

CHAPTER - V

KING HARENDRA NARAYAN AND THE BRITISH GOVERNMENT - 1801-1814.

In the year 1801 Harendra Narayan came to age and took the administration of the country of Cooch Behar in his own hand. The Commissioner's regime in Cooch Behar ended and the magistrate of Rangpur became the Commissioner of Cooch Behar. Wellesley, the then Governor General, decided that the Commissioner would not interfere in the administrative affairs of Cooch Behar but would give advice on administration to the ⁽¹⁾ Raja.

The period of Harendra Narayan, however, proved to be an utter disappointment both to the people of Cooch Behar/^{and} to the British Government. ⁽²⁾ He was twenty years old but was not competent enough to run the administration of the state. After the removal of the British Commissioner many of the old abuses again crept into the Government of the country. The duties connected with the administration of the state was performed by native officers since 1801. ⁽³⁾ These officers had a great influence on the Raja. Among the (native) officers, Guru Prasad Rai, a companion of the Maharaja in his boyhood, possessed much influence and he held the office of the head of the criminal administration and the Dewan. The other principal officers of the state was

1. Sen, S.N., Prachin Bangla Patra Samkalan, p. 21.
2. Choudhury, H. N., Cooch Behar State and its land Revenue Settlement, p. 258.
3. Ibid., p. 256.

Brajananda Mustafi, Radhakanta Lahiri and Jayanath Ghosh. Radhakanta Lahiri once performed the duties of Dewan and Joyanath Ghosh was the personal assistant to Harendra Narayan. ⁽⁴⁾ Brajanandan Mustafi was in charge of Accounts and he always ill-advised Harendra Narayan. ⁽⁵⁾ The Maharaja possessing an indolent disposition and being averse to all matters which required his personal attention, the management of his affairs were entrusted to this person. It was evident that Brajananda Mustafi succeeded in winning the Raja's confidence and perverting his mind. Ahmuty had observed that the King's affairs would be irretrievably ruined unless his evil councillors were removed from his person. ⁽⁶⁾ So, after 1801, the administration of Cooch Behar presented a picture of utter despair. Harendra Narayan from his boyhood, had experienced the troubled condition of the state. As a boy he grew up under the guidance of his step-mother Kamateswari, who never thought of training up the future ruler of the state; she in fact had no ability and no ideas either. Thus as the ruler of Cooch Behar with full administrative power, Harendra Narayan began to express his anti-British feelings only and appeared to have no concern for the welfare of the State.

This anti-British attitude of Harendra Narayan was quite unusual for him who had passed his boyhood under the care

4. Choudhury, H. N., op.cit., p. 256.

5. Cooch Behar Select Records - Vol. 1, pp. 34-35.

6. Ibid., Letter from Ahmuty to the Secretary to the Government in the Revenue and Judicial Department.

and guidance of British Commissioners. It was under the commissioner's regime that peace was established in Cooch Behar after long years of misrule. The possible explanation of Harendra Narayan's anti-British feeling was that he was always ill-advised by his evil councillors - to whom the commissioner's regime was a great hindrance to the fulfilment of their own interests. Moreover he was convinced that British interference would ultimately lead to the extinction of his state. So, after Harendra Narayan's attaining majority, his activities created more trouble in the state and the evils grew so serious that the British Government had to interfere. In fact, the character of the Raja stood against all principles of good government and throughout his reign disputes - both domestic and external paralysed the internal administration. (7)

The first and foremost trouble started with regard to the claim of Nazir Dev Khagendra Narayan. The position of Khagendra Narayan, during this time was that, after the revolt of 1785, he was dismissed from office and all his land was confiscated. The Commissioner Mercer and Chauvet recommended for the Nazir Dev a monthly pension of Rs. 500/- and a jaagir of two cro- (8) shes of land around his residence at Balrampur for his maintenance. This recommendation was approved by the Government. Nazir Dev

7. Choudhury, H. N., op.cit., p. 258.

8. Ibid.

Khagendra Narayan was not satisfied with the Government's decision and reopened the issue again in 1791. Henry Douglas was then the Commissioner of Cooch Behar. Douglas supported the opinion of the special commission,⁽⁹⁾ set aside the claims of Nazir Dev, and held that the Nazir could claim nothing but the allowance and the two croshes of lands around Balrampur.⁽¹⁰⁾ But the Nazir Dev had not been paid his allowance of Rs. 500/- since Harendra Narayan's attaining maturity.⁽¹¹⁾ Ahmuty, a former Commissioner, had on his own, paid one month's allowance to him as he was in distress. The arrear of Nazir Dev, in the year 1806, amounted to Rs. 32,000/- and the British Government at last decided to interfere. During the time of Montgomery, Collector of Rangpur and Commissioner of Cooch Behar, an amicable settlement was made over the dispute. Government ordered Montgomery to pay all arrears as well as the monthly pension of Rs. 500/- due to Nazir Dev, from the Rangpur treasury and adjust the account with the Raja's tribute. Montgomery wrote to the government that the Raja had agreed to pay off Nazir Deo and deposit his money in Rangpur treasury.⁽¹²⁾

Harendranarayan agreed to make over to Khagendra Narayan land to the extent of one crosh each way round his house at Balrampur.⁽¹³⁾ Khagendra Narayan died on 1808 and after his death the dispute was renewed by his son Birendra Narayan.⁽¹⁴⁾ In

9. C.B.S.R., Vol. 1 pgs. 40-41.

10. Choudhury, H. N., op.cit., p. 259.

11. Ibid.

12. C.B.S.R. Vol.1, p. 165, Montgomery to Government July, 7, 1806.

13. Ibid.,

14. Ibid.

1820 Mr. David Scott suggested a judicial procedure to safeguard the interests of the Nazir Dev, but Khagendra Narayan's grandson, the last titular Nazir, did not agree to the proposed regulations. Ultimately in the year 1824 the office of Nazirship was separated from Balrampur family and the Maharaja was left unfettered in his choice of his own Nazirs, on condition of his leaving to the heirs of the late Nazir Dev the enjoyment of the pension and the Jaagir. (15) In 1830, a dispute arose between the Maharaja and the Nazir Dev's family regarding the limits of the jaigirs of Balrampur. In 1834, Mr. Robertson, Governor General's Agent on the North Eastern frontier, appointed Ensign Brodie, to settle it. The boundaries of Balrampur was settled in 1837.

Harendra Narayan's relation with Dewan Dev was also not good. Dewan Dev Jibendra Narayan like the Nazir Dev had set himself up as a co-sharer of the Raj and did not rest satisfy with the decision of the government. He, in his petition to Lord Minto, stated that his father and the deceased Maharaja Dhairjendra Narayan were brothers. In 1774 A.D. when the tribute of Cooch Behar was settled by Purling, the Dewan Dev was required to pay annual Rs. 6,160,11 anna 4 gandas to the King, and deposit the same in the Company's treasury. (16) This revenue was for the lands the Dewan Dev had traditilnally enjoyed as owner of 2 as

15. Sen, S. N., op.cit., Introduction, p. IX.

16. C.P.S.R., Vol. I, pp. 175-6.

share of Cooch Behar. But Harendra Narayan after attaining majority refused to accept the Dewan Dev's right to the 2 anna share of Cooch Behar State, as well as his pretensions that upheld the Dewan Dev as co-sharer of Cooch Behar's territory, on the contrary, the Dewan was shown as a zamindar in revenue records. ⁽¹⁷⁾ This attitude of the Maharaja according to Dewan Dev, undermined his prestige and usurped his privilege to hold court within his jurisdiction. He claimed powers of administering justice within his jaagir lands. But the British government turned down the claims of Dewan Dev, Commissioner Montgomery instructed the Raja to behave well with the Dewan. But Maharaja Harendra Narayan tried every means to oppress and insult the Dewan. ⁽¹⁸⁾ So peace was not established.

Lord Wellesley was the Governor General at that time. The State of Cooch Behar and the activities of its ruler attracted his attention. A man of imperious character, Wellesley did not brook this easy going nature of the ruler. To improve the administration of the state Wellesley communicated to Harendra Narayan his desire to appoint a commissioner to act in concert with the Maharaja for the collection of Public revenue, administration of justice and of the police. ⁽¹⁹⁾ It was nothing new for the British Statesman. He did the same in other parts of the Company's territories too. The treaty of 1801 with Oudh gave the Company

17. Ibid.

18. Ibid., p. 215.

19. Ibid., pp. 135-36.

Letter to the Court, 2nd February, 1802, Vol. IX para, 52-53.

the right to interfere in the internal administration of Oudh with the object of preventing misrule. "The ruler had engaged to maintain order and good government in his state, but he was dependent entirely on the British government both for the counsel which was to determine his policy and for the force which was requisite for the enforcement of his authority."⁽²⁰⁾ Similar provisions were made in the case of Travancore and other states also.

With regards to British relations with Cooch Behar, on August 26, 1802 the Governor General in Council put on record that, "The Rajahs of Cooch Behar have not only been permitted, subsequently to the date of the Treaty, to coin money, to administer justice, and to exercise other powers of Sovereignty, but that their rights to the exercise of such powers has been fully⁽²¹⁾ and unreservedly acknowledged by the British government of India." Yet there was nothing more certain than that the Government (of India) had tended from the earliest days of their power to enlarge their interventions and to reduce the authority of the rulers. The appointment of a Commissioner for Cooch Behar may be cited as the best example of it.*

20. Prasad, Bisweswar, Bondage and Freedom, p. 188.

21. C.E.S.R., Vol. I, pp. 133-35.

* Wellesley as Governor-General, had his determination to build a British Empire in India, that created the grandiose and ramshackle structure of what was later to be known as "Princely India". Wellesley was a man in a hurry. It it was easier to neutralise a local ruler with a treaty and passed quickly on to more difficult problems. In the Seven years Wellesley was Governor General, Aitchison records about 100 treaties.

So, in 1803, Lord Wellesley appointed Francis Pierard as the Commissioner for Cooch Behar. The immediate reaction of Harendra Narayan was his reluctance to accept the arrangement, for introduction of British Regulations would signify the end of his independence.

But the Governor-General gave assurance to the Maharaja that in introducing the new arrangements the British had no intention to subject the ruler of Cooch Behar to the jurisdiction of a British Court.

Dispute, however, went on between Raja Harendra Narayan and the British Government on the question of introduction of the proposed British measure of reforms in Cooch Behar. Lord Wellesley was dissatisfied with the antipathy of Harendra Narayan towards measures proposed to be adopted for improvement of Cooch Behar's administration. (22) The Governor-General at last came to the conclusion that only by exercising immediate authority of the British Government any codes of law could be established. The important branches of the administration could not be left in the hands of the local officers "on whose integrity, ability, and industry little reliance could be placed" (23)

Wellesley instructed the Commissioner appointed for Cooch Behar, that "should the Rajah, however, contrary to the

22. Ibid., pp. 137-38.

23. Ibid.

reasonable expectations, which have been formed of a cheerful compliance on his part, still persists in his opposition to the introduction of the proposed Regulations, you are desired to acquaint the Rajah, as the final determination of His Excellency in Council, that the claim which the natives of Cooch Behar have to the protection of the British Government, from the connection which has so long subsisted between the government and the country of Cooch Behar, and the unquestionable right, which the Governor-General in Council possesses, to provide effectually for the regular payment of the stipulated tribute from Cooch Behar, and to prevent the disorders, which would undoubtedly prevail in Cooch Behar under the Rajah's management, from affecting the peace and tranquility of the adjacent territories in Bengal, will not permit His Excellency to relinquish the intention of extending the operation of the general Regulations, in force in the Province of Bengal, to Cooch Behar, or even to suspend the adoption of that important and salutary arrangements".⁽²⁴⁾

On September 2, 1803 Harendra Narayan put forward his objections against the move of the British.⁽²⁵⁾ He referred to the instance of Lord Cornwallis. On 4th July, 1789,

24. Ibid., Letter from G. Dodeswell, Sec. to Govt. Rev. Deptt. to Francis Pierard, Commissioner of Cooch Behar. The 28th July, 1803.

25. (Ibid., pp. 143-5) letter from Maharaja Harendra Narayan, to Govt. of India, 8th August, 1803 - C.B.S.R - vol-I, pp-143-5.

Lord Cornwallis had informed him of the appointment of a Commissioner for the affairs of Cooch Behar. But he had been assured that as soon he would attain majority the Commissioner would be withdrawn. And Ahmuty was withdrawn in the year 1801. But the present intention of the government went against the assurance of Cornwallis. Harendra Narayan, therefore, felt that, the transfer of the administration of civil and criminal justice into the hands of the company was against the honour and independence of his Raj. ⁽²⁶⁾ So, he prayed that his country might be spared from the present intentions of the government. He wrote, "The Company's dominions are as wide as the ocean, he added, "a drop out of the ocean would not occasion it to decrease." ⁽²⁷⁾

The British Government, in reply to the Rajas letter, informed him that the Governor General had only put forward "a title to the exercise of all rights, powers and privileges vested in the government by the terms of the treaty of 1772". ⁽²⁸⁾ Since that treaty with Cooch Behar was not annulled, nor any part of the conditions of it formally modified. The British government had no intention to relinquish the powers of control over the country of Cooch Behar founded both on terms of the treaty and the practice, which had subsisted during a long course of years in that country. The Commissioners had been withdrawn not because the government abandoned the principles on which the

26. Ibid.

27. Ibid.

28. Ibid. pp. 140-42.

country of Cooch Behar had been managed during a long course
of years, but because of Harendra Narayan's attaining majority.⁽²⁹⁾
The continuance of that Officer at that time was considered
less important. Now, the British government decided to extend
Regulations to Cooch Behar. The administration of justice
through the agency of native officers would affect peace and
tranquility of Cooch Behar and her contiguous countries.⁽³⁰⁾

On February, 18, 1805, John French was appointed to
the post of commissioner for Cooch Behar and was furnished with
all necessary instructions. The Governor-General particularly
felt that from the time of first British contact with Cooch
Behar, the British Government had never acted upon the letter
of the treaty. On the contrary, the Raja of Cooch Behar had
been enjoying their full independence subject only to the pay-
ment of annual tribute.⁽³¹⁾ But the gradually worsening condi-
tion of Cooch Behar called for British intervention. After
Harendra Narayan came of age, the British government desired
to introduce some Regulation for better administration of civil
and criminal justice. And Francis Pierard was appointed to
carry on the task with the King's concurrence. However,
Pierard communicated to the Government his inability to carry
on with the King and John French was appointed. Meanwhile
Lord Cornwallis was appointed as Governor General for the

29. Ibid.

30. Ibid. p. 148.

31. Ibid., p. 148.

second time. As a follower of the principle of non-intervention in the affairs of native states, Cornwallis did not want to employ force for the introduction of the said Regulations in Cooch Behar. The Government was aware of the fact that there was no chance of obtaining the assent of Harendra Narayan but by conciliatory treatment and by impressing on his mind a sense of substantial advantage that should follow from the measure. (32)

But Harendra Narayan remained firm in his notions about the rights of his forefathers. John French failing in his efforts to convince the Raja, Montgomery succeeded him.

Montgomery reported that Harendra Narayan was as adamant as before. But he hoped that the Raja was going to establish both civil and criminal courts and three thanas in addition of the two that had already existed in Cooch Behar. (33)

On the death of Lord Cornwallis (Oct. 1805), Sir George Barlow became the Governor General. The British while believing in their undoubted rights in Cooch Behar were inclined to keep the adoption of Regulations in abeyance in the hope of obtaining the Raja's willing acceptance in future. They hoped that a time would come when the King would realise that no system other than that in force throughout the Company's territories could secure the punctual collection of Revenue, prompt and pure

32. Ibid., pp. 152-53.

33. Ibid., Govt. to Harendra Narayan, Nov., 13, 1805.

administration of justice and provide for the regular and efficient maintenance of the police in the country.⁽³⁴⁾ The government expected, therefore, that the Raja of Cooch Behar would, whenever necessary, take advice from Montogamery, the collector of Rangpur, who was also performing the Commissioner's duty at Cooch Behar.⁽³⁵⁾

One wonders at the forbearance of the British preferring a path of request and conciliation to coercing the Raja of Cooch Behar to accept British Regulations. The superiority of the strength of the company at that time was beyond question. Moreover, the general trend of British policy towards the Indian states was to intervene in the internal conditions on one pretext or another, and that became, as Panikkar observed, "the fertile ground of controversy and ill-feeling between the Indian States and the Government of India".⁽³⁶⁾ As regards the nature of British intervention, in later years, Sir George Campbell opined - "It must be admitted that in our interference with the internal concerns of the native States we do in practice go much beyond the letter of the original stipulations whatever the original stipulation, there is in fact almost no state with the internal affairs of which we have not had something to do. There is no uniform system, and it is almost impossible to give any defi-

34. *Ibid.*, Govt. to Harendra Narayan, Nov. 13, 1805.

35. *Ibid.*

36. Panikkar, K.M., Relations of Indian States with the Government of India, p. 106.

nite explanation of what things we do middle and what we do not."⁽³⁷⁾

The British government had all along desired to extend its authority in the internal affairs of Indian States. Taking the opportunity of the weakness of some ruler or through the agency of a minister nominated by the Resident, the government interfered in one matter after another and this extends from precedent to precedent until the sovereignty of the ruler virtually disappeared. Moreover, the powers of the Resident were undefined. His advice was usually an order, and, as there was no limitation in the matters of advice, it was clear that in most cases the powers of the Resident were used in a manner not consistent with the rights of the ruler.⁽³⁸⁾

In fact, during this period Resident after Resident assumed the role of the super-ruler. The role of the Resident in Oudh, Hyderabad, Mysore, Baroda may be cited as the best examples of it. In Oudh, "the ruler had engaged to maintain order and good government in his state, but he was dependent entirely on the British government both for the counsel which was to determine his policy and for the force which was requisite for the enforcement of his authority."⁽³⁹⁾ The Nizam's forces were taken under British Control in the guise of their reform and reorganisation. This

37. Panikkar, K.M., op.cit., p. 108.
Campbell, G., Modern India, p. 80.
Warner, Lee, The Native States of India, p. 339.

38. Panikkar, K.M., op.cit., p. 110.

39. Prasad, Bisweswar, op. cit., p. 188.

force came so much under Resident's control that even Governor General Hastings had to admit, "It is perfectly true that these troops are, in fact more ours than those of the sovereign by whom they are maintained."⁽⁴⁰⁾

The cases of Mysore and Baroda were of no exception. Under these circumstances, it was really surprising on the part of the British Government to follow the policy of "wait and see" with regard to the introduction of Regulations into Cooch Behar.

From time immemorial coinage had been looked upon as one of the rights of Sovereignty in India. When States, the right to independent coinage was enjoyed by most of the states. But soon the British government found separate currencies inconvenient for smooth transaction of business, and therefore decided to impose its own currency on the states. It was decided that once the right to coinage of a state was suspended, it could not be revived, and that coins which had for sometime ceased to be current, should not be re-introduced. Cooch Behar's own Narayani currency was similarly forbidden in 1805.⁽⁴¹⁾ As early as 1789, the British government, inspite of agreeing to the Raja's right of coining,⁽⁴²⁾ had expressed desire to restrict it. The Commissioners had been directed to report to the Board any abuses which might appear to have been practised in the Mint, and the

40. Ibid., p. 193.

41. C.B.S.R., Vol. I, pp. 160-61.

42. Ibid., p. 73.

best mode of preventing them in future, and whether any bad consequences would result should the Raja be restricted to coining a small number of rupees annually, which, without entirely depriving him of the privilege of coining money, might obviate the evils arising from the unlimited exercise of it. (43) Afterwards, when the British assumed charge of the administration of the state as the guardian of its minor ruler Harendra Narayan, it had almost stopped coining Narayani rupees. However, after the King's attaining majority, the British Government, on August 20, 1802, (44) agreed to the King's rights to coinage only reluctantly. So, in the year 1805, the Governor General again wrote to Harendra Narayan, * As serious inconvenience would be experienced from that measure in the British territories, my public duty will not permit me to concede that point to your wishes. On this subject, I request you to consider my determination to be final, and I, accordingly expect that you will not have recourse to that measure." (45)

But the Governor-General's request, however, caused only annoyance to Harendra Narayan who was not inclined to any compromise in this matter. Moreover, troubles started in the state which eventually brought the British on the scene. We have already noted that the Maharaja had no good relation with the Dewan Dev. During the period, one Harish Chakraborty, a pujari

43. Mercer and Chauvet's Report, Vol. II. p. 152.

44. C.B.S.R., Vol. I, p. 133.

45. Ibid., p. 161.

or worshipper of idols in the services of Dewan Deo, became the cause of anger to the Maharaja by his notorious character. He was imprisoned by the ruler and later died. It was alleged (46) that Harendra Narayan caused the death of Harish Chakraborty.

Mr. Digby, Commissioner, on instructions from the government, enquired of the Raja of Cooch Behar about the death of Harish Chakraborty. Harendra Narayan, however, denied that Harish was dead. He said that Harish had gone to Nepal and so the Commissioner's enquiry was uncalled for. But Digby was not assured. He suggested to the government that in future all disputes involving ryots or dependents of Dewan Dev, and decided in the court of the Raja should be referred to the magistrate's court of Rangpur and that any order passed by the Raja should be held over till it was confirmed by the magistrate of Rangpur. (47)

The British government did not feel happy with the conduct of Harendra Narayan. Digby was asked to see that measures were taken for the safety of the Dewan Dev*. Digby

46. Ibid., pp. 221-22.

47. Ibid., pp. 223.

* Digby made a report to the Government of the cruel and tyrannical behaviour of the Raja towards the Dewan Dev and his dependents. The Raja of Cooch Behar had imprisoned Kamal Poddar, an immediate servant of the Dewan Dev. Guru Prasad, the then Dewan Dev of the Raja made unauthorised encroachment on the Dewan's property and also threatened to inflict direct vengeance on Dewan Dev. A Mooktear and several other of Dewan Dev's dependents also had taken refuge in Rangpur (by the) tyrannical behaviour of the Raja.

was instructed to proceed with force to Cooch Behar and conduct Dewan Dev to Rangpur where he should reside until secure conditions prevailed in the state. (48)

Not only the Raja's conduct towards Dewan Dev, but also the misgovernment of the ruler touched every corner of administration. The Maharaja had no concern with the administration and welfare of the subjects. Commissioner Mañeod (appointed in 1813) gave an example of the hard lot of a ryot of Cooch Behar. Normally a ryot took lands on an agreement to pay his rent by autumn in cash. But when he produced his crops he found "that demand for dues in various shapes were made upon him" (49) amounting altogether to three times the stipulated rent. He was pressed upon to pay his dues. But when all his efforts failed, he was compelled to sell his children and "prostitute his wife by disposing her in mortgage." This was one of the causes of widespread slavery in Cooch Behar during this period. Driven by his hard lot, the ryots became desperate, and fled from the country. Some of them tried "to live upon the earnings of theft and robbery in the provinces under the British Empire, others wandering in vagrant search of a precarious subsistence among the mountains of Bhootan".

Corruption was rampant amongst the police officers of

48. Ibid., pp. 224-25.

49. Ibid., Vol. 1, p. 255.

the state. Their pay was poor and irregular. Naturally, they "let loose upon the country, if not by express order of the ruling power, to earn their daily bread by plundering its inhabitants."⁽⁵⁰⁾ In addition to the 120 personal guard and 150 Barkandazes authorised by the government, Cooch Behar added an additional "rabble of sepoys" nearly 500 in all. They were superfluous but "as they scarcely ever received any regular pay, they plundered the country for their own subsistence and were also very active instruments of oppression in the hands of the Raja's Amlah."⁽⁵¹⁾ An application from one Nedhan Tewary to John Digby, in November, 1812 narrated the injustice in the king's court. Guru Prasad was then the manager of the Faujdari Adalat and all affairs relating to Cooch Behar. There was no appeal against the decision of any court. The applicant expressed his giving vent to his grievances. The applicant complained that the king "about once in 5 months comes out of his zenana for a few hours." And during the time he was surrounded by Guru Prasad, the Amlahs of the Dewany Adalat and other principal officers. The amlahs communicated with the Raja through maid servants of the palace. Common sufferers had no admission there. The common people of the state had no one to protect them from the oppressive officers.⁽⁵²⁾ Macleod wrote that no improvement

50. Ibid.

51. Ibid., p. 263.

52. Ibid., pp. 206-7.

could be expected in the affairs of Cooch Behar. The Raja was sunk in "indolence and debauchery" from which he could not come out and engage personally in the administration. (53) He was not willing to make a free and personal communication with the Commissioner. The state of his public finance was also deplorable. The reason behind this was the oppressive system of Ram Prasad and Guru Prasad, the two notorious officers of the state. The measures of these ministers materially hampered all the regular sources of revenue and reduced the Raja's finances to a state of extreme embarrassment. They always tried to conceal from their master the real state of affairs. (54)

The story of Guru Prasad was really an interesting episode in the history of Cooch Behar. He was a native of Murshidabad and came to Cooch Behar at the age of fifteen and became the King's companion. (55) His father was a servant of the state. Harendra Narayan made his companion the Dewan but banished him in 1803. In 1808, he returned to Cooch Behar and was appointed manager of the criminal court. (56) In 1811, in addition to this duty he also held charge of the Dewan of the state. Thus, in reality, he became the governor of Cooch Behar and ruled with an iron hand. It was he who was responsible for the bitter relations between the king and the company that deve-

53. Ibid., pp. 245-46.

54. Ibid., p. 307.

55. Ibid., pp. 245-46

Sen, S. N. op.cit., p. 35.

56. C.B.S.R., Vol. I, pp. 245-46

loped on the murder of Harish Chakzaborty. The other two officers of the King were Ram Prasad and Surya Narayan Ghosh. These two persons again were not on cordial relations. Surya Narayan (57) was (a man) from Rangpur and was sober and a man of integrity. Guru Prasad could not tolerate him, for Surya Narayan as a go-between of the Raja and Macleod had least to prominence. Macleod was convinced that unless Guru Prasad was dismissed no improvement could be brought about in the affairs of Cooch Behar. Besides, the King's servants, took the opportunity to cause people believe that the English officer would not remain in Cooch Behar permanently, and thus they discouraged any aggrieved persons bringing complaints to the Commissioner. (58)

Lord Minto thought it necessary to adopt immediate steps for curbing the Raja's depraved tastes and asserting the right of British Government to interfere in the internal affairs of Cooch Behar for the prevention of anarchy, oppression and Bloodshed. The instructions of the Governor-General (went to) dwelt upon the past ~~his~~ relations between Cooch Behar and the British government. On the basis of the Anglo-Cooch Behar treaty of 1773 the British could easily treat Cooch Behar as a ceded territory and as such incorporate it with Bengal Presidency. But the government at that time did not deem it advisable to pursue that course.

57. Ibid.

58. Ibid.

It did not follow, however, that in voluntarily limiting its own rights the government intended completely to relinquish its permanent political supremacy over Cooch Behar. (59)

Subsequently the Governor-General thought that proper rules should be introduced in that state for the collection of public revenue and prompt administration of justice by the Company's servants. Repeated endeavours were made to appoint a commissioner to implement the said Regulations; but Harendra Narayan constantly objected to any such proposals. Lord Minto believed that the rights of the British government conferred by the treaty of 1773 but hitherto not exercised, (60) for upwards of forty years should not be considered as "extinct". On the contrary, the superior authority of the British was irrevocable.

The conduct of Harendra Narayan in Sheltering the murderers of Harish Chakraborty and non-cooperating with the commissioner for bringing the offenders to book gave just cause for British annoyance. No doubt, the Commissioner also erred in "issuing regular judicial process and ordering summons to be served to the Raja's subjects" which he could dub as an undue interference; but that did not exonerate the Raja from the charge of defying the wishes of the paramount power.

Lord Minto wanted to appoint again a commissioner

59. Ibid., pp. 225-31.

60. Ibid.

exclusively for Cooch Behar. His duty should be to point out the ruler's unjustifiable conduct, and the dangers of listening to his evil councillors. The Commissioner should at first interpose his advice and "ultimately his authority for the redress of any serious grievances"⁽⁶¹⁾. He should also convince Harendra Narayan of the necessity of proper regulations for the administration of justice and collection of revenues. Should his efforts prove futile the Commissioner must frankly tell Harendra Narayan that his recent conduct had necessitated "a paternal and vigilant superintendence which was a privilege of the government sanctioned by the treaty of 1772."⁽⁶²⁾ This was the background of the appointment of Macleod as the Commissioner of Cooch Behar.

The appointment of Macleod, however, was a surprise for Harendra Narayan. He did not feel happy at all. He reassured Digby of every co-operation to find out the cause of the murder of Harish Chakraborty but entreated him to cancel the appointment of a commissioner in Cooch Behar.⁽⁶³⁾ Macleod understood that Harendra Narayan looked upon his appointment and residence in his territories as a violation of the treaty of 1772. But it was not possible for the Company to overlook the arrear of tribute amounting to Rs. 22,952/- payable by the Raja of Cooch Behar.⁽⁶⁴⁾ Raja's neglect of the administration had encouraged the forces of indiscipline in the country. The frontiers of Rangpur and Cooch Behar

61. Ibid.

62. Ibid.

63. Ibid., pp. 235-36.

64. Ibid., pp. 238-40.

had become the seat of the depra-dator. The police officer of the Rangpur side remained inactive who also took no notice of its applications. At last, the government finding Raja's disinclination to the affair asked the magistrate of Rangpur to protect the places on the British frontier, and if necessary pursue the offenders to Cooch Behar. ⁽⁶⁵⁾ Macleod asked the government's permission to take action against Cooch Behar on the pretext of arrear of tribute. But Lord Minto desired more substantial grounds than a temporary failure in payment of tribute. ⁽⁶⁶⁾ Macleod was aware of Harendra Narayan's dissatisfaction over his stay in Cooch Behar. He tried to allay the king's unnecessary fears and pointed to his non-cooperation with magistrate Digby. Upon that the King threw the blames upon Dewan Guru Prasad whom he called an 'unfaithful' servant whom he had already dismissed. ⁽⁶⁷⁾ But Macleod came to know from his experience that the Raja could not be trusted for indecision which was a prominent feature of his character. And Harendra Narayan again took Guru Prasad into confidence and deputed him to talk with Macleod. ⁽⁶⁸⁾ Guru Prasad was again reinstated. From an interview with the Raja Macleod came to believe that investigation about the murder of Harish Chakraborty was not possible so long as Guru Prasad was the judge of Faujdari Adalat as well as Dewan. Macleod wanted the suspension of Guru Prasad until investigation was complete, but the

65. Ibid., pp. 241-42.

66. Ibid., p. 244.

67. Ibid., pp. 245-46.

68. Ibid.

(69)
raja refused. Radhakrishna Lahiri was then the Dewani Saristadar and a much respected man. Macleod asked the Raja to authorise Lahiri to help him in investigating the case. But the Raja (also) refused to comply with this request. The Raja would not permit investigation except through Guru Prasad. Macleod suspected some mystery connected with the murder of Harish Chakraborty. Moreover, the Raja had a blind fascination over Guru Prasad and Ram Prasad which he knows not how to shake off. (70) Macleod's impression was that Harendra Narayan looked upon his position as independent of any control or influence of the English. He got disgusted with the Maharaja. He also suspected that Harendra Narayan wanted to get rid of the English. The Raja had provided himself with considerable amount of ammunition. (71) Harendra Narayan began to indulge himself in all sorts of wild thoughts. He instructed his Vakeel to represent at Calcutta that in lieu of the removal of any British Commissioner, the Raja was prepared to double his tribute to the Company. (72) Meanwhile on March, 1814, Macleod reported that Harendra Narayan was helping Brajnath Kumar, who wanted to occupy the throne of Assam after Gaurinath Singh. This act of Harendra Narayan went against the terms of the Anglo-Cooch Behar treaty by which Harendra Narayan could not make any political connection with any foreign power without the express permission

69. Ibid., pp. 262-68.

Sen, S. N. op.cit. Lett No. 126, p. 55.

70. Ibid.

71. Ibid., pp. 273-78.

72. Ibid., p. 280

of the British government. Moreover, the reigning Ahom king maintained friendly relation with the British and so, Cooch Behar could not help his enemies.⁽⁷³⁾ All these activities of Harendra Narayan made the British government very much disgusted with the ruler of Cooch Behar. To Macleod, Harendra Narayan was incorrigible and the situation of the state was past helping. Defence of the state was the Government's concerns and the existence of a band of indisciplined native troops only added to the maladministration of the State and to its miseries. Macleod was getting disgusted.

However, with the coming of Lord Hastings as the Governor General, there was a remarkable change in the attitude of the British Government towards Cooch Behar. Lord Hastings did not hesitate to use the phrase 'Subordinate Co-operation' to express the sub-servience of the Indian rulers to the paramount power.⁽⁷⁴⁾ He enunciated the principle that all the internal states of India should form a confederacy with the British Company as "Senior controlling members."⁽⁷⁵⁾ During the administration of Lord Hastings, the Indian states, big and small, gradually but consistently were being forced into a relationship of absolute dependence and subordination to the East Indian Company. With regard to Cooch Behar, Lord Hastings was of opinion that Cooch Behar was "a tributary State under the protection of the British

73. Ibid., p. 282.

74. Prasad, Bisweswar, op. cit., p. 199.

75. Ibid., p. 200.

Government, and depended even for its existence on that protection." (76) The Governor General noted the charges against Harendra Narayan. Not only had the tribute of Cooch Behar fallen into arrears; the allowance of the Nazir Dev was also not paid. Besides these, attempts were made to usurp possession of lands assigned for his residence. The Dewan Dev also received injuries at his hands; Harendra Narayan's behaviour towards the British agent was not fair either. He was not willing to make a free and personal communication with the Commissioner appointed for the good of the State.

The Governor General held that the treaty of 1772 "imposes upon the Raja the duties and allegiance obligatory" and can demand "the penalty of ^a violation or disregard of those ~~duties~~ duties." (77) That penalty is not merely the dissolution of the existing alliance but the actual annexation of Cooch Behar to the dominions of the Company. The conduct of the Raja was "utterly inconsistent with the most liberal construction of the political duties of subjection and allegiance." (78) The Governor General, however, did not at the moment contemplate the measure of assuming the full exercise of its rights; but the circumstances of Cooch Behar made it necessary "for the Government to interfere decisively for the support of its own honour and dignity, and for the

76. C.B.S.R., Vol. I, pp. 286-289.

77. Ibid.

78. Ibid.

prevention of those evils which were evidently depending from the present state of affairs in Cooch Behar. (79)

Macleod was then asked to tell Harendra Narayan to dismiss immediately the Khas sepoy and other extra-body of persons; Guru Prasad and Ram Prasad were to be immediately sacked from service and banished from the state. The appointment of a Dewan, in future, was to be made on the approval of the British Government. Any failure to pay punctually the stipulated instalments of tribute was to be regarded as a violation of one of the conditions of the treaty and consequently of a forfeiture of benefits which he had so long enjoyed from it. The Governor General, however, desired to go further than this at present. (80) Arrears of tribute in the meantime had amounted to Rs. 20,000/- and arrears of allowance to Dewan Dev amounted to Rs. 15,000/-. (81)

In accordance with the desire of his government, Macleod asked the King to dismiss and banish both Guru Prasad and Ramprasad from Cooch Behar. Harendra Narayan informed that agreeably to the desire of the Government both the officers had been dismissed and ordered to leave the boundaries of his territory. Ram Prasad was conducted by the men of Macleod to the frontier where the Daroga took charge of him on behalf of the Rangpur magistrate. Macleod had already requested the magistrate to execute a personal bond of Rs. 10,000/- from the man giving security for

79. Ibid.

80. Ibid.

81. Ibid., pp. 291-2.

his appearance when desired. Soon after this Guru Prasad surrendered to Macleod who immediately sent him to Rangpur. (82)

Macleod accompanied by Lt. Ford and his troops, went to Harendra Narayan to demand immediate dismissal of his Khas sepoy. The King was strongly asked to meet without delay the demands of those sepoy, the amount of the arrears of the Company's tribute and the subsistence allowance payable to the family of the Nazir Dev. ** (83) Harendra Narayan, in reply, pointed

82. Ibid., pp. 301-02

83. Ibid.

** "Your conduct, however, has been utterly inconsistent with the duties of subjection and allegiance. You must, consequently, be considered to have violated your engagements, and to have forfeited your rights of territorial sovereignty by disregarding the conditions under which they were recognised with a view to prevent the recurrence of any acts of gross outrage or oppression, and for this purpose, on the present occasion, to insist on your compliance with the following demands:

- 1st. That you discharge your Khas sepoy, and any other descriptions of armed force, which may appear to the Commissioner to be unnecessary for the internal administration of the country.
- 2nd. That you discharge from your service the Dewan Gooroo Prasad and Moonshah Ram Prasad and Compel them to quit your territory.
- 3rd. That you dismiss from your service any other officers whom the Commissioner may point out to you, as being unworthy of employment, from their participation in the late transaction, and
- 4thly. That the appointment of a Dewan be in future considered subject to the approval of the British Government.

to his paucity of funds to meet all these demands immediately. Macleod fearing that the disbanded sepoy's being unable to get their arrear pay would create further troubles, took the measure to disarm the troops and placed them under guard of Lt. Ford. He personally ^{stood} security for their arrear pay. (84) From the Raja's officers, Macleod learnt that the arrear pay of sepoy's would amount to Rs. 13,000/-. He asked for the permission of his Government to disburse that sum of money from Cooch Behar's tribute received, and treat it as Cooch Behar's debt to the Company. (85) (86) The Government approved and appreciated the measures of Macleod.

Harendra Narayan realised that the attitude of the British Government towards him was becoming sterner and he now attempted to please them. He asked for the Government's assistance for a better system in the administration of justice. The Governor General was pleased to find this change in the attitude of the King in directly applying for its assistance "is framing a code of laws for the administration of justice in the territory of Cooch Behar". (87)

The Governor General desired that "the Mahomedan law modified according to the spirit of Regulation in force," (88) in

84. Ibid., pp. 302-08.

85. Ibid.

86. Ibid., pp. 315-15.

87. Ibid., 316-17.

88. Ibid.

Benqai should be the basis of any system or criminal law to be introduced in Cooch Behar. Harendra Narayan, on his part, requested the Government to make Hindu law the rule of conduct in the administration of justice; but his prayer, although accepted in Civil disputes, was rejected in criminal disputes. The Government held that "The Mahomedan law is so corrected in essentials that it may be regarded as the administration of the British criminal justice."⁽⁸⁹⁾ Macleod was particularly made aware of the Governments' views. Criminal justice was to be administered in the King's name through the agency of British Commissioner. The Government did not intend to charge upon the King's treasury for the salary of the Commissioner. A permanent force of 50 sepoy was to be stationed in Cooch Behar.

Government also furnished Macleod the detailed scheme of establishing civil and criminal justice in Cooch Behar. The Hindu law that already existed in civil matters in Cooch Behar was retained. The civil court was to be managed by a respectable Hindu assisted by a Pandit thoroughly well-versed in Hindu law. The former would discharge the functions performed by a zillah, or city or provincial judge. In any question of law, the Pandit would give the exposition of the Hindu Law by which the judge would abide. The government desired the British agent in Cooch Behar to exercise" a control over civil justice - a control as general and comprehensive as possible."⁽⁹⁰⁾

89. Ibid.

90. Ibid., pp. 321-25.

But it had been too much the practice to impose duties upon public officers in the judicial department for exceeding their natural powers - an error which His Excellency in council was naturally desirous of avoiding in that circumstances. (91)

The Commissioner was directed not to act as the court of appeal in cases of certain magnitude living others to be finally decided by the original court. That would cause abuse of justice in the original court. Rather, the Commissioner should be invested with a "general and unlimited control" over the proceedings of the native judges and that power should be exercised according to circumstances. The power of the Commissioner would serve as a check upon all judicial proceedings of the native judges. (92)

The lengthy note of the government asked Macleod to fix the number of officers to be employed and their salary, particularly of the judge and the Pandit which should be equal to their rank and prestige, in consultation with the Raja. If Muslim community in the state was of real importance, the same procedure by the same officers was to be followed only it was to be declared that the Muslim law was to be followed. It was not difficult to send legal opinions from the Maulavis of Sadar Dewany Adalat, but that would not be necessary. (93)

91. Ibid.

92. Ibid.

93. Ibid.

In the criminal court, the Commissioner was to provide in cases affecting life of the convict or other serious offences. In offences of less serious nature, the commissioner, as in civil cases, would exercise a general control over the proceedings and judgements. The native court would have a Kazi and Muffi. The trial should be conducted according to the principles of Muslim law by the Kazi, and the Muffi will deliver the exposition of the laws as applicable to the facts of the case. Raja's jurisdiction in the administration of justice was clearly defined. No capital punishment should be given except under the seal and signature of the Raja, and he would have the privilege of remitting or mitigating with the above exception, the Raja should not interfere in the administration of justice either criminal or civil.

(94)

The establishment of the courts of judicature would afford no protection to person or property unless a system of police was established. Police establishment like that in a district town of Bengal was welcomed in the capital, the expense of the establishments would be defrayed by the community for whose benefit they were to be maintained.

(95)

Thus a thorough scheme of reform was chalked out by the government for implementation in the judicial administration

94. Ibid.

95. Ibid.

of Cooch Behar which was the urgent need of the time.

Harendra Narayan's attitude towards the British Govt. in the meantime to some extent changed. He requested Macleod to write to the Governor General on his behalf to frame laws and regulations for the "due administration of civil and criminal justice throughout his territory as may ensure the security and tranquility of his subjects and the proper cultivation and improvement of his land and the regular and punctual distribution of his revenues. He, at the same time, requested that British government should preserve his rank and dignity. (96) The Governor-General addressed a letter to Harendra Narayan congratulating his wise decisions and his willingness to accept British help for the betterment of law and justice in Cooch Behar. (97)

At long last, Wellesley's desire to imprint British paramountcy over Cooch Behar came near success. Harendra Narayan agreed to the British proposal of reforms in the administration of justice in Cooch Behar. But from now onwards the British Government proceeded with cautious steps. Harendra Narayan had bent a little. It would be unstatemanlike to make him prostrate at one stroke. Moreover, the Company's attention during this period was lying elsewhere. Storm clouds at the time hovered over the eastern

96. Sen, S.N. - op.cit., Lett. No. 131, p. 58.

97. C.B.S.R., Vol. I, pp. 316-17.

Himalayan sky. Because of the British pre-occupations in the expansion of trans-Himalayan trade route, the security of the frontier was ignored by them. Storm clouds at that time hovered over the eastern Himalayan sky to this time a new trans-Himalayan trade route attracted the attention of the Company so much that they never thought of the security of the northern frontier of Bengal Subah. It was in the beginning of the nineteenth century that the British Government began to think about the security of the frontier. This was because of British relations with Nepal. During the latter part of the eighteenth century following the Tibeto-Nepalese conflict, China invaded Nepal. The Lhasa authorities had requested the English to remain neutral. ⁽⁹⁸⁾ Nepal, on the other hand, being encouraged by the commercial treaty with the East India Company concluded in March, 1792, appealed to the Governor General for help. ⁽⁹⁹⁾ But the policy of neutrality on the part of the British neither satisfied the Nepalese nor the Tibetans. During this time the attitude of Nepal took an ugly turn. China was an unpredictable power in the eastern Himalayas. From the very conclusion of the Anglo-Bhutanese treaty, Bhutan was in good eye of the British, because of the trade route beyond the Himalayas. Taking the opportunity of the policy of favouritism pursued by the company towards Bhutan, it began to encroach

98. Diksalkar, D.B., Journal of the Bihar, Orissa Research Society, Vol. 19, 1933, p. 375.

99. Ibid., p. 377.

upon Cooch Behar's territory. Constant disturbances in the frontier was the return of British policy towards Bhutan. Meanwhile, the Anglo-Burmese relations were heading towards a precipice in the eastern frontier. The King of Burma consolidated his power in his country and conquered Arakan', an independent kingdom adjoining the South-east part of Bengal. (101) Many refugees from Arakan had taken shelter in British territories during the coming operations by the new Burmese masters. The Burmese king demanded the surrender of those fugitives; gradually he extended his territorial claim to Chittagong, Manipur as also the petty principalities of Cachar and Jaintia and threatened the British district of sylhet. Besides, a Burmese invasion of Bengal from Goalpara seemed imminent. The success of the Burmese in Assam and their fantastic claim upon Bengal districts had roused dangers from the flank. Naturally, in this respect of Cooch Behar, that stood so near the Himalayas, the British government was reluctant to adopt any stern policy for the time being.

Internal strife in Assam also reached its climax in the first half of the nineteenth century. The non-intervention policy of the British indirectly threw Assam into the clutches of the Burmese. In 1809 an Ahom Prince, Chandra Kanta Singh, was deposed from power by his ministers, and failing to obtain help from the British troops rushing into Assam to help him proved to be dangerous.

101. Bose, M.L., Historical and Constitutional Documents of North Eastern India, Introduction.