

# Introduction

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The experience of North Bengal on the two interrelated issues of crime and public disorder with the mechanism of control emerges as a significant area of study. The present work deals with the history of various crimes, criminality, public disorder and its control in the districts of Northern part of Bengal during colonial rule. The North Bengal then came under Rajshahi Division which includes eight districts of Northern Bengal i.e. Rajshahi, Rangpore, Malda, Dinajpur, Pabna, Bogra, Darjeeling, Jalpaiguri and to some extent with the Princely State of Cooch Behar. The chronological framework of the study is related to the professional police organization under Police Act of 1861(Act V/1861) which laid down the concept of particular crime and made a definition of crime and standardization of crime statistics not only at the province but at the district level. The period 1864-1947 preceding the terminal points for the study; because the new system of police and judicial administration was introduced in Burdwan, Bankura and Birbhum districts from 1<sup>st</sup> October 1862 and the remaining districts of Bengal with the exception of Darjeeling were brought under the new system on 1<sup>st</sup> January 1864 and it was introduced in Darjeeling district towards the middle of 1864. The other terminal year has a special significance due to the year of independence and partition; consequently a new set up of law and order had been implemented in 1947 onwards, hereafter the work ends with the last part of colonial rule. From geographical coverage, the area of study is strategically located with Nepal, Bhutan and Sikkim in the North, the Gangatic Bengal on the south, Bangladesh and Assam on the East and Bihar on the West. Traditionally the river Ganga divides West Bengal into south Bengal and North Bengal divided again into *Terai* and *Duars* regions. There were administrative divergences in different areas; such as special administrative systems prevailed in non regulation area of Darjeeling especially in the case of hill areas and Jalpaiguri *Duars*,

regulated area of Jalpaiguri, and the rest of the regulated districts of North Bengal and the native state of Cooch Behar. Thus, the government could not take a uniform law and order paradigm throughout North Bengal. But the period is particularly important because the system of crime control and punishment took a definite shape during this particular phase.

Research on crime and criminality is relatively new in this arena. Now a day's crime and criminality is increasingly becoming a serious subject to the social historians. The 'history-less marginal people' is now considered to be an important part of social history. Their habits, attitudes and custom have drawn the attention of social historians as well as those who are working in the area of history known as 'history from below'. In comparison to the western world, the research in social history of crime in Bengal as well as India is still in infant stage. Especially, micro level study of crime and criminality of colonial Bengal has, so far, drawn little attention from historian and scholars. In fact, micro study of the history of Bengal on this matter is somewhat a neglected field of research. A few of research works has been undertaken to focus on the history of crime, criminology, police and judicial administration and in the course of historical investigation researchers have tried to focus on various aspects of crime, criminology, and control in colonial India which is based on provincial or national level.

Anand A Yang, in all possibility, is the earliest scholar to write about crime and control in early colonial India and article entitled, 'The Agrarian Origins of Crime: A Study of Riots in Saran District 1866-1920' (*Journal of Social History*, No. 13, 1979). Yang has also edited a very essential compilation of essays, *Crime and Criminality in British India* (Arizona, 1986) on the social history of law, order and crime. Another striking article by Anand Yang titled *Dangerous Castes and Tribes: the Criminal Tribes Act and the Magahiya Doms of North East India* (2014), where he discussed the Criminal Tribes Act and the people's dichotomy about the law and order.

On the other, David Arnold has brought to light the nature of police control and the colonial perception of law and order vis-à-vis the indigenous one, in the South Indian Context in his book *Police Power and Colonial Rule: Madras, 1859-1947* (New Delhi, 1986). In another article *‘Dacoity and Rural Crime in Madras Presidency in the late Nineteenth and early Twentieth centuries’* (*The Journal of Peasant Studies*, 2008) he detected marked correlation between dearth, high prices, famine and rise of *dacoity* and food riots in the Madras Presidency in the nineteenth and twentieth century. Christopher Kenna, an Australian Scholar has written about banditry and rural violence in colonial India in his article entitled, *‘Resistance, Banditry and Rural Crime: Aspects of the Feudal Paradigm in North India’* (E. Leach and S. N. Mukherjee eds., *Feudalism: Comparative Studies*, Sydney, 1985). Radhika Singha’s work, *A Despotism of Law: Crime and Justice in Early Colonial India* (Delhi, 1998) concentrated on the emergence of colonial criminal law, the ideology behind it and the growth of a complete legal culture of North India. A significant impetus has also come from Michel Foucault’s *Discipline and Punish: Birth of the Prison* (New York, 1977) which offers highly original approaches to the analysis of the structure of historical crime and punishment. David Arnold who also wrote an Article entitled *‘The Colonial Prison: Power, Knowledge and Penology in Nineteenth Century India’* (*Subaltern Studies*, Vol. VIII, Delhi, 1994) shows how since the nineteenth century Britain started considering the criminals as a separate “species” and as “others” in Britain and in the same way they started to treat the Indian criminals. He argued that, in India they adopted a scientific approach and a method of scientific classification of criminal behavior and the conclusion was reached that the Indian society was full of “hereditary” and “habitual” criminals.

In the context of Bengal, Basudeb Chattopadhyay was one of the earliest scholars to write an article in 1981 on crime and control in early colonial Bengal, entitled *‘The Daroga and the*

Countryside: Imposition of Police Control in Bengal and its Impact 1793-1837' (*Indian Economic and Social History Review*, Vol. XVIII, No. 1, January-March 1981). His other major work, *Crime and Control in Early Colonial Bengal: 1770-1860* (Calcutta, 2000) has brought to light the nature of colonial control and colonial perception of law and order in Bengal. He described the company's *Darogah* as the virtual sovereign in his *Thana* jurisdiction and the relationships between the *Darogahs* and the *Goindahs*, the *Zaminders* and the *Lathials* and the dacoits and *Thagidars*. Ranjan Chakrabarti in his article entitled 'Social origins of *Dacoity* in Bengal: A Preliminary Probe' (*Revolt Studies*, Vol. I, 1985) focused on the several possibilities of the existence of noble robbers in the nineteenth century Bengal rural society. He also wrote a book titled *Terror, Crime and Punishment: Order and Disorder in Early Colonial Bengal 1800-1860* (Kolkata, 2006) deals with law and order and violence in early colonial Bengal. Thematically, the book focuses on the encounter of local restlessness, crime and violence on the one hand and the colonial states attempt to control these, on the other. Author highlights how the colonial rulers used the institutions like court, police, prison, law etc. as weapons of social control to maintain public order and to exploit the rural surplus productions. He also explored the probability of existence of social bandit in Bengal. Arun Mukherjee's *Crime and Public Disorder in Bengal: 1861-1912* (Calcutta, 1995) highlights various crime and public order and disorder by using the statistical method, the extent of criminal occurrence in Bengal. His arguments are clearly in tune with the colonial discourse and representation of crime and criminals. He also shows the close co-relation between crime and scarcity. Suranjan Das in his article 'Behind the Blackened Faces: The Nineteenth Century Bengal Dacoits' (*Reflections in History Essays in Honour of Professor Amulendu De*, Keka Dutta Roy and Chitta Ranjan Misra eds., (Kolkata, 2009) has stressed the need to examine *dacoity* in the nineteenth century Bengal

against the backdrop of rural Bengal's exploitative social structure. He remarked –*dacoity* certainly constituted a particular form of deviance...But the nature of *dacoity* varied from time to time and from place to place.” A significant impetus has also come from the writings of Ranajit Guha, particularly *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi, 1983). Anindita Mukhopadhyay in her book, *Behind the Mask: The Cultural Definition of the Legal Subjects in Colonial Bengal 1715-1911* (Delhi, 2006.) analyzed the deeper areas of class antagonism between the privileged (*bhadralok*) and underprivileged (*chhotolok*) classes in the face of different ideas of legality and sovereignty in colonial Bengal. Mukhopadhyay argues that the superior ‘*bhadralok*’ ethics and morals were juxtaposed against those of the ‘*chhotolok*’— who were devoid of each ethical value.

Nemai Mazumdar in his book *Justice and Police in Bengal 1765-1793: A Study of Nizamat in Decline* (Calcutta, 1960) has discussed in length that how the decline of the power of Sultan boosted up Bengal's criminal activities. Saraj Kumar Bhowmik in his monograph, *Rural Police and Local Justice in Bengal 1772 – 1870* (Calcutta, 1991) traces the evolution of *Chowkidari* system in Bengal. He has shown *Chowkidari* system failed to bring about desired result for the early colonial government. Madhurima Sen's works, *Prisons in Colonial Bengal 1838-1919* (Kolkata, 2007), shows how prison stood as symbol of ruthless exploitation for the prisoners. She had worked extensively on growth of the prison as a system of legal oppression. Similarly, a fascinating article has been published on a Northern Bengal district by Dahlia Bhattacharya entitled, ‘A Discourse on Control, Discipline and Punishment: Prison in Colonial Darjeeling 1835-1947’ (Dinesh Chandra Ray and Srikanta Roy Chowdhury eds., *Darjeeling: In Search of People's History of the Hills*, Delhi, 2022) focuses on the system of imprisonment and the methods of the British to civilize the Indians in Darjeeling district during the colonial period.

Now we will take a look at the embryonic culture of crime writing in late nineteenth and early twentieth century colonial Bengal and India which is an interesting testimony to understand how the literature was shaped during that period. Priyonath Chattopadhyay's *Darogar Daptar* (Policeman's Diary), Girish Chandra Basu's *Sekaler Darogar Kahini* (Contemporary Police Story), published in *Nabajeevan* magazine, Kedarnath Dutta's *Sachitra Gulzar Nagar, Markin Police Commissioner* (The Police Commissioner of America) by Bhuvanchandra Mukhopadhyay and so on show racial determination of crime, severe irony in the justice system, and inhumane police torture in jail. The early writings of the twentieth century like Saradindu Bandyopadhyay's *Byomkesh Bokshi* series show the counter perspective of crime and especially the construction of law-abiding, rational Indian subjects chiefly from the *bhadralok* gaze. These published accounts of cases investigated by them are among the very first manifestations of the crime genre in India. The writing reflects their understandings of criminality and guilt, as well as negotiations with colonial law and policing. Life writings of the revolutionaries such as Jawharlal Nehru's *The Discovery of India*, Mahatma Gandhi's *Songs from Prison*, Aurobindo Ghosh's *Karakahini* (Tales of Prison Life), Rani Chanda's *Jenana Phatak* etc., would also be significant in this context to understand how the punishment system acts mostly as a discipline tool of violence and control in the colonial period, what the militant activism aims to defy.

Henceforth, all the works discussed above are valuable in their own merit and important stalwart in this field and played a crucial role in shaping my approach to the subject. The entire works are problem-specific and they covered either provincial or national level perspective. Generally, local level especially district level crime and public disorder related issues is still out to discover. In the perspective of Bengal province the earlier researchers mostly confined their

study within the southern districts and the lower province of Bengal in general but they overlooked the research in certain regions and locality particularly in Northern part of Bengal. Albeit, occasionally they have referred some information of several districts of North Bengal due to the regional variations and neighboring boundary areas of Sikkim, Assam, Bangladesh, Bhutan and Nepal. It is, therefore, not important but essential to explore the social history of crime and criminality of rural Bengal from micro level perspective. Hence, the study attempts to trace the origin and nature of criminal activities and the levers of social control with reference to contemporary British administrative policies and the philosophical background and the colonial perception of law and order in North Bengal. Similarly, collective violence or public disorder issues also got much important as the evidences of crime in the colonial period with a view to deepen our understanding about the nature of British identification of crimes and criminals and the method of control.

Therefore, the objective of the study is divided into some crucial theme. Firstly, viewing crime as an ingredient of social history, the study dealt with the evolution of crime from the backdrop of socio-economic and regional diversity in North Bengal. It throws light on the various formations of administrative changes in terms of ‘law and order’ in the regulated and non-regulated areas of North Bengal and the Princely state of Cooch Behar to some extent. The implementation of Law and order is an indication of the suppression of criminal activities. Hence, crime and criminals will be traced from the background of socio-economic aspects and on the other for the implication of colonial rule of law. Similarly, the study intends to seek the rapid development of tea and railway industry and modernization of economy and the relationship between crime and industrialization and crime and scarcity. Focusing on the theme of socio-economic offences related to women and children like rape, kidnapping and death of

children by willful exposure, illegal trade in minors for immoral purposes etc. and the colonial exploitation.

Secondly, the study also intends to bring out certain unexplored facts of the major issues of public order problems which rocked northern part of Bengal in terms of agrarian unrest, industrial workers unrest i.e. tea garden and railway workers, communal disturbances and moreover political unrest as a form of 'Public Disorder'. The study tries to analyze their causes in brief and main focus lies with the violent activities of the common people and how the colonial authorities approach to tackle such disorders and the responses of the colonial administration and its changing perceptions regarding crime and public order issues.

Thirdly, the study is to provide an analysis of historical trends of the various institutions that has been used by colonial Government in the forms of control mechanism like police, Court, Jail etc., and how through this method of control their surveillance gesture was being fulfilled.

The concept of crime and criminality is one of the most debated issues that added a new dimension to the arena of social history. Crime is a social phenomenon which berates human behavior. It is a primitive practice that has always been treated as a part and parcel of socio-cultural milieu. The word crime owes its genesis to the Greek expression '*Krimos*', which is synonymous with the Sanskrit, word '*Krama*' meaning social order. Thus the word 'crime' is applied to those acts that go against social order and are worthy of serious condemnation.<sup>1</sup> From a historical outlook, the concept of crime varies from person to person and place to place. Mostly, religious bigotry and superstition blindfolds people's reasoning and drives them towards heinous criminal activities. Sometimes, the faulty economic policy, indebtedness, poverty, hunger, and destitute ignites criminal psychology. Often, the armed resistance of the subjects against their ruler is perceived as a crime. Another significant feature of crime is that it is

associated with violence. Therefore, the concept of crime and criminality is difficult to define. Generally, the term ‘crime’ is used as an umbrella term to describe wide range human actions, irrespective of individual or a group who actually affected or had the potency of disrupting the normal functioning of law and order.

The pre-colonial definition of crime and criminality remained in an elaborate form in various texts and scriptures. But it is difficult to understand what the historical definition of crime in colonial India was, as the rulers who codified the criminality of Indians to all kinds of prejudices’ against the people whom they ruled. There was hardly any scope to put up the Indian insights in the colonial jurisprudence about crime and criminality; because the colonial ruler set up their perception of crime according to the potentialities of threat and the colonial perceived notion of order. Henceforth, the legal inspection of crime and criminality in colonial India was effectively a colonial construction. Their own experience at home defined their perception of crime in India, helping the ruling elite to shape the concept of dangerous classes and subsequently influence the Criminal Tribes Act in the Indian context. The colonial authority convicts that crime was hereditary with the Indian grew out of pragmatic requirements and out of contemporary ideas about crime causation. The limited perceptions of crime generally and criminal tribes specially were also defined by the colonial context in which rulers ruled with an institution as well as an ideology of control. Moreover, since the nineteenth century Britain started considering the criminals as a separate ‘species’ and as ‘others’ in Britain and in the same way they started to treat the Indian criminals. In India they adopted a scientific approach and a method of scientific classification of criminal behavior and the conclusion was reached that the Indian society was full of ‘hereditary’ and ‘habitual’ criminals.<sup>2</sup>

A brief resume of the changes in theories of crime and criminology brought about in West European academic discourse during the eighteenth and nineteenth centuries is essential for an understanding of the contemporary official assessment of crime and the development of the control mechanism in colonial Bengal as well as India. By the middle of the nineteenth century, new theories of society were evolving in Europe, and the ideologies of socialism and anarchism were defining crime in new terms; in the context of socio-economic motivation rather than the exercise of individual free will operating in a vacuum. In 1844, Karl Marx, jotting down his theories in his manuscripts, traced the rise of crime to the cut-throat competition for jobs in a market economy dominated by capitalist-run factories. Marx therefore, felt that ‘crime too is governed by competition’, and in his cynical tone, added ‘society creates a demand for crime which is met by a corresponding supply.’ And then, in striking summing up of the symbiotic relationship between crime and poverty, on the one hand and crime and punishment, on the other, he said, ‘crime pressed on the means of punishment, just as the people press on the means of employment’.<sup>3</sup> But the rival contemporary of Karl Marx was Marx Stirner who emphasized not so much the desire to acquire goods, as the assertions of the individual self against the legal code of the state. For him, the act of crime, more than anything else, reflected the perpetrator’s urge to protect and project his/her own independent selfhood against an oppressive state machinery that violated his/her free existence and movements. By locating the enactment of crime in the socio-economic sphere where a well organized and all-powerful state controlled the scene, Stirner dissociated himself from those theorists of the past who only stressed on the free will of the criminal and denied the role of the state in spawning criminals.<sup>4</sup>

Running parallel to this theoretical stream of a socio-economic explanation of crime in nineteenth-century Europe, there was another trend in contemporary academic discourse- which,

interestingly enough found a ready welcome among the ruling powers in Europe and their colonies abroad. In reaction to the past views about free will being at the back of crime, certain ideas belonging to positivism began to dominate criminology during this century, its best known exponent being the Italian physician Cesare Lombroso. He and his followers adopted the theory of genetic determinism, as opposed to the notion of free will, while explaining crime. They asserted that certain individuals were doomed to be criminals, as they were supposedly born with anti-social tendencies that were built into their minds from birth and handed over from the barbaric stage of human evolution. They based their theory on measurements of the faces of prison inmates and postmortem findings of hanged convicts, and listed certain common facial features of the victims to prove that they came from a common criminal stock.<sup>5</sup> This had its repercussions in Bengal, when in the 1890's the police department introduced anthropometries for measuring and tabulating the physical features of the arrested person with the help of special instruments. Thus certain facial traits or physiological characteristics were codified and used for stereotyping persons who were unfortunate enough to bear them, in order to brand them as criminals. This tendency to brand certain individuals as criminals was reflected in contemporary legal measures that herded individuals into a group and labeled them as a 'dangerous class'.

In England, in 1869, the government enacted the Habitual Criminal Act in order to bring under its jurisdiction for such people suspected by the Establishment to be genetically criminal; in other words, habitually addicted to crime. As expected, this policy was soon transmitted to its colony in India when, two years later, in 1871, the Criminal Tribes Act was enacted. Introducing the Criminal Tribes Act of 1871, T. V. Stephens, the then member of the Viceroy's council in charge of law and order, came out with the astounding statement that 'tribes whose ancestors were criminal... are themselves destined by the usage of caste to commit crime... and will be

offenders against law until the whole tribe is exterminated'.<sup>6</sup> Though individual crime in India was also seen to stem from a hereditary cause, the investing of entire communities with hereditary criminality was different in the case of India and Europe. In India it was based not on the notion of genetically transmitted crime, but on crime as a profession passed on from one generation of criminal caste to another.

But by the beginning of the twentieth century, the theory of genetic determinism was losing favour among sociologists and giving way to a diversity of theoretical approaches that stressed social and economic problems as causes of criminal behavior. Nevertheless, the concept of Indian crime and its causes had, thus changed between 1871 (when the CTA was first instituted in Northern India) and 1911 (when a revised version was applied to the whole of British India). The needs of practical governance led to a search for a 'social scientific' explanation of crime in India, connecting Indian criminality to the introduction of the railways, the new forest policy, repeated famines and so on. The new administrative rationale was that with the introduction of certain policies designed to raise revenue, some communities had irrevocably lost their means of livelihood. How else could they live except by committing crime, especially if there was no property to support them? This section of people had become criminal, now needed to be treated by special legislative measures. Implicit in linking crime with a lack of means of sustenance was a corollary- the criminals were reformable, and not hereditary, habitual and incorrigible criminals.' Thus the concept of criminality got linked to a secular cause, and commission of crime was now directly related to lack of means of livelihood, and non-availability of work.<sup>7</sup> Then the process of the criminalization of the poor was prompted by the urgent need to generate greater social discipline in the subject society.

In continuation of this trend, in the late 1960's, a new generation of historians of crime began to reaffirm the classical Marxist view- albeit in an enlarged frame- about the inherent economic features of an exploitative system as the source of poverty and social aberrations. They sought to locate criminology in the wider context of the evaluation of an economic system and its social class relations. E. J. Hobsbawm set the trend by re-examining the incidence of banditry in pre-capitalist agrarian societies and coming up with the concept of 'social banditry'. He drew a sharp distinction between individual criminals motivated by personal aggrandizement, and gangs of impoverished and disgruntled peasants who looted the rich. The acts of the latter were viewed by him as a primitive type of social protest by peasants against oppression and exploitation. Historical records of their popularity among the poor, who gave social sanction to their acts, prompted Hobsbawm to coin the term 'social banditry' to describe their acts.<sup>8</sup> Social scientists are thus drawn to the interrelationship between socio-economic forces on the one hand and the pattern of criminal behavior on the other.

In another context, public order implies a harmonious state of society in which all events conform to the established law and is synonymous with peace, tranquility and the rule of law. Public order itself is a part of the official or ruling group's discourse, reflecting the value judgment of the latter as to the actions and behavior patterns which are or are not, to be construed as amounting to disorder. Public disorder usually arise from undermines economic growth and development, perpetuating a vicious cycle of poverty, frustration and violence. Thus, petty clashes between groups whose impact is limited to a small area are minor in nature with no impact on public order. But widespread violent clashes between two or more groups, such as communal riots, peasant's agitation, labour unrest, political violence etc. would pose grave threats to public order.<sup>9</sup> Therefore, public disorder is a situation in which public order is violated

or threatened. Moreover, ‘Public disorder’ resulting from group actions violating legal norms which is closely related to the concept of crime as traditionally understood.

In the colonial era, Bengal has faced several instances of large scale public disorder, starting with the peasant agitation to communal riots pose a serious threat to peace and order. There have been violent and numerous instances of agrarian unrest, plantation labour and industrial labour unrest and so on. Basically, the socio-economic changes gave a new identity to certain social groups – industrial workers and the educated middle class in particular – which became not only increasingly vocal but started having a growing impact in the arena of public order, a trend which became pronounced in the subsequent decades. In fact the first decade of the twentieth century in Bengal was not merely a temporal shift from one century to another: it was truly a watershed in the annals of crime and public order in modern Bengal. The threat perception of the governmental authorities during the period concurrently, a more acute perception of threat on the part of the rulers led to a new style of administrative functioning marked by manipulation and repression rather than by a straightforward legalistic approach to public order problem. As the early attempts to suppress rural violence failed, the colonial authorities attributed the prevailing disorders to the character of the Indians. Therefore, maintenance of public order, i.e., protection of the established order, has been an acknowledged function of governmental administration irrespective of the form or class character of the government. Consequently, the colonial authorities implemented different sorts of mechanism to control such type of disorder situation and they have made multiple reforms in according to time and necessity and moreover followed western tradition.

Between the late eighteenth century and the mid-nineteenth century, the whole apparatus of the State dealing with law, police and punishment underwent a major change in the West. In

India the initiative for setting up an orderly society in tune with what the alien rulers desire, had given a concrete shape to the institutions like court, police, prison etc. These institutions had ideally different jurisdiction of authority and were expected to work according to the rule of law. But, in practice, it appears that the duty of all these institutions was to identify the section of the society which was unwilling to be reconciled with the new system and to identify the areas which were most crime prone and had the highest concentration of criminals. All these organs of the state were expected to be effective to control crime and criminality.

However, changes in the forms of punishment in the imperial centre and its colony in the nineteenth century were also being shaped by some of the new theories that were emerging. A band of philanthropic reformers, secular Enlightenment theorists like Beccaria and Bentham, and the Quakers, set out to convince the political leadership of their societies that public punishment of the body like hanging, branding, whipping were arbitrary and illegitimate, and that a new range of penalties, chiefly imprisonment and hard labour, could be at once human, reformative and punitive'.<sup>10</sup> The English political theorist Jeremy Bentham (1748-1832), who is better known for his contributions to the philosophical school of thought known as utilitarianism, came up a theory for prison reforms during this period. Described as panopticon, his theory professed to reform prisoners. With this aim, he devised a design that provided for not only new structures of prison based on a single cell system, but also stricter surveillance over every aspect of the lives of individual prisoners. He associated reform with hard work and the preaching of Christian morality. His penal theory linking jurisprudence with theology influenced a number of prison projects in Britain and in the continent. According to Foucault the Panopticon was intended not only for the prison, it was readily adapted to any enclosed institution and in a broader sense to society.<sup>11</sup> However, the idea of the Panopticon was readily accepted by the West and thus a new

way of crime control came into being. But the British in India were nevertheless always determined to project the Raj as a moral, civilized and civilizing regime and they sought to introduce a definite code of legal procedure. The British legal system imposed on India was neither totally European in character nor did it leave the Indian legal system untouched. The colonial authority put together an ideology for the Raj according to their convenience and tried to overcome its internal contradictions by high sounding phrases. All that matter to the ruler was that the machine of the government should be efficiently designed and conducted with little concern for the well-being of the general populace. Moreover, British colonialism had been a continuous process of experiment adjusted and readjusted and when required to suit the changing need of the time.

In the period of study, North Bengal had been reported number of crime in general and *dacoity* in particular from the beginning of the colonial rule. The nature of crime varied from time to time and from place to place. Various types of crime like thefts, robberies, dacoit, bandits, cattle-lifting, murdering, female related crimes, arsons etc. had been occurred in these areas. The native state of Cooch Behar also suffered from various criminal activities, among them *dacoity* was very common. The increase in the reported number of crimes, especially *dacoity*, could be partly attributes to a new shift in the character of the mechanisms of control and the corresponding social philosophy behind it. In contrast despite having such lacunas in the existing socio-economic history of North Bengal relating to crime and criminals; the major issues of public disorder were agrarian unrest, tea garden and railway workers unrest, political unrest etc. which the historians have called social or survival or protest crimes.

A reading between the lines of entries on such crimes gives us a glimpse of such aspects of “exploiters and exploited” in the countryside as *Zaminders* or moneylenders extracting

exorbitant rates of interest, landlords bonding their tenants to bounded labour and peasants being deprived of their occupancy rights due to the policies of colonial government. Escaping from this oppression, the peasant revolt broke out in the various districts of North Bengal. Among these important were the Rangpur Rebellion, Sannyasi and Fakir Rebels, Wahabi movement, Indigo Revolt, etc. Similarly in the twentieth Century a number of organized peasant movements took place in North Bengal which includes the *Chhatrish*a movement, the tribal rising of Malda, *Oroan* agitation in *Duars* and the *Tebhaga* movement.

On the other, during the second half of the nineteenth century and first decade of the twentieth century significant social changes, growth in industrialization, urbanization and communication- all these factors left an indelible imprint on Bengal's social history. Partition of Bengal marked the beginning of a new political arena in North Bengal and people engaged with secret revolutionary groups and it was a major public disorder to the British authorities. Besides these in the forties of twentieth century the power of Trade Union Movements was seriously felt in North Bengal. The tea Estates became the focus of the Trade Union Movements. The Radical Democratic Party also organized successful strike among the railway workers in 1944. Other professionals like teachers, officials and lawyer's et al also took part of the workers unrest; Darjeeling-Himalayan Railway *Majdoor* and Workers also had served the management of the railway with the notice of a general strike. On the other hand due to the growing attitude of communal politics, different communities of North Bengal were increasingly become conscious of their respective communal interest which became a crucial issue of public disorder.

The growing tension among the rural folk in colonial India was treated by the authority as a law and order problem replete with words like bandit, heinous offence, disturbances, criminal etc., the terminology conveyed the colonial perception of crime and law and order. Hereafter, the

two common themes which have been pointed out in course of discovering the various aspects of historical crime in British India are “order” and “control”. Similarly, the administration had been followed in North Bengal through various mechanism or institutional agencies of control like police, court, criminal law, prison etc.

In this backdrop the thesis covers five chapter or sections apart from Introduction and Conclusion. The following chapters are:

Chapter-I, “The development of Administration in North Bengal: An Overview” seeks to explore the administrative and jurisdictional changes since its formation under the colonial rule. It is found that long after the establishment of British colonial hegemony in central and eastern Bengal (more than a hundred year), the British Government brought this area under the mainstream administrative periphery of Bengal; apart from the formative district of undivided Dinajpur, Rajshahi and Rangpur, the existence of Northern Bengal district was first recognized in a few survey and settlement reports that were written in the nineteenth century. In the perspective of administrative history of Bengal under British Raj, North Bengal was the creation of British Government and instead of several Divisional changes of some places it was mainly lies under Rajshahi division. Jalpaiguri was made the sub-divisional headquarter of Rajshahi division immediately after the formation of the district because the British Government found as a suitable strategic point from where they could keep their sharp eyes on the affairs and activities of Bhutan and North-Eastern part of India. In addition to that by the treaty of 1773, the Princely State of Cooch Behar came out as a tributary State under British. Hereafter, a number of changes had been taken place concerning the jurisdiction of the area from time to time but new region had been developed which actually consolidated the regions under a common administrative

umbrella. Although due to the geographical and scattered ethnic diversity there were differences of administrative system in different portion of the districts of North Bengal.

Chapter-II, ‘Violation and Faults: Crimes and Criminals in various Districts’ deals with the collective crime like violent gang *dacoity*, burglary, theft, murder etc. which was a most dangerous crime as thought by the colonial administration. Apart from the major heinous crime, an assortment of crime related to socio-economic aspects like house breaking, rioting and unlawful assembly, women related crime etc. had been occurred in different district and the reason and nature behind the various form of crime is varied from region to region. There was an official consensus by the nineteenth century that, the lower classes were far more prone to crime than the upper classes. It is found that *dacoities*, burglaries and thefts were habitually committed in northern Bengal by a number of particular castes or a group of people, such as *Choto Bhagiya Muchi* from the local origin and *Bhur, Palwar Dusadh, Pasi, Chain Mallah* from the exogenous, while river crimes were the domain of *Sandars* and *Mallahs*. Hence the study also took a serious impetus on these lower caste crime or hereditary crime theory. This chapter also identified the major and minor crime prone districts where the crime was frequently occurred. Hence, the Government sought to detect and prevent them to achieve its two main objectives i.e., extraction of revenue at minimum administrative cost and maintenance of law and order to the extent necessary for the public safety of the company.

Chapter-III, ‘Resistance and Fury: Public Disorder in North Bengal’ explores the major issues of public disorder such as the *Chhatrish*a movement, the tribal rising of Malda, *Oroan* agitation in *Duars* and the *Tebhaga* movement. On the contrary during the Non-cooperation movement, among a section of the peasantry in the *Duars* of Jalpaiguri, raises a most effective no-rent campaign. Similarly, partition of Bengal marked the beginning of a new political arena in

these region and during *Swadeshi* and Boycott movement some volunteers were been arrested for picketing and firing foreign goods. Secrete revolutionary groups namely 'Jugantar' and 'Anushilan' were active; they established contact and recruited youth from North Bengal and the colonial authorities look into them as criminal but the nationalist called them heroes. Besides these in the forties of twentieth century the power of Trade Union Movements was seriously felt in North Bengal. The Radical Democratic Party also organized successful strike among the railway workers in 1944. Other professionals like teachers, officials and lawyer's et al also took part of the workers unrest; Darjeeling-Himalayan Railway *Majdoor* and Workers also had served the management of the railway with the notice of a general strike. Therefore, this chapter focused on the collective protest and violence during the colonial period of North Bengal which was considered as problem of public order; and an undersigned threat to the Raj and also as a threat to local law and order and the approaches of the colonial authority.

Chapter-IV, 'Regulating Crime: The Police Administration in North Bengal' highlighted the administrative structure of police in different district and their core function with the divergence of regional variation. Maintenance of the new order and implementation of the rule of law was entirely dependent upon the efficiency and skill of the police agency. It was an agency of discipline which was vigorously used by the colonial state to pacify the antagonistic elements against the foreign rule. By the use of police the British hold their power and control in North Bengal and exercised their control over it through the police that they met and counted successive challenges to colonial control. Each rural insurrection, each major strikes or political upheavals was followed by a fresh reappraisal of police resources and responsibilities. As British rule grew in strength and diversity, the police organization developed and adapted to counter it. It was also a force which helped the company Raj to penetrate its authority even in the remotest

area of the country. In fact the police was intimately connected with the evolving needs of the empire and its administrative realities. Hereafter, colonial police could be judge largely in terms of an imperial system linking the indigenous fragmented system to the emporium and making it both efficient and responsive to orders from the imperial capital and how the police organization was being used as a mechanism of colonial power in the one hand and police atrocities in the other.

Chapter-V, ‘Laws and Judiciary: Administration of Prison and Punishment’ focuses on the evolution of ‘Rule of Law’ and its implementation in the police and judiciary administration. It covers the early stages of the Company’s lawmaking procedure from the time of Warren Hastings and the synthesis of historical law and order in pre-colonial India. Theoretically, Cornwallis’s Code, the basis of British justice in the nineteenth century confirmed the high sounding Rule of Law which had already taken off under the guidance of Hastings. The Rule of Law rested on an impartial system of justice embracing all classes of people. But in India it did not inaugurate an era of equality before law. On the contrary, it institutionalized the naked racist attitude of the British. Indian legal and judicial systems, including the prison system, were rebuilt and reshaped by the British authorities. Henceforth, to return to the original proposition, faith in the Rule of Law as expounded by the law courts and disbelief in the efficacy of law and alienation from the law courts are two different types of impact of the introduction of the English law in Northern Bengal as well as Bengal. Both the process operated simultaneously in course of the nineteenth century. While a substantial section of the intelligentsia extolled the virtues of the Rule of Law, the ordinary people had precious little to expect from it. The mechanism of Rule of Law and punishment system was served as an instrument of threat and threat of coercion.

In order to prepare this dissertation I have followed different types of methodology. The design of the present research has been formulated on the basis of the nature of the study. The study has design in an analytical as well as theoretical framework and other forms of method like normative survey, correlation methods etc. also been followed. Both the conventional and modern techniques of methodology also used in collecting the data. The relevant data has been collected from primary and secondary sources. The chief repositories of information for our purpose will be the proceedings of the Government of Bengal in General, Judicial, Police and Political Departments from the West Bengal State Archives. Certain rare documents, reports are also collected from the Bengal Criminal Investigation Department (CID), and the Bengal Intelligence Branch (IB), which is located in Kolkata. Sources also collected from the National Archives of Delhi; I also look into the confessions of the prisoners made before the police in the form of police diary, the magistrates and the courts by the members of political dacoit gangs and other participant of revolutionary crimes and other cognizable and non-cognizable crimes related to socio-economic aspects which is preserved in their respective department.

Most of the information has been collected from the official documents and the reason for the heavy dependency on the official records is the paucity of other sources related to North Bengal rural crime and criminality. For the sake of rare books I have visited National Library (Kolkata), North Bengal University Central Library, District Libraries and also the Private libraries and private collections. I have made considerable use of local sources such as contemporary weeklies and journals, little magazine and Daily News papers published from the region and National news paper also. All these collected data have been analyzed very elaborately and systematically to reach a logical conclusion of the present study. Researcher will have to make considerable use of District Gazetteers and local sources like contemporary

Weeklies and Journals, Papers, Proceedings', Magazines published from North Bengal. Besides these, a number of peoples interviews with distinct personalities also to be followed. I have purposefully used some words in italics, to draw some terms with special meaning those words continuously used by the administrators as they convey the colonial perception of crime, law and order; similarly, non-English words and also for names of books and journals.

## Notes & References:

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<sup>3</sup> Karl Marx, *Economic and Philosophic Manuscripts of 1844*, Moscow: Progress Publishers, 1977, pp.190-91.

<sup>4</sup> Sumanta Banerjee, *Crime and Urbanization: Calcutta in the Nineteenth Century*, New Delhi: Tulika Books, 2006, p. xi.

<sup>5</sup> *Ibid.*

<sup>6</sup> V. Lalitha, *The Making of Criminal Tribes*, Madras: New Era Publications, 1995, p. 27.

<sup>7</sup> Meena Radhakrishna, ‘The Criminal Tribes Act in Madras Presidency: Implications for Itinerant Communities’, in *The Indian Economic and Social History Review*, Issue.3, 1989, p. 26.

<sup>8</sup> Sumanta Banerjee, *Op. Cit.*, p.xiv.

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