

**CONTENDING COLONIALISMS:
THE ANGLO-FRENCH BORDER IN INDIA,
1860-1914**

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MASTER OF PHILOSOPHY

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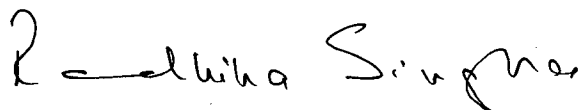


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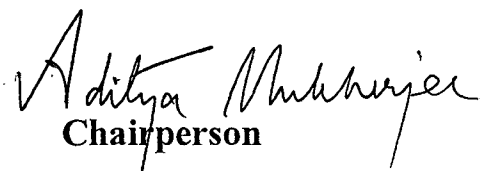
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We recommend that this dissertation be placed before the examiner for evaluation.



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(Prof. Aditya Mukherjee)

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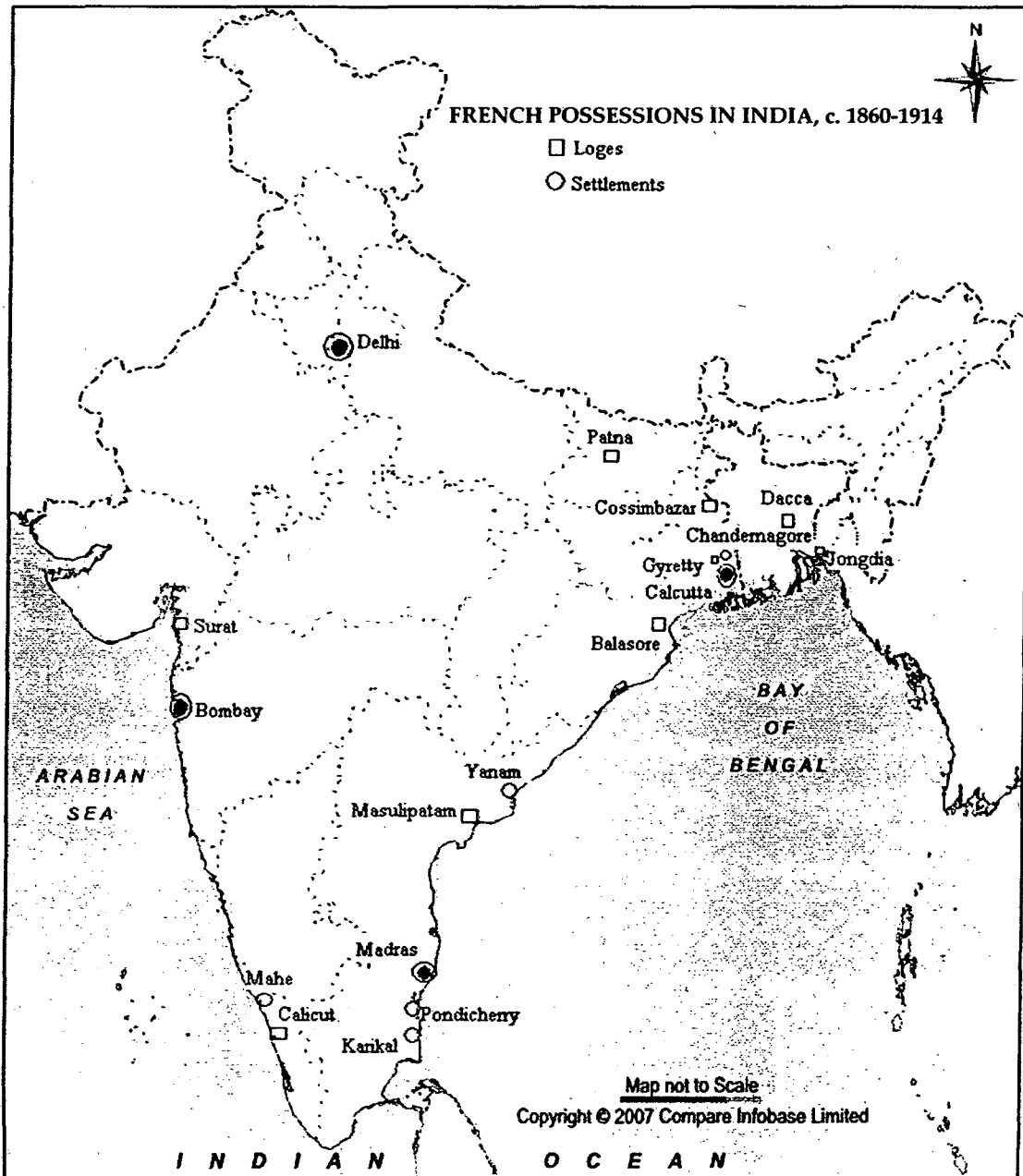
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INTRODUCTION

This dissertation is a study of the relations between the British and the French, as they were played out along the Anglo-French border within India, during the period of 'high imperialism', 1860-1914. Most of the work on the presence of the French in India has focused either on the 18th century, especially on the contests between the *La Compaigne Fracnçaise des Indes* and the English East India Company, on the French presence in the Indian Princely Courts, or, a century and a half later, the de-colonization of the French settlements in India. The best-known historical works on the history of the French in India are G.B. Malleson, *History of the French in India, from the Founding of Pondicherry in 1674 to the Capture of that Place* (1868), and S.N. Sen, *The French in India, 1763-1816* (1958) which picks up from where Malleson stops. Both these books, written almost a century apart, stop with the French loss in India and the establishment of British dominion. More recent writings on the period include Arvind Sinha's *The Politics of Trade, Anglo-French Commerce on the Coromandel Coast, 1763-1793* (2002), and the works of Jean Marie Lafont on French officers in Maharaja Ranjit Singh's court. Unlike the other works, which are dominated by political factors and change, Sinha's work throws light on the Anglo-French commercial rivalry in the subcontinent and its influence on the economy of the Coromandel Coast. On decolonization, the better known works such as Ajit Neogy's *Decolonization of French India, Liberation Movement and Indo-French Relations 1947-1954* (1997), and J. B. P. More's *Freedom Movement in French India: Mahé Revolt of 1848* (2001), focus specifically on the anti-imperial struggle in the French Settlements. The work done on the imperial competition between the English and the French in India limits itself to the period of the early trading empires. The assumption is that the eighteenth century was the period of real imperial competition, since by the early nineteenth century British paramountcy over India was clearly established. I would like to argue that sharpening imperialist rivalry in this period

shaped a new phase of Anglo-French competition in India, though one which was far more subtle and complex than the head on confrontation of the late eighteenth century.

In the 1860s France under Napoleon III renewed her imperial ambitions within Europe and in the colonies, breaking out of the constraints of the Treaty of 1815. France had already defeated Russia in the Crimean War in 1857, and Austria, the other major European power, was weakened by Italian unification. In this scenario, France looked poised to become the most important Continental power. It has been argued that the nationalist preoccupations of the French nation state found their reflection in the project of colonial expansion. One significant ambition in this regard was the discovery of a 'French India', which would create a sense of national self-worth and renew national pride.¹ The emergence of Germany as a growing imperial power, however, threatened both French imperial ambitions and the British Empire. In Europe, the significance of Germany was marked by German victory in the Franco-Prussian war. This was a defeat which was to influence almost all aspects of French life till the First World War, when Alsace and Lorraine were retrieved. The period under study was also the period of 'high imperialism', characterised by increasing competition over colonies amongst the imperial powers, and a changing international balance of power. In this context, a study of the Anglo-French border in India provides an alternate entry point into the functioning of the colonial state, its preoccupations, and the ways in which notions of empire and sovereignty were being articulated, contested and transformed by the interaction at the border.

The 'border' is not only a physical marker. It defines juridical, political and economic boundaries. It also defines people as being different from each other by virtue of being on the other side of the border. The 'border' is often the site upon

¹ Robert Tombs, *France 1814-1914*. Longman. London & New York, 1996, p.200

which 'national', 'regional' and communal identities are created. Take the instance of the Indian border with Pakistan, China or Bangladesh. In these cases, at an everyday level the identity of the modern Indian nation is defined, what the nation stands for, what it is and what it is not. Malcolm Anderson has argued that the frontier is not only an institution but also a process. As an institution it defines and limits the sphere of sovereignty of a state and the rights of individual citizenship and as a process it becomes an instrument of state policy, the weakness or the strength of the state being judged on the basis of the degree to which it is able to exercise actual control over the border and its people.² International frontiers become interesting subjects of study because they are not only markers of territorial difference but also the site at which the power dynamics between two states are played out. The border is often also not a natural marker and it often drawn and imposed from above thus in many cases it politically divides the population though culturally they remain congruent. Consequently, a study of border areas provides an alternate entry point into the working of the nation state. Most of the studies on the border and the borderland area have concentrated on national frontiers and their role in the formation of national identities.³ I would like to argue that a similar exercise with regard to the colonial frontiers can also prove fruitful in an analysis of the colonial state. This is particularly true of colonial India, which, I believe, was a chequered space of sovereignties which were demarcated by borders that were constantly being contested. My study is focused specifically on the frontier between British territories and the French settlements in India.

² Hastings Donnan & Thomas M. Wilson, *Borders: Frontiers of Identity, Nation and State*, Berg, Oxford, 1999, p. 5

³ Some of the important works on the border are Peter Sahlins, *Boundaries: The making of France and Spain in the Pyrenees*. University of California Press, Berkeley and Los Angeles, 1989, Hastings Donnan & Thomas M. Wilson: *Borders: Frontiers of Identity, Nation and State*, Berg, Oxford, 1999, Malcolm Anderson, *Frontiers: Territory and State Formation in the Modern World*, Polity Press, Oxford, 1996

The Anglo-French border was not a uniform entity but scattered across the subcontinent. The French possessions in India, in the period of study, were of three types. The first was where resident French officials were stationed and exercised jurisdiction over the territory. Within this category fall Chandernagore in Bengal, Karikal, Mahé and four isolated pieces of land in close proximity, Pondicherry, Yanaon, and four small villages considered to be hamlets of Yanaon in the Madras Presidency. The second variety was the French *loges*, where no resident French officials were stationed but in which French jurisdiction was exercised. These included Gyretty near Chandernagore, Balasore, and a plot in Mouzal Gulpuda (by the early twentieth century was reported to have disappeared into the river) in Bengal. Then there were *loges* in Patna in Bihar, Cossimbazar and Jongdia in Bengal where, by the turn of the century, the French no longer had any juridical control. However, there were *loges* where they held out more tenaciously. There were two *loges* in Dacca over which jurisdiction was contested, one *loge* in Surat over which the British Government is said to have exercised both civil and criminal jurisdiction, a *loge* at Masulipatam in Madras, where jurisdiction was contested but the Government of India agreed to '*Collector of Kistna exercising criminal jurisdiction in the Masulipatam factory at Calicut*', and a *loge* at Calicut where the British Government had always exercised criminal jurisdiction.⁴

The uniqueness of the Anglo-French border in India lay in the fact that the French Settlements were international areas that lay within the geographical context of British paramountcy. In spite of their miniscule size, the French areas remained beyond the control of the Government of India because the French administration was representative of a European power which enjoyed an equal standing with Britain in international relations. This made them clearly separate from the Princely States, which, while enjoying a degree of autonomy, owed

⁴ Foreign (General A), Confidential 1909, Nos. 1-9. All primary references are from the National Archives of India (N.A.I). New Delhi, unless mentioned otherwise.

suzerainty to the British. This implied that any attempts at exerting control over these areas or trying to regulate them would have to negotiate international laws and treaties. Yet the insignificant amount of territory that the French held in the sub-continent made them 'unequal' and eroded their authority. This was a complexity that governed the relations between the English and the French in India through my period of study. The Anglo-French border was also not a natural demarcation. It had been decided according to treaties and settlements between Britain and France. Consequently, there was not much difference between the French and the British administered parts. Subjects of the two imperial powers were not distinct from each other, they shared a common culture and history, yet administratively they were separated. This difference was used and ignored by these subjects at different points, and all these instances point to interesting ways in which subjectivity is asserted.

What I am arguing is that the border is often a site for contestations between different states in which their identities are defined and redefined. This international frontier within the British domain provides an interesting and different entry point into imperialism in the sub-continent. At one level it gives an insight into the anxieties of the colonial state and at another it allows one to examine how notions of sovereignty and paramountcy were articulated and justified. It is at this border that one is able to see how the local acquires international significance and becomes part of the larger game of imperial competition. The border, I believe, became a site for the reworking of differing concepts of the state, subject and sovereignty, through the engagements and encounters that took place between different regimes.

The second half of the nineteenth century was also a period when the concept of citizenship and its relation to the nation-state was becoming significant in Europe. Rogers Brubaker in *Citizenship and Nationhood in France and Germany* (1992)

looks at the changing meanings of citizenship in both the countries through the identity of the immigrant. He argues that the cultural and political geography of the two countries determined their conceptions of citizenry. The French concept of citizenship was more territorially bound while in Germany it was based on descent. In the late nineteenth century in France the '*traditional idiom of nationhood- state-centred and assimilationist*' was being reinforced. This expansive definition of citizenry, he argues, was determined more by Republican civic ideology, which emphasised universal and equal military service, than demographic and military imperatives. Educational reform, and the reorganization of the army on the principle of universal conscription, conceived of as the '*school of the nations*', he argues, became agents of assimilation.⁵ Andreas Fahrmeir in *Citizens and Aliens* (2000) has argued that citizenship as a way of organising human societies is closely linked with the development of the nation-state, and in the late nineteenth century the desire of the European states to monitor immigration resulted in conceptions of citizenship being re-formulated. For instance, it was the desire to curb the potential or actual migration of foreign paupers that reinforced the German conception of citizenship based on descent and not birth or stay.⁶ It would be of interest to look at how these debates on the identity of the citizen and its relation with the state found reflection in colonial relations and to what degree the voice of the subject acquired importance in determining diplomatic interactions and questions of exchanging colonial territories. This, however, is a theme that has not been fully developed in this dissertation.

The attempt made here is also to move beyond a framework of Indian history writing which is dominated by 'British India'. As has been mentioned, by the first quarter of the 19th century, the British were clearly the paramount power on the

⁵ Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, Harvard University Press, Massachusetts, 1992, p.15

⁶ Andreas Fahrmeir, *Citizens and Aliens: Foreigners and the Law in Britain and the German States, 1789-1870*, Vol. 5: Monographs in German History, Bergham Books, New York, 2000, p. 28

sub-continent. Consequently, most of the older histories of the following period have been written largely in the context of a directly administered British India. The problem with this kind of writing was that they obscure the patchwork of jurisdictions that actually constituted the political landscape. This was a patchwork that comprised predominantly British-administered land, but also engrossed princely states (which occupied over forty per cent of the subcontinent), and persisting pockets of French and Portuguese jurisdiction. These latter were forms of governance that have been largely overlooked in the history of 'modern' India.

Recent historiography has tried to broaden the image of colonial India by studying the princely states, and how they were subjected to a different kind of colonialism and thus had a different mode of resistance as well. In *The Indian Princes and Their States* (2004), Barbara Ramusack looks at the ways in which 'indirect rule' operated upon the Princely States. She argues that while the British might have considered the princes their social equals, British superiority was constantly emphasised and used to pressurise the Princely states. She looks at how, in spite of their relative autonomy, British interference in their internal affairs was an ever-present reality.⁷ Manu Bhagavan, in *Sovereign Spheres, Princes Education and Empire in Colonial India* critically evaluates the concept of the Princely States being the 'Right Hands of the Empire' by examining the different notions and forms of sovereignty that existed in the Subcontinent and '*the nature of ideological and administrative coloniality in the negotiated spaces of power created by colonial rule*'.⁸ He argues that it is difficult to speak in terms of strictly defined spaces of the British and the Princely states, since the borders between them were fairly porous. Events in British India did flow into the Princely states, as is reflected by the spread of the non-Brahmin movement in princely Mysore

⁷ Barbara Ramusack, *The Indian Princes and Their States*, New Cambridge History of India, Cambridge University Press, Cambridge, 2004, p. 199

⁸ Manu Bhagavan, *Sovereign Spheres. Princes. Education and Empire in Colonial India*, Oxford University Press, New Delhi, 2003, p. 1

from the British controlled Tamil areas. Bhagavan suggests multiple levels of similarity and difference '*among British Indian and princely states as well as within each geographic category*'⁹ thus also arguing that a fresh look at these relations may be relevant to the history of the princely states and also may '*significantly*' further one's understanding of colonial India as a whole. These are some of the ideas that I have sought to expand upon in my study of the relation between the French and the British in India.

The attempt is also to move away from a limited paradigm of 'national history' by looking at how global networks constructed imperial relations. 'National history' is not being used here specifically to refer to the histories of nation formation but to point to the limits which it puts on writing history. A study of the French in India during the 19th and the 20th centuries necessitates consideration of the global picture.¹⁰ The French presence in India was limited to very small pockets and might seem largely insignificant to the history of the colonial experience in India. But considering the specific history of the French in India helps us to qualify and rethink the 'larger' picture of colonialism in India, since our present understanding is based entirely on the nature of British control. Simultaneously, consideration of French colonial strategies in India makes us situate the history of colonialism in India itself within a wider paradigm of inter-imperialist relationships, in a more satisfactory manner than has been attempted yet. A local history can therefore be used to rethink a global paradigm. It is within this project of expanding the frontiers of colonial history that I would like to locate my work. The idea however is not to disengage from the consequences of colonialism but to try and understand the different layers along which it operated.

⁹ Ibid, p. 2

¹⁰ For a further exploration of the global paradigm see A. G. Hopkins, (ed). *Globalization in World History*, PIMLICO, London. 2002

Rather than build a chronological account of the developments throughout the period of my study, I have chosen to focus on certain incidents and moments that, I believe, provide insights into the complexities of Anglo-French relations in India. The chapters are thematically organised. The first deals with territory, the second with the movement of commodities and the third with the movement of people across the border. In the first chapter I look at two points of contest at the border, Calicut and Gyretty, that took place in the 1860s and 1870s, which reveal the complex ways in which the concept of sovereignty was being defined and contested at the border. The growing imperialist rivalries influenced the ways in which sovereignty came to be defined and asserted. These debates also reveal the different interests of the two colonial powers. While for the French fluid notions of eighteenth century politics were more convenient, the British were trying to establish a more clear-cut and defined notion of sovereignty. In the context of unequal Anglo-French relations in India, appeals to law and historical precedent, in different ways for the two powers, acquired immense importance. An interesting theme that emerges from this discussion is the ways in which notions of property and ownership are crucially intermeshed within conceptions of sovereignty.

In the second chapter I take up the case of the smuggling of cocaine and arms across the Anglo-French frontier in India to look at the ways in which the clandestine motion of commodities across the border complicated state authority. This is interesting, because the mode of transport in both the cases was the British postal network, a 'tool of empire' that was used to subvert state controls. The chapter highlights the different concepts of legality that prevailed under the two colonial regimes and how British attempts to extend control beyond their borders took the shape of either negotiating with French law or claiming rights of extraterritoriality.

The third chapter considers the relations between the two imperial powers and the subject population through the lens of a popular movement, the *Swadeshi* movement, to see how their identities were influenced and transformed by this interaction. Differing concepts of legality are again highlighted in the case of the extradition of Charu Chandra Roy, a French subject accused of being involved in terrorist activities in Bengal, which also shows how the defence of the French subject became tantamount to a defence of French rights over their possessions. This chapter also looks at the complicated ways in which the French subjects in India construed nationality and subjectivity through the debates around the proposed cession of Chandernagore.

The biggest limitation of this dissertation is its almost exclusive reliance on British official records. My archival research has largely been done in the National Archives of India. I have looked at the proceedings of the Foreign Department, Finance and Commerce Department, Finance Department, Commerce and Industry Department and the Home Department for the concerned period. However, in an attempt to balance the research, I have also looked at the Report on Native Papers from Bengal and Madras along with the newspaper records of the period under review, from the Nehru Memorial Museum and Library. Some of the newspapers consulted are the *Amrita Bazar Patrika*, *Madras Mail*, and the *Englishman*. The Private Papers collection at the Nehru Memorial Museum and Library has also been consulted.

POSSESSION AND SOVEREIGNTY:

MARKING THE BORDER

*"I regret much to be at variance with the British Government about so very trifling a matter; but you know that nothing is insignificant in affairs of right of ownership and nationality."*¹

- M. Bontemps

(Governor of the French Establishments in India, 1865)

1815 was the turning point for the French in India. By this time, the balance of power had been decided in favour of the British, not just because the British supported sides were victorious in the Carnatic Wars but also because of the way events unfolded in Europe.² The defeat of France in the Napoleonic wars had distracted it from its colonial ambitions. With the defeat a Treaty was signed in Europe, in 1815, between the different European powers, and this determined the relations between them for the next few decades. The Treaty redefined the balance of power in Europe as well as in the colonies. In India, this translated into the consolidation of British hold over the sub-continent as opposed to the other European players such as the Dutch, the Danes and the French. Two treaties were signed with France. The first, on the 30th of May 1814, reduced France to approximately her former boundaries. It contained no vindictive terms, provided for no war indemnity and no military occupation of French territory. The only financial burden for France was the recognition of the financial debt incurred by Napoleon through contracts signed with individuals and private enterprises outside the French Territories. The Second Treaty of Paris was signed on the 20th

¹ Foreign (Political A), January 1866, Nos. 162-167

² For a detailed description of the French ambitions prior to 1815, and the final collapse of the French on the sub-continent, see G.B. Malleon. *History of the French in India from the Founding of Pondicherry in 1674 to the Capture of that Place in 1761*, London, 1893 and S.P. Sen, *The French in India, 1763-1816*, New Delhi: Munshiram Manoharlal, 1958

of November 1815. By contrast with the earlier treaty, a war indemnity of 700 million francs was imposed and was to be paid in five yearly instalments. A hundred and fifty allied troops were also stationed on French territory for security reasons.

In India, the French were reduced to small settlements and factory areas scattered across the sub-continent. The relations between the French and the English in India were determined by the Definitive Treaty of Peace signed between England and France at Paris on the 30th of May 1815. According to the Treaty, '*all the Colonies, Fisheries, Factories and Establishments of every kind which were possessed by France on the 1st of January 1792* were to be returned to the French in the state in which they were at the time the Treaty was signed. French subjects were to be accorded the *same facilities, privileges and protection with respect to Commerce... within the limits of British Sovereignty on the Continent of India*' as would be granted to other 'favoured' nations.³ However, as both colonial powers were to discover, there were aspects of Anglo-French relations not dealt with by the Treaties. In this chapter I deal with one such issue, the question of determining the sovereign limits of both the colonial regimes.

These debates and conflicts arose around the mid-1860s, and I would like to argue that they bore some correlation with the unfolding of events in Europe. As is well documented, France under Napoleon III revived French imperial ambitions, both in Europe and the colonies. From the 1840s itself, the French had begun to reassert their position as an imperial power. The revival of French interest in Asia was motivated by a desire to secure naval supply stations and trading posts. French interest in China took the shape of trying to negotiate a foothold in Shanghai and reasserting their control over Vietnam in the 1850's. In 1859 France declared war on Austria and invaded Italy, beginning its territorial expansion in Europe. In

³ Foreign Department, Consultation 2nd August 1815, Nos. 17-30, relevant sections of the Treaty are reproduced in Appendix I.

1860, the French troops went into the Middle East, and also allied with the British in their military action in China. All through the 1860s the French worked towards securing their hold over Cambodia, and by the end of the decade had consolidated their hold over the region by extending their control over the whole southern part of Vietnam.⁴ Robert Tombs has argued that the second French colonial empire, acquired over the second half of the nineteenth century, was primarily a '*conscious projection overseas of several remarkably consistent nationalist pre-occupations*'.⁵ Most important of these was a desire to counteract the decline in Europe by discovering a 'French India', which would create a sense of national purpose and boost national pride. Consequently, the colony, and the assertion of authority over the colonial space, became very important.

In India, the assertion of French authority, I believe, took shape in the form of asserting their sovereign rights over certain areas, the factories and *loges* which had technically been given to them, under the terms of the Treaty, but which they had never really been able to officially claim or exercise these rights over. This, of course, was not the first time the French tried to assert their rights, but it was the first time when the question of sovereignty and sovereign spaces was raised. This also fit in very well with the famous declaration of Napoleon III in 1861 when he said '*for the sake of national greatness, we must maintain our incontestable rights everywhere in the world, defend our honour whenever it is attacked, lend our support whenever it is sought in support of a just cause*'.⁶ This is a sentiment manifest in the French attitude in all the negotiations discussed below. Of the several conflicts that arose, over the *loges* at Dacca, Balasore, Surat, Masulipatam and Calicut and other areas, I focus on two. The first involved Calicut, and the second a small, insignificant piece of land south of Chandernagore named Gyretty. Both provide very interesting insights into the way the British

⁴ Robert Aldrich, *Greater France: A History of French Overseas Expansion*, Palgrave, 1996. pp. 74-79

⁵ Robert Tombs, *France*, p.200

⁶ *Ibid.* p.205

and the French colonial authorities negotiated their rights to sovereignty, and how the difference between the two often offered their 'native' subjects a chance to negotiate rights for themselves. The contest at the border provides an insight into the functioning of the colonial states in India, their primary concerns and preoccupations.

The Factory and the Resident: Calicut

Calicut, now known as Kozhikode, is a town in Kerala on the south-west coast of India. In the eighteenth century the French had established a factory in this town and had used it as a base for setting up Mahé. Even after the French were defeated on the subcontinent and reduced to a few settlements, the factory area continued to be known as belonging to the French. In 1865, the French decided to farm out *Abkaree* rights in the Factory area in an attempt to raise revenue from the region. In this the French believed themselves to be perfectly within their rights as guaranteed by the International Treaty between England and France regarding the French Settlements in India.

This was not the first time that the French tried to generate revenue from such a small settlement. Soon after re-acquiring Calicut, the French made inquiries in an attempt to levy House Tax. However, the authorities were unable to ascertain whether the French had ever levied such a tax. It was also discovered that the territory taxable by the French comprised only a fisherman's hut. This was the case in 1819. In 1831, they again attempted to raise some revenue from the settlement by proposing to farm out the exclusive privilege of selling spirituous liquor within the limits of their grounds in Calicut. This claim was rejected by the Board of Directors of the East India Company as "*altogether groundless*", and the French withdrew, not to raise the demand again till 1865.⁷

⁷ Foreign (Political A), January 1866. Nos. 162-167

As in the 1830s, in 1865 too the British authorities objected to the French project of farming out *Abkaree* rights. This step, the former believed, would be injurious to British *Abkaree* Revenue since it would raise the scope of smuggling, given the easy accessibility of French territory. This, however, was more a perceived threat than a real one.⁸ The real anxiety lay over the loss of revenue as a consequence of a loss of market. Previously, the renter of the *Abkaree* farm in the British territory supplied liquor to both the French and the British parts of Calicut. The French attempts at farming out *Abkaree* rights, thus, would cause a split in the market. Consequently, the British renter, whose lease extended over a period of five years, would

claim large remission of rent on the ground of the direct loss he will sustain by being deprived of the privilege he and all former renters have hitherto enjoyed of selling liquor on the French ground and the indirect loss which will be caused by the consumption on British territory of smuggled liquor.⁹

It was also argued that

“The opening of drinking shops beyond the direct control of British authority in the midst of a populous town close to the lines of Native Troops, and easily accessible to the Europeans, would lead to constant trouble.”¹⁰

Moreover, it was feared that if the British gave in to the French demands in this case then the next step would be “*objection to the operation of our Police and Criminal Law in the Factory Ground; and it is easy to see what endless sources of trouble these may prove.*”¹¹ Sure enough, these questions were also soon raised,

⁸ The ease with which the boundary of the French *loge* could be crossed can be judged from the following description of the sale of meat along the boundary line. “The *loge* is divided from the municipal market by a lane. Some butchers have of late established shops on the very limit of the *loge*. The animals are slaughtered in the back premises. As they pay no fees for municipal licenses, they find it easy to undersell the vendors of meat in the municipal market over the way, who have to pay fees both for slaughtering and the selling of meat.” (Foreign, Secret-I, July 1901, Nos. 15-19) Here too the real question was about taxation being evaded.

⁹ Foreign (Political A), January 1866, Nos. 162-167

¹⁰ Ibid.

¹¹ Ibid

even though the British did not allow the French to farm out *Abkaree* rights in Calicut. The concerns of the British state thus were threefold. They were about a loss of revenue, about the law-and-order situations being created as a result of contested jurisdictions, and about their inability to extend their control over regions which had been easy to govern previously.

The French desire to build a port in Calicut also aggravated the tension of the British administration. The building of a port was a natural reaction to the growing French influence in South East Asia. A port at Calicut would have catered to the needs of imperial conquest while at the same time providing a distant port of rest. Moreover, a French port at Calicut would have implied that goods coming from France would no longer be subject to port duty and would directly be delivered to the French factory. Since the Factory Ground at Calicut had a few yards of beach area and lay approximately a hundred yards north of the Calicut Customs House, Light House, and the principal landing and shipping beach of Calicut, it provided an ideal situation. Around 1865, the French mooted the idea of establishing a French port in the area. The British objected, arguing that up till this time the portion of the beach belonging to the French had been treated under the customs laws of the British without any opposition from the French.¹²

The French desire to build a port at Calicut also needs to be considered within the larger context of the impact of the plans to cut a canal through the Suez isthmus, to provide easy access to the Indian Ocean. In this context, the French Minister for Algeria and the Colonies, Jérôme Bonaparte had mooted the idea of a Red Sea colony. He argued that

The horrible massacre [of Muslims in 1858] in Jedda, the serious events taking place in India and China, the grand project for building a canal in the Suez isthmus, and the position of France in the Mediterranean seem to impose on the Government... a duty not only to make an appearance but also to show our

¹² Ibid.

power in the Red Sea before it becomes the great route to the Far East.... The result would be to provide a regular and frequent link for steamships travelling between the metropole and our colonies in the Indian Ocean. If such a project is successful, thanks to our steamships and the cruisers of the imperial navy, our flag will float from the Nile delta to the Coasts of Madagascar; under their surveillance and thanks to our prestige, our political and commercial influence will develop rapidly.¹³

These ambitions, and the desire to challenge British naval supremacy, both posed a threat to British imperial ambitions and fuelled the desire to secure the coasts of the empire. The opening of the Suez Canal altered British supremacy over the Indian Ocean and also undermined the British Indian system around the Red Sea. Robert Blyth has argued that what had hitherto been a '*quiet backwater of the Indian sphere*' soon became '*a centre of international rivalry, a focus of increased imperial interest, and a source of anxiety for British India*'.¹⁴

The immediate context for the debate on sovereign rights was provided in October 1867, when British Agents, ordered by the British Court, executed a number of distress warrants in the region known as the *factory of Calicut*. The French authorities objected to it, claiming that the property belonged to the French and thus the right to jurisdiction over the territory also lay with them.¹⁵ The British, however, contested this claim. The details of the case were as follows. In October 1867 a certain Mr. D' Souza, resident of Calicut, had given his brother-in-law, Mr. Bass, his carriage, horse and some household furniture in lieu of some money which he had borrowed. Mr. Bass hired a the house of a Mr. Saldanha to keep the furniture. Since there was a shortage of space the carriage was kept in the house of Mr. D' Mello, their neighbour. Both these houses were situated in French territory. At the same time, however, Messrs. Volkart Brothers, Merchants from Cochin, obtained a civil decree of a substantial amount against Mr. D' Souza, who thus had to go to Cochin. In his absence, Mr. Bass, Mr. D' Mello and his father had

¹³ Aldrich, *Greater France*, p. 58

¹⁴ Robert J. Blyth, *The Empire of the Raj: India, Eastern Africa and the Middle East. 1858-1947*, Palgrave, New York, 2003, p. 66

¹⁵ Foreign, Political A, November 1868, Nos. 162-165

criminal charges brought against them by Mr. Ansell, the attorney of Messrs. Volkart, for having evaded the course of justice and fraudulently taking away the carriage and the horse. While the charges against Mr. D' Mello and his father were dismissed, Mr. Bass was sentenced to six months of imprisonment in spite of having proven the legal transfer of the property to him.¹⁶

During the criminal prosecution the Magistrate of Calicut seized the carriage and the horse from the French territory and had them brought to the court. Once Mr. D' Mello was proven not guilty, he was asked to take the carriage and the horse back with him. However, since there was a civil warrant out for their seizure, Mr. D'Mello refused to take them from the Court unless the Magistrate '*ordered the police to take them back and lodge them in the place whence they were brought, within the French limits.*' This request was refused, and so, once released, the carriage and the horse were promptly seized by the Civil Court and sold. In November 1867 Mr. Bass and Mr. D' Souza appealed to the Sessions Court, but it also upheld the decision of the Magistrate.¹⁷ Soon after the decree against Mr. D' Mello, Mr. Ansell came to the house of Mr. Saldanha along with the Civil Ameen, in order to take away the property of Mr. D' Souza, given to Mr. Bass. The Ameen, however, refused to remove the property since it was on French ground. The solution arrived at, which apparently also satisfied the judge, was that the property was removed to Mr. Ansell's house from where it could be removed by the British authorities since it was not on French territory anymore.¹⁸ This case, along with the case of the farming of *Abkaree* rights, formed the backdrop to the discussion about the sovereign rights of the two European powers over a small territory in Calicut.

¹⁶ While taken on face value, it might have been a matter of pure coincidence that the houses in which the goods were stored fell within the French limits. However, it is also possible that this was deliberately done in order to avoid British law.

¹⁷ Foreign, Political A, November 1868, Nos. 162-165

¹⁸ Ibid.

If looked at in the context of international law and relations between two independent powers, the above case would have been considered a severe violation of the rights of a sovereign state. However, the situation was not so clearly defined. The main point that comes out of the debates is that the relation between the French and the British in India was complicated by the fact that the French territories were very small and scattered within British India. Thus, while in India they occupied a subordinate status, in international politics England and France were equals. As far as the British were concerned, the French rights over the factory area in Calicut were nominal, and limited to the fact that they owned it. Criminal jurisdiction, they argued, had always been exercised by the British police.¹⁹ This case can be taken as an entry point into the debate regarding the rights of the British and the French authorities in India vis-à-vis each other, and their assertion of sovereign rights.

The British claim to jurisdiction was disputed by the French. According to the Governor of the French Settlements in India, Mr. Bontemps, these acts were '*altogether repugnant to the principle of international law*'. He further went on to say that

This is not the first time that the anticipatory proceedings of this kind have taken place at Calicut. It must be admitted that the exceptional situation of the French Factories makes the recurrence of such proceedings probable but there are our rights. The factories, like the other possessions of the French in India, were restored to us by virtue of the Treaties of 1814 and of 1815; and respective Government do not consider it worth while to make them objects of territorial exchange, the proprietary right of France must be respected.²⁰

The French clearly saw the territory as their sovereign space that had to be safeguarded and reclaimed from the British, who were trying to usurp it.

¹⁹ Foreign, Political A, January 1866, Nos. 162-167

²⁰ Foreign, Political A, November 1868. Nos. 162-165

The French Factory of Calicut and its dependencies had been restored to the French by the Act of 1st February 1819. While the French took the 1819 enactment as the defining one in any dispute over jurisdiction, the British invoked the older Anglo-French Treaties, like that of 1792, to try and suggest that their rights to sovereignty were superior to those of the French. They argued that in 1792 the French did not have any control over the area concerned and that jurisdictional rights lay with the British. Moreover, British juridical rights were not limited to Calicut alone but also extended to Balasore, Masulipattam, Gyretty and Surat where the French Factory lands were little pockets of territory in British jurisdiction. In a way it might be said that the larger problem of the French in India was represented at a microcosmic level in these settlements. On many occasions attempts were made to try and negotiate an exchange of territory, and achieve consolidation of land around Pondicherry in return for claims over other scattered settlements, but they were never worked out. The possible reason could be that both the parties were aware of the illogical arrangements, yet giving up rights over even a very small piece of land would be akin to recognizing the superior right of the other. This recognition would harm national self worth and pride.

The French, in the case of Calicut, adamantly argued out their case. In a letter to the Governor of the Madras Presidency, Mr. Bontemps, the Governor of the French Settlements in India, argued that according the Convention of 1787 the French had the right to hoist the flag in Calicut which came along with rights of sovereignty and jurisdiction, both civil and criminal. Moreover, the French authorities had never given the impression that they were willing to relinquish their rights, and insisted that Britain should respect the principles of international law.²¹

²¹ Foreign (Political A), January 1866. Nos. 162-167

As according to the Treaty of 1819, they argued, their Factories were restored to them

for enjoyment in full possession, and as centres whence we could direct a sure commerce, free and independent above all the parts of India where the British had possessions or influence....If it be otherwise I shall have the duty of protesting against what will then have become an encroachment of the sovereignty of France.²²

It was further argued that the British had tried to usurp French rights time and again and the situation had come to such a pass that the report of the Chef de Service of Mahé, regarding Calicut stated that

The English maintain the Police, keep the streets; a distillery is established to their profit... Our flag floats no longer... It would even appear that our keeper and Collector of this factory is threatened with imprisonment when animadverting against such a state of things.²³

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The case made by the French, then, was that the Government of India was aware of the rights guaranteed to the French by the treaty settlements but the British deliberately took advantage of their numerical and territorial superiority to undermine the French.

The British counter claim to this was that the French never really had any sovereign rights over Calicut. They went about arguing this in three ways. First, as mentioned before, they argued that the French in 1792 did not any have jurisdictional rights over the factory land and referred to all the older Treaties to prove this. There were three Treaties which defined Anglo- French relations in India in the late 18th early 19th century, the Treaties of 1783, 1787 and 1814. The absence of any specific reference to Calicut, in both the Treaties of 1783 and 1787, when the rights of the French in their factories was mentioned, was seen as an implicit argument against the French claims to sovereignty in Calicut and, indeed,

²² Ibid.

²³ Foreign (Political A), November 1872, 153-154



against the idea that the territory was important to the French. Moreover, it was argued that even if the French possessed Calicut in 1792, they would have used it as a commercial depot. Thus, their rights over the territory would have been purely commercial and not have extended to civil or criminal jurisdiction, which would have been exercised by the 'native' sovereigns. From this flowed their second argument that it was the British who had inherited the rights of the 'native' sovereign. The argument was that the rights of the French in India ought to be limited to those enjoyed by them under the 'native rulers'. For instance, under the Zamorins, Hyder Ali and Tipu Sultan, the French had only commercial rights in their factories and no territorial jurisdictional rights, which were always exercised by the older ruling power. In a letter Mr. J. B. Norton, an Advocate General, whose opinion was sought on the matter, stated that

the British Government has succeeded to all the rights which the Zamorin, and after him, Hyder Ali and Tipoo Sultan, did not bestow on the French; and all the Acts ... are indicative of our having succeeded to the rights of sovereignty.²⁴

Thus the argument made was that in the context of the French rights being limited to the commercial sphere, their claims to exercise sovereignty would be as ridiculous as the claim of the British Government to the '*right of taxing the people of China or Hamburg, or any other foreign place*'²⁵. The idea thus was to establish the French as foreigners in a land over which the British were sovereign.

It is interesting that the British here sought to make older settlements and engagements a basis and justification for their sovereign rights as direct successors of the older regimes. This, however, was a selective practice, modified according to context. The British administration, when it was convenient, cited the continuity of its rights from earlier times. It followed a different strategy in the

²⁴ Foreign, Political A, January 1866, Nos. 162-167

²⁵ Foreign (Political A), November 1872. 153-154

cases where there was no such continuity, as in the case of Surat in 1821, when the French, the Dutch and the Portuguese were all laying claim to their share of the port. The claims of these European powers was based on the fact that the Mughal Emperors had given them certain rights in Surat which they hoped to retain once the city went under British control. The question here was whether and to what extent these *firmauns* were binding upon the British. The British justification was that the Dutch applied to every successive Mughal monarch for a renewal of their rights, so these *firmauns* were not binding from one regime to another.²⁶

Since the British were claiming the rights of the older sovereign powers, one of the ways in which the French could assert their right to sovereignty was by producing a letter or a *firmaun* from the Zamorins or the Mysore princes which would state that they had sovereign rights over the Factory area. However, it was argued, that since the French had not done so yet, it was probable that no such document existed. Also, even if they produced such a document which gave them sovereign power, '*such power would be lost by non-user*'.²⁷ The final argument given against the French claims was that they had practically abandoned the factory settlements since the early 19th century and that jurisdiction over the area had been exercised by the British for quite some time. In a memorandum regarding the French settlements in India, it was stated that,

as regards *criminal* jurisdiction no difference has been observed between the French Factory and the surrounding British territory;... 'it could hardly have been otherwise; our Police patrol the streets and premises; the residents on the French grounds look to us for protection of life and property; we make and maintain the public ways. The French keep no Police or Magisterial establishment of any sort or description.'²⁸

²⁶ Foreign, Political A, January 1866, Nos. 162-167

²⁷ Ibid.

²⁸ Foreign, Political A, November 1872, Nos. 153-154

The Magistrate of Malabar, G.A. Ballard, while ruling over a case of theft in 1866 had said that while the French Factory at Calicut might be French property it was not designated as foreign territory. Therefore the action of British law and jurisdiction was justified there. The District Moonsif of Calicut also stated that

Plaintiffs and decreeholders in describing the residence of defendants living in the town within which the factory is situate, make no distinction between the British and the French limits, but class all such defendants under one category, "residents of the town (Nagarom)." Upon such information processes issue for service in the "town", and are executed within the French, in the same manner as within the British, limits.²⁹

With regard to Civil jurisdiction, it was a different case and there was apparently no uniform system. In 1834 objection had been made by the French to the British right to serve process in the factory area and it was not '*enforced by these courts de jure*', though the rule continued to be violated without objections from the French authorities or subjects.³⁰ Furthermore, it was argued that even after the factory area in Calicut was restored to the French they never tried to impose their administration, their police, law Courts or revenue-collection practices.

The fact that the French authorities gave in to British pressure in 1831 and did not farm out *Abkaree* rights out of '*condescendence*' and not the '*correctness of the views of the English Government*' was seen to mark the superiority of British claims.³¹ This, however, was an argument that ignored the specific context of 1831, when the French believed themselves unfairly treated but were unable to resist British pressure. The French did not have a military base in India, nor could they muster up a force to counter the British. Moreover, the customs cordon which the British threatened would harm French interests more than they would harm the

²⁹ Ibid. An attachment to this letter also gives a list of offences committed in the French Factory area from 1869 to 1872, which were dealt with by the Calicut Town Sub-Magistrate. These offences include assault, theft, wrongful restraint, drunk and riotous behaviour and house-breaking. In all the mentioned cases, no objection was raised by the French authorities.

³⁰ Ibid.

³¹ Foreign, Political A, January 1866, Nos. 162-167

British.³² Under such circumstances the French hand was literally forced. The British claim, then, actually derived from military success and the establishment of effective force over the region after prolonged inter-imperialist rivalry. However, once British paramountcy had been established, power relations had to be marked out on a different terrain, one of argument. The legitimacy of colonial claims had to be established on the basis of such argument. For both the British and the French, operating though they did in a context of a very unequal balance of power, the 'neutrality' of local and international custom and law had to be appealed to. Although power relations on the ground actually determined the relative limits of the two powers' claims to sovereignty and jurisdiction, these had to find a 'higher' justification in the form of logical and legal argument.

The French argued that the guiding principles of any relationship between the French and the British in India should be the Treaties of 1815, and specifically in the case of Calicut, the Treaty of 1819. There was no need to refer to the other Treaties like that of 1883, since these did not define relations at the present moment. In those cases where evidence was not available negotiations should be based on '*tradition, on public notoriety and on the memoirs of Dupleix, which had been recognised as an authority by the British Government at the execution of the Treaty of 1783*'. Finally, with regard to issues that may not have been dealt with by the Treaty of 1815 or modified or changed by it, the Treaty of 1787 should be the guiding principle. The reason why the French emphasised this treaty more than the others is similar to that offered the British. The Treaty of 1787 recognised the rights of ownership, the flag and jurisdiction over Calicut.³³ There was a curious relationship between the flag and legal rights in the French official mind (perhaps deriving from the French experience of revolutionary nationalism) that was refuted by the British. The French believed that the right to fly the French flag over a territory came with sovereign rights over the region and since the

³² Ibid.

³³ Ibid.

French were ensured the right to fly the flag from 1787 onwards, they, consequently, had sovereign rights over Calicut. In his letter Mr. Bontemps referred to a case that took place in 1834 or 1835 when Mr. Zillah, the British Judge of Calicut, had ordered the sale of a house situated within the limits of the French Factory but had to withdraw the order on the representation of the Chief of Service of Mahé. This, he argued contradicted the British claims of having exercised jurisdiction over Calicut ever since it was handed back to the French.³⁴

Moreover, it was argued that the British could not treat one French Factory land different from the others. If selling of *Abkaree* rights was allowed in Masulipatam, a French factory on the East Coast, then it should be allowed in Calicut as well. The British however, argued that this could not be the case and that Masulipatam could not be taken as a precedent for the rights allowed in Calicut.³⁵ In Masulipatam, the French had a Fort and a small piece of land about two miles north-west of the Fort known as France Pettah. Though the Pettah came into British possession in 1792, it was restored to the French in 1818, in accordance with the Treaties of 1814 and 1815. In 1822 the French established an *Arrack* shop in the Pettah. The Government of Madras registered its protest and argued that an *Arrack* shop in the French Pettah would harm British interests and would be an administrative inconvenience. *'The French Government objected to this, but suggested an exchange of territory'*. At that time, however, the Madras Government did not take any further action and the whole issue was abandoned. Consequently the *Arrack* shop continued to exist. Had it been of significant importance and economic problem for the British colonial government, the plan would not have been abandoned. In 1829, when the French wanted to establish an *Arrack* shop in Calicut using Masulipatam as a precedent, the British argued that in 1822 the British were *"unwilling to raise a discussion on a matter then considered to be of trivial importance, and which was never expected to be drawn*

³⁴ Ibid.

³⁵ Foreign (Political A). November 1872. 153-154

into a precedent".³⁶ While they prevented the French in Calicut, the *Arrack* shop in Masulipatam continued to function till 1853. The greater concern over Calicut might be due to its location on the south-west coast, which would become important with the opening of the Suez Canal. In 1851, the British Commissariat Officers attempted to restrict the importation of '*tumma bark*', used in the distillation of *Arrack*, into the French Pettah. Upon French remonstrance, the issue was raised again and the French agreed to close down the shop if a territorial exchange could be worked out. This however, did not materialise.

In his letter to the Governor of the Madras Presidency, Mr. Bontemps, referring to the controversy over Calicut said,

The predicament of Calicut is peculiar; it is that of the proprietor, in whose land a neighbour has established himself without authority; and when an Agent of this proprietor comes one day to claim that which belongs to him, the neighbour tells him that it should be very inconvenient to withdraw from his usurpation, which has already extended over a certain number of years. Because the French Administration has for a long time been unaware of the encroachments, of which the factory at Calicut was the object, it by no means follows that its rights are extinguished or modified.³⁷

By locating the French as the original proprietors, the Governor was clearly trying to reinforce the French claims in the light of illegal British claims. Thus the language of property and ownership is used to reinstate notions of legality and illegality in the context of a relation that should have been governed according to the principles of International law.

The incident of Calicut also provides an insight into how the subject population may have located themselves within the context of contested sovereignties. The French administration in India first heard about the incident from a letter written by Mr. D' Mello, addressed to M. Bontemps, the Governor of the French

³⁶ Ibid.

³⁷ Foreign (Political A), January 1866, Nos. 162-167

settlements. The tone of the letter constantly indicates that there had been a miscarriage of justice and that French rights were violated. Thus, contrary to the British arguments about practice and custom Mr. D' Mello made the following statement.

I am a permanent resident within the limits of the French territory at Calicut. Hitherto, since residents have never been amenable to a civil process from a British Court, and instances have occurred where the Calicut Civil Court's decrees and processes were powerless within the limits of the French territory.³⁸

This statement, however, needs more careful analysis. On the one hand it was a simple statement of acceptance of French sovereignty over a certain portion of Calicut. At the same time it was an assertion of a resident in the French Factory area who was claiming his rights as a subject of the French and not the British. As mentioned before, locating oneself within the French frontiers might be a convenient way of escaping British jurisdiction. But the letter of Mr. D'Mello was more than that. It reflected his aspirations and the claims he sought to make on the French administration in India. The following section of the letter reveals this.

your Excellency will perceive that the rights of the French Government have this time been entirely ignored, and it is most probable that advantage will be taken of it to put the ground on equal footing with the British territory in every way, even no doubt of taxing your subjects under the operation of the Municipal Act, from which they are as yet exempted. The Adighary appointed by your Excellency is incapable of meeting emergencies and reporting occurrences and transactions connected with the interest of your Government, and it is, therefore, for your Excellency to determine whether a properly constituted Resident may not be necessary in Calicut. If your Excellency may think this measure necessary, and will be pleased to nominate me to this duty, I shall endeavour to the best of my abilities to discharge my duties with zeal and promptitude, and to the best advantage of the French Government.³⁹

³⁸ Foreign, Political A, November 1868, Nos. 162-165

³⁹ Ibid.

In fact, his letter starts with the following sentence, '*the rights of the French Government have not been respected by the British tribunals of Calicut.*'⁴⁰ The subject here becomes an interesting figure. It was very convenient for the subject to locate himself as a French subject, and thereby not only claim immunity from the British legal system but also use to opportunity to gain some leverage and protection. The very fact that patronage is sought seems to indicate that the French authority in the factory area was not as insignificant and inconsequential as portrayed by the British. It may not have been as important as that of the British but it did impact upon the lives of the residents of the Factory area.

Territory Unbound: Gyretty

Another context in which the questions of sovereignty were debated was over the possession of a small village, of about 64 acres in area, that lay about a mile and a half to the south of Chandernagore on the left bank of the river Hooghly. In the Peace Treaty of 1814, this village was seen as a part of Chandernagore.⁴¹ On the west, the village was bounded by the Grand Trunk Road. A small portion of the village, measuring about 1½ acres lay on the other side of the Road. To come into this part of the village, then, one needed to cross the Road. The Grand Trunk Road came under the British and thus, goods travelling from one part of the village to the other should have paid duty at the border. This, however, was not an established practice and for all practical purposes the French subject travelled to and from either side relatively easily. In July 1868, two 'native French subjects' were arrested by the British Police at Hooghly on the charge of smuggling *arrack* into British territory. The arrest was made on a portion of the Grand Trunk road close to Chandernagore. The French authorities objected to these arrests arguing that the land under question belonged to the French and that the liquor was

⁴⁰ Ibid.

⁴¹ Foreign (Political A), June 1870. Nos. 411-413

merely being transported from one French settlement to the other, namely from Chandernagore to Gyretty.⁴²

What followed was a contentious investigation into the ownership of the property and the terms of which were to decide whether British or French sovereignty prevailed over it. The survey brought to light certain practices that the British administration was apparently not aware of, and it raised questions of tenure and revenue. There were two primary concerns manifested in the inquiry into Gyretty. The first concerns the movement of commodities to and from the settlement and the second involves the limits of the settlement. In both cases, it was the practice at the frontier which contradicted the prevalent law and practice of the Government of India. The following section, thus, suggests that at the borders, the periphery of the state, there is often an alternate system at work which might often compromise the 'homogeneity' of the state, but any attempt to iron out issues raise more problems.

In January 1870, the Collector of Hoogly, it seems, '*incidentally discovered*' that within his area of jurisdiction, there was a prevalent practice of transporting of spirits manufactured in Chandernagore, '*through the English villages Taleeneeparah and Bhuddesser*' to French Gyretty. It was said that '*this practice seems to have prevailed some years without the knowledge of the local authorities, and, as far as has been ascertained, without any authoritative sanction from the British Government*'.⁴³ Following this discovery, the arrangements governing the border were reviewed.

It was found that from about 1840s attempts had been made to reach a workable situation. In May 1841, it had been decided that a '*guard of one jemadar, eight chuppresses, and guard boat was sanctioned at a monthly expense of Rupees 67*

⁴² Foreign (Political A), August 1869. Nos. 285-289, Foreign (Political A), June 1870. Nos. 411-413

⁴³ Foreign (Political A), July 1870. Nos. 39-41

was to patrol the movement of spirits from Chandernagore to Gyretty. In 1856, under the Section 22 of the Act XXI, it had been ruled that '*spirituous liquors manufactured at Chandernagore shall, on passing the limits of the Company's territories, be charged with duty, and any person found in possession of such liquors without a pass from the Collector certifying the payment of such duty shall forfeit Rupees 200*'. The arrangement, however, was not too effective and in 1864 with the formation of the New Police, the guard boat was done away with. W. R. Pogson, the Deputy Collector of the Hooghly District further argued that the movement of spirits in such a manner was not considered illegal since

the spirits were not consumed in the British territories, and did not come under the head of illicit manufacture, but covered by a pass of conveyance by a duly constituted authority, and not for traffic out of the French jurisdiction; that the former Abkaree Darogahs of the Bhuddesser Division, and also the Excise Duty Collectors, had always viewed it in this light, and therefore only such liquor as was found being taken without a pass for use or consumption on British ground was seized by the chowkey officers.⁴⁴

Earlier still, in 1819, soon after re-acquiring Chandernagore, the French had insisted that the British *abkaree* shops be removed to a distance of one league from the settlement of Chandernagore. An agreement was reached at the time between the two nations which laid down that '*shops of neither nations should be fixed within shorter distance than one-fourth of a mile on the line of boundary*'.⁴⁵ Up until 1856, it seems that the French had out stills in Chandernagore that also supplied liquor to the out stills in Gyretty. To counteract '*illicit practices*' the British *Abkaree* Superintendents established opposition stills. However, in 1856, the British out stills were abolished and the French also abolished their out stills and '*and established a distillery in Chandernagore, from which the Gourhatty shop was supplied under a pass signed by the French Collector*'.⁴⁶ This is probably when the practice of the passes began.

⁴⁴ Ibid.

⁴⁵ Foreign (Political A). August 1874. Nos. 59-69

⁴⁶ Foreign (Political A). July 1870. Nos. 39-41

Everyday, in 1870, five gallons of country liquor was '*brought from the French still in Chandernagore by a man named Gopal Shaha, a liquor vendor and a French subject, to his shop at Gourhatty*'. He paid a daily duty of Rupees 6-4 or 1-4 per gallon to the French authorities. The Collector of Hooghly was still very perplexed as to how such a practice could prevail. How could the British Preventive Police allow spirits to travel through 'English territory under a pass *signed by the French authorities from Chandernagore to Gourhatty?*'⁴⁷

As in the case of Calicut, here too one of the biggest fears of the British Colonial State was that liquor could be smuggled from the French settlements to the English territories.⁴⁸ The problem here was about both revenue and situations of law and order. The English were afraid that liquor could easily be smuggled from the French territories especially if the border area was nebulous. The fact that Chandernagore was close to the cantonment area was also of some concern, since alcohol could then be easily accessed by the soldiers and create a difficult law and order situation for the British administration. Curiously, during the movement of spirits from Chandernagore to Gyretty, they became contraband only '*whilst crossing the road belonging to the British Government*'.⁴⁹

The central question here was how the French had been allowed to carry on such a practice, and more importantly how the British authorities in Calcutta were not aware of it and those who were allowed it to continue. In this debate there were two opinions that can be clearly discerned, that of the Collector who was pushing for a greater degree of regularisation and monitoring of the border and the Deputy Collector who argued for the continuance of prevalent practice. This difference within British official opinion also reflects the contradiction between the desires

⁴⁷ Ibid.

⁴⁸ Foreign (Political A), August 1874, Nos. 59-69

⁴⁹ Foreign (Political-A), August 1869, Nos. 285-289

of the imperial government to work towards hard, clearly defined borders, and the impossibility of such an arrangement, which necessitated negotiations and accommodation at the level of everyday interaction.

In spite of their concerns, unlike in the case of Calicut, here the British did not try to impose regulations, or get the distillery removed. There were several reasons for this. First, according to the British official reports, this movement of spirits from Chandernagore to Gyretty via the British territory, though problematic, was an established practice. Mr. Pogson, the Deputy Collector of the Hoogly District, in a report said that

the French authorities have always allowed ganja, opium, and other traffic to pass through their territories without hindrance, and that therefore, he believes the passes granted by them for the transport of spirits from one of their settlements to another have been respected by the Revenue authorities.⁵⁰

Even though this system was in direct opposition to Section 22 of the Act XXI of 1856 according to which '*full duty should be levied on all spirits manufactured at, and removed from, Chandernagore into British territory*'⁵¹ it was allowed to continue. Moreover, the British officials were not entirely comfortable with implementing prohibition since they felt this might lead to further complications. In a letter to the Commissioner of Burdwan, R.V. Cockrell, the Collector of Hoogly gave the following arguments against prohibition of transport of spirits from Chandernagore to Gyretty.

1st, because, even in face of such a prohibition, experience has shown that we cannot prevent spirits being clandestinely brought from the French territory, and therefore it is better to recognize and attempt to control by certain rules a practice which we shall never be able to stop entirely; and, 2nd, because, unless we give some kind of facilities to French subjects living in Gourhatty to procure spirits from the central distillery in Chandernagore, the French Government will probably again permit the establishment of an out-still at Gourhatty, which would entail loss to our revenue and be a great nuisance to the neighbourhood,

⁵⁰ Foreign (Political A), July 1870. Nos. 39-41

⁵¹ Ibid.

particularly as, from the proximity of Gourhatty to Barrackpore, it would encourage smuggling of spirits into that cantonment.⁵²

Thus, it was felt that the best solution to the problem was to ensure the authenticity of the passes and keep a close eye on the movement of spirits to ensure that it did not deviate from the fixed route, and the spirits were actually taken to the French territory.⁵³

The second reason was that unlike Calicut, Chandernagore was an established settlement of the French, as was proven in the Treaties which were always cited. The distillery was set up in Chandernagore, which was under French jurisdiction and where they were sovereign. Thus, they were bound by the fact the territory under concern belonged to a European Power and not one of the Indian rulers. In the case of the latter it would have been easier to patrol, control and levy duty but in the case of the French, the question of international relations and treaties came into play. Gyretty on the other hand, was disputed. It was through Gyretty, then, that the British tried to solve the problem by trying to prove that the settlement itself was not a property of the French. The enquiry however opened up several other complicated issues about the border, property and sovereignty.

As in the case of Calicut, the first line of the British argument was that Gyretty was not mentioned in any one of the Treaty settlements between the English and the French. On the basis of the Memorandum submitted by Mr. Wheeler, during the Calicut case it was argued that the '*latest and the only authority for the definition of rights*' vis-à-vis the French possessions was the Treaty of 1814. According to the Treaty, the settlements restored to them in Bengal consisted of Chandernagore and five *loges* or factories of Cossimbazar, Jongdia, Dacca, Balasore and Patna. Gyretty was not mentioned either here or in any of the previous Treaties. It was also argued that the French rights over towns and factory areas

⁵² Ibid.

⁵³ Ibid.

were different. The French had sovereign rights over the towns but not the factories of which Chandernagore, Cossimbazar, Dacca, Jongdia and Patna were '*alone declared to be under the French flag and subject to the French jurisdiction, but all other possessions of the French were expressly declared to under British jurisdiction*' by the Treaty of 1787⁵⁴, which was to act as a guiding principle in cases not handled by the Treaty of 1814.

The Governor of the French Settlements, Monsieur Bontemps, however, was of the opinion that the French were justified in exercising their claims over Gyretty. He said that according to the Treaties of 1816 and 1817, the British did not concede to the French any more than what belonged to them '*by the strictest right*', and according to the provisions of the treaties, Gyretty was recognized as a part of Chandernagore and that the two plots of land referred to did belong to the French as on the 1st of January 1792, with the rights to jurisdiction. Referring to the territories of Gyretty Bontemps said:

One of them was sold in 1839 to a rich Baboo, who is cultivating it; it is surrounded by a wall and measures 110 beeghas; the other, containing 90 beeghas is occupied by poor natives who have remained under our sovereignty, and who are living in straw hats along the margins of the road.⁵⁵

The French thus were trying to establish their claims on the land via the subject. The argument that followed would be that the subject cultivated and occupied the land and therefore had rights over it. The subject accepted the sovereignty of the French and therefore the French had rights over the village. Occupation becomes central to ownership in this argument.

In contrast, the British claims to rights over Gyretty were based on ownership and not occupation. The Lieutenant-Governor of Bengal argued that the right of the

⁵⁴ Foreign (Political A), August 1869, Nos. 285-289

⁵⁵ Foreign (Political A), June 1870, Nos. 411-413

French over Gyretty could be questioned by the very fact that they paid rent for the land to owners who accepted British sovereignty, which took the area under reference '*entirely out of the category of independent foreign possessions which were bestowed by the firmness of the ruling power alone*'.⁵⁶ This argument was based on an enquiry conducted by the British administration, in 1870, which revealed that the French

hold the land under the leases from, or engagements with, certain proprietors of lakhiraj⁵⁷ lands within British territory; that they still continue to pay rent for it; and that it does not form part of the town of Chandernagore, which was originally occupied by the French under a grant from the Mahomedan Government, but it situated about a mile distant therefrom.⁵⁸

It was argued that acquisition through private transaction did not carry with it a right to sovereignty since the private owner was already a subject of another state and thus the situation of Gyretty could not be compared to that of Chandernagore, the latter being acquired after the treaty of 1815. A look at the British attempts at culling out a history of the possession of Gyretty show that it was a very difficult task since it was an old case and many of the documents were missing. Moreover, since it was not of central importance till the late 1860s no systematic records regarding the French possessions were maintained by the British administration. There were two plots which were debated in Gyretty. One was believed to have been gifted to the French by a certain Indernarain Chowdry, and Eyre Coote owned the other at the beginning of the century.

The ownership of the first plot of land was judged on the basis of a petition signed around 1788 (Appendix II) by certain French officials, regarding the status that should be accorded to Chrisnoran Chowdry, the son of a certain Indernarain Chowdry. It was ascertained that the land in question originally belonged to Indernarain Chowdry. From the tone and the content of the petition it is probable

⁵⁶ Foreign (Political-A), August 1869, Nos. 285-289

⁵⁷ Rent-free

⁵⁸ Foreign (Political-A), August 1869, Nos. 285-289

that it was addressed to the French authorities in India. According to the petition Indernarain Chowdry entered the services of the 'French nation' in 1716 and in 1755 he gifted to the French Company a village called Boroe. Chrisnoram added more territory to this '*to increase the territory of Chandernagore*'.⁵⁹ The petition, apart from proving the French claims also underscores the network of patronage and competition that prevailed in the late eighteenth century in the sub-continent.

Apart from this bit of land another four or ninety (the amount is debated) *beeghas* were also procured by the French in 1821, from a certain Ramchunder Bhattacharjee, the Talookdar of Gyretty. According to the British records, both the persons from whom the lease was taken, as well as their descendants, were British subjects at the time the lease was made, since they continued to reside within the British boundaries and not in Chandernagore.⁶⁰ The British claim to jurisdiction over the village of Gyretty was made on two grounds. First, that the land was not part of Chandernagore as asserted by the French. Second, that the land had been taken on lease, thus implying that ownership of the property was not complete and therefore that the French did not have the right to claim jurisdiction. It is interesting then that the argument boils down to the question of ownership and that the state is the ultimate owner of all land. By this logic then property owned by any French subject or citizen in British territories in India should have been fallen within French jurisdiction. It became necessary therefore to examine all the arguments on the basis of which claims to jurisdiction were made and how the population living in these regions perceived the situation, whether they were for perpetuity French subjects or whether this identity is asserted according to convenience.

⁵⁹ Ibid.

⁶⁰ Ibid.

Some part of the territory that the French now claimed had also been the property of Eyre Coote. Apparently, during the conflict with France in 1762, Eyre Coote got this land from Cossim Ally Khan and '*occupied it till his return to Europe*'. On his return the land was sold off to a Hyder Beg Khan of Lucknow in 1780. In 1815, when the question of the territories belonging to the French was being settled, the heirs of Hyder Beg claimed the Grounds of Gyretty as their own property.⁶¹ However, the British officials argued that the plots being debated in 1870 were different from that which had been owned by Eyre Coote. The French had claimed that plot as early as 1783, when it was recognized as a French possession. When the Act of Transfer was made it was stated that:

It is further agreed and declared that the House and Ground of Ghyretty are restored to the French Government on the same condition as in 1785 namely "subject to such claims and demands as may be established on any part of the ground at Ghyretty, whether it were that on which the whole or any part of the House is built or otherwise" and that the case be again referred for the final decision of the present Governments of Great Britain and France.⁶²

The descendants of Hyder Beg were denied the right to possession because the plot under consideration that had been claimed by Eyre Coote had originally belonged to the French, and had been claimed after the defeat of 1762. Consequently, the descendants of Hyder Beg '*could have no claim as against the French Government, but they might, if they chose, sue the Company for possession*'.⁶³

In 1783, during the Treaty Settlement, the French had insisted upon Gyretty as being part of Chandernagore and that it should therefore be restored to them. The British Government at this time, it seems, '*yielded to the French commissary so far as to consent that he should take possession of Gyretty, subject to such claims and demands as might be established on any part of the ground at Gyretty*'.⁶⁴

⁶¹ Foreign Consultation, 9th November 1816, No. 3-5

⁶² Foreign Consultation, 7th December 1816, Nos. 3-6

⁶³ Foreign (Political A), June 1870, Nos. 411-413

⁶⁴ Ibid.

However, they argue, the other plots, i.e. those leased by Indernarain Chowdry and Ramchunder Bhattacharjee, were never brought into negotiation and were not considered. The French claims upon these plots seem to be a later demand. Moreover, continued payment of rent to the original owners of the plots established that the land was not French by ownership.⁶⁵ It is significant to note that the owners of these plots were seen as British subjects rather than French. The basis for this of course was the fact that the original proprietors continued to stay in British territory. However, a look at the petition in favour of Chrisnoram Chowdry (Appendix II) clearly shows that he had allied himself with the French, and clearly identified with their interests rather than the British. In the time when the petition was written or even prior to that when the land grants were made, the political scenario was very different from the time in which the question was being debated. The petition was written in 1788, when both the French and the British were equally important players in the politics of the sub-continent. It was also the time when claims of the East India Companies were exercised through the grants made by the 'native' sovereigns. Their rights, areas of control, and so on were all determined by the grants, concessions and *firman*s of the *nawabs*. In such a situation, it was allegiance and loyalty which determined which camp the 'native' belonged to, and not residence. However, by the second half of the 19th century, the situation had completely altered. The British, now paramount in the subcontinent, demarcated their sphere of influence territorially, earmarking the areas directly governed by British colonial law. Under such circumstances, residence became an important marker of subjecthood.

It is evident here that the debate was centered on the basis for legitimate jurisdiction over Gyretty. The source of legitimacy was sought differently in the Treaty Settlements, older leases and records. But there was an overall shift in the tone of the debate once it was established that the French could have legitimate

⁶⁵ Ibid.

claims to jurisdiction in the region and that they had been doing so for a long time as well. Now the focus was on ownership and who owned the piece of land and therefore had rights over Gyretty. The most crucial argument made by the British administration was that the French did not have a right to jurisdiction in Gyretty, because the pieces of land were leased to the French by British subjects. In order to consolidate this claim, and to examine whether the two settlements referred to were indeed the same, the British administration ordered for a survey to be conducted, measuring and mapping the French settlements in Bengal outside of the boundaries of Chandernagore. However, there seems to have been a confusion between the official orders and the execution of the orders. Mr. F. Jones, the Superintendent of Survey of Hooghly and Midnapore Divisions was made in charge of the survey. The Governor of Chandernagore was to assist in the survey as well. Mr. Jones, however, misunderstood the task and instead conducted a survey within the boundaries of Chandernagore. The consequent report submitted by the Board of Revenue in 1871 threw up some startling revelations.⁶⁶

The limits of Chandernagore were defined by the Convention of 1853. According to this, a ditch had been constructed around Chandernagore. Within the limits of the ditch, exclusive French jurisdiction was recognised, but beyond these limits the French were asked to surrender the land, over which they had exercised jurisdiction till then. In return they were compensated in monetary terms by the English government. The only reference to Gyretty in this Convention was as a small *lakhiraj* land, which was presented to the French Government by the owner. Before this arrangement, "*the French were allowed to have civil and military jurisdiction over many mehals, while the revenue jurisdiction continued to be with the British, and that even as regards French jurisdiction there were some doubts in certain mehals.*"⁶⁷ From 1853 onwards, French jurisdiction was limited to Chandernagore but they still had to pay rent to the British Government and to

⁶⁶ Foreign (Political A), August 1874, 59-69

⁶⁷ Ibid.

British subjects for the land within the ditch. The enquiry report revealed that “*several estates borne on the Hooghly rent- roll lay within the Chandernagore boundary ditch, that of two of these estates, (Gunj Sukrabad and Baug Chandernagore) the French Government itself was the recorded proprietor, and that others were leased to the French by British subjects.*”⁶⁸ Of the estates on the Hooghly rent-roll, fourteen estates with a *sudder jumma* of maximum rupees 100, were not to be found in the British territory. *Gondulpara*, recorded in the name of Bholanath Koodoo Chowdry, *Gopalpore*, owned by Khaji Elam, and the estates of *Makoodo* and *Shabinara*, were all located within the ditch. When the recorded proprietors, or those who paid revenue to the British Government were contacted and asked to locate their land, they situated them within the French boundary ditch. Regarding this situation the Superintendent of Survey in his report of June 1871 had said that the proprietors assert that

in some cases the whole estates, and in others a part of it is sublet to the French Government who pays rent to them and, that they hold documents drawn up in French, in which the French Government acknowledges them to be entitled as talookdars to receive the rent. In cases where only a part of the estate is sublet to the French Government, they say that the remaining part is held by their ryots, from whom they receive rent, and that they can produce their zamindaree papers- jumma, wasil bakee, & c.⁶⁹

On examination these documents were found to be genuine and the French authorities also admitted that the land was sublet to them. Clearly then this was not an issue with the French, and for them sovereignty was different from ownership and tax payment. Many of the estates had *kismuts* in Chandernagore, some of the proprietors had let their lands within Chandernagore, in whole or in part, to the French, while others held them in *Khas*. It was estimated that probably except for the 60 *beeghas* of the fort, the land for which had been given by the Nawab of Moorshedabad, who also made similar grants to the Danes and the Dutch, “*the whole of the lands comprised in Chandernagore have to pay*

⁶⁸ Ibid.

⁶⁹ Ibid.

revenue to the British Government, or belong ultimately to the lakhirajdars who are British subjects."⁷⁰ (See Appendix III)

Another factor that emerged from the enquiry was that the confusion regarding the exact location of the territories was not a matter of much concern for either the local population or the French authorities. When the original proprietors were asked to define the boundaries of their land, their statements were to the effect that

they had long ago ceased to know anything regarding the boundaries of the estates or the portion of the estates sublet to the French Government, and that the lands of the estate or the portions of the estates in their own possession were so intermixed with one another and with lakhiraj lands that neither they nor their ryots could point out the boundaries. Thus one ryot frequently has one block portions of land belonging to two or three different estates, and pays a proportion of rent to each proprietor.⁷¹

The Superintendent of Survey, while making his report expressed his irritation with the fact that it was difficult to clearly define the different estates however, he added that the '*the proprietors are the proper persons to decide whether their boundaries are known or not*' and that it was clear that '*the lands cannot be demarcated*'.⁷²

This uncertainty about land also posed a unique problem for the British authorities. In all the other *loges*, the British were trying to deny the French authorities any sovereign rights on grounds that the French did not own the land and neither was it accorded to them by the Treaties. But this survey revealed that Chandernagore, which was seen as an established French settlement where the French had complete sovereign rights, was not owned by the French but that large parts of it were leased out from British subjects. The Lieutenant-Governor of

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

Bengal also remarked on this as '*most extraordinary revelation*' that '*the Government has thus foreign revenue paying estates and foreign recorded proprietors that the sales law cannot touch*'.⁷³

A careful examination of the territories within and outside the ditch demarcating Chandernagore reveal that in spite of paying rent to the British Government, the French did exercise rights of jurisdiction over Chandernagore and had been exercising these rights ever since the return of the settlement to them. Thus, if their right to exercise jurisdiction was countered in Gyretty on the grounds that the land was leased from British subjects who paid rent to the British Government, then, by similar logic, the right of sovereignty over Chandernagore would also have to be denied. This however, would lead to further complication since this right had been taken for granted and exercised by the French since 1815. Thus, the Secretary of the Government of Bengal, on receiving the report, commented that, '*it is quite clear that the French jurisdiction in Gyretty has been acknowledged all along, and it cannot now be denied there, unless this can be done in Chandernagore itself which is in the same predicament*'.⁷⁴ Moreover, to deny rights that had been exercised over a long period of time would also counter the British claims regarding the other *loges*, since, as one has already seen, custom and practice had been emphasised in the case of Calicut and Masulipatam in order to make an argument in favour of the British claim. The enquiry also revealed that the desires of the Government of India to clearly demarcate its frontiers and spheres of sovereignty were incongruent with the reality on the ground.

⁷³ Ibid.

⁷⁴ Ibid.

Debating Sovereignty

Given this turn of events, the British officials tried to turn to another line of argument based on a *Memorandum upon the French Settlements in India*, written by J. Talboys Wheeler. This line of argument was not confined to the case of Gyretty alone but extended to all the *loges*, and even the French Settlements. In his Memorandum Wheeler argued that if one looks carefully at the wording of the Convention of 1815, then it will be observed that the French actually acknowledge British sovereignty over the subcontinent. He based this argument on the following words which appear in Article XII of the Treaty which say that

His Most Christian Majesty on his part engages not to erect any fortification in the establishments which are to be restored to him *within the limits of the British sovereignty* upon the continent of India and only to place in those establishments the number of troops necessary for the maintenance of the Police.⁷⁵

Later, in 1870, when Gyretty was being hotly contested for, C.U. Aitchison, on the basis of the above analysis remarked that the only legitimate meaning of this clause was that the British were sovereign in India and that the French had accepted that⁷⁶, thus also suggesting that the status of the French in India would be akin to the Princely States, which were subordinate to the British, though relatively independent within their domains. It was also argued that in the Treaties there is a specific distinction made between the Factories and the French Settlements. While in the settlements the French had sovereign rights, no such rights accrued to the French in the Factories since they were merely commercial entrepôts.⁷⁷

⁷⁵ Foreign (Political A), January 1866, Nos. 162-167, stress mine.

⁷⁶ Foreign (Political A), June 1870, Nos. 411-413

⁷⁷ Foreign (Political A), August 1874, Nos. 59-69

Following this, the Legislative Department was consulted on the matter. In their opinion it was difficult to argue in favour of a distinction made in the Treaties between colony, factory or settlement. On a careful revaluation of the Convention of 1815, it was pointed out that the words 'colony', 'factory' and 'establishment' were used indiscriminately without any intention of marking out a difference between the two. Thus, to argue that a difference was intended on the basis of the different usages of these terms would be reading too much into the Convention. Moreover, the French Government also never acknowledged or considered these distinctions since

they appear to have all along asserted their right to an independent sovereignty over all their possessions in India of every kind, whenever any act on our part infringing or tending to infringe such right has been brought to their notice.⁷⁸

However, it was also argued that, there was a difference between the rights French enjoyed over the factories and the Settlements. In the latter they enjoyed sovereign rights which was accepted but in the factories, at best, the French had rights to jurisdiction, and it was the opinion of the Legislative Department that the French claims to jurisdiction could not be disputed, since the factory areas according to Phillimore's *International Law IV*, fell in the same category as the Ambassador's house, or '*the vessel of war in a foreign harbour, and to be protected by the same fiction of law, viz., that it is part of the country that it represents*'.⁷⁹ At the same time it was also pointed out that according to Article VII of the Convention of 1815, persons belonging to the '*civil establishments of the French in India*' or the officers and troops stationed there were not to be treated as prisoners of war in case of a conflict between the English and the French. They were to be given three months to settle their affairs after which they were to be conveyed to France. It is uncertain however, whether this applied to all the

⁷⁸ Foreign (Political A), June 1879. Nos. 258-270

⁷⁹ Ibid.

residents of the settlement or only to the Frenchmen.⁸⁰ The question of the status of the French settlements, though, seems to be very complicated.

In one of the letters to the Secretary of State, from the Legislative Department, the argument of the British officials is described in the following manner,

These small settlements were originally mere 'factories' in the sense of the term above referred to. They never got as our 'factories' at Calcutta or elsewhere, and perhaps some of the larger French 'factories' did beyond the stage of factories. Accordingly when we acquired from the native rulers the territories in which they are situated, we became sovereigns over them in the same way as we became sovereigns over the rest of those territories and as for the special privileges in the matter of jurisdiction which the native ruler allowed to the settlers in them, the reasons for conceding such privileges ceased to exist the moment the territory passed into the hands of a western Christian ruler, and we accordingly do not feel in any way bound to recognise them.⁸¹

The case that was being built thus, was that the British, by virtue of succeeding the older 'native' authorities inherited their sovereign rights as well, and these were superior than those accorded to the French and other European powers who had not been able to expand beyond the tiny areas which had been granted to them, and to continue to possess these settlements was a privilege accorded to the other European powers by the British. However, at the same time, there was another interpretation of the British rights and claims made by Mr. McPherson, a British legal expert. He argued that the Article 9 of the Convention of 1815 lay down a '*reciprocal law of extradition both in criminal and civil cases...between the said settlements or factories and British India*'.⁸² This, he said, clearly implied that the British had no juridical rights over these settlements, because if they did then there would be no need for a law of extradition. The concept of extradition could apply only to territories which are sovereign in their own rights.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

It is clear that the British were trying all means possible to gain rights over the French factory areas. The debate around sovereignty needs to be looked at in the context of the developments in India and the empire. The 1870's was a period when the imagery and the exercise of power in the Empire were being re-worked. Disraeli's efforts at a Tory revival found their expression in the emphasis laid on the Empire, especially India, a '*jewel in the crown of England*'⁸³ as a symbol of national pride. His imperial policy has been referred to as 'consolidationist imperialism' where the thrust of empire was not on expansion but on a consolidation and the defence of the Empire.⁸⁴ There was a shift away from colonial self-government with the Empire becoming the source of national pride. India, thus, became central to the image of Britain as '*an Imperial country that could command the respect of the world*'. The Imperial Assemblage of 1877 and Queen Victoria being proclaimed as the 'Empress of Great Britain, Ireland and India' were the symbolic representations of this imperial pride.⁸⁵ As patriotism became linked to the Empire, even small inter-imperial conflicts became questions of national pride. The hard position of the Government of India regarding the areas over which the French claimed jurisdiction can be understood in this context. However, attempts at hardening the border could not work out because the complex nature of rights and jurisdiction, determined by the Treaty Settlements and grants made by the older sovereign rulers, that the French claimed. Attempts at engineering an exchange of territories never materialised because the English and the French never saw eye to eye regarding the appropriate terms of exchange.⁸⁶ Clashes, thus, could only be resolved by making adjustments at the level of the everyday functions along the border.

⁸³ P.J. Cain & A.G. Hopkins, *British Imperialism: Innovation and Expansion, 1688-1914*, Longman, London & New York, 1993, p. 316

⁸⁴ Winfried Baumgart, *Imperialism: The Idea and Reality of British and French Colonial Expansion, 1880-1914*, OUP, 1982, pp. 48-49

⁸⁵ Thomas R. Metcalf, *Ideologies of the Raj*. The New Cambridge History of India. III.4, CUP, 1995, pp. 59-65

⁸⁶ The attempts made to exchange territories are discussed in the third chapter.

French imperialism from 1860 onwards was equally bound to national pride. Robert Tombs has argued that the second French colonial empire was governed by the desire to overcome the perception of a weak nation state. Efforts at finding a chimerical 'French India' were attempts to secure '*a place in the new world order*' and thereby counter the decline in Europe. Regarding the colonies France was haunted by the fear that she had missed the bus. While Britain and Russia were conquering Asia, France was '*merely occupying the Sahara desert*'. Under the Third Republic, too, the overseas empire was given considerable importance. The close association made between empire and nation can be assessed by the following statement made by Gambetta that '*it is through expansion, through influencing the outside world, through the place that they occupy in the general life of humanity, that nations persist and last*'.⁸⁷ French ambitions often brought her into conflict with Britain, and sometimes British imperial policy was directed towards weakening the French. For instance, it is argued that Disraeli bought 7/6th of the Suez Canal shares in order to weaken French influence in Egypt and forestall a possible French occupation.⁸⁸ The assertion and defence of French sovereign rights needs to be considered in this context.

Apart from direct competition with the French, Britain was also concerned with securing the frontiers of its Indian Empire, which became an important consideration after the French defeat in the Franco-Prussian war of 1871. From this time on, Germany emerged as a significant European power, competing to get its share of the colonial market. Even though Anglo-German rivalry did not intensify till the end of the nineteenth century, German ambitions of building a strong navy caused some anxiety for Britain. The perceived German threat becomes evident from the following article from the *Madras Mail* on the 16th of February 1871, at a time when it was rumoured that Prussia was demanding Pondicherry as part of the war indemnity.

⁸⁷ Tombs, *France*, p. 202

⁸⁸ Baumgart, *Imperialism*, p. 23

"...we do not hesitate to say that if the Germans demand Pondicherry England has but one course and that is a stern refusal to sanction the transfer. As the paramount power in India that course is one of right; as a matter of self-preservation, it is one of duty. ...though its [Pondicherry's] value to the Germans would be impaired by the fact that to make it available in war they either must hold the sea, or defeat us first of all in the North-West, they would be a continual thorn in our side and would materially affect our Government of the Empire....Let us not forget that Pondicherry, before its capture by Coote, was one of the first cities in India.... As a naval station as well it was held at that time to be valuable.... The French had captured Madras with Pondicherry as their basis of operations. It is a lesson that we should not lose sight of. Prussia has soldiers brought up in a far more iron school than that of Dupleix and Lally and Labourdonais. Above all Prussia would begin where France stood in 1748, with prestige and a foothold for intrigue. We should have in India a rival power whose activity would be incessant. ... Prussia would settle down in Pondicherry, and spend money, as she knows how to spend for a purpose. She has men to spare for a German colony. She could build and fortify. Who could say her nay in peace? ... The tide of English feeling is turning against Prussia. If it turn strongly enough to forbid this transfer and to render it impossible, it will be a service to the country..."⁸⁹

Even if the demand was not true, this article clearly illustrates the insecurity of the English vis-à-vis the newly emerging imperial power. Events not just in India, but in Europe and the Middle East too, were constantly pushing the Britain to defend her empire, not necessarily in war but to prevent encroachment by the others.

A review of the debates around Calicut and Gyretty reveal two different ways in which sovereignty was being conceptualised. In the eighteenth century both the English and the French East India Companies were contesting with each other and the older political powers for supremacy over the sub-continent. By the end of the 19th century, Britain was supreme and had evolved an elaborate state structure to govern her colony. British notions of sovereignty thus came to be derived from clear-cut demarcations and conceptions of property and ownership. For the French, however, the fluidity of eighteenth-century polity that derived its legitimacy through benevolence and allegiance worked better and therefore in the

⁸⁹ Nehru Memorial Museum and Library (NMML), *Madras Mail* (microfilm), 16th February 1871

debates the British had to constantly go back to the older legitimising factors such as the *firmaun* of the Mughal Emperor. Different strategies of argument and different claims to legitimacy, therefore, were grounded in the different and unequal forms of colonial possession enjoyed by the French and the British in India. These strategies and claims clashed periodically, and the points of tension that resulted produced, in each case, distinct modulations of the principle of territorial sovereignty.

BORDERING CONTROL:
ANXIETIES AROUND SMUGGLING ON AN INTERNATIONAL
FRONTIER

The border demarcates sovereign entities from one another. However, as the last chapter showed, borders are nebulous. Even in cases where they are theoretically clearly defined, there are ways in which they are transcended. Movements across borders frequently, though not always, cross and subvert the lines of state authority.

Motion across the border is often tapped by the state to generate revenue. Smuggling is one activity which, as Hastings Donnan and Thomas M. Wilson have argued, challenges the attempts made by the state to '*control the behaviour of its citizens and subjects, to impose a morality, to regulate the movement of people and flow of commodities, and to define what are and what are not marketable goods*'¹. Simultaneously, though, it cannot exist without these very lines defined by the state. Such activities also ensure the sustenance of state structures like the border patrol police and customs cordons. Smuggling thus implies an evasion of excise, robbing the state of revenue. As J.A. Price has argued, smuggling, more than anything else, is a crime against the state and not individuals and their personal property. Thus, he says, it is found in societies that have a corporate and legal expression of the societal self-interest reflected in building legal barriers against flows of goods. The crime of 'smuggling', consequently, is created by the advent of the state. The 'illegal' movement of commodities can provide an opening into the wider politics of the state, a window into its relations with neighbouring states.² In this chapter I will examine the issues involved in governing the border,

¹ Donnan & Wilson, *Borders*, p. 88

² *Ibid.* p. 101

whether for economic or political reasons, and the substantial state anxiety caused by smuggling across the Anglo-French border during the first decade of the twentieth century, despite the relative insignificance in real terms of the amount that illegally crossed the border.

The Anglo-French border on the sub-continent provides a unique frontier, as I have already argued. While on the one hand a rigid concept of the border had to be maintained, because of pressures of home politics and imperial competition, on the other, the local frontier also provided the site for negotiations and compromise.

From the second half of the nineteenth century itself, the meaning of the local border was undergoing transformations. With the expansion of the rail network and the improvement of roads, distances had shrunk and movement between regions had become easier, as had the movement of goods across frontiers. These new systems of transport and communication were conceptualised as tools of Empire used to systematise and extend imperial control. At the same time, they could be used to subvert state authority, as they made the movement of both people and commodities smoother, and exerted new pressures on the colonial state. In an attempt to overcome these pressures, newer ways of extending control beyond the border were sought. Some of these attempts can be examined through an analysis of the debates around the smuggling of cocaine and arms across the Anglo-French border in the first decade of the twentieth century. While the smuggling of cocaine caused a loss of revenue for the colonial state, the smuggling of arms and ammunition meant both a loss of revenue and a potentially difficult political situation at a time when popular hostility to the colonial state apparatus was on the upswing.

Anxiety about smuggling from the French settlements was not new to Anglo-French relations. The debate over Gyretty, which I examined in the last chapter, began with the concern over 'illicit movement of goods' from the French Settlements. I have chosen to focus on the smuggling of cocaine and arms in this chapter because their movement highlights the paradox of an international border within a colonial empire. While the focus of the study is the French settlements, this was not the only route through which these commodities entered the British territories. Princely states were often used for a similar purpose. The use of the French settlements for such trade became possible because different laws operated within British and French India. What was unique about the smuggling of arms and cocaine through the French settlements was that the British postal system was used as a means of transport. This could be possible only because international conventions between the European powers ensured certain rights and a measure of autonomy to postal articles passing through British territory but addressed to the French settlements. This again highlights the complexity of the existence of an international frontier within the geographical limits of British India.

Cocaine Business³

Narcotics were an important aspect of the British colonial economy. During the nineteenth century, opium exports to China had been crucial in maintaining the balance of trade in favour of Britain. During the twentieth century, however, Britain's monopoly of the opium trade was challenged by the introduction of a new drug, cocaine, which was gradually replacing opium as an intoxicant.⁴ The biggest supplier of the drug was Latin America and its circulation to other parts of

³ Title borrowed from a song by the same name by an American rapper called Noreaga.

⁴ Cocaine is an alkaloid found in the South American shrub *Erythroxylon coca*. It is a powerfully reinforcing psycho-stimulant. It was introduced into Europe by the Spanish conquistadores and by the 19th century its properties had become well known in Europe, and doctors had begun to recommend it as an antidote to Morphine addiction.

the world, especially India, was routed through Germany.⁵ Initially known for its medicinal properties and virtues as a stimulant, cocaine was widely used as a local anaesthetic and as a basic ingredient in a number of medicines and beverages during the late nineteenth century. It was also used as an antidote to opium addiction and in China, by the early twentieth century, was rapidly replacing opium as a stimulant.⁶ It became a matter of concern for the British Empire since the main sources of the commodity were not England or its colonies.

In this section I consider the ways in which cocaine entered British territories through the French settlements, the reasons why the Government of India was concerned about the 'contraband' movement of cocaine, and the ways in which it tried to prevent it by attempting to extend its control beyond its borders. The 'moral' pressure of the anti-narcotics campaign in Britain was implicated in this, but economic considerations also played a significant role, especially if seen in the light of British opium trade with China. The different laws operating in French India and the mode of transport limited the degree to which the British colonial state could control the movement of the commodity. The negotiations surrounding this also raise interesting questions about the degree to which the British could manipulate French laws and where they had to draw the line.

The amount of cocaine imported into British India was substantially more than was required for medicinal purposes. While the total sale of the various chemists in Bombay amounted to no more than 6 ounces a year, the estimated amount of cocaine that was imported by foreign parcel mail, through Bombay, was nearly 2000 ounces in the months of April, May and June of the year 1905.⁷ The actual amount of cocaine imported is likely to have been higher since these figures deal

⁵ Finance, (Separate Revenue A), January 1907. nos. 49-60

⁶ Hamilton Wright, "The International Opium Conference", *American Journal of International Law*, Vol. 6, No. 4, October 1912.

⁷ Finance, (Separate Revenue A), January 1907. Nos. 49-60

only with recorded imports. Cocaine was imported from Germany, and was then transported throughout the country by means of an elaborate network. According to the official reports, cocaine traveled from Bombay, Madras and Bangalore to Ambala and Delhi, from where it was brought to Calcutta.⁸ During the first decade of the twentieth century, several cases of cocaine smuggling were detected.⁹ That cocaine smuggling had become quite rampant is evident from the appended table, which shows the number of cocaine cases that were detected, the amount of cocaine seized, and the penalties inflicted in each case during the months of March, April, and June 1905. (Appendix IV) According to the official documents the key player in the smuggling business was a firm called Messrs. Charles H. Pearsons and Company. This company was an agent of Messrs. E. Merk and Company of Germany and was said to have agents all over the subcontinent, from Rangoon to Benaras to Delhi, Bangalore, and Jaunpur, suggesting an organised network of drug traders.¹⁰

One of the ways in which cocaine was smuggled into British India was by routing the commodity through the Native States or the other European settlements in the sub-continent, which were not governed by the British law and where there were no restrictions on the commodity. The French settlements in India were areas that the British Government was apprehensive of in this context. This was not a baseless apprehension, since cocaine was indeed being smuggled from the French settlements into British India. In April 1905, a consignment of 96 1/16 ounces of cocaine was found concealed in the baggage of a passenger who was trying to

⁸ Ibid.

⁹ In October 1904, Dr. Romesh Chandra Banerjee and his servant Goshto Behary Ghoshal, residents of Benaras, were arrested in Calcutta with two and three ounces of cocaine respectively, which, they had brought down from Benaras. These men were convicted and sentenced to pay a fine of Rs. 150 and Rs. 50. In the same month, Nund Lall Khetry and Dao Mul Arora, servants of Durga Prasad Arora & Sons, of Benaras, were also arrested in Calcutta with 30 ounces of cocaine. According to the official reports, while the train ticket showed that they had come from Mirzapore, the cocaine actually belonged to Durga Prasad Arora & Sons, who got their supplies from Shah Hardayal of Madras. The accused, in this case as well, were convicted and had to pay a fine of Rs. 400 each. [Foreign (Internal B) September 1909, Nos. 212-215]

¹⁰ Finance, (Separate Revenue A). January 1907, Nos. 49-60

smuggle it into British territory from Pondicherry. It was reported that the amount of cocaine imported into Pondicherry, between 1904-1905, had increased from 132 ounces to 454 ounces, thus suggesting that many other consignments were successfully smuggled into British territory.¹¹ On the 24th of April, 1908, 19 packets addressed to Mr. K. Dutt, Hathkola, Chandernagore, and 3 packets addressed to Mr. P. Banerjee, Baraset, Chandernagore, containing cocaine arrived at the Bombay General Post Office from the French mail steamer, *Oceania*. In addition 27 packets containing cocaine were found by the Aden-Bombay Sea Post Office, in a mailbag closed by the *Paris à-Modane*, travelling to the French post office at Chandernagore. Though the mail was in closed transit the contents were discovered because it was found in an open state.¹² While the number of cases detected were few, the large quantity of the drug found in the parcels that were detected and the mode of their transit through sealed mailbags belonging to the French Government, were, according to the commissioner of Excise and Salt for Bengal, clear indicators of an active 'illicit' trade.¹³ While there were some instances of smuggling from Pondicherry, the major concern for the British Government was Chandernagore, from where a greater number of cases was reported.¹⁴

There were several reasons forwarded by the State for its worry about the quantity of cocaine being exported into the sub-continent. One of the considerations behind the sudden concern over cocaine was the colonial state's preoccupation with 'public health'. It was believed that cocaine was increasingly used more for

¹¹ Ibid

¹² Foreign, (Internal B), September 1909, Nos. 212-215

¹³ Finance, (Separate Revenue B), November 1909, Nos. 542-551

¹⁴ Foreign, (Internal B), September 1909, Nos. 212-215. It is probable that that the paranoia with Chandernagore was greater because in the previous decade, when opium smuggling was the major concern, Chandernagore was identified as a major centre for illicit activity. This evident from the following quote of H.J.S. Cotton, the officiating Secretary to the Government of Bengal, Revenue Department, "There appears to be little doubt that the cases of smuggling contraband opium into Chandernagore are frequent. It is usual in almost all cases in which a trade in contraband opium is detected, to explain that the destination of the opium is Chandernagore..." (N.A.I., Finance & Commerce, (Separate Revenue), September 1889, Progs. A. Nos. 818-840)

its value as stimulant than for its medicinal properties. In 1906, an enquiry conducted by G. Bomford, the Surgeon General, revealed that cocaine was used as an intoxicant by '*well-to-do natives of certain classes*' either in conjunction with alcohol or to some extent as a substitute for it. This habit was said to be particularly endemic in Delhi at this time. Cocaine was also used as an aphrodisiac, and its use, in certain cases, especially amongst young Bengalis, '*produced ill-effects in the form of acute mania resembling delirium tremens, or a chronic condition of hebetude with loss of appetite and obscure nervous symptoms*'.¹⁵ Thus there seems to be a concern with the adverse effects of cocaine consumption on the individual and society. While the enquiry spoke only of *well-to-do natives* it is also possible that Europeans, too, were indulging in the habit, thus making it a concern of the British Government of India.

This concern with cocaine addiction needs to be located in the larger context of the campaigns against intoxicants, especially opium and cannabis, being waged in England as well as in the colonies.¹⁶ The grounds given for opposition were both moral and ethical. The immorality associated with drug abuse also had to do with the imagery that was created around it and the anxiety that it produced. Apart from clandestine circulation, opium, cannabis, and in Chandernagore, cocaine, were also sold in shops known as *chandu dens*. While I did not come across a similar reference for cocaine, a description of the *chandu dens* in British India in the context of cannabis abuse by William Sproston Caine, an M.P. in the House of Commons, made in 1890, clearly demonstrates the anxiety such imagery evoked. The *dens* were described as consisting of

¹⁵ Finance, (Separate Revenue A), January 1907, Nos. 49-60

¹⁶ For a fairly detailed study of the anti-cannabis campaign in India see James H. Mills, "Cannabis in the Commons: Colonial Networks, Missionary Politics and the Origins of the Indian Hemp Drug Commission 1893-4", *Journal of Colonialism and Colonial History*, 6:1, 2005

groups of noisy men seated on the floor [who] are drinking ardent spirits of the worst description, absolutely forbidden to the British soldier, but sold retail to natives at three farthings a gill, of which two farthings go to the exchequer' who were sat nearby the large native house ... through a door of which streams in and out a swarm of customers. It is perhaps three o'clock in the afternoon. Entering with them, you will find yourself in a spacious but very dirty courtyard, round which are ranged fifteen or twenty small rooms. The stench is sickening, the swarm of flies intolerable, and there is something strange and weird in the faces of those coming in from the street.¹⁷

Such descriptions created the image of what was considered immoral and fed into the campaign against various forms of intoxicants.

It has been argued that while the economic and political interests of the dominant members of international society are reflected in the 'global prohibition regimes', moral and emotional factors, such as humanitarian sentiments, faith in universalism, compassion, conscience and paternalism, were also crucial to their formation.¹⁸ However, while at one level moral considerations might have influenced state policies, the moral considerations raised were also paradoxical and demonstrate how the state demarcated its own area of governance. Thus, while in England and its colony India the 'menace' of intoxication was something that had to be actively controlled, in China, where the British state had no direct interests in governance, opium addiction was actively encouraged since opium trade was a major source of revenue for the empire.

In the larger context of the British Empire, the proliferation of cocaine was a possible threat to its balance of trade. By the early twentieth century, cocaine had begun to replace opium as a stimulant in China. The importance of opium for the empire is well known and can be judged from the fact that by 1880 opium produced about 16-17 percent of the total revenue of the British establishment in

¹⁷ Ibid., p. 5

¹⁸ For an elaboration of the argument that moral considerations play a significant role in the emergence of global prohibition regimes see Ethan A. Nadlemann, "Global Prohibition Regimes: the Evolution of Norms in International Society", *International Organisation*, 44, 4, Autumn 1990

India. This revenue was supplemented by the inflow of silver from the sales of the drug in China, which by 1875 had risen to about 41 million rupees a year on an average.¹⁹ Thus the replacement of opium by cocaine would be detrimental to the interests of the Empire, given that England or its colonies were not the chief source of cocaine. The raw material for the drug was extracted from the leaves of the coca tree. Though it was grown in Ceylon as well, the main supplier was Latin America. The anxiety of the British over cocaine and its inflow into India is evident from the fact that they raised the issue in the International Opium Conference, and insisted that both cocaine and morphine be included in the list of intoxicating drugs that were prohibited by the Conference.²⁰ At the same time, this was more a perceived threat than a real one. Opium continued to be an important part of British imperial economy and up till 1910 raised an average of 75 million rupees annually.²¹

In the Indian case, specifically, it was the way the commodity entered the market that bothered the Government of India. The clandestine movement of any commodity is more often than not encouraged by strict regulation on the circulation of that commodity. Under the Local Excise Acts any drug declared to be an 'intoxicating drug' was an excisable article. Cocaine was declared to be an 'intoxicating drug' and consequently its sale and possession was to be regulated.²² The significance of the excise duty and the movement of cocaine through the foreign parcel post becomes clear when one looks at the negotiations between the Government of the French Settlements in India and the Government of British India regarding this issue.

¹⁹ James L. Hevia, "Opium, Empire and Modern History", *China Review International*, Vol. 10, No. 2, Fall 2003, p. 313

²⁰ Hamilton Wright, "The International Opium Conference", *American Journal of International Law*, Vol. 6, No. 4, October 1912

²¹ John F. Richards, "The Opium Industry in British India", *The Economic and Social History Review*, 39, nos. 2 and 3, 2002

²² Finance, (Separate Revenue A), January 1907, Nos. 49-60

With the enactment of the Excise Act, 1896, only a limited amount could be imported into the British territories, and that too by a licensed dealer. However, cocaine trade was very profitable since the margins of profit were very high. While it was purchased in Europe at the cost of Rs. 12 per ounce, in India, it was sold at a rate of Rs. 50 per ounce.²³ In order to avoid regulation the cocaine traders began to use the foreign parcel post as a means of transport, since they could circumvent the customs nexus. According to section 128 of the Sea Customs Act of 1878, foreign parcels for foreign ports were exempt from duty. Thus foreign parcels for the French Settlements of Mahé, Karikal, Pondicherry and Yanaon were not levied duty, but those addressed to Chandernagore were not exempt since Chandernagore was not a port.²⁴ The practice was that the postal parcels for Chandernagore were levied duty only at Calcutta, and not at Bombay. The Governor of the French Settlements in India, tried to move the Government of India to follow a more uniform policy towards all the French settlements, and exempt parcels addressed to Chandernagore from customs restrictions as well.²⁵ The British, however, were not too keen to encourage such a practice, given the volume of cocaine smuggling reported from Chandernagore.

In 1789, when the Treaty of Versailles restored Chandernagore to France, there were special provisions for free trade. This Treaty was nullified by the subsequent seizure of the place and outbreak of war in 1794. Nevertheless, at the time of the next restoration, by the Treaty of Paris in 1814, no duties or tolls were levied on merchandise and mail intended for the French settlements, including Chandernagore, even though there was no stipulation for this exemption in the Treaty.²⁶ The question now was whether the French could claim the exemption

²³ Ibid

²⁴ Commerce & Industry, (Post Office A), June 1908, Nos. 9-14

²⁵ Ibid

²⁶ This is a clear example of how in the case of issues which were not covered by the Treaty Settlements, previous practices were continued. They were adjustments which, over time acquired the status of privileges, or rights. given the perspective of the governments.

from duty as a matter of right. The Government of India's position was that in India the exemption from duty on articles imported for the personal use and consumption of the French officials was a *privilege* accorded to the French, not a right, and that there was no doubt about the *right* of the British Government of India to levy duty on dutiable articles imported to Chandernagore, whether by parcel post or otherwise. It was also argued that levying duty on goods traveling to Chandernagore was an established practice, and that this gave the Government of British India the right to continue such levies.²⁷ Depending on the interests of the British, it was the law or the established practice that was cited as the basis for any given arrangement, as the last chapter demonstrated. It was these considerations, as well as the threat of smuggling, that lay behind the refusal of the Government of India to not comply with the request made by the Governor of the French settlements in India.

An exemption from duty also meant an exemption from customs examination, which the Government of India felt would further facilitate the movement of contraband goods. Parcel post free from customs also implied that it would be very easy for anyone to import cocaine from France via the parcel post and then smuggle it into British India at an enormous profit,²⁸ especially given the high margins of profit in cocaine smuggling. What bothered the state most, however, was the permeability of the borders, especially since Chandernagore was the only foreign settlement that did not have a customs cordon around it.²⁹

In this context it was also argued that "*there is no reason why a Frenchman in Chandernagore should be permitted to import articles duty free when the subjects*

²⁷ Commerce & Industry, (Customs A), July 1911, Nos. 15-18

²⁸ Commerce and Industry, (Customs A), July 1906, Nos. 15-17

²⁹ Finance, (Separate Revenue B), May 1910, No. 174

of a native state, say, Rajputana, has to pay duty'.³⁰ Thus, at a stroke the Government of India equated the French with the Indian 'native'. This statement is of interest since it reveals the duality of relations between the British and the French in India. The 'native states' were not under direct British rule but they were not entirely free of British regulation and interference. With the French settlements, however, relations were governed by principles of international law limiting the scope of the Government of India. On the one hand the French administration in India was representative of a European power, which enjoyed an equal standing in international relations with the British. On the other, the Government of India tried to suggest that the insignificant amount of territory that the French held in the sub-continent made it unnecessary to concede this equivalence.

As the Government of India became increasingly paranoid about the illicit trade, especially in narcotics, it tried to control the movement of such goods by imposing prohibitory regulations. In 1906 amendments to various acts prohibiting cocaine traffic were made by the Government of India as an attempt to check this. The Excise Act, 1896, was amended to give power to control traffic in cocaine to the provinces to which the Act extended. The import of cocaine into India by post had also been absolutely prohibited under Section 19 of the Sea Customs Act, 1878. Its import by other channels was also restricted to cases in which it was to be imported by persons, or their authorized agents, who had been specially permitted to import the drug by the local administration. Under Section 25 of the Indian Post Office Act, 1898, postal officers were empowered to search or allow searches to be made for any cocaine that might be found in the post traveling to any place in British India. Accordingly searches were regularly made for cocaine in postal articles. However, one can observe an almost direct correlation between the State

³⁰ Commerce & Industry, (Customs A), July 1911, Nos. 15-18

regulations and the increase in the scale of illicit drug traffic. In fact it was these restrictions themselves that encouraged further contraband activity.³¹

The reason why the French territories could be used so easily was that the rules governing cocaine traffic were different from those in British India by this time. Unlike the British territories, in the French possessions cocaine was not an excisable article under French excise law, but came under the French Drugs Act. Its sale was allowed for medical purposes only and was restricted to chemists and druggists, though no restriction was placed on its possession. Any other person found to sell cocaine was liable to prosecution under the French Drugs Act. The Excise authorities, however, had no hand in the matter.³² This raises a further question about jurisdiction and the difference in the ways different governments perceived a crime. It is this difference that underlies the debate about cocaine traffic and how it could be stopped.

The different conceptions of what is legal and what is not come to the fore in the description above of the sale of cocaine in the *chandu dens* in Chandernagore. *Chandu dens* were shops that sold opium, *chandu* and *moduk*, *ganja* and *siddhi*, salt and tobacco. These shops were opened through licences granted to individuals who offered the highest price at the annual auction held in the month of December. These individuals were known as farmers. These farmers could open up any number of shops and lease them out to as many people as they wished. All that the farmer had to do was to inform the French Excise Collector about the location of the shops. In Chandernagore, in this period, there were three *chandu dens* where cocaine was being sold 'illicitly', according to the British officials, at a rate of 2 a. (*annas*) to 4 a. per grain. Since cocaine came under the Drugs Act it was the responsibility of the police authorities to keep a check. According to the

³¹ Foreign (Internal B), September 1909, Nos. 212-215

³² Finance, (Separate Revenue B), November 1909, Nos. 542-551

British official reports, however, the police were not interested, and were not taking any steps to stop the sale of cocaine.³³ The impression that one gets from descriptions in the British Government files about the French settlements is that governance in the latter was seen to be slack, and there was thus a need for the British to take an active interest in the affairs of the French settlements in India in order to safeguard their own interests as well as for the good of the French. This language was used to legitimize British attempts to extend control beyond their frontiers.

The question, however, was the extent to which the British colonial state could interfere with French laws in order to protect its own interests. The history of Anglo-French negotiations regarding the smuggling of drugs went back a long way, to the first Opium Convention signed between the two in 1815, which was then periodically renewed after every five years. The thrust of these negotiations was constantly to try and convince the Governor of French India about the gravity of the situation and how it would be in the interest of the French to regulate the traffic of goods such as opium and cocaine. It was argued that the lack of regulation in French India would make these territories the centres of traffic in narcotics.³⁴ This is evident in the negotiations with the French authorities regarding the punishment for those caught smuggling cocaine.

After much pressure from the Government of British India, the Government of the French Settlements of India passed a regulation dated 16 July 1908, according to which the introduction of Cocaine into French Settlements was prohibited for all persons except chemists and druggists. Instructions were also given to the Deputy of the Chief of the Service of the Taxes at Chandernagore to prohibit the introduction of this drug. Moreover, the Administration at Chandernagore was

³³ Ibid

³⁴ Foreign, (Internal B), January 1911, No. 102

also willing to cooperate, without delay, with the British officials of the Government of Bengal.³⁵ This Regulation, however, was merely an *arrête*, a Police Regulation issued by the Governor of the French Settlements in India, and the maximum punishment that could be offered under any such regulation was a fine of 15 francs and imprisonment for five days. The British felt that this was too mild a punishment, and wanted the French authorities to raise the maximum penalty imposed by the French law to be at par with that in force in Bengal, i.e. three months imprisonment or a fine of Rs. 1000 or both. This however involved an amendment of the French law and thus required an *arrête* of the Minister of colonies in France.

Given the limitations of the sources, the reaction of the Government of French India and the debates within it are difficult to ascertain. It is also difficult to gauge the degree to which cocaine smuggling and contraband traffic was a headache for the Government of the French Settlements in India. What comes through from the British correspondence is that the Governor of the French Settlements of India was 'concerned' enough to move Paris for a decree of the President of the Republic to change the punishment, and raise it to the levels applicable in Bengal.³⁶ It is possible that the roots of this 'concern' lay in the fact that the cocaine habit in Chandernagore had caused a decline in the excise revenue of the region since people were giving up opium and liquor, the two main excisable articles, for cocaine. Crime was also said to have increased as a consequence of cocaine addiction, especially amongst young boys. Both these 'facts', however, though said to have been confirmed by the Excise Collector and the Governor of the French Settlements in India, are mentioned in the report of the Deputy Inspector of Excise, Calcutta,³⁷ and may be seen as part of an attempt to build an image of a 'poor' neighbour unable to look after its needs and thus requiring the

³⁵ Foreign, (Internal B), September 1909, Nos. 212-215

³⁶ Foreign, (Internal B), January 1911, No. 102

³⁷ Finance, (Separate Revenue B), November 1909, Nos. 542-551

help of the British to show them the 'right' way. They may also simply be a transposition of the anxieties of the British colonial government onto the French colonial administrations in India. Emphasizing the ill effects was also a way of getting the French to cooperate with British efforts. This is clear from the fact that C.G. Todhunter, the Inspector General of Excise and Salt in a letter, dated 11th July 1910, wrote that while the French authorities might have been extremely helpful, they were very sensitive to interference and were '*likely to be disinclined to move their Government to amend a domestic law at the instance of the Government of India*'. However, once the French were made aware of the '*extent of the evil in British India*' and the danger of the French Settlements becoming '*the resort of bad characters engaged in the trade*' the Governor of the French Settlements agreed to push for a Presidential Decree that would raise the punishment.³⁸

It is also curious to note that while the British Government of India was constantly trying to make the Government of the French Settlements in India regulate the import of cocaine, for long there was no comprehensive policy regarding cocaine and narcotics in British India itself. So why was it that the colonial state was so keen to try and regulate the import of cocaine into the French territories? The answer lies in the fact that the French settlements were beyond the purview of the British colonial state, yet their close proximity made the British increasingly anxious to regulate that space.

Arms Across the Border

British anxiety over the smuggling of arms and ammunitions needs to be located in the larger context of the growing anti-colonial sentiment across the sub-continent, at least amongst the educated elite and the middle class, in the early twentieth

³⁸ Foreign. (Internal B), January 1911. No. 102

century. The declaration of the partition of Bengal by Curzon in 1905 resulted in a popular uprising against British colonial rule, though confined to Bengal and Maharashtra. One significant development was the emergence of secret societies engaged in acts of terror such as bombings and assassinations.³⁹ Under such circumstances the Government of India became increasingly concerned the movement of arms within their territories. As the following section will show, the French territories, especially Chandernagore, became a major supplier of arms to the secret societies. The Government of India had imposed an Arms Act in 1878, which prohibited Indians from possessing weapons of different kinds unless they were considered 'loyal subjects' of the empire, as judged by the Government of India. The absence of a similar Arms Act in the French settlements, it was perceived, made them centres of arms smuggling.

This concern can be ascertained from the objection made by the Home Department to a ruling of the Madras Government. In December 1904, the Government of Madras, in a letter, sanctioned certain concessions to the French passengers traveling into British territories for a stay of less than six months. According to the ruling, the baggage of these travelers was exempt from duties levied at the outposts and the French only had to pay a security deposit which would be returned to them when they chose to come back. The main concern of the Department of Commerce and Industry, in this case, was that the Government of India was losing out on revenue that could be generated from these goods since when they originally entered the sub-continent also, they paid duty to the French Government and not to the British. The Home Department on the other hand said that they were not concerned about '*the possible loss of revenue caused by the system*' but with the '*effect that this system may have on the administration of the Arms Act*'. In the final analysis, however, the practice was allowed to continue. It was argued that in the absence of hill stations in the French Settlements the

³⁹ The *Swadeshi* movement and its impact on the French settlement of Chandernagore has been dealt with in the next chapter.

French were bound to move into the British territories for the summer months, and over this period they would travel with a lot of excisable luggage, including arms. However, since the stay would be a short one it would be unfair to levy duty, and the established practice of security deposit should continue. It was also felt that any change in the regulations and practice might create tensions with the French.⁴⁰ This is also an illustration of the fact that the interactions between the British and the French administrations in India during this period were governed by the contradiction posed by the exigency of the situation and the need to maintain cordial relations.

The British authorities believed that explosives were either being manufactured or stored in Chandernagore after being manufactured in British India.⁴¹ There were several instances of guns being brought from Chandernagore for the use of revolutionaries. In an enquiry conducted about the importation of arms in the year 1907, at least two guns and six revolvers were said to have been imported through Chandernagore.⁴² Most famous of the guns that came from Chandernagore were those that were smuggled into the Alipore jail, with which the approver Noren Gossain was shot. I will consider this case at greater length in the next chapter. In many of the attempted bombings too, it was reported that the explosives were supplied from Chandernagore. For instance, the bomb thrown at the Dalhousie Square, on 2nd March 1911 and the bomb thrown at the Viceroy, Hardinge, at Delhi on 23rd December 1912, both, were believed to have been obtained from Chandernagore.⁴³ While it is possible that the traffic in arms from

⁴⁰ Foreign, (General B), October 1909, No. 233

⁴¹ Home (Political A), December 1913, nos. 15-16

⁴² Home (Political - Deposit), Deposit, August 1909, no. 20

⁴³ Home (Political), Progs. A, December 1913, nos. 15-16. That the Dalhousie Square bomb came from Chandernagore was known from the statements of the accused, Noni Gopal and Norendra Bannerjee. In case of the bomb thrown at Hardinge, it was also made of picric acid and was reported to exactly the same kind as was used at the Dalhousie Square. Thus it was believed that there was a strong ground for the assumption that both the bombs came from the same source.

Chandernagore may not have been tremendous,⁴⁴ Chandernagore did come to be identified as a supplier of arms to the revolutionaries of Bengal.⁴⁵

In the context of a growing unrest in British India, which was also spilling over to the French territories, and the *entente cordiale*⁴⁶ that had been established between the two imperial powers, the French authorities introduced a new Arms Act, which came into force from 18th June 1907.⁴⁷ In the preamble to the Act, submitted by the Governor of Pondicherry, to his Council, the Governor stated that in such a context the French Government felt it incumbent upon itself to regulate the import, sale and purchase and ownership of arms and ammunition.⁴⁸ Prior to this the only restriction imposed on firearms was that they were not to be exposed in the streets by the owners but could be kept within their houses.⁴⁹ Firearms could be imported without any hindrance and there was no limit on the number of guns one could own. Under the new Act, the introduction, import, sale, keeping, using, and carrying of arms and ammunition was to be governed by license. License could be given to those who had attained majority and were of 'good conduct and leading a good life'. Those who could obtain a license had to belong to either '*the first eight classes in the list of trade licenses or having his name inscribed in the list of direct taxes (i.e., revenue roll) paying a consolidated*

⁴⁴ Home (Political - Deposit), August 1909, No. 20. H. A. Stuart, the Home Secretary to the Government of India, notes, "That arms have occasionally been obtained from Chandernagore by British Indians is undoubted, but there is no evidence of any but the most insignificant traffic, and this absence of evidence does itself suggest that the number of arms obtained in this way was trifling." This, however, is one of the rare references to an exaggeration of the extent of arms traffic.

⁴⁵ Chinmohan Sehanabis in his account refers to bombs being smuggled out of Chandernagore. I. Mallikarjuna Sharma (collected & ed.), *In Retrospect, Sagas of Heroism and Sacrifice of Indian Revolutionaries, Vol. 3: East India, pt I: Bengal*, Ravi Sasi Enterprises, Hyderabad, 2000, p. 23

⁴⁶ This term is used to refer to the cordial relations that were established between Britain and France in the context of increasing imperial competition. The basis for this was laid by an agreement of mutual interests arrived at in the context of Egypt and Morocco.

⁴⁷ Report by Mr. S. Sengupta, Inspector of Police on Special Duty, On the Importation of Firearms through Chandernagore, in Amiya K. Samanta (compiled and ed.) *Terrorism in Bengal, A Collection of Documents on Terrorist Activities from 1905 to 1939*, Vol. III, 1995, p. 336

⁴⁸ Sneyd Hutchinson, DIG, IB, Bengal, 'Note on the Growth of Revolutionary Movement in Bengal, Eastern Bengal, Assam & United Bengal: Upto May 1914', in Amiya K. Samanta (compiled and ed.) *Terrorism in Bengal, A Collection of Documents on Terrorist Activities from 1905 to 1939*, Vol. I, 1995, p. 310

⁴⁹ *Ibid.*, p. 283

annual tax of Rs. 25, a European or Eurasian agent and servant of industrial or commercial concerns, houses or factories, earning more than Rs. 30 a month, an executive judicial or civil authority, or employed in a liberal profession. European, Eurasian and 'native' foreigners, travelling to French territories would be given license without any conditions except those required by the English Government.⁵⁰ These qualifications seem to be made on an economic rather than a racial basis. Even though the economic criterion was very high, Indian subjects of the French were not excluded by virtue of such high qualifications. In fact, ironically, of the 88 persons eligible for license, only 12 were Europeans.⁵¹ It is probable then that the economic qualifications of the Europeans in French Chandernagore were low, and that they were not very well off.

Arms and ammunition could be introduced into the French territories by travellers either domiciled in the colony or having resided in any French Settlement in India before, by European, Eurasian or native foreigners passing through, or by way of post, English or French, as merchandise. However, this could be done only upon the grant of a sanction by the French colonial Government in India. The manufacture, exhibition and sale of arms and ammunition could take place only in the workshops and magazines under the permit and that too exclusively by holders of the permit. The breach of any part of the Act was a punishable offence, the penalty being imprisonment of 5 to 15 days and a fine of 15 to 100 francs. Arms and ammunition manufactured, owned or sold in violation of the law was to be confiscated.⁵²

In the preamble to the Act the Governor also stated,

Whilst generally applying to the colony the prohibitions regarding certain weapons which have been enacted in France, it seemed to me essential to lay

⁵⁰ Ibid., pg. 311

⁵¹ Report by Mr. S. Sengupta, p. 336

⁵² Ibid., p. 311-315

down certain measures, which, though they depart from the legislative enactments of the mother-country, will ensure the strict supervision rendered necessary by the present circumstances.⁵³

This clearly points towards a difference in the laws as they were applied in France and the colonies. In the Indian case, however, it is possible that the policies were governed, to a substantial extent, by the pressures applied by the Government of India than the Home Government. In France at this time, the radical socialists were in power with Clemenceau as the President. Apparently this government was not in favour of the Arms Act introduced in the French Settlements and in fact recalled the Governor of Pondicherry very shortly after it was promulgated.⁵⁴ This can be taken as an indication of the difference between the administrators in the colonies who were governed by the concerns on the ground and 'national politics' within France. The Act was not ratified by the French Government, which made it largely ineffective. In the report *The Importation of Firearms through Chandernagore*, the Inspector of Police on Special Duty, Mr. S. Sengupta, referred to the objections to the Act raised by the Mayor, M. Tardival, and certain 'influential French Citizens of Chandernagore' who asserted that the Act was defective and needed amendment.⁵⁵ The fact that under the Act more Indian subjects were eligible for a license than Europeans suggests that the Act possibly had a more adverse impact on the rights of the Europeans, than on the native population. This perhaps may explain the reaction of the Europeans in Chandernagore to the introduction of the Act as well as the opposition of the Home Government to the Act.

This Act, however, generated widespread opposition in Chandernagore and was considered much more stringent than the Arms Act applicable in British India.⁵⁶

⁵³ Report by Mr. S. Sengupta, p. 310

⁵⁴ Sneyd Hutchinson, 'Note on the Growth of Revolutionary Movement', p. 286

⁵⁵ Report by Mr. S. Sengupta, p. 336

⁵⁶ *Ibid.*, p. 344. In conversation with Babu Narendra Kumar Basu, a *vakil* of the Calcutta High Court, known for his '*persistant advocacy*' of the agitators in the *swadeshi* case, he is reported to have commented that they had started importing arms from Chandernagore but the French authorities played

There was a reaction to the Arms Act in British India as well. In British India, the vernacular newspapers condemned the Act, with the *Yugantar* of 30th June 1907 asking 'why the French, partial as they are to a system of popular government, should make laws like this'. Colonial subjugation, it added, whether English or French, was equally deplorable, and the passing of such Acts would not discourage the revolutionaries or affect their work.⁵⁷ It needs to be remembered that the *Yugantar* was the mouthpiece of the revolutionaries, especially those associated with the Manicktolla Gang, which had close links with the revolutionaries in Chandernagore.⁵⁸ French territories had provided easy access to arms for the revolutionaries in Bengal. Any restriction in Chandernagore, was bound to affect them. Another nationalist paper, *Bande Mataram*, on 27th June 1907 stated that

The *Bande Mataram* is surprised that France should fall victim to the romancing of the Englishman and be carried away by the impression that Chandernagore is being converted into an arsenal for a future Asiatic rising. This does not reflect credit on her common sense and self-possession. The journal hopes that the people of Chandernagore will enter on a strenuous struggle for regaining their rights.⁵⁹

A common factor in both these reports is that they treat Chandernagore as being separate from British India, being governed by the French and thus recognize the legitimacy of its own set of rules, which are seen as intrinsically superior to the British. This points towards an interesting dichotomy. On the one hand the French were perceived as a better colonial government than the British, and thus on many occasions held up as an ideal to the British colonial state in India. On the other hand, they were also recognised as a colonial state, which needed to be fought against.

a 'shabby trick' on them by introducing the Arms Act, the provisions of which were even more stringent than the Arms Act in British India.

⁵⁷ Report on Native Papers (R.N.P.), Bengal, June 1907

⁵⁸ The activities of the Manicktolla gang and their connections in Chandernagore have been elaborated upon in the next chapter.

⁵⁹ Report on Native Papers (R.N.P.), Bengal, June 1907

As a consequence of the protests by both the natives as well as the Europeans an amended Act was brought into operation, in the French territories, from 18th September 1907. One of the most crucial amendments was that any citizen of Chandernagore, who had the "*means of existence*", was eligible for license. What these "*means of existence*" were was not clearly defined. The arms for which licenses were issued were to be marked, as in British India, so that their smuggling into British territory could be detected at once. This meant that all the Europeans, Eurasians and most of the 'natives' became eligible. Under the original Act, possessors of arms were required to apply for permits before 18th July. However, as the date approached, the deadline was extended and eventually with the introduction of the amended Act, the number of applicants rose from 72 (68 natives and 4 Europeans) to 94.⁶⁰ It was assumed that, for every person who applied for a license, there were many who did not apply.⁶¹ In general, however, the British authorities considered the Act to be of no particular use, since it was not ratified from Paris and thus would lapse by efflux of time and the situation prevalent prior to the Act would return.⁶² While in British India the Arms Act prohibited Indians from possessing arms, easy availability in Chandernagore to an extent countered the effect of the Act. Thus the chief ground of British anxiety remained in place.

The anxiety of the British colonial state also manifested itself in its belief that the French administration itself was partly complicit in the circulation of arms. According to the report, officers of the French Government, 'native' as well as European, openly carried arms, from Pondicherry, as part of their personal luggage and delivered them

⁶⁰ Report by Mr. S. Sengupta. p. 350. Home (Political - Deposit), August 1909, no. 20.

⁶¹ Home (Political - Deposit). August 1909, no. 20.

⁶² Home (Political A), December 1913, nos. 15-16. By the time the report in this file was written the Act had already lapsed.

to native citizens for whom they had originally been imported. It also happened, and in fact the Mayor himself admitted having done it, that the Europeans of Chandernagore would purchase arms and ammunitions from Calcutta firms, in their own names and deliver them to their Bengali friends at Chandernagore. No records can naturally be had of any such transaction. This is how every middle-class Bengali home at this little settlement has each got at least a gun and a revolver.⁶³

Why would the Europeans be helping the Indians to procure arms? It is possible that to do so would have been monetarily beneficial for them. As I have already mentioned, under the original provisions of the Act, where the criterion for the license was economic, out of the 88 eligible candidates, only 12 were Europeans. This, I had argued, may suggest that the Europeans in the French Settlements were not as well off as the Indians. Following this line of argument it could be said that the Indians in the French Settlements may have given monetary incentives to the Europeans for procuring arms for them from British-administered Bengal. In British India, under the Arms Act, Indians were effectively barred from owning, buying or selling arms, whereas the Europeans would have had relatively easier access to arms.

Mr. Sengupta argued that the Mayor of Chandernagore too helped his Bengali friends to procure firearms and ammunition and was in their confidence. This, according to him, was also reflected in the ease with which a Bengali gentleman once approached the Mayor to procure arms for Hindus of Mymensingh, who he said were being oppressed by both the English and the Muslims. The Mayor however, is said to have refused to do so, saying it was the British Government to whom this gentleman should apply.⁶⁴ It was also thought that the French administration at Chandernagore was trying to conceal such transactions. While the British had succeeded in convincing the Governor of Pondicherry that there was a need for the French administration in Chandernagore to take vigorous steps

⁶³ Report by Mr. S. Sengupta, p. 337-338

⁶⁴ *Ibid.*, p. 338

to check the cross border movement in arms, the *Adminstrateur* at Chandernagore was reported to have said that the Governor had been misinformed.⁶⁵

The anxiety regarding the role of the French in facilitating illegal arms movement also needs to be studied in the context of the developments in the Persian Gulf. Easy access to European guns and rifles for the tribesmen along the Makran Coast had become a major concern for Britain by the first decade of the twentieth century, since it was a potential threat to British supremacy in the region. In an attempt to control this, Britain sought the support of the Sultan of Muscat and the Shah of Persia. In 1898 the Sultan of Muscat had issued a warning that import of arms from India and Persia was forbidden and also gave permission to British and Persian officials to check vessels within his territorial waters for arms. The only vessels that could not be checked were those under the French flag, through which arms smuggling continued. Attempts to negotiate a settlement with the French did not work out. Even in 1912, when new regulations were introduced, it was the French arms dealers who protested. This active involvement of the French state and arms dealers might have heightened British paranoia about arms smuggling from the French settlements in India.⁶⁶

However, it is possible that the British colonial state, in its paranoia about the circulation of arms, was exaggerating the role of the administration in facilitating the movement of arms. The disjuncture between Chandernagore and Pondicherry also illustrates one of the chief problems that the French colonial state had in India, which was that their headquarters were located in Pondicherry, while the territories were scattered all over the sub-continent. This made uniform administration on the basis of common interests very difficult.

⁶⁵ *Ibid.*, p. 350

⁶⁶ R. M. Burrell, 'Arms and Afghans in Makran: An Episode in Anglo-Persian Relations, 1905-1912', *Bulletin of the School of Oriental and African Studies*, University of London. Vol. 49. No. 1, 1986. pp. 8-24

Given such accusations, it is curious that the 'French gentleman' who was said to be the source behind the reports published in the *Englishman* was apparently M. Tardival, the Mayor of Chandernagore.⁶⁷ Why would a representative of the French Colonial Government in India do something like this? It is possible that this may have been done to create some support for the French colonial state, which was on the verge of introducing an Arms Act, from the British colonial Government and Europeans in Bengal. As will be seen in the next chapter, by this time anti-colonial agitations were growing in Chandernagore, where the French were a very small minority and the majority of the population was Bengali.⁶⁸ Consequently, the introduction of an Arms Act, which would curb the rights of the population, would have been received with great hostility. In such a situation the support of the British may have been of some help. However, it is also possible that M. Tardival did not prompt the reports, since he is also reported to have been against the Act.⁶⁹ What is significant here is the ambiguity of the Anglo-British relations in India. As colonial rulers, the British and the French had certain common interests, even though they were different regimes with different and particular needs, and their relations with their subject populations were different. Given this, any open political opposition would have made both the Governments equally anxious. Under such a situation one may have expected some co-operation from each other. However, at the same time, they were sovereign in their own territories and neither would have liked to be told what to do by the other. For each their sovereignty, free of the interference of the other, was crucial. Thus a non-compliance with the desires of the British would for the French, in some way, signify the assertion of their independence and sovereignty. At the same time, this was also a time, unlike the latter half of the nineteenth century, when the British and French hostilities had given way to an understanding between the two,

⁶⁷ Report by Mr. S. Sengupta. p. 335

⁶⁸ Sneyd Hutchinson, Note on the Growth of Revolutionary Movement p. 282

⁶⁹ *Ibid.* p. 286

especially in the face of the German threat. Thus, in spite of their colliding sovereignties, both were willing to come to an understanding with each other.

Modus-Operandi: By Post

It was the postal network of the British State that provided the avenue for the movement of contraband cocaine and arms in the sub-continent. It is ironic that a postal network built by the colonial state to facilitate its administration over a large colony was used to carry on trade in a commodity that had been declared illegal except through license. Importation by the parcel post made it easier to evade the regulations in force. For instance in the case of cocaine, if the commodity was imported through the customs house at Karachi or Bombay, under the existing rules, the consignments would be cleared and forwarded only by license, i.e. by licensed chemists or druggists. The parcel post in this case proved a better and easier alternative since parcel post addressed to a foreign settlement could not be examined by the British authorities.

The movement of cocaine through the parcel post took different shapes and sizes. In 1909 a number of such parcels were captured, one of them contained

2 ½ ozs. of cocaine concealed in a book from which the inside had been cut out, another of 32 ozs. sent in hollowed out broom-heads, another of 18 ozs. sent simply wrapped in paper as an ordinary parcel of "shirting" and presenting the exact appearance to the eye and to the hand of a flat parcel containing a few yards of cotton.⁷⁰

Such ingenuity made the administration almost certain that a substantial amount of cocaine was being successfully smuggled across its borders. The advantage of the postal system, for the smugglers, was that even if certain areas were cordoned off they could easily re-route their networks, which made the British Government of

⁷⁰ Commerce & Industry, (Post Office A), March 1911, Nos. 4-7

India even more anxious. This is evident from the following statement of C. G. Todhunter; “if we succeed in checkmating the opium smugglers from India to Burma, they are quite well enough organized to start posting the opium itself from Persia or elsewhere”.⁷¹ (For the extent to which the foreign parcel post was used to import cocaine see Appendix V) The movement of seditious material and arms via the parcel post was also a matter of serious concern.

Sometime in mid- 1907, a series of articles appeared in the *Englishman*, a European owned English daily in Bengal, about arms traffic from Chandernagore, which sparked off an inquiry by the British administration into the issue.⁷² On the basis of this inquiry it was ascertained that arms usually came into Chandernagore via the post. In the report on *The Importation of Firearms through Chandernagore*, the Inspector of Police on Special Duty, Mr. S. Sengupta, recorded that from January to June 1907, twenty two registered parcels were delivered to a Mr. Kishori Mohan Chamboni sent from St. Etienne. On the basis of information received from certain employees of the French Post Office, and having felt almost all the packages packed in wax-cloth and also having seen the contents of at least four of them, very privately and confidentially, he was positive that these parcels contained revolvers.⁷³ It was also believed that these arms were also frequently carried by the British Inland Mail from Pondicherry to Chandernagore.⁷⁴ Mr. Sengupta noted that it was curious that in comparison to the negligible six revolvers imported during the entire previous year, an unusually large number of revolvers were imported and ordered in the first six months of the year 1907, ‘synchronizing it with the turbulent unrest in East Bengal.’ This suggests a direct co-relation between the rising militancy in Bengal and the increase in arms imported to Chandernagore.⁷⁵

⁷¹ Ibid

⁷² Report by Mr. S. Sengupta, p. 335-336

⁷³ Report by Mr. S. Sengupta, p. 341

⁷⁴ Home (Political - Deposit), April 1910, no. 20

⁷⁵ Report by Mr. S. Sengupta, p. 341-342

In the French settlements in India, by the early twentieth century, there were both French and British Indian post offices. While there was not more than one French post office in each region, the British post offices in French India numbered twenty-three. The functions of the French post offices were restricted to the receipt and dispatch of letters and parcels from and to France and the French colonies. Business transactions and money orders were made through the British post offices, which were also the sole medium of postal transaction with British India. The Government of India made no distinctions between these post offices and those situated in British India.⁷⁶ The parcels for the French Settlements, received in the English foreign parcel mails, were forwarded from the Indian port of entry to their destination in the same way as parcels addressed to different parts of British India. While in the British Post Office all arrangements to examine the mail, as prevalent in other parts of British India, were in place, the French Post Office presented greater difficulties. For instance, parcel post addressed to Chandernagore was not routed through the Bombay Customs House, and from the manner in which the postal bags were made up it was difficult to tell whether they contained revolvers or not.⁷⁷ With the British Post being used for the circulation of 'contraband goods', the important question that arises is how far could the British check the movement of such goods by examining the suspected parcels. Did the British Government of India have the right to inspect all the parcels addressed to foreign possessions? If so, then to what extent would this be an infringement of the 'rights' of the Government of the French Settlements in India?

The Government of India feared that laws passed by them regulating the movement of these commodities would be made redundant if prohibited

⁷⁶ Foreign, (General A), July 1909, No. 13

⁷⁷ Home (Political - Deposit), April 1910. no. 20

commodities continued to travel into their territories from the French settlements. The only way to check the movement of these commodities via post was to examine all postal items addressed to the French settlements that passed through the British post offices. The question, now, was about the “*right of a country to refuse to give transmission through its post-either the letter or the parcel post- to articles which by its laws are prohibited from importation into its own territory*”⁷⁸. This issue had been discussed in the Rome Postal Congress of 1906 to which England, France and Portugal, along with their colonies, were signatories. The Agreement of the Congress laid down that “every state possesses the right to refuse to give transmission over its postal services to articles forbidden by its laws”. However, this limitation could be put only on articles traveling through ‘open transit’ (*à découvert*)⁷⁹, i.e. parcels packed in open covers the contents of which are open to examination by the postal officials at any stage of their transit through the post.⁸⁰ This implied that only one portion of the foreign mail could be examined. A substantial section of the post remained outside the ambit of state control. This became a major source of anxiety for the British Government of India.

The anxiety of the British colonial state was not just about the proliferation and easy access to arms for the revolutionaries, but equally their own inability to regulate the movement of arms and explosives. It is ironic that even when the British postal network was used, the British administration could not prevent the movement of arms into French Territories. With regard to cocaine, prohibition in British India implied that the government was entitled to search all parcel post coming into India in order to prevent such traffic. Accordingly, the Notification no. 9227-75, dated 29th November 1906 prohibited the bringing by sea or by land, into British India, of cocaine by means of post. This prohibition, however, at that time, did not extend to *transit parcels*, i.e. postal articles addressed to foreign

⁷⁸ Commerce & Industry, (Post Office A), May 1908, No. 18

⁷⁹ Foreign, (Internal B), September 1909, Nos. 212-215

⁸⁰ Commerce & Industry, (Post Office A), No. 18

territories, passing through British India. It was through the *transit parcels* that cocaine and arms moved into British territories. Prohibition could not be extended to the *transit parcels* because according to Article 2 of the Parcel Post Convention of Rome freedom of transit was to be guaranteed over the territories of each of the countries that were part of the convention. The expression "*freedom of transit*" included within it the exemption from customs examination and duty that may be levied under the laws of the country through which the parcel was passing. However, the British Government of India perceived a great risk in such a practice. It was felt that granting such an immunity from search to all parcels heading for foreign Settlements would lead to the "*smuggling of arms, ammunition and explosives into British India*", and that "*articles such as cocaine and novocaine might also be imported with impunity under false customs declarations into these places and then be smuggled back into British territory with comparative ease*".⁸¹

This fear was furthered by a case that occurred in 1909 when ten foreign parcels addressed to the Chartered Bank of India, Australia and China, Chandernagore, and declared to contain quicksilver were received at Bombay and allowed to pass duty free without customs examination. It was later found out that the parcels were intended for the Chartered Bank of India, Australia and China, Calcutta on the account of the Coral Printing Press, Chandernagore. The parcel contained mercury sulphocyanate and magnesium metal wires, both used for making explosives, not related to printing work. According to the Bengal police, this Coral Printing Press was also "*one of the most seditious places in Chandernagore*". There were also instances of revolvers being smuggled into Chandernagore from where they were transported to British India.⁸² The real question here was how far could the British State try to extend its authority over a space that lay beyond its control, especially in a context of political upheaval, when there existed an Arms Act in

⁸¹ Finance, (Separate Revenue B), May 1910, No. 174

⁸² Commerce & Industry, (Customs A), April 1909, Nos. 1&2

British India to regulate movement and ownership of arms.⁸³ One of the ways it tried to do so was to constantly pressurise the French to regulate the movement of arms and 'contraband' drugs within their territories. Thus, while the British had signed a Convention allowing for the free transit of postal items, it was desired only when it suited their interests. At other times, especially in the context described above, the right to free movement of post of others, the French or the Portuguese was seen as a hindrance to efficient governance.

The Post facilitated the movement of goods declared to be contraband in two ways. First, the letter or parcel post was used to import the goods into India, from different parts of the world, and then the Indian Postal network was used for inland transport. The fact that it was the postal network, which was used for contraband activity also, made it difficult for the Government to identify or convict the guilty. The consignments were "*invariably addressed to fictitious persons, frequently to the name of English officials to the care of joint stock companies' offices*". If it did leak out that the Excise authorities suspected a package, then acceptance would be refused at the office of delivery on the plea that the consignee was not known there. Under such circumstances all that could be done was to confiscate the Cocaine.⁸⁴ Another technique of evasion involved the argument that what was sent in the receiver's name was not what was asked for, as was done by a certain Ram Prasad Kundu of Calcutta. In 1906, 260 phials of cocaine, packed in 13 parcels were found at the French post office at Chandernagore. These parcels were received in sealed airbags from France and were addressed to B.K. Halder & Company. According to the official reports, it was Ram Prasad Kundu who imported cocaine under the fictitious name of B.K. Halder & Company. He, however, refused to take the delivery of cocaine alleging that he had asked for some kind of salt and not cocaine. Under such a

⁸³ Sneyd Hutchinson, 'Note on the Growth of Revolutionary Movement', p. 283

⁸⁴ Commerce & Industry, (Post Office A), March 1911, Nos. 4-7

circumstance no case could be brought against him.⁸⁵ Thus in a twofold way the postal system of British India provided an avenue to circumvent the authority of the Colonial State using the very system which was meant to regulate the movement of goods and facilitate communication. Being addressed to the French Settlements, the parcels escaped the scrutiny of the law to a substantial extent. The very nature of the network of circulation also provided the opportunity, on many occasions, for the smugglers to evade conviction by making crime anonymous. Even though there were addresses that could be traced, it was difficult to capture those involved in the trade red-handed.

Another issue that is highlighted in this context is the right of the British Government of India to inspect the parcel post addressed to the French Settlements but passing through British India and being carried by the British postal network. The Government of India demanded the right to inspect all suspected parcels travelling to French Settlements, the justification given being that stringent measures were expedient if cocaine smuggling had to be stopped. The French Governor, on the other hand, was opposed to it on the grounds of it being improper to open mail addressed to someone else.⁸⁶ Thus, there were different conceptions of what were the rights of the state *vis-à-vis* the individual which came into conflict here. The important question here is where the colonial state drew the line between the personal and the public, and to what extent it could infringe upon the personal. Further, what did such infringement on the 'personal' mean? This brings one to the relation between the ruler and the ruled in this context. It is when the government is answerable and dependent on the governed community that the 'personal' rights of the governed population may be taken into consideration.

⁸⁵ Finance, (Separate Revenue B), November 1909, Nos. 542-551

⁸⁶ Commerce & Industry (Customs A), July 1911, Nos. 15-18. The right to inspect was the condition put by the British Government of India to consider the exemption from duty of parcels addressed to Chandernagore and travelling through the foreign parcel post.

Claiming The Post Office

A look at the concerns of the Government of India reveals that apart from the concern about the 'illegal' movement of commodities across their border, the other issue that emerged was the efforts of the British to extend extra-territorial control over the French settlements. As mentioned before, since these territories were governed by a European power, they were designated as foreign territory. However, their miniscule size implied that the French colonial state in India was not on a level footing with the British. Thus, while the British government might have liked to treat them like the princely states, they were forced to negotiate on the grounds of international law. One of the ways in which the Government of India sought to extend its rights was through the presence of institutions like the post office and the embassy, which have conventionally been taken as the symbols of a state's extraterritoriality.

The report of an unofficial meeting between Mr. Eagleton, the Deputy Inspector of Excise, Calcutta, and the governor of the French Settlements in India throws some light on the question of how juridical space was negotiated. Mr. Eagleton had suggested that the land and the ground on which the British Post Office was located "*should and ought to be considered British territory*" in the same manner in which the land on which the British consulate in the French dominions was considered British. He argued that if this was done then the British Postal and Excise Acts could be brought into operation in that area. The point that would have to be considered, however, according to the Governor, before such a decision could be made was that the rent for the building was paid by the French Government, and whether this would effect the lands and the Grounds being treated as British territory. Furthermore, even if the land in question was considered British territory, then what needed to be considered was what was to be done with the French subject who was detected for the possession of an

excisable article on these lands. While according to Mr. Eagleton, in such a situation the accused could be tried in the same manner as if he was detected in any other part of British territory, under the British Laws at Chinsura and Serampore. The only complication, however, in such a case, would be that the French subject arrested on British grounds would have to be taken through French territory, since the minute he stepped out of the gates of the British Post Office, he would be on French soil. In the Governor's opinion this could easily be settled once the territorial question of the British Post Office was determined, by informing the Government prosecutor who would give the necessary order to take the person concerned through Chandernagore into British territory.⁸⁷

These set of negotiations point towards several interesting issues. The claim to implement British laws over the lands of the post office was made on the assumption that those lands, according to diplomatic rules, should belong to the British. It is to be remembered that the rights one 'nation' may enjoy in the lands of another were still being negotiated. What the British were demanding was the right to extraterritoriality on the basis of a claim to ownership of the lands of the post office. The underlying principle behind the concept of extraterritoriality has been the difference in the laws of different nations and thus the need to have institutions which could safeguard the rights of one in the lands of another. In the present context of cocaine and arms smuggling this becomes particularly interesting. With the control over the movement of the commodities being increasingly difficult, especially since smugglers took advantage of the loopholes provided by diplomatic immunity, the British Government of India was trying to extend its juridical space to cover the anomalies, using the same diplomatic channels. What it was trying to do was to claim juridical rights over a territory so as to be able to control the movement of goods through that territory into British India.

⁸⁷ Finance, (Separate Revenue B). November 1909, Nos. 542-551

Another aspect these negotiations throw light upon is the notion of property and its ownership, a theme which had emerged during the debates on sovereignty as well, as seen in the previous chapter. Is ownership the basis for juridical rights? What is the basis on which ownership rights are decided? Is it the owner who has the rights over the land or is it the one who pays the rent? Who is the guarantor of property and ownership rights? It is the state that mediates in the case of property disputes, so what happens when the state itself is involved in negotiating its rights over property? What then is the guiding principle of negotiations, given that the conceptions of property and ownership differ? This is also related to the larger theme that runs across these negotiations between the French and the British in India. All through the negotiations it is evident that there is not one single guiding principle of international relations but that they are constantly being formulated, negotiated and re-negotiated.

At another level this example also inverts the relation between the British Government of India and the French. Here the former is trying to claim rights within the juridical space of the latter, thereby creating an isolated space within the French administered territories. These negotiations also bring to light the fact that juridical spaces in such contexts were not clearly defined. They often overlapped and thus had to be constantly negotiated. The absence of any comprehensive set of laws that governed these overlapping juridical spaces also provided avenues for smugglers to work around the law and safeguard their own interests.

CHANDERNAGORE 1903-1911:

POLITICAL UNREST ON THE COLONIAL BORDER

In this chapter I am looking at the Anglo-French border through a particular moment in Indian history, the agitation against the partition of Bengal in 1905, popularly known as the *Swadeshi* Movement. This marked the beginning of a new phase of Indian nationalism, characterized by mass involvement on an unprecedented scale. Prior to this, anti-colonialism had been confined to associational politics engaging the new educated elite of India. The movement was concentrated in Bengal and therefore I have chosen to focus on the ways in which this new nationalist politics influenced Chandernagore, a French settlement situated 20 miles north of Calcutta, the heart of the *Swadeshi* Movement. Here I have attempted to look at the relations between the two imperial powers and the subject population through the lens of a popular movement to see how their identities were influenced and transformed by this interaction.

The chapter is divided into three sections. In the first section I look at the ways in which the movement found expression in Chandernagore, and the changing reactions of the French administration as it gained momentum. In the second section I look at a case of extradition of a man called Charu Chandra Roy, a French subject accused of involvement in terrorist activities by the Government of Bengal. The conflict is an interesting point of study as it brings out the different conceptions of legality embodied by both the colonial powers, and also how the defence of the French subject became tantamount to a defence of French rights over their possessions. The paradox of an international frontier within a colonial empire is evident all through the discussion. The central problem of the French settlements in India was that they were scattered within the geographical limits of British India. This, as has been seen previously, created a problem of governance

for the British since these areas fell outside their sphere of jurisdiction. The third section looks at one of the ways in which the Government of India tried to exercise control over the French Settlements by working towards a cession settlement under which the British would gain control over Chandernagore, and in return the French would get certain territories around Pondicherry. Such a settlement, however, never worked out. As has been seen in the first chapter, the pressures of 'national pride' prevented both the colonial powers from arriving at a compromise. What is surprising is that even the subject population of the French Settlements was opposed to the plans of cession. This reveals the complicated ways in which the French subjects in India construed nationality and subjectivity. French and British colonialism in India were very different from one another. The subjects of the French, as we shall see, had more rights than the British Indian subjects, and could thus put more pressure on the colonial government. It is interesting to look at how this difference may have influenced the aspirations of the subject population of French India.

Swadeshi and Chandernagore

The partition of Bengal was announced in 1903 and finally took effect on 16th October 1905. The plan to partition the Bengal Presidency was first suggested after the Orissa famine of 1866, when it was argued that the division of such a large Presidency would enable better and more efficient administration. Consequently in 1874 Assam was separated and made into a chief-commissioner's province. The debate regarding the size of the Presidency, however, continued. While initially the focus was entirely on administrative convenience, over time, questions of strategically dividing the Presidency to prevent any anti-colonial solidarity became equally significant. As a result a plan was devised to separate the Muslim

majority East Bengal.¹ Following the announcement of the plan several protests were registered with the colonial government. These protests took the shape of petitions to the government, open letters and other kinds of persuasive tactics. These, however, failed to prevent the partition of Bengal. This failure resulted in a criticism of the dominant trend in nationalist politics of the time and pushed for a more aggressive stand against the British colonial government. The 'moderates' were criticised for being alienated from the masses, representing the interests of only a particular section of society, the educated elite, and for degrading national honour by their 'mendicancy'. The alternative was to be found in *Swadeshi*, as advocated by the 'extremists'. The emphasis was on self-reliance and constructive work, the need to build *Swadeshi* enterprises, to try and organise education on autonomous and indigenous lines, the need for concrete work at the level of the village, the use of the vernacular, traditional and popular customs and institutions to mobilise popular opinion and to induct the masses into the national movement.² Consequently, the anti-partition movement marked a shift away from the 'mendicant' politics of petitions to mass based politics and eventually 'revolutionary terrorism'.³

The period thus marked the beginning of political extremism in India, especially in Bengal. One of the manifestations of this trend was the emergence and growth of secret societies all over Bengal engaged mostly in individual acts of terrorism. About 1902, four secret societies had emerged in Bengal, three in Calcutta and one in Midnapur, which became the mainstay of terrorist activities post 1905. One of the important Secret Societies of that time, in Bengal, was the Manicktolla Garden Society, which consisted of a group of young men who believed in the use of violence to terrorize the British Colonial State. The society was also being run

¹ For details regarding the partition plan and the politics behind it see Sumit Sarkar, *Swadeshi Movement in Bengal 1903-1908*. People's Publishing House, New Delhi, 1977, pp. 9-20

² Though, eventually self-reliance came to be identified with a revivalist approach to Hindu nationalism. Ibid.

³ For details regarding the trends within the Swadeshi Movement also see Ibid. pp. 30-91

under the guise of religious society, whose members were being educated in 'religious books and politics'. According to Barindra Ghose's statement, he was responsible for organising the Manicktollah Secret Society.⁴ However, Aurobindo Ghose also seems to have exercised some authority on the society.⁵ Members of this society, Kshudiram Basu and Prafulla Chaki were responsible for the Kennedy murders of 30th April 1908. Soon after the murder, the remaining members of the society were rounded off and arrested. Their trial became known as the famous Alipore Bomb Trial case. It is from the proceedings of the case that one gets much of the information regarding the activities of secret societies in Bengal. The Alipore Bomb case also became sensational because the approver, Noren Gossain, who had been a member of the society, was shot dead while in jail by Kanai Lal Datta, a resident of Chandernagore, and Satyendra Bose. The gun with which Gossain was shot came from Chandernagore.⁶

Influenced by the developments in Bengal a revolutionary party was established in Chandernagore, in 1903-1904, under the guise of a debating club, by Upendranath Banerjee (later convicted in Alipore bomb case, also sub-editor of *Bande Mataram* and contributor to *Jugantar*), Basanta Banarji and Satis Chakravarti.⁸ From the beginning of the *Swadeshi* Movement itself, the Chandernagore group had been active. It used to send out picketing parties and youth to sell *swadeshi* clothes to those who had *pujas* at their houses. There is a reference to one Prasanna

⁴ F.C. Daly, 'Notes on the Growth of Revolutionary Movement in Bengal (1905-1911)', in in Amiya K. Samanta (compiled and ed.) *Terrorism in Bengal, A Collection of Documents on Terrorist Activities from 1905 to 1939*, Vol. I, Calcutta, 1995 p. 21

⁵ Peter Hechs, *Bomb in Bengal, The Rise of Revolutionary Terrorism in India 1900-1910*, Oxford University Press, Delhi, 1993, p. 138. He gives an account of an interview between Barindra and Aurobindo Ghose prior to the attempt on the life of the Mayor, which seems to suggest that while Aurobindo was not directly involved in the activities of the society his word was respected. At the same time it needs to be noted that Hechs' book is also a part of the attempt to establish Aurobindo as spiritual leader even prior to his sojourn to Pondicherry and to emphasise that he was not directly involved with the revolutionary terrorists.

⁶ F.C. Daly, 'Notes on the Growth of Revolutionary Movement', p. 43

⁷ Both these newspapers voiced the concerns of the Indian 'nationalist'. *Jugantar* in particular was associated with the revolutionary terrorist movement that was taking root in Bengal in the early 20th Century.

⁸ Sneyd Hutchinson, 'Note on the Growth of Revolutionary Movement' p. 326

Mukharji of Gondalpara, Chandernagore, who was boycotted because he refused to purchase any *swadeshi* clothes on the occasion of a *puja*. Volunteer boys were sent by Upendranath Banarji to take away the invitees from Prasanna's house and bring them to the house of *swadeshi* workers.⁹ It was reported that in 1907 that Sarala Debi, amongst other leaders, visited Chandernagore to propagate the idea of Boycott and *Swadeshi*.¹⁰ The year 1907 was the year of marked anti-imperial agitation in Chandernagore. A series of events took place that had even the French State worried. In these events, members of the Chandernagore party, especially Charu Chandra Roy played an important role. Charu Chandra Roy was a professor in the Duplex College at Chandernagore, and was regarded as the leader of the Chandernagore society. The members of the society were reported to congregate at his house and go to him in any case of emergency.¹¹

An occasion when the French Colonial State and their subject population came directly in conflict with each other, in Chandernagore, was the 15th of November 1907, the day of the *bhasan* of *Jagatdhatri Thakur* (the immersion of the deity). On that day the police had prohibited cries, shouting of slogans and chanting, in the vicinity of the Administrateur's house. However, in defiance of the order, the people shouted the slogan "*Bande Mataram*". In the ensuing conflict with the police, some were arrested, some were wounded by the bayonets of the police, while some of those who had managed to escape returned with *lathis* and rescued some of the prisoners. It is reported, in the British government files, that after this incident those involved went to the house of Charu Chandra Roy and he told them to be better prepared for the next time and teach the police a lesson. The next time was to be the day of the *bhasan* of *Kartik Thakur*, which was two days later. On the designated day the police, fearing greater disturbances, had come armed with loaded rifles. While there was a lot of slogan shouting, it was reported

⁹ Ibid.

¹⁰ Ibid., p. 282

¹¹ Ibid., p. 327

that the ceremony went off without any great disturbance, even though, as the report points out, Charu Chandra Roy and other leaders tried to provoke the crowd.¹² It was reported that on this day arrangements were also made to attack the police, a boat stocked with firearms and *lathis* was moored below the jetty *ghat*, to be made available at a moment's notice. On the 20th of November, on the day of the *Jagatdhatri Puja*, there was another confrontation between the police and the Bengalis and it was reported that the latter were victorious.¹³

Initially, the attitude of the French Administration of Chandernagore did not seem to be antagonistic towards the movement. The *Bengalee*, dated 13th September, 1905 was appreciative of the sympathy exhibited by the Mayor of Chandernagore towards the *swadeshi* movement, by presiding over a '*monster meeting held there and declaring himself in sympathy with the aspirations of the Indian subjects of the French Republic*'.¹⁴ However, with the rise of political activism, the French became more apprehensive and cautious. The fact that the mood of the subject population was troubling the rulers is evident in the statement made by the Mayor of Chandernagore, M. Tardival, even prior to the events of November 1907. In a statement to a newspaper correspondent and later to a police officer in June 1907 he had said that,

the conditions prevailing in the town had been unpleasant and undesirable for some time past. The *swadeshi* and boycott cries were of course responsible for this state of affairs. The Indians in French territory had assumed a turbulent and offensive attitude, and there could be no doubt but that they were disaffected. He had attempted in many instances to pour oil on troubled waters, "but," he added, "without much success."¹⁵

¹² In almost all the official reports about Chandernagore in this period the role of Charu Chandra Roy is emphasised. While it is possible that he may have been a big leader of some influence, it is also possible that since most of these reports were compiled after the case of his extradition, his role may have been exaggerated so as to justify the actions of the British Colonial State. The extradition of Charu Chandra Roy and the complications arising out of it will be discussed in a later section.

¹³ Home (Political A) December 1913, nos. 15-16

¹⁴ R.N.P., Bengal, September 1905

¹⁵ Sneyd Hutchinson, 'Note on the Growth of Revolutionary Movement', p. 282

In an attempt to check the growing agitation, the French, like the British introduced certain prohibitive measures. In the light of the events of November 1907, the Mayor prohibited public meetings in Chandernagore. At this time, Bhola Nath Das, the ex-Mayor, who, it is argued, was trying to undermine the influence of M. Tardival, applied for permission for holding a public meeting in Chandernagore, to which Bipin Chandra Pal had been invited. Even though the permission had been refused, a notice was circulated in Chandernagore, bearing the signature of Bhola Nath, informing about a public meeting to be held in Hathkola on the 3rd of April 1908, '*to discuss measures for the improvement of the country*'. The French authorities in Chandernagore had taken elaborate steps to try and prevent this meeting, arriving on the grounds early with armed *sepoys*. Even though students armed with *lathis* were also present in 'large numbers', the Chandernagore administration was successful in preventing that meeting. Appeals to Pondicherry to try and secure the permission did not work either.¹⁶

A consequence of these attempts by the Mayor to curb disturbances was an attempt on his life on 11th April 1908, when a bomb was thrown at his house while he was at dinner with his wife.¹⁷ The bomb, however, failed to explode properly and caused only minor injury to the Mayor.¹⁸ This attempt on the life of the Mayor becomes an interesting point of study since it brings to light the close links between the extremists in Calcutta and Chandernagore, especially its relations with the Manicktollah gang. Noni Gopal Mukherji, accused for throwing a bomb on the Writer's Building on 2nd March 1911, in his statement said that the Chandernagore Society was part of a larger society, which had a branch in Calcutta and Chandernagore. The society was headed by an 'unknown leader'. This leader could have been Barindra Ghose or even possibly Aurobindo Ghose. Under this leader was Charu Chandra Roy, under whom was Srish Chandra

¹⁶ Home (Political A), December 1913, nos. 15-16

¹⁷ Ibid.

¹⁸ Peter Heehs, *Bomb in Bengal*, p. 140

Ghose. Basanta Banarji was with the Calcutta gang and Mati Lal Ray with the Chandernagore gang.¹⁹

It was reported that it was Charu Chandra Roy who had '*insisted that the Mayor be killed*'.²⁰ The bomb was supplied by the Manicktollah people, and was manufactured by Hem Chandra Das Kanungo. Barindra Ghose was closely involved with the planning and execution of the plan. Indu Bhushan Ray, the one who actually threw the bomb at the Mayor's house was also a member of the Manicktollah society.²¹ Peter Heehs in his account lays the responsibility of this attempt entirely on Barindra Ghose.²² Sumit Sarkar, on the other hand, is tempted to believe Hem Chandra Das Kanungo's account that the attempt on the life of the Mayor was entirely due to a mystic "message" received by Aurobindo Ghose, given that Aurobindo was already immersed in *yogic* practices. He further states that the attack seems "utterly irrational" since it would have obviously attracted greater attention towards the French enclave, and probably resulted in the first serious CID investigation into the activities of the Manicktollah society. Moreover he says that "the Mayor was not a universally hated figure, unlike Kingsford".²³ Perhaps what has been ignored in this focus on the British as the oppressor is that for the subjects of the French colony, an attempt on the life of the Mayor may be equivalent to an assault on the seat of authority. Thus, it may have a deeper meaning than a mere failed attempt on the life of an official.

The period thus witnessed a similar form of political upsurge in Chandernagore as in other parts of Bengal. Who was this agitation directed against? Narendra Nath Banerji, in his statement gave the aims of the Society as following

¹⁹ Sneyd Hutchinson, 'Note on the Growth of Revolutionary Movement', p. 330

²⁰ Statement of Noni Gopal, accused in the 'bomb outrage' at the Writers Buildings, 2nd March 1911.

Ibid., p. 292

²¹ Ibid., p. 292

²² Heehs, *Bomb in Bengal*, p. 138

²³ Sumit Sarkar, *Swadeshi Movemen*, p. 480-481

...not to commit *dakaiti* but assassination, with a view to remove from the field officers who have obtained an insight into our working, and to inspire fear amongst other officers, so that political repression will come to an end, anarchism will prevail, and in course of time we will get *swaraj*, as the Government will undoubtedly not be able to cope with our organizations.²⁴

These clearly were the aims of the society located in British India. But it is important to understand how these aims would translate for the French subjects. What would the term *swaraj* mean for the French subjects in India, given that universal male suffrage had already been given to them in 1871?²⁵

On 2nd May 1908, the Manicktollah garden was raided and many of the members of the society including Barin Ghose were arrested. Arrests were also made in other parts of Calcutta and of those arrested, two, Kanai Lal Datta, Upendranath were residents of Chandernagore. Charu Chandra Roy was arrested on 2nd June 1908, in Chandernagore, and was placed on trial alongside the other members of the society arrested earlier.²⁶ With the capture of several members of the gang during a raid, details of the Chandernagore Society and their activities were brought to the fore.²⁷ Most of the information on the Chandernagore Society comes from the statements made by those who were captured at Manicktollah and British police surveillance reports. With the arrest of the Manicktollah gang, the activities of the Chandernagore society subsided a bit but according to official reports secret societies continued to be formed in Chandernagore and the remnant of the Manicktollah Society sought refuge there.²⁸

²⁴ Sneyd Hutchinson, 'Note on the Growth of Revolutionary Movement', p. 330

²⁵ Ajit K. Neogy, *Decolonization of French India. Liberation Movement and Indo-French Relations, 1947-54*, Institut Français de Pondicherry, Pondicherry, 1997, p. 2.

²⁶ Sneyd Hutchinson, 'Note on the Growth of Revolutionary Movement', p. 291

²⁷ Home (Political A), December 1913, nos. 15-16

²⁸ Home (Political A), May 1912, nos. 28-29

The Case of Charu Chandra Roy

Being so close to Calcutta, Chandernagore was easily accessible by rail and by road. There was a daily movement in and out of Chandernagore, of mill-hands, clerks and others via the rail, road and ferry since many of the labourers working in mills along the river as well as clerks working in Calcutta resided in Chandernagore.²⁹ Of the 4000 Muslims in Chandernagore, most worked in the Jute Mills at Kankinara, on the opposite side of the river, i.e. British Bengal.³⁰ The Gondalpara Jute Mills, in Chandernagore, were a source of employment for a number of men who came from different parts of Bengal and were employed in the Mills in various capacities.³¹ Apart from employment education also generated cross border movement of students residing in Chandernagore but studying in Calcutta, and those studying in Dupleix College in Chandernagore but residing in other parts of Bengal.³² This fluidity of movement and open borders raises interesting questions about the relations between the populations of the British and the French colonies as well as how the respective States perceived the presence of foreign subjects on their territory.

An analysis of the list of suspects from Chandernagore (see Appendix VI) also throws interesting light on the scope of movement of people. Of the leaders of the Chandernagore society along with Charu Chandra Roy, as reported by Sub-Inspector Preo Nath De, Pradhan Bhur, Ananda Prasad Chatarji, Sirish Chandra Sur were pleaders of the Hoogly Court and residents of Lalbagan, Chandernagore. Kali K. Ganguly from Burdwan was a teacher of the Dupleix College. Out of the 22 suspects, 20 were French subjects. Of the other two one was a resident of Chinsura, while the other had been a resident of Chandernagore for some time but

²⁹ Home (Political A), December 1913, nos. 15-16

³⁰ Note on Chandernagore by Mr. Abdul Majid, Deputy Superintendent of Police, Criminal Intelligence Department, in Amiya K. Samanta (compiled and ed.) *Terrorism in Bengal, A Collection of Documents on Terrorist Activities from 1905 to 1939. Vol. III*, Calcutta, 1995, p. 312

³¹ *Ibid.*, p. 319

³² *Ibid.*, p. 320

now was living in Calcutta. Of the 20 French subjects, 4 were students in British Bengal. Two were students in Calcutta and stayed there as well, though they were originally residents of Chandernagore. The other two were students of Bhadreswar School in Hoogly but stayed in Chandernagore.

With respect to employment, 12 out of the 20 French subjects were employed in British Bengal. One was a teacher, one kept a grocer's shop at Calcutta and also served in an advertisement company's office. One of them had a stationary shop in Calcutta and was also reported to have some zamindari. While the location of the zamindari is not specified, it is probable that it was in British Bengal. Four were employed as clerks in private concerns. Two were employed with the East Indian Railway, one as a clerk in the Military Accounts offices, Calcutta and one as a draftsman in the District Engineers Office, Gaya. One was a pleader in the Hoogly court. Of all these, only one stayed in Calcutta, though a resident of Chandernagore. The rest stayed in Chandernagore and probably travelled everyday.

The data thus reveals that even though Chandernagore belonged to the French, French and British subjects freely traveled across the border. On the one hand, in jurisdictional term the border was clearly defined and had an international sanctity. On the other the free movement of people suggests that it was not a patrolled frontier. British subjects often took advantage of this duality by seeking refuge in Chandernagore in order to escape British jurisdiction. There are several instances of such activity during the course of my study. Sometime in May 1869, a man named Pran Kisto Bose, the late cash-keeper of the Calcutta Customs House, was accused of embezzling funds from the Custom House. The British Police, however, were unable to apprehend him since he had taken shelter in Chandernagore.³³ In 1873, in a similar case, a man named Beepin Behari Ghose, a

³³ Foreign (Political A), June 1870. nos. 323-326

clerk of the East Indian Railway Company, accused of maintaining fraudulent accounts, also took refuge in Chandernagore to escape British law.³⁴ Offenders of the British Government of India, thus, often used Chandernagore as a hideout. In the context of the political turmoil of the first decade of the twentieth century, this became a matter of concern since the Anglo-French colonial border increasingly came to be used by political prisoners as an escape route. The most famous of these cases was of Aurobindo Ghosh who on being warned by his associates about the British Government's plan to deport him escaped to Pondicherry via Chandernagore in February 1910.³⁵ Previously, in 1908, Subramanya Bharati, a nationalist poet, feeling the heat of the colonial administration in Madras had also chosen to seek refuge in Pondicherry from where he continued the publication of his nationalist Tamil Weekly Magazine called *Indian*.³⁶ Even later, during the Chittagong Armoury raid in 1930, the accused sought refuge in Chandernagore, and stayed in hiding there till the raid by the British Police on the night of 1st September 1930, which resulted in their capture.³⁷

The anti-colonial movements in British India also influenced Chandernagore. During the *Swadeshi* Movement, as discussed above, Secret Societies of Bengal, especially the Manicktolla Society had established links with Chandernagore. After the raid at the Manicktolla garden, names of the members of the society were revealed and one of them was Charu Chandra Roy. The statement of Noren Gossain, the approver in the Alipore Bomb Trial, referred to Charu Chandra Roy as being a frequent visitor to 32, Muraripukur Road, Manicktollah. He was accused of supplying arms and money to the terrorists and being closely acquainted with Kanai Lal Dutt, who was eventually convicted for the murder of the approver

³⁴ Foreign (Political B), January 1874, nos. 9-13

³⁵ Peter Heehs, *Sri Aurobindo: A Brief Biography*, Oxford University Press, Delhi, 1989, p. 69

³⁶ A. Ramasamy, *History of Pondicherry*, Sterling Publishers, New Delhi, 1987, p. 155

³⁷ Home (Political), 1930, no. 4/9/1930, Home (Political), 1933, no. 45/19/1933. For details on the Chittagong Armoury Case see M. Chatterjee, *Do and Die: The Chittagong Uprising 1930-34*, Penguin, New Delhi, 1999

Noren Gossain. On the basis of the evidence a warrant was made charging him with

abetment of murder (Section 302-107, Indian Penal Code), hiring, or conniving to hiring, of persons to join an unlawful assembly (Section 150, Indian Penal Code), harbouring persons hired for an unlawful assembly (Section 157, Indian Penal Code) and breaches of certain provisions of the arms Act (Section 19 & 20, Arms Act).³⁸

Following this the Government of Bengal made a demand for the extradition of Charu Chandra Roy to the *Administrateur des Colonies*, Chandernagore. The *Administrateur*, however, insisted on being informed in detail about the crimes for which the extradition was demanded before making any decision. This however, was not appreciated by the British, who claimed that in the past no such demand had been made and that it was '*likely to cause the most serious inconvenience in the administration of criminal law not only in British India but presumably also in French India*'.³⁹ The French Mayor's desire to know more was perceived to upset the free functioning of British jurisdiction. The Government of Bengal believed that if they considered a person to be a serious criminal then the French authorities should hand him over. This was believed to be the rightful claim of the British in India. Such a reaction to the desire of the Mayor to know the details of the case again brings out the complexity of the relation between the English and the French in India at time. For the Government of India arresting a person perceived to be a criminal was a matter of technicality. However the person in this case was a French subject and consequently the Mayor was justified in his claim. What was perceived as an irritant for the Government of Bengal was in actuality an assertion of the rights of another sovereign entity.

However, given the need for urgency in this case, the desired information was forwarded without making an issue out of it. The charges against Charu Chandra

³⁸ Home (Judicial A), November 1908, Nos. 151-161

³⁹ *Ibid.*

Roy were that he was engaged, along with others, in the preparation of explosives at 32, Muraripukur, Manicktollah, with the intention of using them to murder certain persons. Amongst the targets were Sir Andrew Fraser, K.C.S.I, Lieutenant Governor of Bengal, M. Tardival, Mayor of Chandernagore and Mr. D.H. Kingsford. In the pursuance of this, two persons Mrs. and Miss Pringle Kennedy were actually murdered at Muzaffarpur on 30th April 1908. He was also charged with being present at the Manicktolla Garden several times, between 1st December 1907 and 1st May 1908.⁴⁰ Charu Chandra Roy was arrested on 2nd June 1908 and placed on trial along with the other accused in the Manicktollah case.⁴¹ The extradition case provides another interesting entry point into the nature of the relationship between the colonial powers on the sub-continent. The contested case of extradition enables one to look at the concerns of both the colonial states as well as the pressures working on them.

As the trial proceeded, it became clear that the Charu Chandra Roy along with the others accused in the case could not be conveniently tried under the sections that were mentioned in the warrant and on the basis of which he was extradited. It was felt that they should be charged under Sections 121, 121-A, and 123 of the Indian Penal Code.⁴² So, Charu Chandra Roy was actually committed on the charges of

Waging or attempting to wage a war or abetting waging of war against the king (Section 121 Indian Penal Code), conspiring to commit offences punishable under Section 121 (Section 121-A Indian Penal Code), (and) concealing with the intent to facilitate design to wage war (Section 123 Indian Penal Code).⁴³

The problem now was that he was being tried under charges that he had not been extradited for and that the crimes for which he was being tried, as framed under

⁴⁰ Ibid.

⁴¹ Sneyd Hutchinson. 'Note on the Growth of Revolutionary', p. 291

⁴² Home (Judicial A), November 1908, nos. 151-161.

⁴³ Ibid.

these Sections were political in nature. The debate around the extradition issue thus focused primarily on whether the Government of India was within its rights to make such a change. The debates around the trial thus also provide interesting insights into the relations between the two colonial governments in India, and how far the existence of the French, however small their territory may be, was a thorn in the side of the British.

It is the contradiction between the desires of the British Colonial Government to prosecute those who were considered dangerous for the State, and International Laws that governed the relations between England and France, in India, which is most clearly brought out by the extradition case. Extradition between the English and French Governments in India was governed by the Article 9 of the Treaty of 7th March 1815, signed between England and France. Article 9 provided that,

all Europeans and others whosoever, against whom judicial proceedings shall be instituted within the limits of the said settlements or factories belonging to His Most Christian Majesty⁴⁴, for offences committed or for debts contracted within the said limits, and who shall take refuge out of the same, shall be delivered up to the Chiefs of the said settlements and Factories; and all Europeans and others whosoever, against whom judicial proceedings as aforesaid shall be instituted without the said limits and who shall take refuge within the same, shall be delivered up by the Chiefs of the said Settlements or Factories upon demand being made on them by the British Government.⁴⁵

The meaning of the word 'offences' in this clause, however, was limited, in practice, to offences of a grave character, excluding petty offences and offences of a political character. Though political offences were not specifically excluded. The accused was to be surrendered '*upon application supported by a warrant and summary of charges*'. While under the provisions of this Article the British could demand the surrender of all offenders of all nationalities, French citizens included, it was also felt that the effect of the extradition laws depended

⁴⁴ The reference made here is to France. N.A.I.. Home (Judicial), Progs. A, November 1908, nos. 151-161.

⁴⁵ Foreign (General A). Confidential 1910. nos. 31-41

as much upon the spirit in which they are executed as upon the terms of the laws themselves. And if the French authorities are not disposed to surrender their own nationals, or to act upon the mere demand of the British Government, they will easily find the means to avoid their obligations.⁴⁶

The above statement clearly reveals the anxiety of the British over the inconsistencies caused by such an arrangement.

The problem with the case began when the Government of Bengal tried to alter the charges for which Charu Chandra Roy was being tried. Since 1815, there had been several other treaties, which also governed the procedure of extradition, the last important one being the Extradition Treaty with France, of August 1876. According to the terms of the treaty, a person could not be tried on any charge other than those on which he was extradited on, from a foreign country, unless he was restored or given an opportunity of returning to the country from which he was surrendered.⁴⁷ The Treaty also specifically excluded political offences from the charges on which a person could be extradited. It is on these grounds that the Governor of Pondicherry urged that Charu Chandra Roy should not be '*proceeded against for offences other than those mentioned in the demand for extradition*'.⁴⁸

However, Article 16 of the Extradition Treaty of 1876 stipulated that the terms of the Treaty '*shall not in any way affect the arrangement established in the East Indian possessions of the two countries by the 9th Article of the Treaty of the 7th March 1815*'. Thus a section of the British administration argued that since nothing in the arrangements of the Treaty of 1815 referred to the offences for which the criminal may be tried after surrender, Charu Chandra Roy could be tried on alternate charges. Legal experts, of the British Colonial Government, however, pointed out that the clause in the Treaty of 1876, stipulating that no

⁴⁶ Ibid.

⁴⁷ Home (Judicial A), November 1908, nos. 151-161.

⁴⁸ Ibid.

extradited criminal could be proceeded against except on the charges on which he was extradited, was in no way inconsistent with any clause of the Treaty of 1815. Thus the stipulation would stand for the trial of Charu Chandra Roy as well. It was now argued that even though the charges for which Charu Chandra Roy was being tried may have been altered, the basis remained the same. The new charges were also framed on the basis of the evidence on which his extradition was demanded. Thus while technically there may be a difference, in actuality there was none.⁴⁹ The problem however was that according to the new charges, Charu Chandra Roy came to be accused for what was considered to be a political crime. According to the Treaties, it was the party granting the surrender who had the right to decide whether the crime for which extradition was demanded was political in nature or not. It was only when it was established that the crime was not political that surrender was to be made.⁵⁰ However, in this case, the political charges were applied after the surrender and this created problems.

In a letter to the Secretary to the Government of India, F.W. Duke, the Chief Secretary of the Government of Bengal, wrote that a political offence was constituted only when there were two parties striving for sovereignty in the state. Thus, murder of a Government official or an attempt to murder would not be considered a political crime if it were not part of an organized attempt to set up an alternative Government. Accordingly, the crimes for which Charu Chandra Roy was accused were not political.⁵¹ The political dimension to the case arose from the wording of the Sections 121, 121-A and 123 of the Indian Penal code, under which Charu Chandra Roy was now being tried. The real problem with the case, as the Chief Secretary to the Government of Bengal pointed out, was that the class of evidence which became available under the law of conspiracy in England, and in gang cases, i.e. the evidence of association, carried greater weight and could be

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

used for conviction in a case for conspiracy against the State, but would not be of much use in specific charge of murder. Thus, it would have been easier to convict Charu Chandra Roy, if he were tried along with the rest of the accused of the Manicktollah gang. The political aspect of the crime however created a problem in diplomatic relations.

Like in the case of deciding sovereignty and controlling smuggling, as discussed in the previous chapters, here again, the Government of India had to give in to pressures of international law and diplomatic relations. Since extradition involves the rights of a person, this case also provides a limited insight into the way the subject was dealt with by the French colonial authorities. Why was the French administration in India defending the rights of Charu Chandra Roy, a man clearly involved in a variety of anti-colonial activities? At an idealistic level it might be argued that it was the French notions of the rights of the individual which governed the actions of the colonial government. However, at a more real level, it can be seen that the defence of the rights of the subject also in a way signified a defence of the rights of the French colonial government in India. As has already been argued in the first chapter, by this time, the British had become wary of the French overseas ambitions and the threat of German colonial expansion. In spite of the *entente cordial* between the French and the English, the sense of competition between the two did not decline. In India, the English became even keener to acquire control over the French settlements as they became areas of refuge for political convicts.⁵² Under such circumstances holding ground would have become most essential. Another factor determining the French attitude could be the public opinion that the case generated.

⁵² Samuel Berthet, *Cultural Dynamics and Strategies of the Indian Elite (1870-1947). Indo-French Relations during the Raj*, Manohar, 2006, p. 20. He also gives the fear of a Russian invasion as one of the reasons for the expressed desire to control the foreign settlements in India. Though, I am not sure how the Russian threat would have been prevented had the British controlled the French settlements because it was the North Western frontier which had to be secured against the Russians, while the French settlements were largely scattered coastal towns.

The handing over of Charu Chandra Roy to the British, it appears, evoked a strong response from the population of Chandernagore as well as British Bengal. The *Samay*, Calcutta, reported that the arrest of Roy had '*given rise to a great agitation among the inhabitants who have petitioned the French authorities on the subject. The result is anxiously awaited.*'⁵³ The public reaction to the surrender of Charu Chandra Roy and the alteration of the charges under which he was to be tried, can be gauged from the reports in the newspapers. The *Daily Hitavadi*, Calcutta, accused the French authorities in Chandernagore of being '*guilty of dereliction of duty by permitting the British police to arrest that gentleman. It is a regrettable instance of the moral degradation of the freedom-loving French nation.*'⁵⁴ Such a reaction also seems to suggest certain expectations from the French. Given the French Revolutionary tradition it is assumed that the French would stand up to defend their rights, and so such an act is seen as bowing down. Here again there is a hint of holding the French as ideals of good rulers. Therefore, the act of handing over Charu Chandra Roy is seen as an act of surrender to the British. This idealization of the French needs to be placed in the context of the influence of French culture on the Bengali intelligentsia. Samuel Berthet has argued that French culture played a significant role in '*constructing social customs and rituals and institutions for the social reproduction of a new élite*', more so because it had an autonomous existence vis-à-vis British colonial power since it existed outside it.⁵⁵ He argues that the Indian elite, disillusioned by British liberalism, as a consequence of their colonial policies and the 'drain of wealth', started becoming attracted to French philosophy and thinking.⁵⁶ The influence of the French on the 'revolutionary terrorists' is more evident. Several members of the secret societies went to France to be trained the art of making bombs.⁵⁷

⁵³ R.N.P., Bengal, July 1908

⁵⁴ R.N.P., Bengal, August 1908

⁵⁵ Samuel Berthet, *Cultural Dynamics*, p. 13

⁵⁶ *Ibid.*, p.28

⁵⁷ Sarkar, *Swadeshi Movement*, p. 479-480

An article in the *Matribhumi*, a newspaper from Chandernagore, dated 1st October 1908, is also of some interest in this context. The article argued that the turn around by the British colonial Government was a devious tactic. It said that the British were aware that under the terms of the Treaty of 1876, they could not try Charu Chandra Roy for 'political offences'. So, they prepared an extradition warrant for him for offences under Sections 150, 157, 107 & 302, under which the accusations were not for a political offence. However, once they figured that it would be difficult to convict Charu Chandra Roy under these Sections, they very conveniently changed the Sections under which he was charged. This, the article argued was in violation of the terms of the Treaty, since the Treaty also said that a person extradited for a certain offence could not be put on trial for any other offence. Changing of the charges and trying Charu Chandra Roy for 'political offences', the article argued, was a breach of the Treaty. The article suggested that since the Treaty was '*half broken*' by the British, Charu Chandra Roy could in no way be tried in an English Law Court. It was a pity the French Government in India did not use this as a solution. The report thus ends by asking, '*Is it not unsafe to live under such a weak government?*'⁵⁸ The report of *Matribhumi* becomes significant in the light of the fact that the paper was based in Chandernagore. The report contained a critique of both the British as well as the French. For the subjects of French Settlements in India, this issue provided a peg from which a critique of the French Government could be launched. Given the political scenario in Chandernagore, with the *swadeshi* movement, the arrest of one of their leaders, by a foreign power, could provide another point of struggle.

Given the situation, in November 1908, under the orders of the Government of India, charges under the sections 121, 121-A and 123 against Charu Chandra Roy were dropped since it was held that in accordance with the treaties existing between France and England '*he could not after arrest on an extradition warrant*

⁵⁸ R.N.P., Bengal, October 1908

be put on his trial for political offences'. However, it was decided to proceed with his prosecution under the Arms Act. Here too it was felt that the French authorities might raise objection '*to his prosecution under the Arms Act in French territory, and that the offences under that act would not be punishable under French law*'.⁵⁹ The British did not perceive a problem in this since there was nothing in the Treaty of 1815 that provided for '*a similarity of criminal law between England and France on the topic of jurisdiction*'.⁶⁰ This becomes interesting in the context of the fact that during the course of the trial, the *vakil* of Charu Chandra Roy had put in a petition on the behalf of the accused and also a certificate from the French authorities showing that Charu Chandra Roy was '*invested with all rights and privileges of a French citizen, he being an elector of Chandernagore*'.⁶¹ Would this then limit the extent to which British law could be applied on the accused? However, to avoid any complication it was decided to add to the charges under the Arms Act, charges for abetment of murder on the ground that he was part of the Manicktolla gang and that he was aware of the conspiracy to murder British officials. Eventually, however, the case against Charu Chandra Roy was withdrawn on 5th January 1909, on political grounds since he was a French subject.⁶² It is said that the charges against Charu Chandra Roy were eventually withdrawn due to the intervention of the French Ambassador at London.⁶³

⁵⁹ Home (Political A), January 1909, no. 126

⁶⁰ Home (Judicial A), November 1908, nos. 151-161

⁶¹ Home (Political B), December 1908, nos. 96-110. From a report in the *Tribune*, Lahore, dated 13th September 1908.

⁶² Sneyd Hutchinson, 'Note on the Growth of Revolutionary', p. 291. The Chief Secretary of Bengal in his letter to the Secretary to the Government of India, dated 15th January 1909, however, stated that evidence of Europeans from Chandernagore had provided an alibi for Charu Chandra Ray, against the accusation that he was at the Manicktollah Garden at time the conspiracy was being hatched. He further said that private evidence received by the Bengal Government also showed that Charu Chandra Roy was not the man referred to in the documentary evidence, and that the name was an *alias* of one of the conspirators, still under trail at Alipore and under such circumstance the case was withdrawn. N.A.I., Home (Political), Progs. A, January 1909, no. 126. How far this is a cover up for not being able to convict Charu Chandra Roy is difficult to gauge.

⁶³ Hiren Chakrabarti, *Political Protest in Bengal, Boycott and Terrorism in 1905-1918*, Papyrus, Calcutta, 1992

The inability to convict Charu Chandra Roy was considered a major set back by the British Government and it was believed that it would establish a precedent that would be difficult to overcome. The Government of India was not entirely pleased with the new French Foreign policy of not allowing the French citizens to be surrendered to the British Indian Courts. According to the Government of Bengal, the *'effect of the precedent established by Charu Chandra Roy's case was to restrict seriously freedom of extradition for offences in the least degree tinged with a political character and that the situation would be made more complicated by the acceptance of the proposed innovation'*. It was also argued that the meaning of the term "political offences" should be strictly limited since otherwise, *'French subjects waging war in any form against the British Government would not be liable to extradition from the French possessions'*. And in the face of the political situation in Bengal, the Bengal Government was not prepared to *'surrender a single weapon from its armoury'*.⁶⁴ It was suggested that a negative definition of 'political offences' should be adopted with it being interpreted as *"not to debar a demand for extradition for such acts as waging war against the King, or for any act calculated to interfere with the peace and good order of His Majesty's dominions"*.⁶⁵

The case of the extradition of Charu Chandra Roy brings out several facets of the Anglo-French relations in India at this time. The recurring theme is the anxiety of the British regarding the French settlements that provided an easy escape route from British jurisdiction. For a State that was engaged in building an elaborate legal system to enable it to govern the subject population better, existence of territories within the geographical context of the British jurisdiction yet falling outside it was an irritant. It became a problem especially in the context of the movement of the people, between the two territories not being restricted. While the French subject could freely move around any part of British India, the British

⁶⁴ Home (Political A), December 1913, nos. 15-16

⁶⁵ Foreign (General A), Confidential 1910, nos. 31-41

State had no jurisdiction over him. Yet, at the same time, this person could conspire against the British King.

Another question that can be looked at in this context is the location of the French subject. While there was an elaborate procedure for the extradition of Charu Chandra Roy and the protection of his rights, another resident of Chandernagore, Kanai Lal Datta was tried and hanged for the murder of the approver Noren Gossain in the Alipore Jail. Both Kanai and Charu Chandra Roy were being tried for the same conspiracy case. Nowhere did I come across any reference to the permission of the French being sought to try Kanai and even during the trial there is no reference to his rights being protected as a French subject. This could be either because Kanai was arrested in British Bengal or that he was merely a resident of Chandernagore, not a French subject. This brings up the question of who was a French subject. Mere residence in Chandernagore evidently was not the basis of subject-hood. Was it ownership of property? Charu Chandra Roy, during his trial was once asked whether he owned any property in British Territory and he replied that he had none.⁶⁶ However, as we have seen, one of the people mentioned in the list of suspects, who was recognized as a French subject was suggested to own some property in British Territory as well. Being an elector of the French Settlements was a marker of being a French subject. All French male subjects in India, European or Indian, above the age of 21 were given the right to vote in 1871. Again, who was this subject is difficult to ascertain.⁶⁷ The grounds for being declared a French subject and thus being protected by the French law is an aspect that needs to be further explored.

⁶⁶ Home (Judicial), Progs. A, November 1908, nos. 151-161

⁶⁷ Ajit K. Neogy. *Decolonization of French India*, p. 2

Cession Blues

The real problem with the French settlements, as has been seen in all the chapters was that the British state in its relations was limited by the dictates of International Law and diplomatic relations. In the context of the early twentieth century turmoil in colonial India, this anxiety is best reflected in the following words,

...there exists within 20 miles of Calcutta a centre of anarchist conspiracies where plans may be hatched, bombs manufactured, arms imported, emissaries instructed and youths depraved with absolute impunity. It is not denied that other places in India may have their seditious organisations, but they are amenable to British law.⁶⁸

The problem existed at two levels. One was, as has been seen in the above section, that in the case of a French subject, accused of committing a crime against the British State, the latter were bound by various international agreements that made extradition as well as conviction difficult. The second was that if a subject of British India, who was accused of certain crimes in British India, sought refuge in the French territories it became difficult to track them down. It was believed that the French administration in India was too 'inefficient' to be able to do anything effective about controlling 'anarchism' in their territories. Even when they desired to do so they were short staffed and the State was too weak to carry out any concrete plan of action.⁶⁹ This argument, however, cannot be taken at its face value as it thinly disguises the British fears regarding another sovereign space within their territories. The rhetoric of a weak government was always used with respect to the Native States in India, whenever the British wanted to mediate in their affairs to their own advantage. Perhaps a similar case was being built vis-à-vis the French in the hope that some extension of British authority might be justified. The police of French Chandernagore was considered especially

⁶⁸ NMML, Chelmsford Papers. Annexe to the letter from the Secretary of State, dated 3 August 1916.

⁶⁹ Home (Political A), December 1913, nos. 15-16

inefficient and their bureaucratic ways were considered to be a great hindrance to any plan of capturing the suspects.⁷⁰ It was said that they were less paid than the British police and were perhaps more inclined, than the British police in India, towards '*doing things which in an European country would be looked upon as very wrong*',⁷¹ suggesting that they were more inclined towards accepting bribes. The above quoted statement also reflects the self-perception of the colonisers as being ethically and morally superior to the subject population. In this context it is interesting that the police in Chandernagore was mostly composed of British subjects.⁷² Moreover, the delays caused by diplomatic proceedings also hindered their activity.⁷³ According to the British official records, the French were not willing to take the matter of movement of 'anarchists' as seriously as it should be taken. They were not willing to keep a strict watch over the suspected 'terrorists' or take action against them as long as there was no overt incident in Chandernagore or there was conclusive proof that French law had been violated.⁷⁴ For the British then, this was a particularly awkward situation since they became completely helpless once the suspect moved to the French territories. There was an attempt, though not too successful, by the Government of India to keep surveillance over the 'anarchists', members of the Manicktolla gang, in the French territories. Watchers, plain clothed British policemen, were posted to shadow and keep track of the movement of the prime members of the gang. But actual shadowing was considered to be virtually impossible in Chandernagore.⁷⁵

It was not as if the French were always unwilling to help. In an interview with the Governor of Bengal, M. Martineau, the Governor of Pondicherry agreed to allow British agents, whether police, watchers, or others, to enter Chandernagore in order to control those, the British believe to be political criminals. But the agents

⁷⁰ Home (Political), 1933, no. 45/19/1933

⁷¹ NMML, Chelmsford Papers. Annexe to letter to the Secretary of State, dated 18th October 1916

⁷² Ibid.

⁷³ NMML, Chelmsford Papers. Annexe to the letter from the Secretary of State, dated 3 August 1916.

⁷⁴ Home (Political A), May 1912, nos. 28-29

⁷⁵ Home (Political A), December 1913, nos. 15-16

would function only as far as the French law would allow them to⁷⁶, which the Governor of Bengal felt would not give that much power to them. In this context the Governor also pointed out the difference between the governance in both the colonies. He said that,

Indians, who are also French subjects, have very much simpler and far more direct means of bringing their grievances, real or fancied, to the notice of the Government in Paris than Indians, who are British subjects have of drawing attention in England to theirs.⁷⁷

The roots of both the problems faced by the British, thus, lay in the different systems of governance prevailing in the two colonies and the different traditions of legality that they were drawn from. The rights accruing to a French subject in India were different from those accrued to the British subjects. At one level the British complaint about the laxity of the French reflects the formers anxiety about the space controlled by the French. However, what may be perceived as laxity by the British, may actually, for the French, be their law.

For the British, the only solution to the problem of French Chandernagore was the cession of the territory, and the *loges*, to the English in return for consolidation of the French territories around Pondicherry, and even compensation for some general settlement of outstanding questions in the Gulf.⁷⁸ The British were trying

⁷⁶ Though there were limitations put by French laws, there are instances of these limitations being overcome or circumvented to facilitate the actions of the British Police. One such instance was the raid in Chandernagore on the night of 1st September 1930, which resulted in the capture of some of the accused in the Chittagong Armoury Raid Case. The accused had been staying in Chandernagore for about two months in a rented house which was rented out to Suhasini Ganguly and Sasadhar Acharya, who were posing to be man and wife. They however, were not subjects of the French. This again poses interesting questions about the relations between the subject population of the British and the French territories. During the raid, the British police had been assisted by the French authorities. The raid provoked a strong reaction amongst the Indian subjects of Chandernagore and the Governor of French India feared that this pressure may result in the Minister of Colonies being posed awkward questions in the *Cambre des Deputes*. Thus he was anxious that the British Ambassador at Paris emphasise the urgency of the measure and say that the English police was '*merely storm troops*'. This brings out the complexities of the Anglo-French relations in India as well as the complex relations between the coloniser and the ruled in the French colonies. Home (Political), 1930, no. 4/9/1930. Home (Political), 1933, no. 45/19/1933.

⁷⁷ NMML, Chelmsford Papers. Annexe to letter to the Secretary of State, dated 18th October 1916

⁷⁸ Home (Political A), December 1913, nos. 15-16

to negotiate an exchange of territory in Africa in order to control the arms smuggling from the French territories. While M. Tardival was said to have been favourable to this proposal, French official policy had been consistently opposed to it.⁷⁹ This again reflects the contradiction between the reality on the ground and the perceptions of 'national pride'. Since cession could not be worked out leasing of Chandernagore to the British was thought to be another alternative. A lease, it was felt, would give the British the requisite rights, while at the same time it would perpetuate the fiction of French sovereignty.⁸⁰ The negotiations, however, never proved conclusive. Why should the French be opposed to a plan of exchange of territories? French territories in India were anyway scattered, with the largest settlement being Pondicherry. In such a case it ought to have been advantageous for the French to try and consolidate its area of control rather than have it scattered around. To an extent it was the pride of the French to not appear to be bowing down to the English that motivated this stand. An article appearing in the *Dépeche Coloniale* dated 12th November 1910 expressed the public opinion as being against the cession of the French settlements in India. It said that while undoubtedly consolidated area would be good for the French, it would imply giving in to the British and thereby injure national pride.⁸¹ But perhaps the pressures of the subject population would have also gone some way in forcing the hand of the French. An exploration of the relations between the French and its subject population in Chandernagore, however limited, given the limitations of the sources, may perhaps shed some light on the matter.

The *Swadeshi* movement taking hold over Chandernagore, as we have seen, was also at certain points specifically directed against the French. Criticism of the French could be gleaned from the reports in the *Matribhumi*, a newspaper from

⁷⁹ Foreign (General A). Confidential 1909, nos. 1-9

⁸⁰ Home (Political), Progs. A, December 1913, nos. 15-16

⁸¹ Foreign, General B. Confidential, 1911, Nos. 46-49

Chandernagore. The following is an example of the kind of criticisms that were made. A report dated 26th November stated,

It seems that the French are incapable of evolving a sound system of administration. None but those possessing actual experience can have an idea how dangerous it is to live under such a disordered Government. Indians living in British territory imagine that it is a very good thing to be a subject of the French Republic but they have no idea that the French Republic is, at least in India, a delusion.⁸²

This however is part of a selection made by the British Government, from the native newspapers and thus may not be a correct representation of the views of the French subjects. This report may have been selected because it contradicts the popular perception of the British subjects about the governance in French India.

Despite the grievances, that the resident population may have had, when it came to the question of cession they were not too keen on it. In the *Indian Mirror* dated 4th April 1905, there was an article by a correspondent from Chandernagore expressing his gratefulness

... that the great calamity of being submitted to the galling yoke of British Indian slavery has been averted. Such a proposal...was dropped, as the people unanimously appealed to the president for the continuation of the protection of the Republic. The secret of this uncommon devotion is equality to administration.... The advantages enjoyed by the French citizen, which are shamelessly denied to the Indians who have the misfortune to groan under British domination.⁸³

Thus it might be argued that while on the one hand the subject population did oppose French imperialism, on the other it considered the replacement of it by the British to be a regressive step. The French subject population also had a stake, however limited in running their government in the Indian settlements. Universal

⁸² R.N.P., Bengal, November 1908

⁸³ R.N.P., Bengal, April 1905

male suffrage had been granted in French India in 1871. French India had two delegates for the French senate and another one for the Assembly.⁸⁴

At the same time, these rights troubled the French administration of Chandernagore, since they could be used by the subject population to forward their aims. For instance, in 1907, M. Tardival remarked that '*the natives... have the franchise for voting for a Deputy and there is a tendency to strive after a native majority in the Council and other public bodies. Europeans are in an absolute minority and this fact is being made most of.*'⁸⁵ M. Guyssonier, the Administrateur of Chandernagore also admitted, in an interview with an English police officer in 1911, that ever since M. Tardival had left, he had been afraid to hold elections for the post of Mayor since he felt that a Bengali would get in. He said that '*whereas the Bengalis always voted for a Frenchman as Mayor, now they want a man of their own race.*'⁸⁶ This exercise of franchise, often, in a way, tied the hands of the local imperial government as well. In the above mentioned interview the Administrateur also explained to the British officer that he would not be able to do much with regard to keeping an eye on 'suspects' or keeping their activities in check since his hands were tied. The explanation is as follows,

In the last election for the Chamber of Deputies, a young journalist on the staff of the *Debats* in Paris came to India, and by making all sorts of promises to the native electors in Pondicherry and Chandernagore, succeeded in getting himself elected Deputy for French India. the man is a Socialist, a member of the 'Jaures' group, and he lives by his present appointment, so he is not likely to offend his electors, at whose bidding he is always ready to awkward interpellations in the Chambers.⁸⁷

Thus, the rise of nationalist sentiment found its expression in the exercise of the franchise given to the subjects by the colonisers.

⁸⁴ Ajit K. Neogy, *Decolonization of French India*, p. 2

⁸⁵ Sneyd Hutchinson, 'Note on the Growth of Revolutionary', p. 282

⁸⁶ Home (Political A), December 1913. nos. 15-16

⁸⁷ Ibid.

The relations between the ruler and the ruled in the French territories thus, were governed by a complex set of factors. On the one hand the subject population had certain rights, such as selecting their representative in the French Parliament, however limited they might have been. These rights worked as a pressure mechanism on the colonial government, as has been discussed above. In this context it would be interesting to see how the regime changes in France affected the colonies and how the politics of the elected Deputy for French India affected the relations between the French Colonial Government in India and its subject population.⁸⁸ For instance, when the above-mentioned socialist was elected would the subject population in India have expected some substantial change in the government's attitude and policies? Also, how far would a Deputy elected to the French Parliament be able to represent the voice of the French subjects in India? Another interesting thing here is that the subject population seems to have a direct stake in the Home Government, given that it gets to elect one representative.

Given these different colonial relations, the demands made of the colonial government by the subject population may have been different from those of the British subjects. Thus, while at one level there was an affinity with the nationalists in British India, the aspirations of the Indian subjects of the French may have been slightly different at this point of time. The complex relation between the subject population and the coloniser in the French territories is reflected in the fact that the self-assertion of the colonial subject, in the French colony, takes the form of identification with and a defence of the French rule as well as a critique of it. For instance French rule was seen as being superior to the British and hence cession of Chandernagore was strongly opposed. The French Colonial Government was also criticised, at various points of time, for giving in to the demands of the British. Hence, being a French subject was a part of the identity and the self-assertion of

⁸⁸ For instance, it was with the coming of the Third Republic in France that voting rights were given to the French subjects in India.

the subject population. Their nationalism often took the shape of a loyalty towards the French Government. For the subjects of the French territories, their location as subjects of the French was a part of their 'nationalist' identity.

The existence of French Settlements in India created a logistical problem for the British colonial state, which was aggravated in instances of political tension. The French territories lay beyond the juridical control of the British colonial state. In the period of growing political extremism, in British India, this had become a cause of worry for the British Colonial State, since the French territories provided an escape route to the 'political suspects' in British India. Access to the French territories was very easy. At the same time the British Colonial Government was very keen to regulate the movement of commodities in and out of French territories, especially arms and ammunition, in this period. Thus, the very existence of pockets of non-British rule within British India created the space for countering British legal authority. At the same time it also fuelled the desire of the British Government of India to try and control or at least ensure 'suitable' regulation of these spaces in order to enable a more comprehensive regulation within British India. The demarcating of borders between the two states in itself provided the opportunity for the evasion of regulations in both the regions concerned.

CONCLUSION

In this dissertation, I have taken the Anglo-French border in India as an alternate entry point into the study of the colonial state in India. The scattered location of the French settlements created a peculiar situation. While on the one hand a rigid conception of the border had to be maintained, because of pressures of home politics and imperial competition, on the other, the local frontier also provided the site for negotiations and compromise. Small incidents and contests at this border thus need to be located within a global paradigm. A study of this border in India thus entails a simultaneous engagement with the local and the global.

The debates around the concept of sovereignty for instance need to be located in the wider context of the changing tactics of imperial control, which began with the scramble for Africa and increasing involvement in China. Towards the end of the nineteenth century indirect means of exercising imperial control were being devised and in this context the concept of sovereignty was also undergoing transformations. Because of the changing concerns of the imperial powers regarding direct territorial control and investment, more fluid conceptions of sovereignty incorporating notions of extra-territoriality were being worked out, as opposed to the rigid conceptions of the nineteenth century.¹ In a way one finds these changing concerns being mirrored in the debates over Calicut and Gyretty. The British, being more territorially entrenched and committed, were working with more rigid and clear defined limits of sovereignty, whereas for the French, who did not have a significant territorial commitment, fluid concepts of polity, akin to the eighteenth century, were more advantageous.

¹ For a detailed analysis see W. Ross Johnston, *Sovereignty and Protection: A study of British Jurisdictional Imperialism in the Late Nineteenth Century*, Duke University Press, Durham, 1973

An interesting theme that emerges out of these contestations on the border is the ways in which the arguments for sovereignty were being built using the discourse of property relations and ownership. In the case of Gyretty, this becomes clearly evident as the Government of India legitimised its claims on the basis of the fact that the land concerned was leased out to the French by proprietors who are British subjects. While the British claim was derived from ownership, the French emphasised habitation, those who cultivated the land being French subjects, as a basis for claims over the village. In both cases, however, it was the proprietorial claim of the two colonial states that was being contested. One thus observes a convoluted relation being developed between the concepts of power and property, ownership and jurisdiction, possession and sovereignty.

The peculiarity of this border as an international frontier within British India created complications for the Government of India in several ways. The primary concern of the British was the use of these territories to escape British jurisdiction, whether in the form of an evasion of duties or the escape of political prisoners. The tragedy for the Government of India lay in the fact that its attempts at trying to extend control into the French settlements were limited by the norms of international relations. The rhetoric of an inefficient government was often used to paint a picture of disarray in the French settlements and thereby make a case for British interference. However, unlike the Princely States, which were largely autonomous but owed suzerainty to the British, which enabled the latter to interfere within their juridical limits, the French were sovereign in their own space. The different systems of legality under the two regimes often created problems for the British as it placed limits, both territorial and legal, on the Government of India.

However, the relations between the French and the English were not necessarily governed by opposition. As colonial rulers, the British and the French had certain common interests that surfaced in the context of anti-colonial sentiments.

However, questions of 'national pride', and possibly pressures from the subject population in the case of the French, prevented agreements regarding territorial exchanges from being worked out. Also, in an unequal situation, a non-compliance with the desires of the British, such as in the case of the extradition of Charu Chandra Roy, was one of the ways in which the French in India could assert their independence and sovereignty.

Through a study of the connections between the French settlement of Chandernagore and Calcutta during the *Swadeshi* movement one can see the complex ways in which anti-colonialism of the French subject came to manifest itself. The development of anti-colonial and nationalist sentiments amongst the French subject was shaped by the different way in which French colonialism operated. In 1871 universal male suffrage was introduced in the French settlements in India and the French subjects elected a representative to the French Parliament. These rights also worked as checks, however limited, on the administration of the French settlements. In such a situation the demands and expectations of the French would also have been different. The Anglo-French border, however, was not naturally defined. The French and British subjects on either side of the border were not different from each other. Anti-colonial sentiments within the French settlements, thus, developed within the larger context of growing hostility to British rule in the rest of the sub-continent. Consequently, an assertion of their identity as French subjects became part of their critique of colonialism.

A study of the Anglo-French border thus offers a different perspective from those usually deployed to study colonial development in India. The incidents and moments studied here show that seemingly insignificant contests at the border often provide deep insights into the preoccupations of both the state and the subject population.

APPENDIX I

Relevant Articles from the Definitive Treaty of Peace between England and France, Paris, 30th May 1815¹

Article 8

His Britannic Majesty, stipulating for himself and his allies, engages to restore to his most Catholic Majesty, within the term which shall be hereafter fixed, the Colonies, Fisheries, Factories and Establishments of every kind which were possessed by France on the 1st of January 1792 in the Seas and on the Continents of America, Africa and Asia, with the exception however of the Islands of Tobago and St. Lucie and of the Isle of France and of its dependencies, especially Rodrigues and Les Seychelles, which several Colonies and possessions his most Christian Majesty cedes in full right and sovereignty to the Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which his Most Christian Majesty restores in full right and sovereignty to the Catholic Majesty.

Article 11

The places and Forts in the Colonies and Settlements, which by virtue of the 8th, 9th and the 10th Articles are to be restored to his most Christian Majesty, shall be given up in the state in which they may be at the moment of the signature of the present Treaty.

Article 12

His Britannic Majesty guarantees to the subjects of His Most Christian Majesty the same facilities, privileges and protection with respect to Commerce, and the Security of the person and property within the limits of the British Sovereignty on the Continent of India, as are now or shall be granted to the most favoured nations.

His Most Christian Majesty, on his part, having nothing more at heart than the perpetual duration of peace between the two Crowns of England and of France and wishing to do His utmost to avoid anything which might affect their mutual

¹ N.A.I. Foreign Department. (Foreign), Consultation 2nd August 1815, Progs. No. 17-30

good understanding, engages not to erect any Fortifications in the Establishments which are to be restored to Him within the limits of the British Sovereignty upon the Continent of India, and only to place in those Establishments the number of Forts necessary for the maintenance of the Police.

Article 14

Those Colonies, factories and establishments which are to be restored to His Most Christian Majesty by His Britannic Majesty or His allies in the Northern Seas, or in the Seas of the Continent of America and Africa, shall be given up within three months and those which are beyond the Cape of Good Hope within the next six months which follow the ratification of the present Treaty.

APPENDIX II

Petition Regarding the Claims of Chrisnoram Chowdry dated 10th February 1788¹

Chrisnoram Chowdry, Brahmin, of one of highest families in India, related to several Rajas of this country, has the honor to lay before my Lord the Minister of Marine that his father, Indernanrain Chowdry, entered in 1716 in the service of the French nation, and having filled the situation of Dewan with love and fidelity, he received in 1735, as reward for his services, a medal from His Majesty Louis the Fifteenth, which was presented to him by Mr. Dupleix, the Governor.

In 1755 Indernarain Chowdry gave, as a present to the French Company, a village called Boroe, which having displeased the Nabob, he was obliged to pay Rupees 60,000.

Some time after there happened an occurrence in that village. The Nabob, who could not bear Indernarain, because he was a friend of the French nation, made him pay another fine of 250,000 livres, besides 120,000 for the troops.

Chrisnoram Chowdry, his son, succeeded his father in the situation of Dewan, and inherited his affection towards the French nation. He received from Mr. Leyrit a medal similar to that of his father, Indernarain.

To the sad loss sustained by Chrisnoram Chowdry by the death of his father, followed the taiking of Chandernagore by the English.

Petitioner was sent by Mr. Renautts, Director, to Mr. Law, Governor of Cossimbazar, in order to solicit from the Nabob a help for the French nation. He

¹ Foreign (Political-A), August 1869, Nos. 285-289

obtained 25, 000 men, who became useless on account of the fall of Chandernagore. Mr. Watts, English resident at Cossimbazar, who was a witness to the Petitioner's mission before the Nabob, gave the last stroke to his misfortunes in having demolished the two houses he possessed in Chandernagore, and he was the only native who experienced such a cruelty. He lost in that case 250,000 pounds.

General Clive tried in vain to make him give up the interest of the French nation, making him the most advantageous offer.

In 1765, Mr. Law, having come to retake possession of the French Settlement in Bengal, the Petitioner was kept in his situation, Dewan.

Chandernagore was retaken for a second time by the English on the 10th July 1778. Mr. Dangeraux, General Agent for the King, took again possession of the French Settlement in the name of His Majesty. The English made some difficulties to give up Gyretty.

The Petitioner showed plainly that his father had had that gift to the French nation. That portion of Gyretty which Chrisnoram added to the one his father had given to the nation cost this latter 2,50,000 Rupees, besides all the expense made by him to increase the territory of Chandernagore, and all the lands which he added to those belonged to the nation.

Chrisnoram had the honor to beseech my Lord the Marshall de Castries to kindly allow him a fit pension, so that he may live upon according to his position. He entertains the hope that this Noble Minister, who is always ready to reward the subject of His Majesty who have served well the nation, will be good enough to give him and his son, Cassinath Chowdry, an employment in all the circumstances

where he may give new proofs of his zeal attachment to the French nation. He will never cease to wish for the prosperity of the nation, and the happiness of the honourable Minister, whose kindness he implores.

We the undersigned old servants of the King and of the Company in this colony do certify that we are acquainted with the facts related in the above petition by Chrisnoram Chowdry, and we beg of the Minister of His Majesty to grant him his demand, deserved by his father and by him in all the cases in which he was appointed for the service of the nation.

(Sd.) L.C. DANGERAUX

F. NICHOLAS BREN.

DE NERRINE ET NICOLAS

DELA MIRTURE

APPENDIX III

Statement of lands in the map of 1845-46-Survey of 1845-56¹

Thakbust mist number.	Names of villages.	Names of pergunnahs.	Area.		Remarks by no.	Area within the ditch.		REMARKS.
			A.	R. P.		A.	R. P.	
271	Daspoockhoorya	Boro	111	3 0	Deduct 111 3 0 5 0 35 as per map of '51 lying out-side the ditch ..			
267	Burnugger	Ditto	120	2 25	Remains 100 2 5 within the ditch. ..	100	2 5	
272	Kantapookhoorya	Ditto	94	3 25	Deduct 12 0 0 86 as per map of 1851 lying out side the ditch, remains ..	82	2 29	
276	Borokishtoporo	Gunj Sukrabad	321	1 10	All within the ditch } Total area of pergunnah ..	342	1 22	
249	Sawoleo	Ditto	21	0 12	Ditto .. } Gunj Sukrabad ..	5	2 10	
249	Gopaulpore, <i>alias</i> Sawoleo Chuk.	Boro	5	2 10	Ditto	5	2 10	
273	Narsoah	"	98	1 0	Ditto	98	1 0	
275	Fort	"	48	3 8	Ditto	48	3 8	
259	Koloopokhoorya	"	156	3 35	Nearly 3 acres of this are shown outside the ditch, but have been included in Jogeeepookhoorya in the map of 1851.	153	3 35	
270	Bagbazaar	"	159	2 20	.....	159	2 20	
261	Jogeeepookhoorya	"	14	3 6	All outside the ditch, but area given as 17 acres 2 rood 2 poles in map of 1851 ..	.....	
269	Chuck Nasirabad	"	97	0 0	.....	97	0 0	
268	Shabeenara Persadpore, Ram- nathbattee and Baikantpore.	"	230	0 5	All inside	230	0 5	
260	Diplaspotee	"	74	0 30	Ditto	74	0 30	
257	Jibonbatee	"	14	2 32	Ditto	14	2 32	
251	Janadhampore	"	1	3 36	Ditto	1	3 36	
253	Balrambati	"	15	3 12	Ditto	15	3 12	
265	Hajeonagar	"	94	0 16	Ditto	94	0 16	
252	Chaklapoti	"	1	3 30	Ditto	1	3 30	
266	Gondolpara	"	208	3 35	Ditto	208	3 35	
262	Denmarknagar	"	47	1 0	Ditto	47	1 0	
256	Silepati	"	2	3 26	Ditto	2	3 26	
263	Barasut	"	50	1 0	Deduct 1a. 8p. outside the ditch ..	49	0 32	

¹ Foreign (Political A), August 1874, 59-69

238	Kishtopoti	...	45	2	12	} Of this about 12 acres are outside	37	1	32	Area as per map of 1851-52 within the ditch ... 2,360 0 0 Deduct area as given in this statement ... 2,330 0 32 Difference ... <u>29 3 8</u>
258	Kishtopoti Chuk	...	3	3	20		2	0	16	
255	Kist Mankoonda	...	2	0	16		...	...	...
204	Rajpoti Ayma	...	7	1	0		...	...	...
254	Borojpota	...	3	0	8	Ditto	...	...	...
175	Mankoonda Chuck, Nuddi Pusk- kurini.	...	4	3	10	Ditto	...	...	...
	No. 1, disputed	....	130	0	6	Inside the ditch ; not shown in the map of 1851-52 ; evidently was formerly a portion of Mouza Khulsani, pergunnah Borooc.	180	0	6
	" 2, "	...	173	0	30	Inside the ditch, area given 181 acres in the map of 1851, formerly a part of Mouza Mankoonda, pergunnah Borooc.	173	0	30	
	" 3, "	...	10	3	20	Area given as 10 acres 1 rood 20 poles in the map of 1851 ; formerly a part of mouza Paikparra. This is the list of villages given in the margin of the map, but within the ditch there is also a plot of land evidently a portion of mouza Taliupara with an area of about 20 acres, which must be added to the area of the lands within the ditch.	10	3	20	
			2,373	2	15	Total	2,330	0	32	

APPENDIX IV

Statement showing the number of Cocaine cases detected, the amount of Cocaine seized and penalties inflicted in each case during the past three months ending 30th June, 1905.¹

Month and Date	Name of the accused	Quantity seized	Penalties Inflicted
3 rd April 1905	Dayal Kalidas	3 packets of cocaine	Fined Rs.100 or in default one month's rigorous imprisonment
5 th April 1905	Jusab Ahmed	2 packets of cocaine	Fined Rs.75
5 th April 1905	Karimbux Illahibux	1 packets of cocaine	Acquitted
5 th April 1905	Fatimabai	3 drams of cocaine	Fined Rs.25
11 th April 1905	Walji Bega Hajan	7 packets of cocaine	Fined Rs.20
24 th April 1905	Mahabir Baboo	1/22 oz of cocaine	Fined Rs.150 or in default to undergo six weeks' rigorous imprisonment
1 st May 1905	Gowardhan Ludha	21 tubes each containing 15 grains and a bottle 1/16 of an oz of cocaine	Fined Rs.500 or in default six weeks' rigorous imprisonment on the 1 st charge and Rs.200 or in default distress warrant on the 2 nd charge.
2 nd May 1905	Shaik Falid, Shaik Hussein	11 packets and two small bottles of cocaine	Fined Rs.30 or in default one month's rigorous imprisonment on the 2 nd charge
3 rd May 1905	Narayan Devi	5 packets of cocaine	Fined Rs.150 or in default 6 weeks of rigorous imprisonment.
4 th May 1905	Eboo Adam	2 packets of cocaine	Fined Rs.50
8 th May 1905	Abdul Kadar	6 ¼ grains of cocaine	Fined Rs.15
13 th May 1905	Mahadoosing Trikamsing	8 packets of cocaine	Fined Rs.5
16 th May 1905	Bhawanishankar Vinayak	16 bottles of cocaine	Was sentenced to 2 months' rigorous imprisonment on the First charge and Rs100 or in default 2 months rigorous imprisonment on the 2 nd charge (p).
25 th May 1905	Sookdev Shivshankar	8 drams of cocaine	Was sentenced to 2 months' rigorous imprisonment and to pay a fine Rs50 or in default a further period of 2 months rigorous imprisonment.
3 rd May 1905	.....	A parcel containing 16 oz of cocaine	The parcel of cocaine has been confiscated.
1 st June 1905	Hooseinmia Jamaldin and Dawood Jamal	18 packets of cocaine	Accused No.1 was sentenced to 2 month's rigorous imprisonment and to pay a fine of Rs.15 and No. 2 to one month's rigorous imprisonment.
8 th June 1905	Abdul Rahiman Abdulla	5 packets of cocaine	Sentenced to one month's rigorous imprisonment
8 th June 1905	Mohamad Dada	4 packets of cocaine	Fined Rs.50
19 th June 1905	Haji Sulleman Abdulla	89 packets of cocaine	Fined Rs.100
13 th June 1905	Mahomed Khudabux	60 dram bottles of cocaine	Was sentenced to 3 months' rigorous imprisonment on the 1 st charge and to pay a fine Rs200 or in default one month's simple imprisonment on the 2 nd charge.

¹ Finance, (Separate Revenue A). January 1907, Nos. 49-60

APPENDIX V

Statement showing the total quantity of Cocaine imported into different cities of India through the foreign parcel post during the months of April, May, and June 1905.¹

Name of City	Approximate Quantity Imported	
	Oz	Drs
Agra	26	3
Amaballa	146	0
Amritsar	2	0
Barielly	377	4
Basti City	12	4
Benras	8	0
Bhownagar	1	0
Cawnpore	6	0
Delhi	74	4
Jodhpur	416	1
Jaipur City	1	4
Jullundar	0	4
Kumta (Hyderabad)	3	3
Lahore	249	2
Lucknow	320	7
Mannath Bhanga	9	4
Pondichery	240	0
Patiala	30	0
Rawalpindi	0	6
Saharanpur	3	6
Total	1,929	4

¹ Finance, (Separate Revenue A). January 1907, Nos. 49-60. While mostly it was the parcel post that was used for smuggling cocaine, occasionally the letter post may also have been used.

APPENDIX VI

Districts Suspects from Chandernagore ¹

Serial number	Name and Father's Name	Age	Residence	Occupation	Brief History	Whether French Subject or not	Remarks
1	2	3	4	5	6	7	8
1	Jyotish Ch. Ghosh son of Pramatha Nath Ghosh	About 31 years	Formerly of Pulingam, police station Jamalpur, district Burdwan. At present Khirkigali, Kanksaili, Chinsura.	Teacher, Chinsura Training Academy.	Was professor in the Hoogly College, but was dismissed on account of his Swadeshi and political tendencies, and particularly with regard to the part that he took at the Hoogly Provincial conference, when agitator Arbinda Ghosh attended the conference. According to Nani Gopal Mukharjee, it was at this man's instigation that he threw the bomb at Mr Cowley (Dalhousie square bomb case). Arrested on a charge of abetment, but the case against him was not strong enough and he was discharged. Is a dangerous bite of an anarchist.	No....	Associates with French Chandernagore suspects, Purna Ch. De, Charu Ray, Mati Lal Ray, Satya Mistri, Mahindra Nayak, and the Mandal suspects of Chinsura. Is in close touch with purna and Charu. Purna is also employed in the training Academy with Jyotish.
2	Purna Ch. De, son of Sashi Lal De.	About 30 years	Sarsiapura, French Chandernagore	Ditto...	Mentioned by an informer as member of the French Chandernagore gang of anarchist. Was a Swadeshi volunteer in French Chandernagore and used to visit the Surhid Bhandar, a resort of political suspects in French Chandernagore	Yes...	Associates with Jyotish Ghosh (No.1 of this list) and other important French Chandernagore suspects, viz., Charu Ray, Mati Lal Ray and

¹ Sneyd Hutchinson, DIG, IB, Bengal, 'Note on the Growth of Revolutionary Movement in Bengal, Eastern Bengal, Assam & United Bengal: Upto May 1914', in Amiya K. Samanta (compiled and ed.) *Terrorism in Bengal, A Collection of Documents on Terrorist Activities from 1905 to 1939*, Vol. I

					(now defunct). He saw Kanai Lal Datta, the murderer of approver Narain Gosain, in jail.		others
3	Balai Chand De, bother of No.2	About 28years	Sarsiapura, French Chandernagore, lives in Calcutta at No. 88-6-1, Chorebagan 2 nd Lane, Muktaram Street, Visits French Chandernagore on week days.	A claret in the office of Messers Steiner & Co., Ltd., No. 8 Canning Street, Calcutta.	Mentioned by an informer as member of the French Chandernagore gang of anarchist. Was <i>swadeshi</i> volunteer and agitator in French Chandernagore and used to visit the Surhid Bhandar (now defunct).	Yes	Associates with important political suspects of French Chandernagore when he comes home. Is also a great friend of Manindra Nayak (No. 4 below).
4	Manindra Nayak, son of Bhusan Ch. Nayak	Ditto	Barai Chanditola Ghora Pukur, French Chandernagore. Calcutta address:- No. 29, Sova Bazar Street	Student, churches Calcutta. Scottish College,	Mentioned by an informer as being a member of the French Chandernagore gang of an anarchist. Was the secretary of the Surhid Bhandar in French (now defunct), which was a rendezvous of political suspects. Reported to have had chemical apparatus in his house.	Yes	When in French Chandernagore he associates with all the principal political suspects, such as, Charu Ray, Mati Lal Ray, Purna De of French Chandernagore as also Jyotish Ghosh, of Chinsura Training Academy. In Calcutta he or associates also with French Chandernagore suspects, Basanta Banarji, Nogen Ghosh, Satish Charabarti, Bolai De, etc.

5	Harihar De	Ditto	Hatkhola, French Chandernagore. Calcutta address:- No.162, Bow Bazar Street	Student of the University law College, Calcutta.	Mentioned by an informer as a member of the French Chandernagore gang of anarchist. Was a swadeshi volunteer in French Chandernagore and used to visit the "Idlers association" in Godalpura and the Surhid Bhandar in Ganja in French Chandernagore, the resort of political suspects (now defunct).	Yes	Associates with French Chandernagore suspects both in Chandernagore and Calcutta.
6	Narendra Nath Banarji (No.II), son of Rama Nath Banarji	About 30 years	Gondalpura, French Chandernagore. Used to live at No.30-1, Ratu Sarkar's Lane, Calucutta, a mess. Now Daily passenger to Calcutta	Clerk in the firm of Messers. Williamson, Magor and Co., No. 4, Mangoe Lane, Calcutta.	Mentioned by an informer as a member of the French Chandernagore gang of anarchist. Was the friend of Kanai Lal Datta, the murderer of approver Noren Gossain. Was a member of the Bandhab Samiti and Sanmilani in French Chandernagore, which were the resort of political suspects. Boxing, were taught by him to the Late Kanai Lal Datta.	Yes	Is a brother Alipur bomb case prisoner Upendra Nath Banarji, since transported.

7	Surendra Nath Banarji, both of No.6	About 25 or 26 years.	Ditto	Clerk in Military Accounts offices, Calcutta.	Mentioned by an informer as being a member of the French Chandernagore gang of anarchists. Was in touch with the Maniktala garden gang and visited some of the accused in Alipur bomb case shortly before the murderer of an approver Noren Gossain. Was a swadeshi volunteer and also a member of the Bandhab Samiti and Sanmilani, the resorts of political suspects in French Chandernagore (now defunct). Used to visit the Gondalpara Football and Read clubs, the resort of political suspects (also now defunct).	Yes	Visits political suspects Basanta Banarji at times in Calcutta.
8	Ban Bihari Mandal, son of late Nibran Ch. Mandal	About 30 years.	Gondalpara, French Chandernagore.	Keeps a stationery shop in Calcutta. Has some Zamindai.	Is a member of the French Chandernagore gang of anarchists. Associated with the Maniktala gang.	Yes	Associates with French Chandernagore suspects in Calcutta at intervals, particularly Basanta Banarji.
9	Khetra Banarji	About 30 or 32 years.	Gondalpara, French Chandernagore.	Claret in the East Indian railway office, fairlie place, Calcutta.	Mentioned by an informer as being a member of the French Chandernagore gang of anarchists. A youth of desperate character. Was a member of the Bandhab Samiti and Sanmilani and "Idlers' Association, the resort of political suspects in French Chandernagore (now defunct). Used to visit No. 44, Bechu Chatarji's Street, Calcutta, a Calcutta rendezvous of conspirators. Used to supply the Jugantar in the French Chandernagore and breach boycott.	Yes	Is intact with political suspects Jyotish Ghosh, Satya Mistri, and Birendra Nath Banarji.
10	Jhulu alias Sarat Ch. Chatarji, son of Lakshmi Chatarji	About 28 years.	Ditto	Clerk in Messers Cartwright & Co., No.13, Clive Street,	Mentioned by an informer as member of the French Chandernagore gang of anarchists.	Yes	Is in touch with Charu Ray.

				Calcutta.	Was a member of the Gondalpara Sanmilani and Samiti and Grand Football Club, the resort of political suspects in French (now defunct).		
11	Jogeshwar Mukharji, son of Nilmani Mukharji.	About the 43 to 45 years.	Ditto	Chief agent of the insurance company of Messers Martin & Co., Calcutta.	Mentioned by an informer as a member of the French Chandernagore gang of anarchists. Was the friend of Upendra Nath Banarji, convicted in the Alipur bomb case. Was a dealer in swadeshi cloth and used to audit the accounts of the Gondalpara Reading Club in Upendra Banarji's time.	Yes	Is in touch with political suspects Upendra Nath Chatarji, Charu Ray and Khetra Banarji.
12	Nani Lal de, son of Sashi Lal De (brother of Nos.2 and 3.	About 24 years.	Sarisapara, French Chandernagore.	Practically nil	Mentioned by an informer as a member of the French Chandernagore gang of anarchists. Was a Swadeshi volunteer in Chandernagore and used to mix with Kanai Lal Datta (murderer of Narendra Gossain). Was a teacher in the Dupleix School.	Yes	Associates with political suspects of Chandernagore, such as Charu Ray, Mati Ray, J. N. Mitra, Satya Mistry, and Manindra Nayak, as also with Jyotish Ghosh, of the Chinsura Training Academy. Is rather an eccentric youth.
13	Monohar Chatarji, son of Naba Krishna Chatarji.	About 27 years.	Gondalpara, French Chandernagore.	Was in railway for some time. Present occupation not exactly known.	Mentioned by an informer as a member of the French Chandernagore gang of anarchists. Was a member of the Gondalpara Sangit Samaj.	Yes	

14	Ashutosh Neogi	About 26 or 27 years.	Hatkola, French Chandernagore.	Keeps a goldsmiths shop.	Mentioned by an informer as a member of the French Chandernagore gang of anarchists. Knows how to prepare bombs and gave some arms to Naren Banarji to keep. Baren ghosh took shelter in the house of a relative of this man when he and others members of the gang came from Calcutta to French Chandernagore at the time of the attempt on the life of the Mayor of French Chandernagore.	Yes	Is in touch with political suspects Nagendra Nath Ghosh, Mati Ray, and Nani De.
15	Bhutto Tanti alais Harihar De, son of Anada Tanti.	About 34 years.	Ditto.	Keeps a grocer's shop and is now serving in the office of the Indian Colonial Advertising Company No.5, Mangoe Lane, Calcutta.	Mentioned by an informer as member of the French Chandernagore gang of anarchists. Used take leading part in boycotting foreign goods in Chandernagore.	Yes	Associates with political suspects Basanta Banarji, Binod Datta, Mati Ray, and Manindra Nayak.
16	Santi Ch. Ghosh (No.II). son of the late Binod alias Nanda alias Jogeshwar Ghosh.	About 27 years.	Khalsini, French Chandernagore.	At present employed in the district Traffic Superintendent's Office, East Indian Railway, Gaya.	Mentioned by Naren Gossain a member of the secret society and of having had a hand in the attempt to kill the Mayor of Chandernagore.	Yes	

17	Ananth Nath Chatarji, son of Rama Nath Chatarji.	About 30 years.	Gondalpara, French Chandernagore.	Now a draft someone in the district ingenious office, Gaya, where he was transferred in April 1913.	Mentioned by an informer as member of the French Chandernagore gang of anarchists. As reported, was a dangerous character and possessed arms. Used to urge Chandernagore people to boycott English goods. Used to visit the "Idlers Association" in Gondalpara.	Yes	While he was here we used to associate with political suspects Nareen Banarji (No.1) and Dasu alias Khestra Banarji.
18	Binod Lal Datta, son of Tara Pada Datta.	About 33 years.	Hatkhola, French Chandernagore.	Is a muharrir of a pleader of Hoogly.	Mentioned by an informer as member of the French Chandernagore gang of anarchists. Was a Swadeshi volunteer and used to visit the "Idlers Association" in Gondalpara. Is a man of courage, but of loose morals.	Yes	Is in touch with political suspects Buto Tanti, Nagen Ghosh, and Mati Ray.
19	Near alias Manick Chatarji, son of Naba Krishna Chatarji.	About 20 or 21 years.	Gondalpara, French Chandernagore.	Student, Bhadreshwar school district hoogly.	Mentioned by an informer as member of the French Chandernagore gang of anarchists. Member of the Gondalpara Sangit Samaj.	Yes	Is in touch with political suspects Bulbul alias manmath nath Banarji and Jhulu alias Sarat Chatarji.
20	Bulbul alias manmath nath Banarji, son of Aghor Nath Banarji	About 19 years.	Ditto	Student, Bhadreshwar school district hoogly.	Mentioned by an informer as member of the French Chandernagore gang of anarchists.	Yes	It in touch with political suspects Nera alias Manick Chatarji and Jhulu alias Sarat Chatarji.

21	Ashutosh Sarkar, son of the late Ganga Dhar Sarkar	About 58 years.	Bagbazar, French Chandernagore.	Has some private property.	His name was bound amongst others during the house search of Bijay Ch. Bhattacharji, of No. 10-1, Rani Sankari lane, Calcutta. His Brother, Bissewar Sarkar, was a friend of Charu Ray.	Yes	Visited Charu Ray, Mati Lal Ray, and J.N. Mitra in 1911.
22	Amar Nath Mitra, son of Ambica Mitra	About 27 years	Was years ago in Gondalpara, French Chandernagore. Lives in Calcutta at No. 10, Radha Nath Bose's Lane. Related to zamindar Pasupati Basu, of Bagbazar, Calcutta.	No fixed profession. Connected with rich people and depends upon them principally.	Mentioned by an informer as member of the French Chandernagore gang of anarchists. Was a Swadeshi volunteer and used to visit the "Idlers Association" and was a member of the Gondalpara "Sporting Club". Said to have supplied the gang with arms. Reported to have supplied arms to the Manicktalla gang. Friend of Kania Lal Datta.	No	

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