah*, *Bowreeah* and *Moghya* clans, settled in the region of Mewar and Marwar, were generally associated with mendicancy and cattle lifting and took to organised *dacoity* due to poverty and impunity⁴¹. The *Mangs* or the *Kohlapur* gangs indulged in robbery in the border areas of the native states and took pride in the fact that their families were ignorant of their pursuits⁴². The Sunoriahs or the Oothaegeerahs were involved in the kidnapping of children and petty thefts and had depots for a ready sale for them⁴³. This classification of the various clans of the *dacoits* pointed towards the fact that what constituted '*dacoity*' was still unclear. Like *thugi*, *dacoity* too stood for a wide range of criminal activities apart from the 'crime of open violence committed with the purpose of robbery'. Included in its widest definition were the crimes of theft, cattle stealing, kidnapping of children etc. Yet, they were described to be hereditary in character in the official reports, thus, giving in to the colonial tendency of providing a link between caste and criminality. The Act XXIV of 1843 laid down stringent measures for the conviction of 'professional dacoits' who belonged to 'certain tribes systematically employed in carrying out their lawless pursuits in different parts of the country' and those 'proved to have belonged to any gangs of dacoits'. It targeted 'any person accused of the offence of dacoity, with/without murder, or of having belonged to a group of dacoits'⁴⁴. With the Act XI of 1848, the earlier Act was expanded to bring under its jurisdiction 'any wandering gangs of persons associated for the purpose of theft/robbery', namely the *Banjaras*, *Sansis*, *Maghs*, *Kolis* and other low castes⁴⁵.

⁴⁰ Ajeet Singh, leader of the Chambal gang declared that from a dacoity that yielded Rs.40,000/-, Rs.4,500/- were kept aside for the expenses on the road, for offerings and for charity. *ibid.*, pp.132.

⁴¹ *ibid.*, pp.141-142.

⁴² *ibid.*, pp.164.

⁴³ *ibid.*, pp.169.

⁴⁴ *Report on Budhuk alias Bagree dacoits*, *op.cit.*, pp.354.

⁴⁵ *ibid.*, pp.359.

Like the *thugs*, the *dacoits*, too, saw their expeditions as '*padshahee kam*' or 'imperial trade' and adhered to their crime or their calling with extraordinary persistence⁴⁶. Before embarking on any expedition or while on their way, the gangs followed some rituals or attended to omens like following the call of animals or spotting them. These were seen as guiding signs by the plundering bands and were interpreted as lucky/unlucky and as harbingers of fortune/misfortune. Also, after successful ventures, dances and thanksgiving festivals were held, the expenses for which were defrayed by the charity fund/general pool created by keeping aside a certain amount of the loot for the purpose⁴⁷. However, these were not rigid rules or fixed rituals that were followed, nor were they indicative of dacoits being a monolithic entity. Rather, they signified local practices and beliefs in general, which were shared by most of the locally operating bands.

Each gang had an exclusive territory for its excursions and this was decided consensually among the different gang leaders⁴⁸. Usually, petty dacoities were avoided as they aimed at procuring a considerable booty so that they did not have to return to dacoity for at least a year. The usual place of depredation were the trade routes and the targets thus were the treasure convoys⁴⁹, caravans of traders and merchants, wedding processions or the houses of wealthy *mahajans* and *bannias* and the attacks were usually carried out at night⁵⁰. While the men went on these

⁴⁶ *ibid.*, pp.127.

⁴⁷ Confessions of Dacoits, Home, T&D Files, D.2, NAI.

⁴⁸ *Report on Budhuk alias Bagree dacoits*, op.cit. , pp.266.

⁴⁹ In the Western Malwa Agency, 19 Meenas, from the Gurgaon district, were convicted of *dacoity*, who attacked a convoy of treasure, killed one and wounded others and carried away the treasure worth Rs.46,000. *Report for the Political Administration of the territories comprised within Central India Agency, for the year 1872-73* (Calcutta 1874), pp.6, Selections from Government of India (Hereafter SGOI), NAI.

⁵⁰ On 20th February 1874, 30 armed *dacoits* attacked the house of the *malguzar* of Chandla, in Indore. While he was asleep, they seized him with sticks and demanded where his property and valuables were. On his refusal, the dacoits set him afire, broke open the godown and carried away the jewels, cash and other valuable property worth Rs.20,000. Later, 15 dacoits were arrested and a great portion of the property was recovered. 12 were convicted and sentenced for 2-20 years imprisonment. Major

excursions the women generally stayed back and received a share in the booty even for adopted their children⁵¹. Once on the expedition, targets were planned beforehand and prior knowledge was obtained through confederates who were deputed in the *bazaars* or on the high ways and prominent routes to procure information. A few men stayed behind to keep a check. While attacking, sentries were deployed and those who resisted were frightened off by firing or were killed. The attack was carried out with suddenness and swiftness and with ruthless terrorism by the gangs who were mostly armed with *lathis* and carried torches, mainly for the purpose of intimidation. Sometimes the gangs also carried bows and arrows, swords, spears and, on rare occasions, fire arms. It was difficult to recognize the culprits, as most often they were strangers or covered their faces. After the *dacoity*, either they went into hiding in the jungles or tried to cover a large distance before the news could reach the police authorities⁵² to evade arrest. For this reason, dacoities were carried out on horseback or on camels, and seldom on foot.

During the rainy season, usually in the period between March and October, most of the gangs returned to their villages and were involved in agricultural activities or worked as shepherds and *chowkidars*. Some were even involved in grain trade⁵³. A few made a temporary abode in the jungles⁵⁴, often to coordinate plans for future plundering operations. Those villagers who afforded refuge to these returning groups- the agricultural labourers, the *zamindars* and others were exempted from depredation. Also, the *dacoits* shared close ties with the various levels of the social

E.R.C.Bradford, General Superintendent T&D Department, *Report on the Working of the Thugi and Dacoity Department for the year 1874* (Calcutta 1876), pp.6, SGOI, NAI.

⁵¹ *Report on Budhuk alias Bagree dacoits*, op.cit., pp.146. There are stray references to female leaders as well. Also the practice of adopting children/wives etc was common, maybe because each member received a share in the booty and having more members in a family meant receiving a greater amount.

⁵² Confessions of Dacoits, Home, T&D Files, D.2, NAI.

⁵³ *ibid.*

⁵⁴ The dense jungles of Kotah and Jhallawar and on the frontiers of Bhopal, Indore and Gwalior territories were chiefly occupied by the *dacoit* gangs. *Report for the Political Administration of the territories comprised within Central India Agency, for the year 1872-73*, op.cit., pp.2.

order. Some of these ties were institutionalized⁵⁵. These ties of exchange and collusion were crucial for their own sustenance as the local *bannias*, *sonars* and *mahajans* acted as the receivers of the stolen goods, thereby providing the *dacoit* bands with clothes, ready cash, arms and other required articles to use on the expeditions. The stolen articles-gold and silver ornaments, coins, utensils of brass and copper- were conveyed to the receivers where these were melted down, defaced or altered in such a way that their identity could not be established⁵⁶. The village *chowkidars*, who offered assistance during expeditions and those who provided shelter to the dacoits and their families, were rewarded by a share in the booty.

Like other communities on the margins of the socio-economic order, the *thugs*, the service and itinerant communities-Banjaras, Pasis and others these groups, too, moved in and out of the service of local or colonial rulers⁵⁷. Lukb jee, a Rajput *dacoit* of Upper Rajputana, had, for a brief period of time entered into the services of a *thakur* and committed no dacoity for that period⁵⁸. Such instances were numerous. The recasting of a dacoit into a military/police/administrative official was quite typical. It seemed that a standard method of buying immunity from plunder was to integrate those identified as criminals into the agrarian system as watchmen, *lathials*, and petty officials.

As in the case of *thugi*, Central India emerged as a breeding ground for *dacoity*, owing to its political dislocations. The geography of the region was conducive to banditry. The rugged terrain and ravines were the favourite haunts of the outlaws in and around Gwalior⁵⁹. The

⁵⁵ The Bijoli Gujars were the permanent buyer of goods of the Thakur Panwar gang of dacoits who resided in Dholpur. Home, T&D Files, D.2, No.30, December 1891, NAI.

⁵⁶ Confessions of Dacoits, Home, T&D Files, D.2, NAI.

⁵⁷ 'Lucka and Ghureeba were placed in the Banda Military Battalion where through their gallantry and good conduct they rose to the ranks of a *tomandar* or commander of a company'. Neither of them was found to betray or abuse the situation. Ibid., pp.122.

⁵⁸ Home, T&D Files, D.2, No.18, 1884, NAI.

⁵⁹ A total of 14 cases of *dacoity* were reported even in the year 1882 and 168 individuals were involved in it in the Gwalior territories. The region was regarded as the worst hit by the crime among all the states, particularly due to its geographic location. *Report for the*

decommissioning and disbandment of militias, as discussed in an earlier chapter, contributed heavily to the growth of crime in the Bundelkhand and Rajputana regions⁶⁰. Further, the fluidity of the boundaries between the Native states made it even more difficult to check crime and pursue the criminals⁶¹.

By the year 1837, the colonial government was gravely concerned with the increase in the number of acts of violent banditry which sometimes involved murder as well. The Agent to the Governor-General for Central India in 1838 had observed that there existed an 'extensive system of depredation' in the region⁶². Recorded confessions of apprehended dacoits implied a system which had been prevalent for the past few decades. A *banjara* dacoit, apprehended in 1879 in Ellichpur, stated that he was a *dacoit* by hereditary profession, like his father and forefathers. Similar claims were made by others who were apprehended for the crime between the years 1879-1891⁶³. This also implied that though claims were made of completely controlling the instances of crime in the British territories, it continued in the Native states where it was even more difficult to control due to the patterns of concealment and screening and also because of the fact that crimes remained largely unreported⁶⁴. The numbers kept increasing every year. In 1866, 28 cases of dacoity were reported in the Central India Agency. This increased to 80 in 1872 and to over a 100

Political Administration of the territories comprised within Central India Agency, for the year 1882-83(Calcutta 1884), Appendix B, pp.133 , SGOI, NAI.

⁶⁰ Both Dirk Kolff and Stewart Gordon have asserted that the Bundelkhand region has been the mainstay of recruitment for the military labour market.

⁶¹ In Hoshangabad district, in December 1874, dacoity was committed on the banks of the River Narmada by a gang which had crossed over from the Holkar's territories. After carrying out successful attacks on 2 villages, the gang reached as far as Nimar and Khandwa, approximately 40 miles from the river. Major E.R.C.Bradford, General Superintendent T&D Department, *Statement of the crime of Dacoity in British Territories for the year 1874* (Simla 1876), pp.38.

⁶² Foreign Political Consultations, No.1-2, 11 July 1838, NAI.

⁶³ Home, T&D Files, D.2, NAI.

⁶⁴ The policy of the *darbars* before the 1880s had been to conceal crime as far as possible from the 'paramount power' so as to reduce interference in its internal affairs. Kasturi, *op.cit.*, pp.99.

cases in 1877. The number of registered dacoits in the region in 1874 was 3433; against 425 there was strong evidence and against 1971 dacoits there was enough evidence to apprehend them⁶⁵. In the years 1888-89, 140 cases were reported from Gwalior alone, which was reduced to 58 in 1889-89. There were 27 cases in Bhopawar, 35 in Dewas and 37 in Bundelkhand that were reported for the same year⁶⁶. The increase could be attributed to the dislocation in the region caused by the famines or simply to the fact that crime was now better documented in the proceedings and annual reports of the **Thugi and Dacoity Department**.

Upper Rajputana was particularly infested with the dacoit gangs. A total of 66 dacoities took place during the year 1874 in which property worth Rs.23,600/- was plundered, out of which only Rs.2,800/- was recovered. A total of 5 persons were killed and 19 were wounded. Of the 362 dacoits engaged in the crime, only 29 were arrested and convicted by the Jaipur *darbar*. In the Lower Rajputana region, 47 dacoities were reported. It was stated that these numbers were much below the intensity of depredation, particularly in the Mewar and Marwar region. Malwa, again, was regarded as the resort of all sorts and classes of dacoits- *Meenas, Kunjurs, Multanis, Bheels* and others, who committed depredations and dispersed quickly. The area of depredation extended from Bharatpur, Dholpur and Gwalior, up to Nimach, Kathiawar and Ahmedabad⁶⁷.

The returns from the state provided very little information regarding the class of people who committed the dacoities. Gangs were formed of men belonging to different castes. There were stray references to *Meenas, Rajputs, Tonks, Bowreeahs, Aheers* and also to the *Banjaras, Multanis, Bhudhuks, Brahmins* and *Thakurs*, who were mostly protected by petty

⁶⁵ Major E.R.C. Bradford, General Superintendent T&D Department, *Report on the Working of the Thugi and Dacoity Department for the year 1874* (Calcutta 1876), pp.15, SGOI, NAI.

⁶⁶ *Report for the Political Administration of the territories comprised within Central India Agency, for the year 1866-67 to 1889-90*, SGOI, NAI.

⁶⁷ *ibid.*, pp.3-7.

thakurs and other influential men⁶⁸. There is no doubt that feudal chiefs and *thakurs* were generally in league with the *dacoits* and fostered crime. Most of the time these *dacoit* bands acted as useful retainers for them in their ventures to settle land and other disputes. Since their 'area of depredation' was usually far away from the 'area of residence', it meant that these bands did not commit depredation in the region of their patron and acted as a defense force against other bands. Also, since most of these bands were made to settle on the waste lands, the patrons subjected them to regular taxation in the form of regular rent rolls or demanded a share in the booty, in return for the promise of concealment. These ties of collusion and concealment accounted for much of the aggravation of the crime in the region of Central India.

Often gangs of wandering thieves, identified as *Byragees* or ascetics, were reported to have carried out attacks on dwelling houses. The official reports, however, suggest that these were actually clans of *Pasis*, *Naths*, *Budhuks* and *Bagrees*, who came every year from the North-Western Provinces and Awadh and operated in the Central Provinces, begging by the day and thieving by night. While they encamped outside the village during the day, they closely observed the layout of the prosperous and affluent houses and their occupants. The robbery was carried out at night and they decamped immediately so that by the morning, they were miles away, in some jungle, and were never seen or heard again in that locality⁶⁹.

A special feature of *dacoity* in Central India was **Rajput Banditry**. In her analysis of the phenomenon, Malvika Kasturi has elaborated on various aspects of *dacoity* in Upper and Central India. Firstly, *Rajput dacoity* was not a new phenomenon. To account for its emergence Kasturi mentions the disallowing of the land grant as military tenure to *Rajputs* in service,

⁶⁸Report on the Working of the Thugi and Dacoity Department for the year 1874, op.cit., pp.1-3.

⁶⁹Statement of the crime of Dacoity in British Territories for the year 1874, op.cit., pp.39.

along with demilitarization as the main reason⁷⁰. This was done primarily because, with their past experience with the mercenary bands, the colonial authorities had become more cautious of them and their existence was seen as an open threat. They were suspected of acts of crime of various sorts. Further, British expansion into the region also contracted their resource base. These trends, according to Kasturi, resulted in the crisis of employment and increasingly *Rajput* soldiers and mercenaries fell back on plunder as means of livelihood⁷¹.

Sleeman associated this phenomenon with *bhumeawat* which meant waging 'indiscriminate war on the territory of the chief with whom the landholders of the military class are dissatisfied'⁷². This allowed the *Rajput* lineages to recruit men into their ranks. Kasturi however sees it as a fight for identity, status and power, all of which the *Rajputs* had lost with the advent of colonial power. The wars were waged when the rights of the entire *biradari* were at stake. The pattern of banditry involved amassing armies to plunder, raid and ravage the enemy's territory. Much of the action was similar to those who were described as *dacoits*.

But there existed obvious differences. *Rajput* banditry was closely associated with power struggles in the region. It was to assert caste, community and status hierarchies which had been disrupted. In the context of the 19th century, it was an expression of cultural and political protest and reaction against a changing order, where pre-existing power networks had been set aside⁷³. It had a distinct political pattern, organization and aim and should therefore not be regarded as any other unstructured

⁷⁰ Kasturi, op.cit., pp.80-81.

⁷¹ *ibid.* In the *Report for the Political Administration of the territories comprised within Central India Agency, for the year 1889-90*(Calcutta 1890), pp.8-13, SGOI, NAI, it is stated that 'it was because of the maltreatment and impoverishment of the *Rajputs* and the disregard for their sensibilities and privileges' that many of them took to *dacoity*. The districts of Bhandar, Tavargarh and Bhind were the worst hit territories where prominent dacoit gangs of Mohan Lal and Nawab Singh operated.

⁷² Commissioner, Sagar and Narmada territories, to Secretary to GOI, 15 November 1843, Consultation E, No.4, T&D Files, NAI.

⁷³ Kasturi, *Studies in History*, op.cit., pp.88-90. In 1857, it acquired a distinct anti-colonial character as noted *Rajput* bandits-Diwan Despat and Raghunath Singh, gathered armies and joined hands with local regional rebels to fight the British.

‘heinous crime’, motivated by nothing more than eking out a profitable livelihood, which caught the colonial imagination.

Such crimes had a propensity to increase in times of agrarian depression. Often it led to ‘landlord’ banditry, a form of banditry where the local *zamindar* personally led the dacoit band to procure resources for the villagers. However, in reality much of it was carried out for personal gains alone⁷⁴. More often, the villagers organized raiding parties to procure food grains etc. There are accounts of an increase in the number of such dacoity during times of famines i.e. between 1869-77 & 1889-92. The Bundelkhand region was most badly hit by famines and the scarcity caused by low rainfall, blight and by an increase in the number of emigrants from Gwalior, Agra and Bharatpur, owing to the drought-like situation in the entire region. The period was also marked by an increase in the number of *dacoities* which were committed in the region⁷⁵. The reports also stated that there were instances of ‘distress crime’, not carried out by ‘professional dacoits’ but by local men. Other crimes like cattle lifting, kidnapping of children, grain looting⁷⁶ etc increased as well during the times of drought and famines.

⁷⁴ Thakur Gambheer Singh, of the Scindhia’s territories, was guilty of several dacoities and highway robberies. Duttia was plundered several times by him and in the attacks made in the year 1866 his band seized property worth Rs.15,000. He was later attacked and chastised by Scindhia. *Report for the Political Administration of the territories comprised within Central India Agency, for the year 1866-67* (Calcutta 1868), pp.6, SGOI, NAI. However, in most instances Scindhia too tolerated the evil, primarily because assassinations were seldom committed in his own dominion. pp.101, *General Appendix to the Report from the Select Committee on the Affairs of the East India Company for the years 1831-32*, op.cit.

⁷⁵ In the Year 1877, 12 cases of dacoity were reported in the Bundelkhand region. The gang of Sultan Singh was notoriously known for carrying out depredations in Duttia, Orcha and plundering and ravaging the adjoining territories as well. The country otherwise too was infiltrated by strong armed dacoits. *Report for the Political Administration of the territories comprised within Central India Agency, for the year 1877-78* (Calcutta 1879), pp.6-8, SGOI, NAI.

⁷⁶ Instances of grain looting and petty thefts were recorded in the Central provinces during the times of famine in the year 1896. It was reported in the *Nyaya Sudha*, 28th September, that so far Rs.50,000 worth of grain was plundered and 90 persons were apprehended for the crime. Cases of parents selling their children in the famine struck areas of Hoshangabad too were reported in *Subhodh Sindhu*, 30th September. *Selections*

Even as claims were made that the crime wave had been brought under control in the British territories by the 1850s, it continued for most of the 19th century in the adjoining region which was under the administration of the Native states. A total of 224 dacoities took place in the Native states of the Central India Agency in the year 1874, in which 28 persons were killed and 108 were wounded. A total of Rs.90,299 worth of property was plundered, along with 17 camels, 3 horses, 122 heads of cattle, 200 goats and also jewels. A total of 2,030 dacoits were involved, out of which only 248 could be arrested⁷⁷. The report for the year 1889, too, showed similar trends. There were 217 cases of dacoity that were reported in the year 1888 in the Central India Agency, which was reduced marginally to 183 cases in 1889. A total of 5,509 dacoits were involved, out of which only 147 were arrested. It was also stated that the numbers involved were 'only a small detachment of the original number' as there existed 3,266 registered dacoits in the region. On the whole, property worth Rs. 1 Lakh was plundered, a considerable reduction in comparison to Rs.3 Lakh plundered in 1887⁷⁸.

To say that the crime was eventually completely eradicated would not be correct. Certainly, the incidents of crime went down and the policies met with varying degree of success but it continued in parts of Bengal and Central India even at the end of the 19th century. Since much of the crime

from the Native Newspapers published in the Central provinces, No.40, 3rd October, 1896.

⁷⁷ *Report on the Working of the Thugi and Dacoity Department for the year 1874*, op.cit., pp.22-23. The figures for the crime of the years 1870-74, as reported, are as follows: 1870-101 cases, 1871-98 cases, 1872-87 cases, 1873- 118 cases and 1874-224 cases. Of the total registered dacoits of the region 599 were at large and only 51 were arrested. *ibid.*, pp.24&31.

⁷⁸ In the Rajputana, in 1888-59 cases and in 1889-65 cases were reported. In the Hyderabad territories, including Berar, 165 and 121 cases were reported in the year 1888 and 1889 respectively. *Report on the Working of the Thugi and Dacoity Department for the year 1889*(Calcutta 1890), pp.1-4, SGOI, NAI. Unreported crime which came into light from the confessions of those apprehended and other sources figures at 241 in 1888 and 207 in 1889, for the Native states. Reported cases were 441 in 1888 and 369 in 1889. *ibid.*, pp.9-13.

remained unreported, it was difficult for the authorities to completely eradicate it. The opening up of the regions with the introduction of the railways⁷⁹ and the extension of the roadways⁸⁰ too allowed an easy movement of criminals. The Statement of Crime clearly reports this and also point out that even as crime was contained in the more centralized regions, it continued to flourish in the marginal areas; on the borders of the Native states in Central India and in the region of the Lower Provinces and the Sunderbans in Bengal⁸¹. The frequent occurrence of *dacoity* continued to create public alarm which was reflected in the reports in the Native Newspapers. Not only had the crime spread to the town suburbs of Calcutta, Howrah, Hughli, Dacca and Burdhan by the 1890s in Bengal, but a new figure of 'foreign vagrants' had come to be associated with the crime of *dacoity* in the region. These were the Pathans, the Kabuli hawkers and Peshawari peddlers, who were identified as 'habitual criminals' who followed their legitimate trade by the day as horse dealers, cloth sellers and money lenders, and indulged in criminal activities, like *dacoity* and robbery, by the night⁸². These Afghan immigrants were

⁷⁹ In 1859, a case of *dacoity* was reported from Hughli which was carried out by *Doms* serving as *paiks* and *durwans* in the Burdwan district, who traveled by the train. *Report on the Suppression of Dacoity in Bengal for the year 1859*(Calcutta 1860), op.cit., pp.6.

⁸⁰ In Central India by the year 1882-83 the network of roads increased to 1,600 miles of which 1,400 was completed, including the Great Deccan road and the Agra-Bombay road. There was increased traffic between Malwa and Bombay and the major routes were now connected with radiating feeder lines. There was also the proposal to link the Central Indian Railways with the Eastern Indian and the Great Indian Peninsular Railways. *Report for the Political Administration of the territories comprised within Central India Agency, for the year 1882-83*(Calcutta 1884), op.cit.

⁸¹ A total of 341 cases of *dacoity* were reported from Bengal in the year 1872. This increased to 356 in 1873 and 465 in 1874. Between the years 1864-74, maximum numbers of cases were reported from Bengal, totaling at 5,800 and a minimum of 7 from Assam. *Statement of the crime of Dacoity in British Territories for the year 1874*, op.cit., pp.15&64. Other territories too reported of crime. The North Western Province recorded 117 cases, 45 *dacoities* took place in Awadh and 55 in Punjab in the year 1874. *ibid.*, pp.27-34.

⁸² The rise in the instances of crime was also attributed to the introduction of the Arms Act. The possession of arms and rifles by the public had kept the *dacoits* and other criminals in check and since these restrictions no longer existed, the criminals grew bold as the *chowkidars* and *durbans* armed with bamboo sticks were no match for *dacoits* who often carried swords and fire arms. Thugi and *Dacoity* Department, *Selections from the Native Newspapers published in India in 1899*, No.9, 27th February, pp.143; No.12, 3rd April, pp.223; No.21, 29th May, pp.415-16.

described as 'past masters in the arts of violence and chicane'⁸³ who also perpetrated the crime in other areas as well-Punjab, Central Provinces.

To conclude, we can say that the claims of a 'new discovery', made by Sleeman, in the case of the phenomenon of *dacoity* in Central India in the mid 19th century, do not hold much ground. The phenomenon was prevalent in Bengal since the end of the 18th century and was known to the colonial authorities as well. Even the measures which were adopted by the **Thugi and Dacoity Department** for the suppression of crime in Central India had their antecedents in the various regulations which were passed to check the incidents of crime in early colonial Bengal. The motives behind the claims made by Sleeman-administrative or personal- along with these legal measures would be discussed, in detail, in another chapter. However, one aspect to note is that despite the continued existence of the crime till the end of the 19th century, the colonial attention to *dacoity* gradually diminished. What, perhaps, had changed, more than the crime itself, was the colonial attitude, when *dacoity* was no longer regarded as that big a threat to its authority and to the revenue of the state but was rather seen as an irritant for 'public order'. In their view, now, there were greater problems which not only threatened colonial authority- administrative and fiscal, but also the 'public order' in general. These were the activities of the identified groups of the 'criminal tribes', the new phenomenon of 'urban bad characters' or *Badmashes*, and the early activities of the Congress-organized and directed against the colonial order which soon found a place in the proceedings of the **Thugi and Dacoity Department**.

⁸³ *ibid*, No.23, 12 June, pp.488.

Chapter Three

RIVER CRIME: PROBLEMS OF POLICING AND PATROLLING

The issue of river crimes takes us away from the earlier geo-political setting and allows us to focus on the river systems. This chapter looks at the Gangetic river systems where crimes like *thugi* and *dacoity* were widely known. A wide range of other criminal and illegal activities also took place on the river which included smuggling of taxable goods, evasion of checks at revenue *chowkies*, pilferage etc and also what the colonial regime identified as *Public Nuisances*.

The discussions then would largely aim at highlighting the specificities of river crime in 19th Century India. While investigating the socio-economic complexities which propelled these crimes, the attempt would be to identify the social groups involved and then analyze the colonial responses to such actions through policing, elaboration of the legal structure etc.

Sources for this chapter include official reports for the period and police records and regulations¹. The first section while discussing the socio-cultural aspect of the river system, would deal with aspects of economic policing of the river, whereby, the colonial state tried to transform the river into a revenue generating body. The second section looks into instances of crime which took place on the river.

¹Sir C.Trevelyan, *Report on the Inland Customs and Town Duties of the Bengal Presidency* (1834), NAI. F.L.Beaufort, *A Digest of the Criminal Law of the Presidency of Fort William and Guide to All Criminal Authorities Therein* (Calcutta 1857), NAI. *Annual Report on the Police in Lower Provinces, 1838-1913*, NAI. *Reports on the Suppression of Dacoity in Bengal 1854-1859*, Selections from Bengal, on Microfiche in NMML. P.Brambley, *Report on River Crime* (1907).

I

Indian rivers enjoy no dispensation from the universal law of changes in their course-meanderings and lateral shifts, yet their navigation from the beginning offered a route easier than overland travel². Owing to its course and natural boundaries, the Ganges, more than any Indian river, provided easy inland and maritime navigation. Principal Hindu temples and sites of pilgrimage were situated on the banks of the river-Haridwar, Garhmukhteshwar, Mathura, Prayag, and Benaras, among many others. These riverine temple cities, laced with numerous bathing *ghats*, buzzed with life throughout the year owing to the pilgrim traffic. Festivals like *Janmashtami*, *Nagpanchami* and the annual *magh melas* held in the month of January further added to the life and colour of the river. Traffic and trade, too, increased manifold as masses of villagers, peasants, artisans, *sadhus* and *sanyasis* flocked to these centers of pilgrim. The *ghats* thus became the centres of transaction and business- crowded with bathers and worshippers, lined by shrines, temples and *bazaar* lanes. Due to these characteristic features, the city of Benaras emerged as the religious as well as the commercial hub of Northern India.

For many, the river was the principal source of livelihood, particularly the *Mallahs*, whose settlements bordered the river and attracted and carried out trade and commerce since ancient times. Rennell accounted for more than 30,000 such men whose settlements bordered the Ganges³. All boatmen, irrespective of their caste, were called *Mallahs*. There existed numerous sub divisions among them owing to differences in skills. There were boatswains (*serangs/tindals*), steersmen (*manjhis*), oarsmen (*dandees*), sailors (*lascars*), deckhands (*khalasis*), who belonged to both

² "All the large streams rising in the Northern hills are navigable more or less throughout the year", G.A. Princep, *An Account of Steam Vessels and of Proceedings connected with Steam Navigation in India* (Calcutta 1830), pp.48.

³ James Rennell, *Memoirs of a Map of Hindustan or the Mughal Empire* (1795), pp.335.

Hindu and Muslim communities. Their work was arduous and it kept them away from home for months. While traveling, offerings were made to God *Khizr* by the Muslims and to *Varuna* by Hindus for good and safe passage⁴.

Navigation of the river required not just a detailed knowledge of the most suitable course but considerable skill as well, to keep away from sand banks, shoals, tree stumps etc on the river course and to plough the boat through the long grasses, weeds, shallow waters, adverse winds etc. The *Kevats* of Mirzapur and Benaras were regarded as most skilled and were much involved in the river trade which carried them up to Assam⁵.

Like other mobile groups, these communities, too, were involved in double/triple vocations, the principal being trade and traffic on the river. During their stay in their villages these men worked as part time cultivators- growing rice, betel, cashew nuts, cotton etc on the river banks. Their small boats, usually dug out canoes, were used for purposes of plantation, weeding, gathering and retailing. Other vocations in which these communities were involved were fishing, making and mending of nets, making of cane baskets, fans etc. They were even employed as palanquin bearers and as carrier of goods to the interiors. Also, they played a very important role in the transmission of tales and epics. In the *majhi* songs, sung by the *mallahs*, the River and the communities which resided on its banks surfaced prominently along with some mythological gods and demons. In the recitations, each *ghat* of the river was mentioned with its special characteristics. This reflected not just their relationship with the river but also their knowledge of it which they shared with the general public. This implied that circulation was not just socio-economic but cultural too. Also, the ability of the *manjhis/kevats* to stay mobile

⁴ William Crooke, *Popular Religion and Folklore of Northern India*(1978), pp.47.

⁵ Princep, op.cit., pp.43

gave them a sense of self esteem and the status of ‘masters of the rivers’ as they were not bound like the coolies or *kahars*.⁶

By the 19th Century the Ganges was gaining ascendance in the colonial imagining too, as the Upper country during the 1830s and 40s was receiving more administrative attention from the colonial regime. The river served as an important artery for government communication and penetration into the interiors. With its smaller streams intersecting the entire Northern country- the Great Plains, in a variety of directions, offering a widely branched system of inland navigation over a territory of several 100,000 square miles, the river served as a significant route for the conveyance of goods and persons through a territory which was more difficult to traverse overland. However, it was the Gangetic Delta which remained most dominant, with its multitude of branches, together with the Brahmaputra, with its streams and tributaries, intersecting and creating natural canals and streams which were adapted to intensive inland navigation. The Sunderbans Delta, which was a labyrinth of rivers and creeks, and which covered a distance of 200 miles, was navigable only through small boats and rafts used by salt traders, woodcutters and betel leaf carriers of the region⁷. The flooding season saw more of these smaller crafts in action in the low lying region of Bengal as these local boats constituted the only means of communication and transport when the Ganges and the Brahmaputra inundated. The later attempts at policing the river mainly saw regulations of various sorts to curb this extensive traffic on small country boats.

The primary desire of the colonial state was to gain control over the river trade and traffic not just for establishing and safeguarding colonial

⁶ Catherine Servan Schreiber, ‘Tellers of Tales, Sellers of Tales: Bhojputi Peddlers in Northern India’ in Markovits C., Pouchepadass J. and Subrahmanyam S. ed. *Society in Circulation: Mobile People and Itinerant Cultures in South Asia 1750-1950* (New Delhi 2003) pp. 293-95.

⁷ Princep, op.cit., pp.48

monopolies but also for changing the river into a revenue generating body by levying tolls and duties on the transit of goods and thereby regulating inland trade and keeping it within desired limits. A monopoly over trade in saltpeter (1758), opium (1773) and cotton in the late 19th Century were established as smuggling of these goods was a common practice, impinging upon government revenues. Separate salt and opium *chowkies* too were established to check the prevalent practice of smuggling and the charge for maintaining the police establishments were passed on to the merchants and shopkeepers⁸.

Trade was largely clustered around the banks of the river and at the ghats, the principal items being grain, salt, betel nut, iron. Particularly important was the downstream grain trade from the *moffussils* to the urban centers. Most of the petty retailing was carried out by the *banni bhasaniya* merchants at the *ghats* where the *zamindars* maintained their private *chowkies* and levied *ghatwari/rahdari* duties⁹.

With the Regulation IX of 1810, this existing pattern of trade and exaction was set aside and an entirely new pattern of tariffs and regulations was imposed. What actually took place was the '*consolidation of duties earlier levied*' i.e. an augmentation of duty where an aggregation of all installments, earlier paid, was made standard¹⁰. The earlier system, where tolls instead of duties were paid on the transit of goods was replaced by a new structure which began levying duties on trade able goods which were to be paid at government managed custom houses. The earlier lighter, unstructured and locally imposed exactions were abolished under the new system of government imposed exactions.

This overlooked the small transactions that took place between towns and countryside and between neighboring districts which gravely dislocated the market structure. Implicit in the regulation was the notion of **economic**

⁸ Trevelyan, op.cit.,

⁹ Kumkum Banerjee, 'Grain trade and the East India Company and its Hinterland in the late C18th and early C19th', in Sanjay Subrahmanyam ed., *Merchant, Market and the State in the early Modern India*. pp.169. These duties were abolished in 1772.

¹⁰ Trevelyan, op.cit., pp.93.

policing which required controlling the rivers, which were the natural highways, along with the highroads which carried out trade and commerce. For this purpose, custom-house *chowkies* were established on the principal routes, *ghats* and marts, the distance between any two *chowkies* not being more than 4 miles¹¹.

Though such provision undoubtedly generated greater revenue, it disrupted the rhythm of existing patterns of trade in goods. Trevelyan in his *Report on the Inland Customs and Town Duties of the Bengal Presidency* (1834) highlighted the other vexations and malpractices which the Regulation led to.

First was the frightful consolidation of duties because of which foreign goods came to enjoy a preference over local products in home markets. This was mainly because of the newly introduced system of *rowannahs* or passes which contained specifications of the goods to be carried¹². Every time they underwent a change a new *rowannah* was to be issued and a new duty was to be paid. Thus in most cases articles were subjected to 2-3 times extra duty because the *rowannah* taken out for the raw material didn't correspond with the manufactured article. Resulting from this, goods in transit were subject to numerous duties, an aggregation of which amounted to more than what was being levied on the import of foreign goods. For instance, a duty of 5% was levied on raw cotton, 7.5% more on yarn, 2.5% on piece cotton goods and 2.5% on dyed goods. Thus a total duty of 17.5% was imposed on cotton goods in transit. Similarly, hides and leather goods, refined sugar, shellac and, refined saltpeter, oil etc too were subjected to numerous duties. Whereas, English goods-metals and

¹¹ Between Patna and Calcutta there were 15 stoppages, independent of opium and salt *chowkies*. Only the fair traders, who followed the established routes, were obstructed by these *chowkies*. For the smugglers, there were ample alternate routes to follow which carried them all clear. Even when patrols were employed it did not check these illegal practices as smugglers, more than often, took to ill-defined routes and tracts to mitigate the evils of tolls and to evade the *rowannahs*. This temptation to smuggle goods was reflected in the declining collections, specifically of items like salt. The revenue collection on the Yamuna line depleted as the passage of salt declined from 76,000 *maunds* in 1829 to 25,000 *maunds* in 1832, *ibid.*, pp.136.

¹² Section 19&23 of Regulation IX of 1810, *ibid.*, pp.98.

woolens were admitted free, on all other goods a nominal duty of 2.5% was levied. Foreign goods on English vessels too were subject to lesser duties¹³. Lesser rates of duty for imported goods allowed them to dominate the market economy. In comparison to the native products, these goods were sold at a cheaper rate and still managed good profits. Trevelyan stated, for the above reasons, that the new system of duties was highly detrimental to the interest of the local trade and economic practices.

Secondly, these *rowannahs* had to be obtained previously from the custom house, for the passing of goods or attempting to pass, within the limits of a *chowkey* or the custom-house establishments¹⁴. These were stoppages, built on the river to keep a check on the goods and persons in transit. That is to say, if the merchants were to pass the *chowkey* without the *rowannah*, they were liable to the penalty of confiscation of goods. The system, in all senses, did impede the free agency of the merchants and traders in every stage of its proceedings. And, finally, the regulation contained a principle of unlimited extension and universal surveillance as the *chowkies* were established solely for the purpose of searching goods in transit. This was perhaps its darkest feature. The custom house officials-*chowkey* officials, patrolling officials, *chapraseses* and *ghat manjhis*, mostly local men, were conferred only with the 'power of unlimited search and not collection of tolls'¹⁵, yet their insolence and rapacity was dreaded by merchants, traders and traveling passengers.

Heber noted that these officials cheated both sides. They withheld from their employers a large proportion of the sums which they received and extracted from the traveling merchants and passengers in form of surcharge, presents and bribes¹⁶. Their right to detain the cargoes and unlimited searches often resulted in harassment and abuses like extortions and bargains. Instances of oppression and insults were reported from

¹³ *ibid.*, pp.96-99.

¹⁴ Section 30, Regulation IX of 1810, *ibid.*, pp.109.

¹⁵ Section 11, Regulation IX of 1810, *ibid.*, pp.139.

¹⁶ M.A.Laird ed., *Bishop Heber in Northern India, Selections from Hebers' Journal* (CUP 1971), pp.130.

individual travelling for purposes other than trade, particularly by those who travelled with families, who often ended up paying higher extortion rates to avoid the risk of exposing their womenfolk. High rates of extortion were also levied at the pilgrim *ghats* like Benaras and Gaya.¹⁷

Also, it was recorded that the opium *chapraseses* were in the habit of putting portions of the drug into the boats, detained by them, with the purpose of levying heavier exactions under the threat of putting the owner merchants under the charge of smuggling. These illegal exactions and forcible extortions were a common feature despite the provisions against them. Native officers at the custom houses and *chowkies* making unauthorized collections were liable to dismissal and prosecution. Also the *ghat manjhis* or the agents for hiring of boats, often operating in collusion with the local *zamindars* and custom house officials, were derecognized along with their claims to exaction. According to the Regulations, such claims were to be promptly punished¹⁸.

Thus, even as the Regulation aimed at generating revenue through controlling trade and transit of goods, in its practical application it severely impeded the earlier smooth pattern of inland trade. The eastward bound traffic from Allahabad-Mirzapur-Benaras-Patna-Bhagalpur-Calcutta was now obstructed by a number of stops for checks at the custom house *chowkies*. This multiplicity of *chowkies* obstructed the navigation of the Ganges more than any other line of communication¹⁹. Also, owing to geographical reasons, the scheme was totally inapplicable in the Upper Provinces, as the regions were greatly dissected by the river tributaries because of which the system of checks was easily evaded, and, also, in the low lying regions of Bengal for the same reason. Further, the dishonesty of the patrolling officials, the revenue clerks-*sherishtadar* too

¹⁷ Trevelyan, op.cit., pp.157.

¹⁸ Under Regulation V, 1804 and Regulation VIII, 1809 the guilty officers were to pay a fine of not more than Rs.200/- and could face imprisonment for not more than 6 months. Beaufort, op.cit., pp.638-9.

¹⁹ A peculiar case was of Serampore where two *chowkies* operated, each placed on the either banks of the river, obstructing the traffic gravely. Trevelyan, op.cit., pp.126.

was an issue of concern. It was perhaps because of such reasons that the regulation was abolished in 1836 but it did not mark the end of the colonial attempts at policing the river.

Water courses, for long, had formed more practicable axes of communication, circulation, exchange and penetration. Under the colonial rule, it even got appropriated for 'public use'. In 1856 the Privy Council affirmed that the East India Company possessed a freehold along the bed of any navigable river and all inter tidal sources. This process of extending state control over natural resources was largely complete by 1915 and it entrusted the state with the right of 'environmental policing'. However, in the context of colonial control, it meant a legitimized expansion and penetration into the interiors of the country via the riverine route. Further, it also pointed towards the colonial desire of appropriating the entire structure and pattern of river trade and traffic for the advancement of its economic as well as administrative purposes.

The overriding concern, in the promulgation of the *Public Nuisance* laws, was to ensure a clear and navigable passage for European commerce and the desire to generate revenue out of river trade and traffic. The laws, as Anderson states, then provided the 'conceptual architecture for a new ordering of public space'²⁰.

The Act XXI of 1841, Section 1, states

It is lawful for any magistrate, when the public benefit and comforts are in question, to cause unlawful obstruction and nuisances to be removed from the thoroughfares and public places; and to suppress, or cause to be removed to a different place, trades and occupations injurious to the health and comfort of the community; and to prevent such constructions of buildings and such disposal of combustible substance, as to appear to him likely to cause occasion conflagration; and to cause the removal of

²⁰ . M.R. Anderson, 'Public Nuisance and Private Purpose: Policed Environments in British India 1860-1947', pp.3, paper, Department of Law, SOAS.

building in such state of weakness as, by the probability of their falling, appear to him to expose individuals to danger²¹.

Nuisance laws played a key role in the experience of the colonial rule. Using the twin device of propriety law and criminal law the state sustained a massive intervention in the use of physical environment with a promise of protection of private property against extrinsic interference²². It represented the more systematic and frequent application of police power under colonial rule. Convicts for public nuisance were generally more common than any other criminal category after 1870²³. The *Public Nuisance* laws thus stood for intensified state supervision of public spaces. These statutes in their earliest incarnation replicated English judicial practices but a more aggressively expansionist approach was adopted by the Law Commissions and a range of offences beyond the ambit of traditional English law were included, criminalizing a wide spectrum of activities from public injury, damage to public property, etc. Thus it was closely wedded to a regime of private property and reflected the anxieties of the emerging middle class.

The conflicts over the use of public space and physical environment were symptomatic of the recurrent social conflict where economically marginalized groups were most affected. The existing patterns of resource uses were outlawed, thus stripping many of their customary entitlements and limiting access to common productive resources. An entire spectrum of activities, which had continued for past many centuries, was criminalized. It was the issue of 'public use' of the river which again raised concerns regarding the 'law and order' situation. Stringent measures

²¹ Beaufort, op.cit., pp.619.

²² The concept of public nuisance did prevail in many pre-colonial regimes. References are found in *Arthashastra* and *Manusmriti*. Penalties were prescribed for obstructing roads, damaging water reservoirs, careless disposal of the dead etc. Anderson, op.cit., pp.3.

²³ In the year 1869, 395 cases related to public nuisance were reported. Out of the 621 persons arrested 423 were convicted for the crime. *Report on the Police in Lower Provinces*, 1869, pp.16.

of state control and policing were then enforced to safeguard colonial interest.

This exclusion and diminution in customary rights were the principal functions of the public nuisance laws and it displaced many traditional users. The *use rights* of boatmen and fisherman over the river were already challenged by the introduction of steam ships because the Inland Steam Navigation Companies raised the issue of the smooth navigation of the river getting endangered by the numerous plying country boats, the strewn fishing nets and river cultivation²⁴.

By bringing the water courses under the ambit of public nuisance laws, long standing fishing practices carried out in traditional manner were prohibited and entitlements to fishing locations were dislocated. The Bengal Regulation VIII, of 1824, Section 10, made clear that no barrels, nets or contrivances for fishing or any other purposes which tended to obstruct the free navigation of Bhagirathi, Jaldagi, Matabhanga or other navigable streams were allowed²⁵.

Cultivation of low-lying riverine land, which was a seasonal practice, was forbidden as the colonial state was suspicious of the squatters, who occupied these rich black soils, of river *dacoity*. These constraints over the 'use rights' of the river alluvium or *daayra* lands often led to land riots. The smaller dams for irrigation purposes too were dislodged as these practices were obstructive to navigation²⁶. Also, persons guilty of the offences of cutting through government built embankments²⁷, bridges and other damages to public property were punished under Regulation VI of

²⁴ Brambley, Part I, op.cit. pp.15.

²⁵ If tampered with or reinstated, the violators were punishable to a fine of Rs.50/- or 3 months imprisonment. Beaufort, op.cit., pp.622. Obstruction of canals was punishable under ACT VII of 1845, Section 5. *ibid.*, pp.624.

²⁶ Brambley, Part I, op.cit., pp.17.

²⁷ The Mughal Canal System too had a body of officials deployed as watchers to report illegal cuttings by farmers. Enclosure to G.Blane, Superintendent to the Canal, to D.Ochterlony, Resident at Delhi, 9 April, 1820. Cited in N.K.Sinha and A.K.Dasgupta ed., op.cit, pp.128.

1806, Section 12, Clause 6&7²⁸. This can be regarded as a strict enforcement of the newly established private rights which were being asserted by proprietorial interests whereby the petty resource users were displaced and policed, on private as well as public spaces.

The guard boats were entrusted with the task of making the river obstruction free and they submitted an annual vigilance report of their activities. Patrolling and policing were essential to keep a check on encroachments on the river and on the banks and other practices like drowning of children, dumping of dead bodies, etc²⁹.

These regulations in the long run consolidated hierarchies and reasserted social distinctions and reflected unequal social positions. They not only highlighted the difference between the colonizer and the colonized but also an understanding between upper middle classes and the colonial authority. There existed a social division of the public spaces. For instance, the jute dealers of Jessore were allowed to soak large quantities of jute in the local stream which served as a source of drinking water for the local inhabitants. Similarly, the waste water from the cotton mills often was poured directly into the waterways used for domestic purposes. Few nuisances were lodged against such large undertakings³⁰. *Ghats* and bathing places were constructed by 'pious and respectable' Hindus without any colonial restriction. Further, the lower caste groups were regularly prevented from using the river for washing and bathing purposes. They were accused of polluting the river by washing raw hides, failing to burn dead bodies completely, straying beyond designated bathing *ghats*, etc³¹. Unsanitary practices of the low-caste groups were a common complaint.

²⁸ Beaufort op.cit., pp.443-44. The order No.5 1841, by the Superintendent Police, Lower Provinces re established the offence. *ibid.*, pp.620.

²⁹ *ibid.*, pp.535-36

³⁰ Anderson, op.cit., pp.20.

³¹ Anderson op.cit. pp.27

It is, thus, evident that the official attitudes were shaped up by the long term understanding, which they had with the elites of the society. Their acceptance of the Brahmanical notions of purity-pollution and caste divide was well depicted in this new ordering of the 'public spaces'. This worked in tandem with the colonial 'scientific' approach to hygiene. The alliance between the urban middle class and the colonial officials was, thus, consolidated through the workings of these Nuisance laws.

Boat regulations were also formulated to restrict any further traffic in country boats on the major routes. They were restricted to specified areas, namely the lower provinces of Bengal where their movement did not obstruct the steam vessels. Traffic on these small boats was prohibited without a prior written authority from the magistrates who were instructed to issue authorities after satisfying themselves that the boats wouldn't be used for improper purposes. Boats without issues were ceased by the *darogas*. Repair and construction of such boats too was controlled. Violators were punished through fines and corporal punishment. Also colluding *zamindars* and artificers employed were punished either by forfeiting the villages or by imprisonment for not more than one month or 20 floggings³². However, it is important to note here that these boat regulations were practically inapplicable in the Lower provinces of Bengal, where almost each house had a boat. It was an integral part of the lifestyle of the region which was so intersected by streams and rivers. But one can still not ignore the displacement which these boat regulations could have caused in other parts of the region. The extent of it would be difficult to ascertain as there is no evidence to suggest the same. However, it can be stated that displacement certainly led to an increase in the incidence of crime, as a similar trend was observed with the introduction of steam navigation.

³² Bengal Regulation XXII of 1793, Section 20, Clause 1. Cited in Beaufort op.cit., pp.434.

II

River crimes like piracy were not unknown in the region of Bengal. As early as the 1830s references come for gangs of professional criminals-*thugs*, who took pride in their calling. These criminals existed to a great extent in the Behrampur, Murshidabad, Burdwan, Monghyr, Dacca and other low lying regions of Bengal, Most formidable being the Pubna *thugs* who acted with the *thugs* of Dacca, Fureedpur and Mymensingh, haunting the Ganges between Comillah and Bhugwangolah and other minor streams.³³

The modus operandi and beliefs, of the river *thugs*, were quite similar to that of the gangs operating on the high roads. Similar tactics of inveigling the victim-making him fall prey to the cajolery, and wheedling were employed. The field of action, however, was shifted down to the river and streams but the crime was carried out in the same nefarious manner with astute cunningness, tenacity and audacity of committing murders and plunder. The practice now required the larger gangs to divide into smaller platoons for effective action and the plan, as always, was chalked out before hand. Among the smaller gangs which were stationed in different boats at different *ghats* of the river, a few posed as boatmen and the rest as travelers or even as pilgrims to arouse minimum suspicion. Other traders, travelers and pilgrims were then convinced of traveling by the river which was cheaper, faster and safer³⁴. Crime was committed with great swiftness. Victims were murdered inside the boats and their bodies were then thrown out of the windows. To minimize the blood shed stabs were made under the arm pits but often the spinal bone was broken, it was, then, easier to dispose of the dead³⁵.

³³Captain N.Lewis, 'Memorandum on *River Thugi* in Bengal' in Sleeman, *Report on Depredations*, op.cit, Introduction xxii-li.

³⁴ Foreign Political, 1 February 1841, No.110, 8 March 1841, No.99-100, NAI. Thornton, op.cit., pp.31-32.

³⁵ Thornton, op.cit., pp.31-42.

Once the crime was perpetrated, boats were pulled up on the banks and the *thugs* made quick getaways, often, stranding the boats to minimize the chances of being recognized. The *Haj* pilgrims were the usual victims. Other down stream travellers, particularly those returning home during the times of festivals like *Dussehra*, *Durga Puja*, *Sagar mela*, and sepoys,³⁶ too, were easy targets. Often consignments of salt, tobacco, hemp, cloth and treasures were targeted³⁷. The criminals were identified as the local *mallahs/kevats* operating in alliance with the local landholders, native officers, police and village authorities. The organization, as in the case of other criminal groups, was heterogeneous comprising of men from different castes and religion. Whatever be the amount of booty recovered, each member received an equal share.

The Bungoos/Pungoos too were dreaded as the most bold and skillful of the *thug* groups. They practiced their vocation on the River Hughli, mainly in the months from November to February. Numbering at more than 500, these gangs chiefly infested the territory of Burdwan. The gang went up as far as Benaras and Kanpur to carry on with their activities profitably. The silence of the local authority was procured by making rich presents, so much so that their presence was kept away from the knowledge of the European Magistrates, until the year 1836³⁸.

The specific socio-economic context of the 1830s explained significantly the spiraling of river crime. Apart from the political anarchy caused by British expansion, the period was also marked by severe famines in most parts of Upper India, particularly in the years 1818-19 and in 1828-29. The years 1823-27 were marked by poor crop yield. All of this had put a lot of pressure on the already marginalized social groups. Further, the

³⁶ In April 1828, 8 sepoys of the 52nd Regiment of the Native Infantry boarded a boat near Comilla in Tipperah district, to proceed up the River Ganges to Allahabad, were strangled to death by the *thugs*. 12 more sepoys of the same regiment were strangled by the *thugs* while it stationed at Chittagong. Lowis, op.cit., xlv.

³⁷ Brambley, Part I, op.cit., pp.15.

³⁸ Hutton, op.cit., pp.74-77.

digging of canals on the Ganges and on its principal tributary, Yamuna, too had a considerable role; it shifted the scene of crime up north into Awadh and Benaras. The reopening of the Eastern Jamuna Canal in 1830, for irrigational purposes, led to the loss of water in the river and hampered its navigability, making up stream traffic difficult³⁹. Traffic was made very slow with the introduction of various checks, closures and locks which were scheduled or unscheduled. Heavy exactions too were levied by canal *chowkidars*. The introduction of steam navigation too aggravated the dislocation. As a result the number of country boats plying on the river declined considerably. In 1861, there were 2463 boats. This reduced to 432 in 1869 and 239 in 1872⁴⁰. This interfered with the occupation of the boatmen in the districts of Agra, Etahwah, Hamirpur and Banda. Most of these displaced boatmen and fishermen either went off on criminal escapades on the river or joined hands with the gangs operating between Kanpur and Tanda⁴¹.

Thus, under the combined effect of opening up of canals along with the introduction of steam navigation, the promulgation of the Public Nuisance laws, and the Boat Regulations in Bengal, the boatmen and the fishermen suffered from a complete loss of livelihood and opportunities. By the mid 19th century, many such gangs were operating in great numbers on the Mirzapur route, owing to its commercial importance, in the lower provinces-Sylhet, Bakarganj, Dacca, Pabna, Tiperah and in the Sunderbans, because of the specific geography of the region and for the obvious reason grain trade which meant extensive riverine traffic. While passing through the narrow streams, the possibility of an armed attack by the *dacoits* became very high. River *dacoity* then was identified as a major irritant. Fureedpur district was one region which was particularly infested by the river dacoits from Sunderbans, Jessore and Pubna. A total of 499

³⁹ Ian Stone, *Canal Irrigation in British India: Perspectives on Technological Change in Peasant Economy*(CUP 1984), pp.13-16.

⁴⁰ *ibid.*, pp.56.

⁴¹ Brambley, *op.cit.*, pp.147.

cases of river dacoities took place in the year 1858⁴². The Magistrates of Hughli and Dinajpur reported many such cases and the Second judge of the Dacca court of Circuit urged 'effectual protection of the inland navigation of the country against the depredations of dacoits as the commerce of the district was wholly carried on boats'⁴³.

Police reports stated that it was really difficult to check crime in these low lying regions because they were so intersected by nullahs and streams that there was no house without a boat, which made it difficult to distinguish between the criminal types and the other individuals who moved by the boats on the river. Often, in times of heavy flooding, it was recorded that, land *dacoits* too took to rivers⁴⁴. This along with the need to safe guard the government cargoes⁴⁵ got translated into the practice of river patrolling and special salt, opium and treasury guards⁴⁶. This also helped in checking the prevalent practice of smuggling. Most of the Lower Province had 2-4 boats for patrolling. Though this considerably helped in checking river crime the number proved inadequate during the flooding season when incidents of crime increased manifold. The area to be patrolled too increased due the inundations.

Despite of the system of patrolling in place, it was constantly stated by the officials that it was not easy to patrol the entire river as its extent was for too great for the existing establishment to be carried out efficiently. Reorganization of men too wasn't possible, to effectively expand the

⁴² *Report on the Suppression of Dacoity in Bengal for the year 1857-58*(Calcutta 1859), op.cit.,pp.31.

⁴³ Quoted in Chattopadhyay, op.cit, pp.125.

⁴⁴ *Report on the Police in Lower Provinces*, 1838, pp.105

⁴⁵ For the safeguard of government cargoes, particularly treasures, opium, indigo and saltpeter, often army officers accompanied the boats until a separate corps of some 60 marine *sipahis* was raised, by 1860, for duty on government steamers. Henry Bernstein, *Steam Boats on the Ganges* (1960), pp.92.

⁴⁶ Of the total 26,162 men in the police force in the Lower Province, in the year 1869, 3343 were deployed for the purpose of patrolling. *Report on the Police in Lower Provinces*, 1869, pp.16-17.

system of patrolling due to lack of recruits and funds⁴⁷. This meant that though crime was widespread the actual rate of conviction was very low. In 1837, in 7 reported cases 5 persons were convicted. In 1838, out of 13 cases only 44 persons were convicted⁴⁸. These incidents of crime didn't seem to diminish with time. In 1874, 23 cases of river crime were reported from Bengal and 7 from Assam, which had no prior recorded case⁴⁹. Conviction rate for the year has not been mentioned.

The increase in the incidents of crime, by the end of the 19th century, can be attributed to the opening up of the Eastern Bengal and Assam region and the development of the tea and jute trade⁵⁰. This development propelled a significant movement of up-country boatmen and migrants to the tea and jute plantations and for other employment opportunities, which heightened colonial anxieties and made them wary of these groups because most of these men, by making short but continuous visits, were able to turn into boat owners and there was no definite way to check this unstructured movement⁵¹. Thus, they appeared as the usual suspects for river crime along with the other mobile groups which had earlier come under colonial suspicion. These were namely the *ghat manjhis*, *sandars* and *baramashyas*, who were suspected of involvement in river *dacoity* and other petty crimes. It is recorded that the 'real occupation' of the *Patna Banpars*, who were settled in Howrah working in mills and presses, was

⁴⁷ *Report on the Police in Lower Provinces*, 1869, pp.15. The Lt. Governor cited financial reasons for not expanding the river patrolling system in the Appendix II, Resolution, Judicial Department, Political Forward, 21 September, 1870.

⁴⁸ *Report on the Police in Lower Provinces*, 1838, op.cit., pp.150-51.

⁴⁹ Major E.R.C.Bradford, General Superintendent, Operations for the Suppression of Thugi and Dacoity, *Statements of Crime of Dacoity in British Territories for the year 1874* (Simla 1876), pp.15&64. 11 cases of river dacoity were reported from the North-Western Provinces and Awadh. *ibid.*, pp. 29-31.

⁵⁰ During 1900-1904, 136 cases of river crime were reported. Attributing further to it were the successive years of floods, bad crop season, famines, disease and poverty. Brambley, Part I, op.cit., pp.18.

⁵¹ Brambley, Part III, op.cit., pp.45. Instances of *dacoities* committed by the gangs of up county boatmen, while passing up and down the Ganges are numerous. *Report on the Suppression of Dacoity in Bengal*, 1856, op.cit, Appendix I.

actually piracy. The *sandars* and the *baramashyas*, who were mobile groups carrying out river cultivation of betel leaves, water chestnuts, vegetables etc and their retailing on small boats, were suspected of committing acts of pilferage, river *dacoity* and working in close connection with the local receivers i.e. the landlords, *bantias*, goldsmiths and even the police in some instances.

Like other criminal groups the river *dacoits* too banked heavily on these local ties with the *zamindars*⁵² and the economic section of the society-*mahajans*, petty traders. Hulodhur Mala, a river dacoit from *zillah* Nadia, stated in his confession that he along with his gang went to Hughli and Sunderbans to commit *dacoities* on any boat which appeared likely to afford them a good plunder and they seldom returned empty handed. Most of the time, they received information about the movement of cargoes and boats from the *ghat manjhis* who were stationed in Calcutta and who were also the receivers of the stolen goods. The *dacoits* were difficult to apprehend as they gave false names, residence and caste and gave the excuse of being up countrymen seeking employment, whenever they were questioned by the police authorities⁵³.

In a similar case, Sreemanto Ghose, a river dacoit, in his confession recorded on 2nd June 1856 stated that he began committing river dacoities 14-15 years ago. Most of the depredations were committed with the knowledge of the *Daroga* of the local *thana* with the promise of never committing *dacoity* within the *thana* jurisdiction. The *dacoit* was employed as a *lathial* by the *zamindar* and also worked as a *gwala* or milkman. This provided as a perfect screen to his criminal activities, so

⁵² Thakur Khetter Mohun Bose of *thana* Roynah, Burdwan was identified as a notorious harbourer of *dacoits* and receivers. *Report on the Suppression of Dacoity in Bengal for the year 1857-58*(Calcutta 1859), op.cit.,pp.17.

⁵³ *Report on the Suppression of Dacoity in Bengal, 1854*, op.cit., pp.21-22.

much so that his own family was ignorant of the fact that he was a *dacoit*⁵⁴.

The connections with the *ghat manjhis* were important to gather information and dispose off quickly any plundered goods. A strong band of dacoits operated in Serampore. Against whom there was very little evidence. They worked mostly in close connection with the *dalals* in Calcutta and obtained from them information regarding the cargo boats. This band worked rather intelligibly and never robbed the entire content⁵⁵.

These *manjhis* and the *mallahs*, since they often owned boats, were suspected of carrying out smuggling activities by themselves as well⁵⁶. These ties of concealment and collusion were crucial for the sustenance of the clandestine criminal activities and also gave the criminals the desired opportunity to screen their activities. The participation of these identified groups in criminal activities cannot be ruled out, either in terms of full fledged attempts at *thugi/ dacoity* or of working in collusion with the criminal groups operating on the river. However, the colonial attempts at criminalizing the entire communities are problematic.

Later, under the Assam Labour and Emigration Act of 1882, an attempt was made to contain this unstructured movement and make it more organized. The regulation contained the provision of repatriation of labourers, who mainly came from the Lower Provinces. To ensure that after the termination of the contract these labourers were conveyed back to their native districts 'way-bills' were issued to them by the Embarkation agents. His contained the personal details of the returning home via the river. It mentioned the place to which an individual proceeded to, which was in most cases, their native province/village. It also contained the specifications of the place from where the individual left and the date of his embarkation. A copy of it was sent to the magistrate of the district to

⁵⁴ *Report on the Suppression of Dacoity in Bengal, 1856, op.cit, Appendix A.*

⁵⁵ *Report on the Suppression of Dacoity in Bengal, 1857-58, op.cit., pp.10.*

⁵⁶ Brambley, Part III, op.cit., pp.250-51.

which the labourers proceeded to ensure that no one left the vessel at any place other than those mentioned on the bill. Licenses were issued to the boatmen transporting these and often were escorted by officials⁵⁷. This entire procedure, of transit of men, was devised to keep a check on the unstructured movement of men on the river which, in colonial thinking, increased the propensity of the crime committed.

If modern communication and exchange networks propelled trading and commerce activities, then they also extended the range of criminal operations and provided new fields of opportunity and incentives⁵⁸. If the communities which resided on the banks of the river were displaced with the introduction of steam navigation and *Public Nuisance* laws, then new colonies of criminals came up around the steamer *ghats* and railway junctions⁵⁹. Further, if the introduction of railways is to be seen as one of the reasons behind the displacement of the communities, which sustained themselves through the activities which were carried on the river- trade, ferrying of passengers or in few instances crime, then railways, themselves acted as the new avenue to perpetrate crimes like *thugi*⁶⁰.

However, the colonial concern remained the safeguarding of European as well as of Indian capital. The trade in tea and jute required the bringing up to Assam merchants, agents and *gomastas*, who carried a considerable amount of cash, to the plantations and the bringing down of cargoes to towns and ports. As the task required the plying of country boats since they could much easily reach the interiors in comparison to the steam boats, it aggravated colonial anxieties regarding the safe movement of cash and cargoes because river crime, in this case particularly, of robbing

⁵⁷ Section 87, 97 & 98 of *The Assam Labour and Emigration Act*, 1882, pp.45-47, NAI.

⁵⁸ Singha, 'Settle, Mobilize, Verify', op.cit., pp.159

⁵⁹ Brambley, Part I, op.cit., pp.15.

⁶⁰ Chapter 1 discusses, in detail, how the crime of *dhatara thugi* became widespread and more difficult to detect with the introduction of railways and with the expansion of the roadways. Chapter 2 cites the instances of railway coolies who were dreaded *dacoits* in Bengal.

of the agents and merchants, problems of pilferage, blackmail and sabotage were common⁶¹.

Pilferage and other modes of 'self payment', carried out on the cargoes of tea and jute brought down from the shallow waters of Assam and Eastern Bengal, were dubbed by the boatmen from Upper India as their 'customary rights'. There prevailed a notion among these men that if they do not misappropriate the entire cargo, then they have 'prescriptive rights' to at least a portion of it, which they called the *dasturi*⁶². Pilferage over jute, tea, potatoes, coal, lime and few other cargoes were demanded for the purpose of personal use. Jute was primarily important for making ropes to tie the rafts. Other pilfered stuff was for petty retailing, carried out in the up-country boats, along with *manohari* articles like palm leaf fans, cane baskets etc. The inhabitants of the Sunderbans- the fishermen and the cultivators, looted almost every vessel and the native owned cargo boats as well as ocean going steamers. They perpetrated the looting using 100s of small boats, threatening the pilots and sailors with hatchets and bill-hooks and often threw them into the water. They considered it as their 'lawful prey' and spared nothing⁶³.

The insurance companies interpreted pilferage as 'blackmail' because the entire mercantile community was disillusioned by the losses incurred by it and due to damages to the cargo along with other maintenance problems. However, the matter remained unreported to the police because the cargoes were at the mercy of the hired boatmen⁶⁴. Often the merchants tried to make up for the losses by paying low wages to the boatmen but it

⁶¹ The temptation of premium on insured cargo often led to spurious cases of wreckage, stranding or sinking of the cargo boats. Brambley, Part I, op.cit., pp.48.

⁶² *ibid*, pp.60

⁶³ Thugi and Dacoity Department, *Selections from the Native Newspapers Published in India*(Simla 1900), Part II, 8th October 1900, pp.900-01, NAI.

⁶⁴ Brambley, Part I, op.cit., pp.57. The inhabitants of Kanchantollah factory had a very bad name. Not just they plundered the cargo boats but also wrecked them, confined them or stranded them after appropriating the cargo. *Report on the Suppression of Dacoity in Bengal, 1856*, op.cit, pp.27.

again pushed these boatmen to pilfer goods and look for alternate modes of income⁶⁵.

Most of the official reports and correspondence reiterate this fact that river crime was rarely reported. To the colonial authorities this was a matter of grave concern. It made the eradication of *dacoity* from Bengal nearly impossible and it crippled the police operations against river *dacoit*⁶⁶. As a general tendency, the persons plundered never complained to the police authorities, not just because the river *dacoits* were difficult to identify but also because the traders and travelers did not want themselves to be put into the inconvenience and expense of prosecution⁶⁷. The figures for river crime, therefore, remain scanty.

It was the wide range of criminal and illegal activities, taking place on the river, which led the Chambers of Commerce to recommend for the regulation of trade boats and licensing of *majhis*. With pressure coming from the Inland Steam Navigation Companies and the Insurance Companies the proposal was accepted in 1905 by the Government of Bengal. However, to what extent the regulation could be applied successfully was a matter of contention as the task was nearly impossible.

The early 20th Century also witnessed the consolidation of river police. A proposal was also to strengthen the police in the Diamond Harbour Subdivision. Problems were faced in recruitment because it was

⁶⁵ 'Socking' was common practice in C18th England. Also, the dockworkers asserted their right over the timber chips. Most of these customary rights had transformed into illicit trade. Apart from an increase in the nominal wages to reduce such 'privileges', legalization of containerization too was introduced, forbidding oversized and overweight barrels and cargoes. Linebaugh, *The London Hanged*, op.cit.

⁶⁶ For the year 1854, the reported cases of river dacoity were 3, whereas the confessions of those apprehended for the crime gave evidence for 8 cases. S. Wauchope, Commissioner for the Suppression of Dacoity, to Cecil Beadon, the Superintendent of Police, Lower Province 2 August, 1852. *Correspondence Relating to the Suppression of Dacoity in Bengal for the year 1854*, Selections from Bengal, on Microfiche in NMML.

⁶⁷ *Report on the Suppression of Dacoity in Bengal*, 1856, op.cit, pp.28.

imperative to hire and employ men from the *mallah* class because of their working knowledge of the river. However, efforts to get them either from the Upper Province or from the neighbouring districts failed considerably. The Police Report for 1912 recorded that these boatmen earned enough for themselves in 6 months on the river and preferred to stay at home in comfort rather than join the Police Force which required strict discipline and spending greater time away from home⁶⁸. A significant development which took place, reflecting the colonial concern to guard effectively the jute trade and individuals engaged in it, was the initiation of the Jute Protection Schemes particularly in the Brahmaputra Division, where much of the trade was concentrated. The basic aim with which these schemes were devised was the safe transit of raw jute and tea cargoes and other goods, as well as of persons who were involved in the trade on regular basis-agents of merchants, *gomastas* and others. The safeguard mechanisms of the various sorts, policing, patrolling too were extended to the region for these purposes.

To sum up, we can safely infer that the colonial desire to control the river emanated from its desire to maximize its revenue returns. The initial efforts at economic and environmental policing of the river reflected the colonial desire to bring under its supervision the trade and the traffic, which was carried out on the river system, since ancient times but in an unstructured manner. Through the system of monopolies, levying of tolls and duties and through the various regulations, not only did the colonial state guided the patterns of the trade and traffic to suit its need, it also became successful in turning the river into a revenue generating body. Such policies of control did displace the traditional patterns of trade, mobility and other practices, and, also, the communities involved with it.

⁶⁸ C.W.C.Plowden, *Report on the Police Administration in Bengal for the year 1912-13*(Calcutta 1913), NAI. This suggested to the fact that knowledge of one river system could easily be applied to another. During the pre-colonial times too Mirzapuri boatmen were employed on the Brahmaputra as pilots.

Crime on the river, thus, resulted from this displacement and from the greater opportunities which were made available with the expansion of trade and other economic activities. Crime control mechanisms were deployed, but the greater overriding concern remained the safeguarding of the colonial economic interests.

Chapter Four

ELABORATION OF THE LEGAL-ADMINISTRATIVE STRUCTURE FOR THE SUPPRESSION OF THUGI AND DACOITY AND THE LEGAL-JUDICIAL CONSTRUCTION OF THE CRIME

This chapter primarily aims at studying the interactions between crime and control in the context of colonial India. It looks at the elaboration of the legal and administrative structure which evolved in response to the existing patterns of crime and to various ideological, administrative and personal imperatives within the colonial state.

I

The practice of highway robbery and other collective crimes were not uncommon during Mughal times. The pre-colonial state took full cognizance of it. Distinctions were drawn between ordinary theft and highway crimes of various sorts. Severe punishment was provided, sometimes even going beyond the sanctioned Muslim legal penalties¹. They varied from flogging, amputation of limbs to transportation for life and even capital punishment.

For the colonial authorities too, it was this perceptible threat of collective action which generated anxieties, propelling the British authorities to lay down a grid of order across a land and a people about which they knew almost nothing². As Freitag puts it 'extra ordinary crime of collectivities raised greater concern than ordinary crime of individuals'³. *Thugi and Dacoity*, thus,

¹ S.P.Sangar, op.cit., pp.41. Sometimes those condemned to death were publicly hanged on the road side. Manucci records that often he found bodies of thugs hanging from the trees between the Agra-Delhi road, quoted ibid., pp.77.

² Mark Brown, 'Crime, Governance and the Company Raj: The Discovery of Thugi'.
Brit J. Criminol, 42, 2002

³ Freitag, 'Crime in Colonial India', *MAS*, op. cit, pp.230.

were regarded as a potent threat to the authority of the empire. The realization among official circles was strong that isolated state efforts could do little to suppress such activities. The need was to 'suppress it in its infancy through special measures and stringent actions'⁴. Freitag's basic argument can be summed thus: the British legal system in India emerged from the interaction of crime with judicial practices as well as administrative assumptions and understandings. The system, thus established, dealt simultaneously but differently with individual and collective crime. The legal structure, as it evolved for controlling collective crime proceeded along a different line than it did for individual criminal. The objective was not just to punish but discipline them and establish the dominance of the colonial state over them.

The first phase of the state's efforts to pacify its territories aimed at subduing the collective action of the Sanyasis, the Fakirs and the marauding groups of Central India. A greater need was to assert its legitimacy by maintaining the social order as these regular explosions of popular unrest reinforced an impression of a fragile British dominance. As part of the administrative strategies, an alternative set of legal-judicial measures were devised to deal with the 'extra ordinary' crimes of the collectivities. As Freitag notes, the perception of authority was crucial to the entire structure of elaborate legal codes, police system etc. Crime control functions were secondary. The need was to assert the 'absolute and exclusive' authority of the state, as distinct from the 'divisible' perception of authority practiced by Indians⁵. As a result, the colonial state appropriated all formal and informal mechanisms of control and coercion.

Thugi- as 'collective crime', did stand as a challenge to the exclusive authority of the British Raj, which then required a 'covert system to short circuit the momentum and organization of the thug gangs' and establish the states' ultimate authority as the crime was perceived to be either directed against or resulted in the weakening of British authority⁶. The *thugs* were regarded as 'citizens of India and not of any particular division' and therefore

⁴ Report on the system of Megpunnaism, 1839, pp.39-40

⁵ Freitag, in Yang ed., op. cit., pp.141.

⁶ Freitag in Yang ed., op. cit., pp.142.

required 'an all India system to counter it and to root out the evil'⁷. Ignoring the fragmentary and localized nature of organization and practice, a picture of widespread *thug* conspiracy was drawn up by the colonial state. Thus, the collective crime of *thugi* with its tacit or overt agreements with the prevalent social order, generated grave anxieties in the colonial mind, particularly with the realization that the inaction of the local authorities was more willful than structural. Also, the extensive information that became available regarding the beliefs and practices, organization of the *thugs*, seemed to authenticate the difference between what the colonial authorities described as 'habitual' offenders and 'hereditary' criminals. This won the case for special legislations and stringent measures for suppression.

The testimonies reveal, however, that there was no such nation wide conspiracy. *Thugs* were largely unaware of the practices and customs of other bands operating in distant regions. Decisions and operations were made locally and spoils too were not shared with any far flung out *thug* organization. Other characteristics, too were regarded as a loose rubric to describe the phenomenon⁸. However, such an assertion justified and propelled the need for a special campaign and an elaborate legal-administrative structure and later, for a phased expansion of the department. Such special measures to counter collective crime were pressed for not because it had reached crisis proportion. Official reports stressed the 'discovery' and the ramifications of *thugi*⁹, rather than its escalation as the reason for the sanction of special measures. Further, the interdependencies within the local structures made the colonial authorities more wary of crimes perpetrated by collectivities. Thus, the Covert System, in this case, referred not so much to a secret system as to an alternate structure to the already existing overt mechanisms of control. The importance of the structure was minimized by the pretence that the elements of the structure were temporary. Yet, a constant elaboration was simultaneously made possible through 'new discoveries' of crimes, where criminal communities could be

⁷ F.C. Smith to W.H. Macnaghten, 26 June 1833. Home, T&D B.2, No. 4, NAI

⁸ Discussed in Chapter 1.

⁹ In a statement made by W.H. Sleeman, he noted that during 1826-1835, 1562 thugs were apprehended. 328 were punished by death, 999 were transported, 77 imprisoned for life, 21 were asked for security, 71 received limited punishments, 21 were acquitted, 11 contrived to escape, 31 died before the sentence and 49 were admitted as evidence, for prosecution. Thornton pp. 467-8.

discovered in another incarnation and reclassified for another initiative in law and policing.

The *thugi* campaigns were then, certainly, woven into the needs of 'political elaboration of Paramountcy, expounded through the rhetoric of authoritarian reform' along with the constant reworking of the ambition and perspective of political authority and the forms in which it was to be communicated. This meant that the theme of criminal communities was to justify the special executive powers and the punitive measures which were the hallmark of the campaigns. The initiative, thus, cannot be traced only to the 'inadequacies of the existing laws to control collective action' or to the various crises of colonial order alone. According to Singha, there underlay fiscal as well as pacificatory imperatives, as well as, the wider objective to make the subjects of the empire both policeable and taxable¹⁰.

Suppression of *thugi* took place under Bentinck in the 1830s, with the establishing of the **Thugi Department**, under F.C.Smith in 1829 with Captain Sleeman as his coadjutor and assistant. Systematic operations began in 1830 with Sleeman as the General Superintendent, which were geared towards eradicating the crime¹¹. The Sagar and Narbada territories, which had been annexed as part of the larger colonial territory in 1817-1818, served as the strategic region for the campaigns. Since it was the first elaborate campaign, the legal procedures were rather loose and this later invited criticism. In 1836, F.J.Shore complained that the region was made a 'theatre for the experiments of incipient legislation'¹².

A police and a legal apparatus soon evolved simultaneously under the **Thugi and Dacoity Department**. Its task included collecting information, constructing a body of knowledge, carrying out military operations, imprisoning, and trials, and construction of a system of corrective surveillance i.e. reformatories or fixed encampments, assigned to the wandering groups, and guarded by the police. A special centralized police force was designed to detect and pursue the *thug* bands. An alternative legal structure, a different

¹⁰ Singha, op. cit., pp. 172

¹¹ Foreign Political Department, 5 March, No.167-68, 1835.

¹² Home Miscellaneous, Vol. 790, 7 May 1836, pp.422. Cited in Singha, op.cit., pp.174.

variety of methods of investigating and procuring evidence and procedures for conviction and punishment were deployed¹³.

British efforts at controlling crime till the early 19th century were piecemeal in nature as subcontinent wide institutions did not exist. On a priority basis, these efforts aimed at prevention of crime, rather than protection of the ruled. The control mechanisms deployed by the state were both territorially localized and problem specific i.e. focusing on combating particular types of crime in particular places. In the context of colonial Bengal, for the suppression of the crime of *dacoity*, Cornwallis and later Blacquiere in 1808 had pioneered specific programs. The details have been discussed in Chapter 2.

Informal mechanisms of control, which incorporated the *zamindars*, village *chowkidars* and other sections of the local population, were maintained and integrated with the more formalized colonial measures, as a complete alienation of indigenous control mechanisms was not possible in practical terms. Police officials were instructed to work with the consent and cooperation of the local authorities as it was important to disrupt the local ties which were maintained by the criminal classes¹⁴. A series of regulations were passed to ensure local support at subordinate levels. The landlords were called upon to 'provide intelligence and prevent breaches on peace' as their assistance was considered compellingly relevant to the needs of local control¹⁵. It also meant carrying on with the need of maintaining law and order at minimum administrative cost and on the terms of the colonial state and at the same time legitimizing and popularising these measures in a way by coopting native agencies.

¹³ Even during the Mughal times special executive officers with discretionary powers were made responsible for tracing and punishing such criminals and compensating the sufferers. The local officers, the governor, *faujdar*s- all were made responsible for any crime that occurred within their territories. Sangar, op.cit., pp.41&87.

¹⁴ Home, T&D, A.I. No.1, 1836, NAI.

¹⁵ Section 3, Regulation XXXII of 1793, obliged *zamindars* to prevent traffic in stolen property and to assist in its recovery. Section 2, Regulation VI of 1810, compelled landlords to inform the police of *dacoits*, *budhuks*, robbers and *thugs*. Under Section 10, Regulation I of 1811, landlords were to furnish information about vendors of stolen property. Section 4, Regulation III of 1812, bound them to inform the police of all crimes committed in their states. Beaufort, op.cit. These regulations were amalgamated in the draft of the *Police Responsibilities of Landlords Act*, 1868, which defined the landlord's responsibility in relation to the criminal and political breaches of law and order. S.Nigam, 'Disciplining and Policing the criminals by birth', Part I, *IESHR*, Vol.27, No. 2, 1990 pp. 162.

Mechanisms of Intelligence gathering had been operative since the expansion of the colonial rule in India. They were crucial to the British understanding of the social-economic and the administrative order of the country over which they were gradually establishing their dominance. They were central to the colonial policies of surveillance and pacification, as they determined the success in conquest and profitable governance. As Bayly puts it, 'the 19th century India stood for an all India Information order'¹⁶.

For obvious reasons then, the colonial state's surveillance agencies and the indigenous networks of communication overlapped and interpenetrated. Yet, the meeting point between these two was riven with suspicion, distortion and violence. At these junctures and points of intersection, colonial rule was at its most vulnerable. Often the lack of information created a vacuum which generated 'information panics'¹⁷ and led to the creation of colonial propaganda drives in an organized manner. Propaganda measures were constructive and self conscious. Bathing places and pilgrimages were believed to provide opportunities for seditious meetings. Commercial guilds and *bazaars* were regarded as centers for exchanging information. Other places of congregation-*akharas*, gambling houses etc- were regarded as dens of crime. Mercenary groups, mendicants and itinerant communities were identified as the social 'Other' and their movements and activities were looked upon with suspicion and often they were dubbed as potential banditti. It also led to the stereotyping of criminals like the *thugs* and, in the later phase, the *dacoits*, as religious fanatics, operating as guilds. Bayly describes these as the implication of the 'limitation of colonial power and knowledge and not the effectiveness of its projection on society'¹⁸.

The legal system consisted of documenting the confessions of the prisoners who were accused of the crime of *thugi* and *dacoity* in the early decades of the 19th century. The later measures adopted by the **Thugi Department**

¹⁶ Bayly, *Empire and Information*, op.cit., pp.1.

¹⁷ *ibid.*, pp.143.

¹⁸ *ibid.*, pp.171.

systematically devised mechanisms for intelligence gathering to derive first hand accounts of the crime by instituting the system of **Approver's Testimony(AT)**. This reflected colonial anxieties regarding the lack of information. These were crucial to secure the grip and the dominance of the colonial state over the newly acquired territories and population¹⁹ but there were obvious problems in engaging with these kinds of activities. The system required the recruitment of informants from the very communities which were perceived as criminal.

As early as 1824, under Regulation X in Bengal, provisions were made for pardons to be tendered , in cases of murder, gang robbery, highway robbery, murder by *thugs* etc. by the Magistrate to one or more persons directly or indirectly concerned with the offence. This was done on the condition that making a full, true and fair disclosure of the whole circumstances would be made by the guilty. Confessions would name the persons concerned in its perpetration, the mode in which property was stolen and disposed²⁰.

The Regulation further stated that the deposition of the prisoner, now admitted as witness, was to be taken before the Magistrate who may offer a conditional pardon to him. During the interval between the tendering of pardon and the recording of the deposition at the Session's trial, the prisoner was to remain in the Magistrate's custody, separated from the other prisoners²¹.

It was emphasized that the evidence was to be recorded in the actual words of the deponent: keeping intact the narrative, the forms of expression and description of the circumstances under which each witness deposed. Further, leading questions, suggesting of answers to the witness, were to be avoided. Disclosure of the information possessed by the prisoner was described as the sole function of recording the confession. This also included personal details like name, caste, religion, profession, place of residence of the perpetrators

¹⁹ The initial administrative hiccups which were faced in late 18th century Bengal were attributed to the lack of information on part of the colonial officials. As a corrective measure , large volumes of indigenous revenue records and manuals were examined. P.J.Marshall, *Bengal and British Bridgehead: Eastern India, 1740-1828* (Cambridge 1987), pp.103.

²⁰ Beaufort, op.cit., pp. 87.

²¹ Regulation XX, 1817 in Bengal, Section 19, Clause 5. Cited in *ibid.*, pp.427.

etc. The system was further extended to the Ceded Provinces through Regulation VII of 1803, Section 18, No. 2-4²².

These early regulations set out the precedent of using the confessions of the prisoners as the most important source of information in the instances of collective crime. The Approvers' System, thus, took shape as the most important tool of acquiring knowledge regarding the crime and the criminals. The technique, pioneered by the T&D Department, later was incorporated into general policing tactics. It evolved as the central strategy and as the most unique feature of the campaigns against *thugi*²³. As a part of the procedure, apprehended *thugs* were turned into reliable informers providing circumstantial evidence against their partners in crime, in lieu of certain concessions- remission of sentences, pardon etc. The most significant of the reasons for this was that there were no other means of procuring information as the victims were already dead. Even in the case of *dhatara thugi*, where in rare cases the victims recovered, few reported the matter or took to judicial recourse.

Such an approach was deemed necessary, since most crimes occurred, almost by definition, beyond public view. In such circumstances, the AT was the only available source of direct information to determine crime and provide evidence against the operating *thug* gangs. Knowledge, thus gained, was regarded not only as the key to understand *thugi* but also to gain control over it.

However, no confessing prisoner was made an approver immediately, but had to serve a probation period of two years. In that while, not only did he have to maintain a good character but it was also ensured that this testimony should prove instrumental in the arrest and conviction of those against whom he had deposed²⁴. Also, each confessing prisoner had to furnish a security of Rs. 250/- for 'good behaviour' and reappearance when called upon²⁵.

²² Under Regulation IV, 1797, Section 7, Clause 3-5 in Bengal. Cited in *ibid.*, pp.103-4.

²³ During the Mughal times too Highway Robbery was established by confession or if two witnesses bore evidence. *Fatawa-i-Alamgiri*, II, pp.729, quoted in Sangar, *op. cit.*, pp.72.

²⁴ *ibid.*

²⁵ *Rules for the Working of the Thugi and Dacoity Department*(Simla 1894), pp.35, NAI.

These confessions provided extensive details of not just the practices and organization of the gangs but also of the crime itself- every act of crime perpetrated, the number of people killed, exact location, the manner in which bodies was disposed off, the list of abettors and participants etc. They were meant to construct total and meaningful narratives, which clearly established the crime and the complicity of the participants.

The description rolls of the participants included details of caste, occupation, place of residence, identification marks-complexion, build and stature, scars, wounds etc. Also, information regarding the other gangs included the name of the *jamadar*, the number of followers, the area of operation etc²⁶. The information was recorded in specific forms for this purpose, under the headings of list of *thugs*, list of accomplices, number and details of *thug* expeditions etc. Much of the information was corroborated by the deposition of others apprehended for the same crime. Those giving false information or omitting the details, implicating the innocent or trying to settle personal scores, received severe punishment, including forfeiture of all rights to exemption from death/transportation sentence.

One can thus point out that the processes through which the testimony was constructed, constituted and appropriated as the primary source for the judgment, as Shahid Amin states, reflected the 'power and procedural grids' through which facts and information were admitted into the records of events. To him, the AT was not a narrative alone. The confessions, were in fact, shaped by the 'prosecution's perception of events and its prehistory', the speech was in a way fabricated by the power of the state²⁷. The AT in its format and structure certainly was a product of the procedures which prescribed it. However, in its content, it would be difficult to ascribe the AT to the judicial discourse alone as deliberate silences or omission of facts and events by the Approver cannot be ruled out even in this system.

The system's shortcomings, reflected an assertion of 'power from below'. Firstly, it was difficult to compare the evidence of approvers in the case of

²⁶Home, T&D, D.2, No.1-No.5, 1834-1862, NA

²⁷ Shahid Amin, 'Approver's Testimony, Judicial Discourse: The Case of Chauri Chaura' in *Subaltern Studies*, Vol.V, (Delhi 1987), pp.167&186.

poisoning since *thugs* operated in smaller bands in such cases. The second difficulty was in determining the veracity of the information so that the innocent were not falsely implicated and the guilty screened. A condition constantly reiterated for the acceptance of the *thug* prisoner as an approver was that 'he makes a full and ingenuous confession'²⁸. For this, the confessing *thugs* were made to go over the details time and again. Since the entire exercise was premised upon an expectation of containment of crime, emphasis was placed upon the need to distinguish between a *thug* and a petty offender. Sleeman wrote 'The need is to establish the veracity so that the innocent were not falsely implicated and the guilty screened'²⁹. Also, field agents were deployed for procuring physical evidence for the crime³⁰; bodies of the dead, tools of crime as for instance handkerchief, cord, looted property and, in the case of *Megpunnaism*, the children who had been sold off. The objective was to gather precise and useful information from the confession of prisoners³¹. Thirdly, as approvers, the confessing *thugs* gained considerable bargaining power. Often information was withheld or was presented in a distorted manner. A habitual prisoner, *Nanno Brahmin*, confessed to his crime only after being made an approver. Points of evasion and dispute were evident in his testimony. He first stated that he was initiated into a gang but later said that he belonged to a family of poisoners. His accounts of the crimes and his references to other gangs varied considerably when he was asked to go over the details again³². Instances are there when incorrect information was furnished to frame opponents or to seek quick release. In 1835, *Rujub* approver at Jabalpur furnished false evidence. He was then sentenced to 15 lashes and 5 years of rigorous imprisonment³³.

²⁸ Home, T&D Files, A.1, No.2, 1837, NAI. Also cited in Beaufort, op.cit., pp.822.

²⁹ W.H. Sleeman to W.G. Birch, L.No. 2756, 5 April, 1839. Home, T&D Files, G.8, July 1838-April 1839, NAI.

³⁰ *Rules for Arresting Parties*. Home, T&D, A.1, No.1, 1836, NAI.

³¹ Home, (T & D), A.I., No.2, 1837, NAI.

³² The first confession was recorded on 11th September, 1849 and the second one was taken on 11th -12th October 1849. In his testimony, he also cited that two of his associates were let off by the *daroga* for a bribe of Rs. 200/-.

Home, T&D, D.2, No.4, 1849, NAI.

³³ Thornton, op.cit.

The biggest stumbling block in using the AT was that, despite the strongest evidence against the approvers, they were let off with minimum punishment. This was peculiar as the approver was stained with the same crimes which he laid at the door of others. What was expected out of these *thugs* was that they should plead guilty to the 'minor offence' of participating in *thugi* expeditions and subsequently they would not be tried for any capital crime which they had committed as *thugs*. This was a face saving device. As Amin puts it, 'the I/We of the narrative of the event' was instrumental in defining the veracity as well as the importance of the testimony as a source of evidence³⁴. As the testimonies reveal, participation was proved in organization, deliberations and the in the motives and the outcome of the crime perpetrated. Amin, dwells a lot on this shift in the character of the offender. From being regarded as a 'rebel' earlier, an approver shifted his identity to being a 'servant of the state'³⁵.

Each approver claimed to be better informed, hence more useful, so as to seek exemption from heavy punishment. It was with remarkable ease and readiness with which the information was provided³⁶, acknowledging his act of killing to which, the *thug* accepted, that he had got habituated.

Sleeman stated that those wishing to confess and become approvers would not only be 'serving the government but would also be treated well by the authorities'³⁷. As part of the concessions granted to *thug* approvers, death and transportation sentences were remitted, though complete pardon was not granted. For their 'good and faithful, services, indulgences complying with their safe custody were granted'³⁸. This included the removal of one or both iron legs from such approvers'³⁹. There were cases of unconditional release of the *thugs*, but these were regarded as 'rare instances'. The promise of pardon and reward, made by the state to acquire a true confession, thus, can be

³⁴ Amin, op.cit., pp.171.

³⁵ Amin, op.cit., pp.168.

³⁶ The Bhils, Meenas and the Sargaras, owing to the code of honour among them, refused to turn approvers. They usually also killed the approver who accompanied the arresting parties. *Report on the working of the Thugi and Dacoity Department for the year 1874* (Calcutta 1876), pp.19, NAI.

³⁷ W.H. Sleeman to W.G. Birch, op. cit.

³⁸ ACT XXX of 1836. Also cited in Home, T&D, A.I., No.2, 1837, NAI.

³⁹ *Rules relating to Approvers and Confessing Prisoners*, Home, T&D Files, A.1, No.13, 1888, NAI.

described as the ultimate display of colonial power politics, which alone had the attribute of transforming a rebel or a criminal into a 'servant of the state'.

The ACT XVIII of 1837 strengthened the prosecutions' hand in its negotiation with the approvers. It stated

Any person charged with murder by thuggee, or with the offence of having belonged to a gang of thugs, made punishable by Act XXX of 1836, may be committed by any Magistrate or Joint Magistrate within the territories of the East India Company, for trial before any criminal court competent to try such persons on such charge⁴⁰.

Thugs convicted for the crime were tried at the Company's court: the Sessions Court, before special commissioners⁴¹. Separate courts for the purpose of trying the *thugs* were established, at Hyderabad, Mysore, Indore, Lucknow, Gwalior, under the supervision of the British resident, with the consent of the native governments.

The judiciary, however, profoundly distrusted this approach of using AT as evidence because of its unreliability. The very instrument for the suppression of the crime of *thugi* became its biggest hindrance. Judges insisted on reliable and legally correct testimony during the trials. The absence of these often led to the acquittal of the *thugs*.

Sleeman, too, was aware of the problem, but was not much disturbed, by it. Perhaps the realization was strong that the narratives were probably the only means to obtain information of the crime. He insisted that the evil was great enough for the government to take unusual measures to control it. Sleeman argued that the application of the special trials and detection procedures elaborated for the suppression of *thugi*, and later for *dacoity*, had the potential to stop these activities by identifying them all, rounding them up and prosecuting them on the basis of evidence they produced against each other. Those convicted for the crime, under the ACT XIX of 1837, apart from being sentenced, were also marked for later identification purposes, so that they may be recognized as old offenders. Branding was to be done on some part of the

⁴⁰ Beaufort, op.cit., pp.821.

⁴¹ Trials for *Megpunna thugs* were held at Meerut under Lt. C.E. Mills. W.H.Sleeman to W.G.Birch, op.cit.

body, not exposed to public view⁴². In cases of *dacoity*, the punishment of the offender did not depend upon the amount, value or description of the property plundered. He was convicted by virtue of just being a *dacoit*, even if it meant being a one time *dacoit*.

Freitag's argument is that the AT by its very form structured colonial knowledge about what constituted criminality⁴³.

Much of the legal judicial construction of the crime emanated from the information available through the testimonies. Sleeman, too, noted that 'the crime was now better understood and controlled, as thug gangs, on the basis of available information could be pursued and apprehended'⁴⁴. The informayion was never truly accurate. Certain prejudices and fears regarding the criminal communities remained, resulting from the superficiality of the colonial rule. This resulted in the 'approximation of reality'⁴⁵, where the available information was either distorted or torn out of context. This got reflected in the manner in which stereotypes were built regarding certain communities.

The testimonies revealed colonial anxieties regarding the wandering communities. Colonial officials constantly probed to establish some link between the *thugs* or *dacoits* and these communities.

In the case of *Megpunnaism*, more than the crime itself, the anxiety was regarding the direction of the traffic in women and children, who were sold either as slaves to the *zenana* of respectable households or to prostitutes. As evident from the structure of the confessions, the approvers were repeatedly questioned to obtain strains, if any, of the participation of the *banjaras*, in Upper India, who it was thought, were well connected with this trade in women and children.

Such methods of detection of thugi and dacoity often bracketed the peripatetic groups- *Banjaras*, *Kalberias* and *Multanis* and the mendicants like *bairagis* and *fakirs*- with the criminal groups, though their activities not always were illegal. At the same time, their criminal involvement cannot be ruled out

⁴² W.H.Sleeman to J.Paton, 1st July 1835, Home, T&D Files, G.2, 1833-35, pp.395, NAI.

⁴³ Freitag, 'Crime in Colonial North India', *MAS*, op. cit, pp.239.

⁴⁴ W.H. Sleeman to W.G. Birch, op.cit. Also, *Rules relating to Approvers and Confessing Prisoners*, Home, T&D Files, A.1, No.13, 1888, NAI.

⁴⁵ Bayly, *Empire and Information*, op.cit., pp.7.

completely as crime sometimes did lubricate the channels of their trade. Yet, there were no structured patterns to their involvement and participation. It happened as and when a lucrative opportunity came along their way. Colonial officials, it would appear, suspected vagrancy and regarded it as inherently 'criminal' in character.

What arouses greater interest is this manner, in which colonial officials in the process of gathering intelligence, tended to narrow down the differences that existed in the nature, organization and practices of these different suspect categories. The case of stereotyping, in this context, does hold some ground.

II

The Working of the Thugi and Dacoity Department

The intention of the **T&D Department** was not just to suppress the crime in the territories where it prevailed but also to prevent its spread to other parts as well.

Crime statistics were presented in the form of monthly, half-yearly or annual reports, giving the total of different heads of crime, which had been reported. Any seasonal fluctuation in crime, therefore, was difficult to locate from these reports. Further, it was admitted that there existed the problem of 'dark figures of crime' i.e. much of the crime remained unreported. All of this made it difficult to construct any long term trends in crime to ascertain its nature and characteristics. Colonial officials, too, accepted the gap between 'actual crime' and 'reported crime' and this was attributed to the unwillingness of the people to come forward and volunteer information to the authorities. Thus, the need to rely on **AT** therefore was inevitable. The information was undeniably crucial and central to construct proper details and statistics of the crime. Much of the earlier knowledge of *thugi* and *dacoity* rested upon this available bulk of information which the officials of the **T&D Department**, particularly Sleeman, tapped for their gains.

Specials guidelines and manuals of instructions⁴⁶ laid down the manner in which the operations of the Department were carried out.

The arresting parties instituted for the apprehension of *thugs* and *dacoits* were subject to rules and regulations. A *parwana* or a pass was to be issued to them to ensure unrestricted passage through the states. The officials were also required to carry with them a list of persons to be arrested, details of the route to be traversed, requisite stationary etc. They were instructed to report the arrest of the criminal immediately and thereby carry out the preliminary enquiries and also seek collateral evidence to corroborate and sustain the evidence of the approvers⁴⁶.

As the police was reorganized in the years 1860-63, the **T&D Department** became defunct as a special agency in the British territories. However, it was maintained exclusively in the Princely Indian States, where the crime was much more prevalent, under the Foreign Department. The reason for the shift in the area of crime from the British to Native States could be the extensive campaigns carried out by the British which forced these gangs to move to safer areas to evade arrests. The criminals found easy quarters in the Native states. The knowledge that they are secure, in the territories of a local chief, from the pursuit from the police rendered them bolder.

The general impression among the British authorities was that these Native states were incompetent to deal with forms of organized crime. Captain Burr recorded the case of Unkar *bhil*, who after escaping from the Holkar's jail, carried on with his depredations on the margins of the states of Indore, Gwalior, Dewas⁴⁷.

From 1883, the operations of the **T&D Department** were confined to the limits of Hyderabad, Rajputana and Central India. On 1st October 1887, Special Central and Local Branches of the Department were set up under the General Superintendent of Operations for the Suppression of Thugi and Dacoity as problems appeared in the working of the department in the Native

⁴⁶ *Manual for the Guidance of Officers of the Thugi and Dacoity Department* (Simla 1880), pp.1-5, NAI.

⁴⁷ *Report on the working of the Thugi and Dacoity Department for the year 1874*, op.cit., pp.7.

states. The new branch was also entrusted with the task of collecting and comparing intelligence regarding organized crime⁴⁸.

Local authorities, Political agents and officials of the Department were instructed to work together to check instances of crime in the Princely states with the consent of the respective chiefs⁴⁹. Since claims were already made in the 1840s about the successful suppression of the crime of *thugi*, the Department now focused on the crime of *dacoity* and the activities of those recognized as criminal tribes.

The same methods of apprehension and conviction were applied. The Campaigning Parties, however, were faced with a lack of cooperation and with resistance in the Native states, mainly because of the complicity of the native rulers with the criminal groups. Mechanisms were soon devised to ensure that colonial networks could be put in place. The Residents were given the right to arrest and try the offenders, and officers were recruited locally to assist them. The resultant police arrangement constituted of the Political Agent of the region, who was in charge of the Department. The campaigns were led by the Assistant General Superintendent of the Department. The force constituted of the Inspectors and Deputy Inspectors, *Dafadars*- who were made responsible for the safe custody of the convicts, *Najibs*, *Tomundars* and *Bhishtis*⁵⁰. The cost of this well armed and sufficiently strong force was to be borne by the Native states.

To wipe out *dacoity* in Central India, series of special operations were carried out in 1888, while redoubled efforts were made to guard the British frontier. These measures went hand in hand with the stern punishment for the captured: death penalty, transportation for life and imprisonment.

In alliance with the Gwalior police, the Department under the charge of Mr. Onraët carried out a campaign against *dacoits* belonging to Mohan Lal's gangs. After a long chase, 13 surrendered to the Magistrate in Agra and were

⁴⁸ Home(Police), 'A', No.136-155, June 1904, NAI.

⁴⁹ *Manual for the Guidance of Officers of the Thugi and Dacoity Department*, op.cit., pp.25.

⁵⁰ *Rules for the Working of the Thugi and Dacoity Department*, op.cit., pp.8. In 1874 the strength of the local police establishment or the *Najib* force was 290. *Report on the working of the Thugi and Dacoity Department for the year 1874*, op.cit., pp.31. By 1888 it reduced to 139. *Report on the working of the Thugi and Dacoity Department for the year 1889*(Calcutta 1890), pp.17.

charged with complicity in the Mohammadpur dacoity. All were convicted, 10 were transported for life and 3 were imprisoned. Similar measures were taken in 1890 to break the gang of Nawal Singh of the Mainpuri district. Earlier, an award was constituted, by the North Western Province and the Gwalior governments, for the arrest of this dreaded *dacoit*. In the campaigns, Nawal Singh was killed along with his 2 followers, Kundan and Ganesh. Ornaët also took effective measures to check the crime of cattle lifting in the Western Malwa Agency⁵¹.

The 1889 operations in Nimar, carried out by *Risaldar* Shri Parshad, resulted in the break up of the gang of Tantia dacoit. The leader was arrested and his followers- Bondria, Balia, Gendi and Onkaria- were killed⁵².

As a procedure, registers of crime were maintained which included information regarding the *thug* and *dacoit* bands which were, involved in, expeditions, as had been revealed from the confessions. It was to include details like the names of the leaders, number of participant members, the area of operation, and the possible receivers of property in each case. Lists of registered and non registered criminals, too, were required to be maintained along with reported instances of crime.

The wealth confiscated in the process of the apprehension of the *thugs* and *dacoits* was used to fund the campaigns against them⁵³. The Government had to bear no extra cost for the working of the Department, except for the initial cost of instituting the entire apparatus. The locally appointed police personnel received their salaries from the local rulers. The reformatories, though built with Government money, maintained as 'Schools of Industry' were, in fact, profit making institutions. During the years 1845-65, the profits increased over

⁵¹ *Report for the Political Administration of the Territories Comprised within the Central India Agency for the year 1888-89*(Calcutta 1890), pp.13-14, NAI.

⁵² *ibid.*, pp.18-19.

⁵³ 'We are glad to learn that the plunder recovered from the thugs and to which no claims can be established by individuals, is likely to afford a fund sufficient to cover the extra expenses occasioned by your proceedings for the suppression of thugi', C.E.Trevelyan to F.C.Smith, Agent Of the Governor General in the Sagar and Narmada Territories, Home, T&D Files, B.2, No. 16, 1834, NAI.

eight times, from Rs.4,049/- to Rs.23,279/-. Profits since 1860 amounted to Rs.85237/-⁵⁴.

Problems in the Legal Definition of the Crime

The inadequacy of the existing laws for the prevention of dangerous crimes was always highlighted and looked upon as a matter of great concern. The outcome of these anxieties was a constant elaboration of the legal apparatus to accommodate newer categories of crime and criminals.

The laws 1836 and 1843 were not directed against any specific group. The definition was kept fluid, perhaps to bring under legislation various other migrant/wandering groups-ascetics, mendicants, itinerants- who, because of their mobile character, were suspected of criminal intentions⁵⁵. Sleeman referred to *Nizamuddin Auliya* as the founder of the system of *thugi*, his disciples being the first 'assassins by profession' in India⁵⁶. Such remarks can be seen as a reflection of the distrust which the colonial authorities harboured for religious mendicants-Hindu *Bairagis/Gosains* and Muslim *Fakirs*- because of their vagrancy and the sanctions that they acquired due to their religious character, which meant gaining easy entry into houses. Further, their widespread mobility rarely aroused suspicion or opposition from the native population. Often, it was difficult to distinguish the criminal characters, as *thugi* as well as *dacoity* was perpetrated in disguise of these mendicants. However, to stereotype mendicants as criminals is as problematic as the earlier discussed case of the stereotyping of the *Banjaras*.

⁵⁴ *Annual Report for the year 1865 from the School of Industry*, Home, T&D Files, F.9, 1866, NAI.

⁵⁵ 'We have always had reasons to believe that a great part of Byragees, Gosains and other religious mendicants, that infested all parts of India, were assassins by profession'. W.H.Sleeman to W.H. Macnaghten, Secretary General to the Government, Home, T&D Files, G.5, 3rd February 1838, pp.107. NAI.

⁵⁶ *Rambles & Recollections*, op.cit. Also, *Report on the system of Megpunnaism*, op.cit., pp.10-14.

Special laws and measures were proposed for checking the crime of *dhatara thugi* in the British territories. The Act XXIX of 1850 was promulgated for this purpose and it was advocated that it may be extended as a general act. The suppression of the crime was brought under the T&D Department which was seen as the only competent means of checking it. Punishment was death or life imprisonment⁵⁷.

The networks of kinship, service based alliance, collusion and concealment which the *thugs* and the *dacoits* enjoyed were regarded as the greatest hurdle in the implementation of the legislations to 'check' the crime. The depositions, too, point towards widespread physical and social mobility, revealing that the criminals themselves and their relatives drifted in and out of the service of Indian and British regimes as watchmen, body guards, revenue officials, inferior police etc. There was also a greater propensity towards shielding of crime by men in authority. This emanated either from the notion of extending 'sharan', propelled by the need to uphold traditional values of honour, or simply from the motive of economic gain. The *zamindars*, *chowkidars*, *darogas*, *bantias*, *sahukars* and various other social groups figured prominently in the networks of collusion and concealment implying that crime was fostered, undisputedly, by all classes. The first attempt was, therefore, to snap these interconnections. As a result, the harbouring of *thugs*, *dacoits* and other convicts and hiding of stolen goods were made punishable offences. The ACT XVIII of 1839 stated that

Any person accused of the offence of murder by thuggee, or of the offence of unlawfully and knowingly receiving and buying property stolen or plundered by thuggee may be tried by any court.

With the Act XXIV of 1843, Section 2, the above definition was extended to include those colluding with the *dacoits* as well. Further, in 1893, it was declared that 'every person in British India aware of the commission of a dacoity, or of the intension of any native Indian subject of Her Majesty to

⁵⁷ *Correspondence Relating to ACT No. XXIX of 1850(1856)*, No.1163, C.Hervey, Assistant General Superintendent, to H.L.Anderson, Secretary to Government, Judicial Department.

commit such an offence beyond the limits of British India' was guilty of a crime according to the Indian Penal Code⁵⁸.

The newly established legal system of detection, conviction and surveillance was seen as the answer for each 'new discovery' thereafter. Past success, in the apprehension and conviction of the criminals, and promises of swift success to follow were used to buttress the demand for additional posts and expansion of the model to incorporate new categories. After *thugi* by strangulation and *Megpunnaism*, the practice of '*dhatura thugs*' was brought under the *thugi* campaign to put to use the already established systems of extensive networks and special procedures for its effective eradication⁵⁹. The pressure was always there since the inception of the department to revive the agenda and expand it. It was crucial for the sustainability of the entire structure⁶⁰.

By the 1840s, it was claimed that the department was now involved in mopping up operations. Freitag questions the extent of success as there existed no evidence to suggest that *thugi* was actually eradicated. The testimonies reveal that even in the 1860s *thug* gangs were operating in large numbers. Even after almost a decade since the launch of the campaign, *Sleeman* himself noted that 2000 thugs were arrested in the Central Provinces in 1839. 1000 were transported for life, 300 turned approvers, 400 were executed and 300 were imprisoned. The disappearance of *thugi* was partly a matter of nomenclature- with *thugs* after 1840s being relabeled as *dacoits*, probably to escape embarrassment caused by making false claims of success.

The case of shifting nomenclatures was the result of selectively omitting the differences or the similarities to press for expansion of campaigns for the 'new discovered' crime. A very thin line divided the two practices. Both were perpetrated on strangers for the purpose of loot. The site of action was largely the high roads. The social background of men who came together for the

⁵⁸ Quoted in Kasturi, *Studies in History*, op.cit., pp.106.

⁵⁹ Charles Hervey stated 'it is competent only to this systems and department to suppress it i.e. *thugi by poisoning*, effectually', Hervey, Asst. Gen. Supt. To Gen. Supt. (T&D), No.14, 22 January, 1856, Bombay.

⁶⁰ M.Brown, op.cit, pp.68.

motive of plunder too was similar, in both cases men usually belonged to the lower castes. The essential difference, as elaborated earlier too, lay in the manner in which the crime was perpetrated. *Thugi* involved inveigling/enticing of the victim, which meant that some sort of intimacy/acquaintance had to be first established. As a sequence of the activities involved, murder preceded the search for booty i.e. the crime was more discrete. *Dacoity* was a crime of organized and open violence. Attacks were made only when the loot was ascertained i.e. the crime was target specific. Further, the act did not involve murder as a condition for perpetrating the crime.

To sum up, it can be said that the *thugs*, *dacoits* and the criminal tribes were identified, by the colonial state, in order to isolate them from other categories of criminals. The administrative and the legal structure of the **T&D Department**, evolving from the 1830s, did prove to be an effective set of measures of control and surveillance. Similar methods were applied and the legal structure was elaborated to accommodate each new discovery, hereafter. Promulgation of special legislations, the use of approvers' testimony, all was applied, thereafter, for the suppression of the crime of *dacoity*. By the 1860s, *thugs* and *dacoits* became a forgotten figure to be replaced by the 'criminal tribes'. The Criminal Tribes Act (CTA) of 1871 too was a result of the development of the legal infrastructure from 1830-1860⁶¹.

Criminal typologies, thus, became an enduring feature of the colonial policies. In terms of space, the *Pindari* and *thug* phenomenon were adjacent to each other. The anti- *thugi* campaigns were carried out in the Sagar-Narbada region, which was also the place where the *Pindari* mercenaries sought refuge. Also, both the groups had 'non local' sources of revenue and their area of committing depredations was different from the area of residence. Also patronage and protection was extended to both the groups by the local authorities. Similar trends, too, can be highlighted in the case of the *Sanyasis* and *dacoits* of Bengal. The differences between these groups, as in case of

⁶¹ Freitag, in Yang ed., op.cit., pp.151. Sanjay Nigam draws parallels between the CTA of 1871 and the Habitual Criminals Act(1869&1871). The insistent axiom in both was that 'criminality' was the preserve of the 'subject population'. Institutional segregation, an elaborate administrative-legal structure for the purpose of control and surveillance too was common. 'Disciplining and policing the criminals by birth', Part 1, op.cit., pp.155-58.

other criminal groups, cannot be easily defined. Yet, differences were insisted upon and the claims of eradicating them successfully were made.

The criminal groups at various historical junctures were subdivided to create a new category, be it *thugs*, *Megpunna/dhatura thugs*, *dacoits*, highway robbers, criminal tribes or others. Rigid categorization was carried out by the state to classify them. This, perhaps, was done with the intention of keeping the possibilities open for the expansion of the legal-administrative apparatus, a desire which might have emanated out of bureaucratic rationale. The legislations, as discussed, too, kept open the possibility of an ever expanding scope of criminality. Thus, the entire system, it may seem, was designed purposefully for a constant expansion with unlimited multiplications of its aims.

The colonial distrust of the mobile communities and their stereotyping as criminals propelled the officials of the **T&D Department** to create criminal colonies/reformatories to resettle them, along with their families, to 'normalize' the criminal types. The concern was not just to exercise control but was also to maintain moral authority.

Reformatories, as newly developed institutions, came up initially for the rehabilitation and reclamation of the *thugs*. These were set up in Jabalpur in 1838, under the supervision of Captain Charles Brown, and later in Lucknow, under James Paton. The architecture was styled like military barracks in a single row, where the *thugs*, along with their families, resided. As a precautionary measure the approvers were kept apart from other confessing prisoners until their entire confession was recorded⁶². Strict surveillance was maintained over those residing in the reformatories. Roll calls took place twice in a day, no outside movement was allowed without the issue of licenses /passes from the authorities. The approvers, as well as, the confessing prisoners were not allowed any direct correspondence with their families which resided outside the reformatories⁶³.

The reformatories also brought the *thugs* and their families under 'honest industry'-spinning, weaving, dyeing and manufacturing of carpets, tents,

⁶² *Manual for the Guidance of Officers of the Thugi and Dacoity Department*, op.cit., pp.5.

⁶³ *Rules for the Working of the Thugi and Dacoity Department*, op.cit., pp.37.

blankets etc, to earn a moral livelihood⁶⁴. Some were also provided with the opportunity to work for the state, in roles not totally dissimilar to the wandering and militaristic activities which these groups had previously followed, Often, these approvers were directed into the police establishment, as *najibs* and were part of the campaigns carried out by the arresting parties against the *thug/dacoit*.

The desire was to 'cut off the rising generation of *thugs* from the dreadful profession' as it was believed that the only possible way of countering the *thugs*' system was to prevent their children from following their father's footsteps. The intention was to teach some 'useful trades', along with imparting 'good, moral and religious education', and thus transforming them into 'moral and responsible subjects'⁶⁵. Such reformatories also considerably reduced colonial anxieties as these stations, with settled families meant that not only the *thug* gangs were broken up but they were also brought under colonial supervision and surveillance⁶⁶.

The experiments with the *thug* families at Jabalpur and attempts at settling them were repeated for the *Budhuks* at Gorakhpur⁶⁷. Surveillance was maintained over those identified as criminal tribes through the institution of the reformatories⁶⁸, which came up for this specific purpose in Gorakhpur, Sultanpur and at other places as well.

⁶⁴ Home, T&D, G.8, L.No.2569, 22nd February, 1839. July 1838-April 1839, NAI. Confessing prisoners received Rs.3/- p.m. and the approvers Rs.4/- p.m. as wages. Rs.4/- per annum were allocated as clothing allowance. *Manual for the Guidance of Officers of the Thugi and Dacoity Department*, op.cit., pp.9-10. The products of the school were even selected for awards when exhibited in 1866 at Nagpur. First prize was won for the carpets and the cotton ropes and Second prize was won for the rugs. Few items were selected to be sent to the Paris exhibition as well. *Annual Report for the year 1865 from the School of Industry*, Home, T&D Files, F.9, 28th March 1866, NAI.

⁶⁵ Home, T&D, B.2, No.10, Paton to Sleeman, 5th January 1838, NAI.

⁶⁶ In the year 1847, the School at Jabalpur had 850 inmates. 307 were employed as guards, brick makers, builders and cleaners. 543 were involved in weaving and spinning activities, dyeing of cloth. Profits for the year stood at Rs.35,000/-. Hutton, op.cit.,

⁶⁷ In the Calcutta School of Industry 92 *dacoit* approvers, 15 *thug* approvers who resided along with their 21 children were made to settle with lands so as to minimize the possibility of returning to the old habits. *Report for the Suppression of dacoity in Bengal for the years 1857-58* (Calcutta 1859), Selections from Bengal, on Microfiche in NMML.

⁶⁸ Apart from other means through which surveillance was maintained, like roll calls, the system of passes etc., in the case of criminal tribes, those settled down were deprived of arms and means of locomotion-horses, camels, ponies etc. Also, passes were issued to not more

The imperative was not just to transform them into the ‘moral subjects of the *Raj*’ but there were fiscal reasons as well. The reformatories combined the act of disciplining the criminal with the principles of disciplined labour and of profit making. These communities of criminals, even while being spatially contained and controlled, were made productive for the state. Firstly, the *thug* and *dacoit* reformatories served an economic function. Under surveillance they were developed into a *School of Industry* manufacturing carpets, rugs etc. The profits amassed for the year 1866 were Rs.23280/-⁶⁹. Secondly the relocation of the criminal communities on the wastelands meant an increase in the returns of the government. In the Sansiah settlement of Sahibgunj, successor to the Sultanpur settlement, the aim was to enlarge the ‘industrial scope of the settlement’. Sansiahs were encouraged to keep pigs, fowls etc., and the inhabitants also received 20 *bighas* of mixed lot of good and bad land for cultivation purposes along with bullocks, ploughs and seed grains. Schools, shops and hospital assistance too were maintained⁷⁰.

The reformatories by the end of the century were described as a ‘wholesome place of confinement for the youthful offenders’ where they learnt ‘some handicrafts useful to them when they were discharged’⁷¹. It meant that the juvenile offenders were the new targeted group which was to be ‘reformed’. They were described as poor, illiterate and to be involved in criminal activity of some sort, like circulation of counterfeit currency, or as those who belonged to the families with criminal tendencies⁷².

Evidently, this trend of bringing in a ‘new phenomenon’ under the **T&D Department**, was impossible to reverse once it had been established. Any challenge to the British authority in India was to be quickly suppressed and the Department became necessary for providing intelligence and information and for setting precedents for surveillance.

than 5 persons at one time. *Rules for the Working of the Thugi and Dacoity Department*, op.cit., pp.57.

⁶⁹ *Annual Report for the year 1865 from the School of Industry*, op.cit.

⁷⁰ Home Judicial, July 1896, No. 377-85. NAI.

⁷¹ *Report on the Reformatory School at Jubbulpore for the year 1898*(Allahabad 1899)

⁷² *Report on the Reformatory School at Jubbulpore for the year 1900*(Allahabad 1901), pp.5.

Since its inception, the essential task of the Department was to collect information regarding crime, criminals and their activities. The fetish and the fascination for the possession of 'remarkable intelligence', as was seen in the case of *thugi* and *dacoity*, was retained till the early 20th century. Gathering of intelligence, thus, became the new task of the T&D Department, for ever new forms of organized threat. The Department was entrusted with the task of gathering information regarding Early Congress activities and other nationalist organizations and revolutionary movements. The Criminal Investigation Department, which emerged as the descendent of the T&D Department, too was involved in surveillance over the early Congress agitations⁷³.

The objective in obvious terms, which underpinned the campaigns of the **T&D Department**, was to control incidents of collective action which threatened colonial authority- administrative, legal and moral. The notion of crime, thus, was fluid within a diverse fluctuating internal situation. The colonial authorities applied its own criteria to define and condemn the crime and the criminals.

⁷³ C.A.Bayly, *Local Roots of Indian Politics: Allahabad 1880-1920* (CUP 1975), pp.127-8.

CONCLUSION

Having described in detail, some of the practices of *thugi*, *dacoity* and river crimes and the working and organization of the elaborate legal-judicial system for its repression, the issue which comes up is the one pertaining to the problem of categorization and classification. The question which emerges is whether we are to describe *thugi* and *dacoity* as genuine cases of 'habitual crime' or to view it as a process and a product of 'colonial criminalization'.

What the British desired was a centralized colonial state, a 'paternal enlightened state', as Sleeman wrote. It was in the process of achieving this goal that the colonial regime dislocated local institutions, depleted the power of the native rulers and sought to eliminate those on the margins of the social order by dubbing them as criminals and 'dangerous classes'. Colonial policies reflected a preoccupation with collective action which was dubbed as illegal as it threatened to disrupt social and political order more than the individual acts of crime. Further, collective action also gave a semblance of organized violence which depleted the authority of the state.

It was the desire to control the 'floating population' which encouraged the production of official typologies of criminal cults and criminal tribes¹. This enabled an easy appropriation of the available legal-administrative structure for their control. From the early 19th century, the British designated as 'criminal' the mobile groups which it saw as vagrant, dangerous and predatory in contrast to the settled peasant. They were characterized as those living on plunder, displaying absolute repugnance to 'honest labour' of any kind. The key to criminality was the propensity

¹ Singha, *op.cit.*, pp.188. The resistance which the Government faced in the early years of its rule, in Bengal and Central India, too confirmed their fears.

to wander as movement was perceived to be suggestive of organization, which threatened the public peace and disturbed the administrators. The fear of wanderers, thus, was firmly entrenched in the imperial sociology of knowledge².

Thugi received greater attention in the 1830s because in the wake of colonial expansion the *thugs* with their bold and dramatic violent actions could not go unnoticed. It struck the colonial imagination but subsequently its place was taken over by *dacoity* and by the anxieties which the vagrant and wandering communities generated. The crime waves and information panics did serve an ideological purpose; they accelerated the crusade for wielding greater authority and helped iron out the problems of an evolving legal structure, legitimized by the concept of the 'rational march towards progress'. Criminal policy, thus, was enlisted in the effort to advance the civilizing process by fostering personal discipline and foresight.

Official campaigns and the special legislations for checking the crime of *thugi* and *dacoity*, however, didn't represent a concerted effort at banishing an entire group of people into the ranks of criminals, as was done in the case of Criminal Tribes Act (CTA) of 1871&1911. Under this Act service communities (*budhuks, pasis*), pastoralists, peddlars and subsequently the itinerant groups (*koravers, limbadis*), which were integrated well into the variety of rural and urban activities by virtue of their multiple trades, were 'criminalized'. They were effectively prevented from exercising their 'cultural specific' action under the garb of 'normalization' and for effective control and surveillance. The *thugs* and the *dacoits*, for their obvious and established nature of activities were described as criminals. However, the CTA criminalized the various social groups by virtue of their trade/profession, wherein its characteristic feature-the mobility, of these groups was targeted. As Freitag argues, the

² S.Freitag, 'Sansiahs and the State: The Changing Nature of 'Crime' and 'Justice' in 19th century British India', in Anderson and Guha ed., op.cit., pp.93.

operation of the law was attempted to 'capture the imperial subject through categorization'. To her, it was a 'pseudo-scientific exercise aimed at distilling the essence of the colonial subject in order to control him'³ i.e. to say that the information gathered regarding the organization, practices and beliefs was primarily to justify the 'extraordinary' and alternative legal structures.

Resting on the notion that a mobile population should be regarded as an aberration, the Act marked the defeat of alternative lifestyles as it envisioned its suppression and conversion of mobile/ itinerant groups into sedentary population and, as a result, groups relying on peripatetic lifestyle became increasingly marginalized and suffered from socio-political and economic irrelevance. The stigma imposed by the CTA was hard to shed. Those typecasted by the Act were now either 'least criminal' or 'more criminal'⁴ and were subject to elaborate mechanisms involving surveillance, limitation of movement and chalking of physical boundaries⁵. This finally stamped the colonial disregard of 'vagrancy' and 'wandering communities' and its celebration of settled existence. Further, the process was made irreversible with no scope for reclamation. Perhaps the metaphor of 'vagrancy' was applied with a homogenizing rhetoric to the 'wandering communities' to represent the entities who had not been pacified or sedentarised, thereby masking the diversity in action and lifestyle. The British attempts at 'pacification' sealed the disappearance of the various mobile and itinerant communities and forced their absorption into sedentary society⁶.

³ *ibid.*, pp.97.

⁴ S.Freitag, in Anderson and Guha ed., *op.cit.*

⁵ With the forced resettlement of the social groups, thought to be criminals, in the penal colonies a system of issuing passes or tickets-of-leave, to check the mobility of the identified groups, was also devised. It contained details like place of residence, place and purpose of the visit, details of physical identifications etc. Nigam, 'Disciplining and policing the 'criminals by birth', Part 1, *op.cit.*, pp.143.

⁶ Further, the 1911 Amendment to the CTA of 1871 was primarily done keeping in with the revenue commitments to private enterprise involved in trading practices. Soon, monopoly in salt trade was established which was earlier carried out by the various

Reverting to the issue of categorization, the crimes of *thugi* and dacoity, on land and on water, in the context of C19th India, do surface as 'real crime', as distinct from 'social/distress crime'. The *thugs* and the *dacoits*, while remaining on the margins of the socio-economic structure and operating as part time murderers, took up crime as habitual criminals.

The colonial writings presented a rather 'picturesque and picaresque'⁷ account of the *thugs* and *dacoits*. The style being literary, particularly for Sleemans' writings, greater emphasis was placed upon the adventurism, the movement on the high roads, while highlighting the expeditions of these groups. Details of the crime and of the very act of killing, received enormous attention. The image projected was quite distinct from the reality and it entailed certain prejudices.

Thugi, within these account, was ascribed a cult status with its origins pushed into the remote past. The phenomenon of *thugi*, along with its identified species, and the crime of *dacoity* was viewed in complete disjunction from their socio-political context, even when in reality, the two were closely related to the patterns of social, political and economic change which made them more recent and less structured phenomenon⁸.

Further, the evidence from the testimonies do suggest that the *thugs* were no religious fanatics and the act received no religious sanction from any known scripture. The connections between the crime of *thugi* and *dacoity* and *kali* worship, animal sacrifice and other beliefs and practices were loose and arbitrary. Linking up of these characteristics of lower caste practices to the crime meant introducing generalizations and

itinerant groups of South India. Meena Radhkrishna, *Dishonoured by History: Criminal tribes and British Colonial policy*, 2001

⁷ Bayly, *Empire and information*, op. cit. pp. 172 Also Singha has noted that often *thugs* were called upon to regale European visitors to the reformatories with the accounts and demonstrations of their craft. Paton, the in charge of the Jabalpur reformatory was a great *thug* fancier and viewed them in a most romantic fashion. pp.180, op. cit.

⁸ The *thugs*' and the *dacoits*' accounts of actual attacks do not go further back than the early C19th. The genealogies too stretch back to three generations. Those apprehended in the 1830s stated that they were making expeditions for the last 20-25 years. Home, T&D, D.2, NAI.

oversimplifications to a wide spectrum of beliefs and practices. Bayly describes this as the ‘annexation’ of the ordinary signs of character and social life to the ‘prose of criminality’⁹.

In the context of *thugi* and *dacoity*, the issue of ‘construction of criminality’ does not hold ground. The *thugs* and the *dacoits* related their practices to ‘skill, expertise and adventure’, as distinct from theft and regarded them as a source of livelihood. The *Dusadh* Singers, a pastoral group from the *Bhojpuri* speaking belt, are known for their songs which glorify the ‘honourable’ highway robbers and thieves. The character of the low caste bandit who steals goods, destroys wealthy merchant’s shops, burns registers, redistributes his wealth to the poor and goes into occasional hiding is valourised in these songs which have been immensely popular in region for centuries¹⁰. Despite these assertions to express the legality of the acts of these criminals, these cannot be described as ‘social banditry’ committed within the paradigms of the ‘moral economy’.

The escalation of the crime of *thugi* and *dacoity* can be clearly attributed to the social and political displacement caused colonial expansion and intervention. Yet, their criminal activities cannot be interpreted as to be carried out under a sense of grievance. Nor were these acts of resistance to the newly emerging colonial order, as were the *Sanyasi* and *Fakir Rebellions* which made forceful attempts at reverting back to the displaced social and political order.

The criminal intent was evident in the manner in which crime was perpetrated. Against the strains of the popular/folk notions of ‘noble’ robber/criminal, the activities of the *thugs* and the *dacoits* highlighted their criminal character. They largely belonged to the lower levels of the society but were able to successfully forge ties with the various levels of the local

⁹ Bayly, op.cit., pp.172.

¹⁰ Catherine Servan Schreiber, ‘Tellers of Tales, Sellers of Tales: Bhojpuri Peddlers in Northern India’ in Markovits C., Pouchepadass J. and Subrahmanyam S. ed. *Society in Circulation: Mobile People and Itinerant Cultures in South Asia 1750-1950* (New Delhi 2003) pp. 298-300.

agrarian order. Yet, in their act of crime, they spared no one and managed to terrorize the wealthy and those in authority as much as those from whose very ranks they emerged. Their victims most often were complete strangers and totally unaware of their presence. Murders, thus, were not perpetrated for vengeance, nor was the collective action directed against any specific order or establishment which disrupted traditional ties or curtailed any religiously sanctioned or customary right. The objective was plunder, which in case of *thugi* even meant killing for small pickings. The booty in a few cases was trifling not exceeding a rupee or just the clothes of the victim. Several murders were perpetrated, without compunction, by the individuals who formed these criminal groups. There were even instances where female victims were raped by the *thug* gangs¹¹. The crime and the violence, thus, perpetrated was real.

The fact that these criminal groups were well entrenched in the social order of the times lent a distinct character to crime, which was then conditioned by the colonial presence. The nature of tussle for assertion of authority and challenges posed to it then had three dimensions to itself. First, a dimension was given by the act of crime, which was perpetrated under the criminals' own understanding of legality and correct conduct. The second was the pattern of collusion and concealment which were the characteristic feature of the social order of the times. The third angle was provided by the very presence of the colonial state, which when faced with the other two dimensions, resorted to forceful assertion of its authority, which was challenged if not directly through the acts of crime, then indirectly through the ties between the criminal groups and the local population. A peculiar position was of those in authority at local levels as they not only colluded with the criminals but were also required by the colonial state to play an instrumental role in the suppression of crime. A further scope of the research work lies in the understanding of the complexities of these interplays in the aspects of crime and crime control.

¹¹ *Report on the system of Megpunnatism*, op.cit.

BIBLIOGRAPHY

A. Primary Sources

1. National Archives of India, New Delhi
 - i. Home Department, Thugi and Dacoity Files
 - ii. Foreign Department, Political consultations
 - iii. Report on the Reformatory School, Jubbulpore, 1865, 1898, 1909 Allahabad, 1899-1910.
 - iv. Manual for the Guidance of Officers of the Thugi and Dacoity Department, Simla, 1880.
 - v. Rules for the Working of the Thugi and Dacoity Department, Simla, 1894.
 - vi. Selection from the Vernacular Newspapers Published in the Central Provinces, 1896-98.
 - vii. Thugi and Dacoity Department, Selection from the Native Newspapers Published in India, 1899-1900.
 - viii. Report for the Political Administration of the Territories Comprised within the Central India Agency, 1866-67, 1872-73, 1877-78, 1882-83, 1889-90.
 - ix. Statements of the Crime of Dacoity in British Territories, 1874.
 - x. Report on the Working of the Thugi and Dacoity Department for the year 1874, 1889.
 - xi. Report of the Superintendent of Police, Lower Provinces, 1838, 1841.
 - xii. Report on the Police of the Lower provinces of the Bengal Presidency for the year 1869.
 - xiii. Report on the Police Administration in Bengal for 1912-1913.
 - xiv. The Imperial Gazetteer of India, Vol. xvii, Oxford, 1908.
 - xv. Imperial Gazetteer of India, Provincial Series Central Provinces, Calcutta, 1908.
2. NMML, New Delhi
 - i. Reports on the Suppression of Dacoity in Bengal, 1854-59, on Microfiche.
 - ii. British Parliamentary Papers, Irish University Press Series

B. Books and Articles

Amin S., 1987, 'Approver's Testimony, Judicial Discourse: The Case of Chauri Chaura', *Subaltern Studies V*, Delhi.

Anderson M.R., 'Public nuisance and Private purpose: Policed Environments in British India 1860-1947', Paper, Department of Law, SOAS, (Photostat).

-----,1990, 'Classifications and Coercions: Themes in south Asian Legal Studies in the 1980s', *South Asia Researches*, Vol.10, No.2, November.

Anderson M.R., Guha S. (ed.), 2000, *Changing Concepts of Rights and Justice in South Asia*, New Delhi, OUP.

Arnold D., 1979, 'Looting, Grain Riots and Government Policy in South India', *Past and Present*, No.84, August.

Bayly C.A., 1996, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870*, CUP.

Beaufort F.L., 1857, *A Digest of the Criminal Law of the Presidency of Fort William and Guide to all Criminal Authorities Therein*, Calcutta.

Blok A., 1972, 'The Peasant as Brigand: Social Banditry Reconsidered', *Comparative Studies in Society and History*. Vol.14, No.4.

Bohstedt J., 1992, 'The Moral Economy and the Discipline of Historical Context', *Journal of Social History*, Vol.26, No.2.

Berstein Henry T., 1960, *Steamboats on the Ganges*, Longmans.

Brown Mark, 2002, 'Crime, Governance and the Company Raj: The Discovery of Thuggee', *Brit. J. Criminol*, 42.

Chatterji B., 1981, 'The Darogah and the Countryside: The Imposition of Police Control in Bengal and its Impact 1793-1837', *Indian Economic and Social History Review*, Vol.18, No. 1.

Chattopadhyay B., 2000, *Crime and Control in Early Colonial Bengal 1770-1860*, Calcutta.

Cohn B., 1987, *Anthropologist among the Historians, and Other essays*, Delhi, OUP.

Crooke William, 1978, *The Popular Religion and Folklore of North India*.

Deloche Jean, 1994, *Transport and Communications in India: Prior to Steam Locomotion*, OUP.

Emsley C., 1987, *Crime and Society in England, 1750-1900*, Longman.

Fisher M.H. (ed.), 1993, *The Politics of the British Annexation of India 1757-1857*, OUP.

- Foucault Michel, 1979, *Discipline and Punish: The Birth of the Prison*, Harmondsworth.
- Freitag S., 1991, 'Crime in the Social Order of Colonial North India', *Modern Asian Studies*, 25, 2.
- Ghosh J.M., 1930, *Sannyasi and Fakir Raiders in Bengal*, Calcutta.
- Gordon S., 1969, 'Scarf and Sword: Thugs, Marauders, and State-formation in Eighteenth century Malwa', *Indian Economic and Social History Review*, 4 (December).
- Guha Sumit, 1999, *Environment and Ethnicity in India 1200-1991*, CUP.
- Hay D., Linebaugh P., and Thompson E.P. (eds.), 1975. *Albion's Fatal Tree: Crime and Society in the Eighteenth century England*, New York.
- Hay D., 1982, 'War, dearth and theft in eighteenth century: The record of the English courts', *Past and Present*, 95 (May).
- Hervey C., 1867, *Report on the Crime of Thuggee by Means of Poison in British India*.
- Hobsbawm E.J., 1965, *Bandits*, London.
- Humphreys S., 1985, 'Law as discourse', *History and Anthropology*, I.
- Hutton James, *Thugs and Dacoits of India*, Delhi, reprinted 1981.
- Ignatieff M., 1978, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*, London.
- , 'State, Civil Society and Total Institution: A Critique of Recent Histories of Punishment' in Cohen S. and Scull A. (ed.), 1983, *Social Control and The State: Historical and Comparative Essays*, Oxford.
- Kasturi M., 1999, 'Rajput Lineages, Banditry and the Colonial State in Nineteenth century British Bundelkhand', *Studies in History*, Vol. 15, No.1.
- Kolff D.H.A., 1990, *Naukar, Rajput and Sepoy: The Ethno-history of the Military Labour Market in Hindustan, 1450-1850*, CUP.
- Langbein J.H., 1983, 'Albion's Fatal Flaws', *Past and Present*, No.98.
- Lee Warner W., 1910, *The Native States of India*, London.

Linebaugh P., 1992, *The London Hanged: Crime and Civil society in the Eighteenth century*, CUP.

Linebaugh P. and Rediker Marcus, 2000, *The Many Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic*, London.

Malcolm J., 1821, *Report on the Province of Malwa and Adjoining Districts*, Calcutta, reprinted 1921.

-----, 1823, *A Memoir of Central India including Malwa and Adjoining provinces*, 2 Vols, London.

Markovits C., Pouchepadass J. and Subrahmanyam S. ed., 2003, *Society in Circulation: Mobile People and Itinerant Cultures in South Asia 1750-1950*, New Delhi.

Nigam S., 1990, Part 1: 'Disciplining and policing the 'criminals by birth''; Part 2: 'The development of a disciplinary system, 1871-1900', *Indian Economic and Social History Review*, Vol.27, No. 2-3.

Prinsep G.A., 1830, *An Account of Steam Vessels and of Proceedings Connected with Steam Navigation in British India*. Calcutta.

Radhakrishna M., 2001, *Dishonoured by History: Criminal Tribes and British Colonial Policy*.

Rennel James, 1785, *Memoir of a Map of Hindustan or the Mughal Empire*, II edition, London.

Sangar S.P., 1967, *Crime and punishment in Mughal India*, Delhi.

Sharma S., 2001, *Famine, Philanthropy and the Colonial State*, OUP.

Sharpe J.A., 1982, 'The History of Crime in Late Medieval and Early Modern England: A review of the field', *Social History*, 7, 2 (May 1982).

Singha R., 1998, *A Despotism of Law: Crime and Justice in Early Colonial India*, OUP.

-----2000, 'Settle, Mobilize, Verify: Identification Practices in Colonial India'. *Studies in History*, Volume 16. No. 2.

Sinha N.K. and A.K. Dasgupta eds, 1964, *Selections from Ochterlony Papers (1818-25) in the National Archives of India*, Calcutta.

Sleeman W.H., 1839, *Report on the system of Megpunnaism or the murder of indigent parents for their young children (who are sold as slaves) as it prevails in the Delhi territories, and the native states of Rajpootana, Ulwar and Bhurtpur*, Serampore Press.

-----1840, *Report on the depredations committed by the gangs of Upper and Central India, from the cold season of 1836-37, down to their gradual suppression, under the operations of the measures adopted against them by the Supreme Government in the year 1839*, Calcutta.

-----1844, *Rambles and recollections of an Indian official*, V.A. Smith ed., OUP reprinted 1915

-----1849, *Report on Budhuk alias Bagree dacoits and other gang robbers by hereditary profession*.

-----1858, *A journey through the kingdom of Oude in 1849-50*, 2Vols., London.

Stone Ian, 1984, *Canal Irrigation in British India: Perspectives on Technological Change in Peasant Economy*, CUP.

Thompson E.P., 1971, 'The Moral Economy of the English Crowd in the Eighteenth century', *Past and Present*, Vol.50, February.

-----1975, *Whigs and Hunters: The Origin of the Black Act*, New York.

Thornton E., 1837, *Illustrations of the History and the Practices of Thugs*, London.

Trevelyan, C.E, 1836, *Report on the Inland Customs and Town Duties of the Bengal Presidency for the year 1834*.

Walter J., 'Grain Riots and Popular Attitudes to the Law: Maldon and the Crisis of 1629' in Brewer S. and Styles J. ed., 1980, *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries*, London.

Weiner M.J., 1990, *Reconstructing the Criminal: Culture, Law and Policy in England 1830-1914*, Cambridge.

Wells R.A.E., 1994, 'E.P.Thompson, Customs in Common and Moral Economy', *Journal of Peasant Studies*, Vol.21, No.2, (January).

Yang A.A. (ed.), 1985, *Crime and Criminality in British India*, Tuscon.

