

Situating Crime and Administration of Law and Order in Colonial Bengal: A Study of Jalpaiguri (1869-1947)

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[Editorial Note: The present paper focuses on the role of police and judiciary in Colonial Bengal especially in Jalpaiguri, administration of law and order and the nature of crime and criminal in the said period.]

Abstract: *Crime and violence manifests in many ways and various factors have been responsible for crime and violence. Jalpaiguri has been a late history to the development of administrative changes and in the formative years of colonial administration, the district had witnessed widespread crime and criminal activities in miscellaneous forms; such as dacoity, murder, theft, burglary, and affray, riots etc. To prevent such types of crime the administrators as well the society have followed different techniques. Henceforth, police and judicial administration had played a crucial role for maintaining law and order. The present paper aims to study the nature of crime, criminals and the system of law and order in colonial Jalpaiguri.*

Keywords: *Theft, Dacoity, Murder, Violence, Law and Order.*

Introduction

Crime as an integral part of a society has existed since the antiquity of civilization and the concept of crime came out in practical ways since the formation of the state. It is a primitive practice that has always been treated as a part and parcel of the socio-cultural milieu. Usually the word 'crime' is applied to those acts that go against social order and are worthy of serious condemnation. Officially 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.

Crime germinated in manifolds and different types of crime have different implications to the administrators as well as to the society. The colonial state's response towards each crime was conspicuously different. Crimes that occurred in the colonial period were divided into ordinary and extraordinary categories. The 'ordinary' crime was where the objective is livelihood, and the targets of attack indiscriminate. Generally, the nature and incidence of 'ordinary' crimes are viewed as bearing a direct correlation with the subculture of poverty and integrated issues. It has been found that poverty born crimes were quite widespread in the colonial period (Sandria 1991: 227-61). The other category of crime has been described by E. P. Thompson as 'social crimes' (O'Brien 1978: 511). Social crimes occur within a framework of a shared 'moral economy', and the 'criminals' engaged in them often enjoy wide social support in the local society. Even as the state insists in branding them as criminals, the ordinary people see them as heroes, as champions, avengers, fighters of justice, perhaps, even leaders of liberations, and in many cases, as to be admired, helped and supported'. It is for that reason E. J. Hobsbawm calls them 'primitive rebels' or social bandits" (Hobsbawm 1959: 13-29). Such collective, bold and violent crimes had an insurrectionary potential and they appeared to be the greatest challenge to the authorities.

A micro study of the history of Bengal on this matter is somewhat a neglected field of research. A few research works have 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 Bengal and moreover in India. Anand A Yang, in all probability, is the earliest scholar to write about crime and control in early colonial India (Yang: 1979) Yang has also edited a very important collection of essays, "Crime and Criminality in British India" (Yang: 1985) on the social history of law, order and crime. On the contrary, Basudeb Chattopadhyay was one of the earliest scholars to write an article in 1981 on crime and control in early colonial Bengal (Chattopadhyay: 1881). His other major work has brought to light the nature of colonial control and colonial perception of law and order in Bengal. Ranjan Chakrabarty (Chakrabarty: 1885) in his article entitled "Social origins of Dacoity in Bengal: A Preliminary Probe" focused on the several possibilities of the existence of noble robbers in the nineteenth century Bengal rural society. Arun Mukherjee (Mukherjee: 1995) highlights various crime and public order and disorder by using the statistical method, the extent of criminal occurrence in Bengal. Ranjan Chakrabarty (Chakrabarti: 2009) thematically 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. But the researchers mostly confined their study within the southern districts and the lower province of Bengal in general and they overlooked the research in certain regions and localities particularly in present North Bengal. Local level especially district level crime study is still out to discover; it is, therefore, not important but essential to explore the social history of crime and criminality of rural Bengal from micro level perspective. Consequently, a study of crime in a northern Bengal district like Jalpaiguri can be a study under British rule and how the colonial masters treated crime and criminals in this region. Moreover, Britain started since the nineteenth century 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 was assumed and the conclusion was reached that the Indian society was full of “hereditary” and “habitual” criminals (Arnold 1986: 124). Therefore, this article attempts to trace the evidence of both forms of crimes i.e. ordinary and extraordinary 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.

Formation of the Jalpaiguri district

The district of Jalpaiguri as an administrative unit came into being on 1st January, 1869 by the merger of the *Titulia* Sub-Division of Rangpur District with the *Dooars* region which was annexed by the British in 1864 from Bhutan (Bari 1970: 39). Jalpaiguri was a part of Rangpur (now in Bangladesh) since the East India Company was granted the Diwani of Bengal. This area was administered from 1765 to 1868 as part of Rangpur district (Hooker 1885: 10). The district comprises two well-defined tracts, the portion which was separated from Rangpur was known as the regulation or permanently settled tracts as it was administered under the ordinary laws and regulations which was enforced in Bengal. It lies for the most part on the west of the *River Tista*, though it included Patgram on the east to the river. Similarly, the two Chaklas of Boda and Patgram belong to the Cooch Behar Raj; but the Baikuthapur Estate between them nearly covers the whole of the permanently settled portion of the districts (Roy 2002: 185). The other tract known as the western *Dooars* is bounded on the West by the *Tista*, on the East by the *Sankosh*, on the North by Kalimpong and Bhutan and on the South by the Cooch Behar and Baikunthapur. The tract extends further east, covering the northern strips of Goalpara and Kamrup and a northwestern slice of Darrang district of Assam,

known as “Eastern *Dooars*’ ’ (Barman and Barman 2015: 80). The Western and Eastern *Dooars* are jointly known as ‘Bhutan *Dooars*’.

Although it was a newly formed district, it was considered by the British Government as a suitable strategic point from where they could keep their sharp eyes on the affairs and activities of Bhutan and the North-Eastern part of India. Hereafter, the district was made the sub-divisional headquarter of Rajshahi Division immediately after the formation of the district (Grunning 1911: 145). The promulgation of a new setup of law and order in the district was created to control the criminal activities. As Michel Foucault states, law is an element of power and in a modern society law combines with power in various locations in ways that expands patterns of social control, knowledge and documentation of individuals for institutionally useful ends. The British after consolidating the northern part of Bengal wanted to have an effective control system by establishing legal order and expanding the system of control through surveillance and inserting the fear of being seen to be doing something wrong. Having borders with other states and countries in the district, the national and international crime had been occurring vehemently and the nature of crime varied from time to time and from place to place. The article hereafter endeavors to focus on the various forms of crime and control of this particular district.

Crime and Criminals

During the colonial era Bengal was marked by the increased numbers of crime in general and dacoity in particular. Dacoity was looked upon by the Raj as essentially a problem of law and order. The contemporary British writers took serious interest in the crime of dacoity and frequently discussed the problems in detail. It is a kind of violence which is so bold, noisy, slashing and destructive of life and property and runs directly counter to the openly expressed ‘Whig ideology of law’ that was supposed to reconcile freedom with order and ensure the security of life and private property. The official and non-official data and contemporary literature suggest that like other parts of Bengal, the district of Jalpaiguri was also not free from violent and non-violent crimes. It has been found that Jalpaiguri in the period under survey were, more or less, infested by violent dacoits and gang robbery. J. F. Grunning has pointed out that, “the criminal work of the district is not heavy... but it comprises looting of wealth, murdering and dacoities”(Grunning 1911: 125). The same opinion is being recorded by Charu Chandra Sanyal that, apart from dacoity-

burglary and theft the other forms of crime are not often reported at least till 1910 (Sanyal 1970: 90).

However, in Jalpaiguri dacoity was quite common which was committed by gangs who carried their activities mostly through the river way border and abjuring forest area. They operated in large boats and country vessels named as *bajras*. The name of these *bajras* became legendary among the local people with the owner and leader of the gang. The border areas had become the dens of dacoits who would commit crimes in Jalpaiguri as well as in Cooch Behar and Rangpur district. The local inhabitants were left at the mercy of the dacoits. The most dangerous gang used to work in Nepal and was interlinked with Jalpaiguri and Darjeeling districts; its leader Balbant Manger, was a Nepalese subject, who had received long sentences for dacoity with murder in his own country, but had contrived to escape. These gangs usually deal with the smuggling business of precious commodities in the India-Nepal and India-Bhutan adjacent areas. From the contemporary sources we got some name like; Balbant Manger, Jaman Singh Mangar, Urgan Ghurti et al. were the popular *dacoites* in this geographical area. *Dacoities* and burglaries were traced to a gang composed by the Muslim communities as well. Generally, *Nepalis*, *Bhutias*, *Meches*, *Garos* were involved in criminal activities from the very beginning of the colonial rule (Grunning 1911:132). It might be that these ethnic races could not regulate themselves in the new economic changes during the colonial period and the changing social structure with the flow of people from other parts of Bengal into the district posed a threat to their existence. They neither could adopt the colonial economic opportunities nor could remain in their indigenous lifestyle under the colonial state legal rules. Therefore, dacoity and other forms of crime came as an alternative to their existence.

The British Administrators had their opinion that the dacoity was hereditary with the Indians which their ancestors had followed from time immemorial. Warren Hastings, W. W. Hunter, James Hutton the official historian of British tried to conceptualize the existence of numerous and prosperous clans who practiced robbery as a hereditary calling (Hunter 1868: 72; Hutton 1857: 101). The British thoughts and conviction took a complete shape during the course of the nineteenth century by culminating the Criminal Tribes Act. It does appear from a critical reading of contemporary sources that, in the shaping of the perception of identified 'crime and criminal' with the lower orders; the ideological, symbolic and institutional resources in the hands of the state and the dominant groups played a crucial role. In fact, this was one of the important strategies through which they

marginalized the substandard social groups from social and political domains. However, according to the official data there was a steady movement of a large number of men belonging to the castes and tribes classified as ‘Criminals’ or quasi-criminal communities, from northern India to Bengal in the nineteenth century. F. C. Daly, the Superintendent of Police in his manual of crimes pointed out about some indigenous and exogenous criminal groups; among them Sunders and Karwal Nuts were prevalent in Jalpaiguri who were involved in river dacoity, burglary and theft (Daly 1916: 79-82). The following tables (Table-I & II) can give us a picture of the involvement of the so-called hereditary crime and criminals in North Bengal:

Table-I**Important Indigenous criminal groups operating in North Bengal: 1861-1915**

Name (Caste/Sub-caste)	Typical Crime	Area of Operation
Choto Bhagiya Muchi	Dacoity, burglary and cattle poisoning	Jasore, Nadia, Murshidabad, Pabna, Rajshahi, Khulna, 24-Paraganas, Burdwan & Hoogly.
Sandar	River dacoity	Dacca, Bakarganj, Faridpur, Dinajpur, Malda, Rangpur, Rajshahi, Bogra, Jalpaiguri, Pabna, Chittagang, Tippera, Cooch Behar and some Assam districts.

Sources: Daly 1916: 17-27.

Table-II**Important exogenous criminal groups operating in North Bengal: 1861-1915**

Name (Caste/Sub-caste)	Typical Crime	Area of Operation	Place of origin
Baid Musalman	Swinding	24-Parganas, Pabna, Bogra, Bankura, Murshidabad, Nadia(besides other parts of India)	Rajputana
Bhur	Burglary, theft	24-Parganas, Calcutta, Howrah, Hooghly, Mdnapur, Dacca, Burdwan, Dinajpur,	Uttar Pradesh

		Malda, Rangpur, Rajshahi, Nadia, Mymensingh.	
Palwar Dusadh	Burglary	Malda, Mymensingh, Dinajpur, Murshidabad and the coal-mining areas of Burdwan district; Cooch Behar and Assam (partly)	Uttar Pradesh (Ballia district)
Karwal Nut	Burglary, theft	Rajshahi, Dinajpur, Pabna, Mymensingh, Nadia, Rangpur, Jalpaiguri, Bogra, Darjeeling, Murshidabad, Midnapur, Bankura.	Nomadic (U.P./Bihar)
Chain Mallahs	River Crime	River routes along the Ganga, Bhagirathi and Brahmaputra rivers & their tributaries: Rangpur (Jatrapur, Phulchari), Faridpur (Goalundo, Pangsa), Mymensingh (Bairab Bazar, Narainganj), Pabna (Serjaganj, Saraghat), Nadia (Khoksha, Kushtia, Poradah, Mirpur & Damukdia), Murshidabad (Azimaganj), Chittagong, Sunderbans and Goalparadistrict of Assam.	Uttar Pradesh & Bihar

Pasi	Dacoity, robarray	Jessore, Faridpur, Rangpur, Nadia, Midnapur, Bankura, Dacca, Mymensingh, Calcutta and its neighbouring districts.	Uttar Pradesh & Bihar
Chain Mallah	Pocket picking, snatching	Rajshahi, Pabna, Bogra, Rangpur, Dacca	Uttar Pradesh

Sources: Daly, 1916: 37-78.

The above tables reveal that *dacoities*, burglaries and thefts were committed by 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. It is worthwhile to mention that although the said caste or religious groups were very much involved in various crimes, there is no such consensus that the heinous crime has not been committed by the so-called “*bhadralok*” community. We have couple of references and incidence that the ‘*bhadralok*’ community also been involved with such criminal activities in order to their need, even there have been a European dacoit gang led by a European called Johnny Dick in Nadia district of Bengal (Suppression of Dacoity Report 1857-58: 23).

Nevertheless, a number of dacoity and other forms of crime were committed in the northern frontier. W. W. Hunter has shown a statics from a police superintendent reports that in the early days of colonial rule during the year 1872, the total number of cognizable and non-cognizable cases investigated in Jalpaiguri district was 919, in which exactly the same number of 919 persons were tried; of whom 484 or 52.66 per cent were convicted or one person convicted of an offence of some kind or another to every 865 of the population (Hunter 1876: 312). Out of these crime statistics in the year of 1872, 6 cases of gang dacoity, 5 cases for other robberies were being reported. The following table (Table-III) has also given us an idea of the number of persons who have been arrested by the police after committing dacoity and robbery.

Table-III**Number of Convicted persons for Dacoities and Robbery noticed in Jalpaiguri during 1893-1902**

OFFENCES	PERSONS CONVICTED OR BOUND OVER IN									
	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902
Dacoity...	01	01	12	-	06	06	-	-	06	-
Robbery...	01	-	-	-	4	4	-	2	-	1

Sources: Jalpaiguri District Gazetteer Statistics, 1901-02 1905: 10.

According to British Officials, more than 130 cases were registered related to various types of crime and violence in Jalpaiguri *Sadar Kotwali* police station within the year of 1907-08 (Grunning 1911: 132). In 1908 large numbers of criminals were arrested who committed crimes in the entire districts of Jalpaiguri (Saha 2015: 18). Hereafter, Jalpaiguri witnessed thirty-three crimes, mostly *dacoities* and burglaries traced to a gang which consisted of *Meches* and *Garos* with one local *Mahamedan*; convictions were obtained in 20 cases and 12 members of the gang were afterwards prosecuted in a gang case under section 401 of the Indian Penal Code and were all convicted. Another gang of *Meches* committed a dacoity in the Tandu village; the offenders, one of whom had absconded and gone to Bhutan, were arrested and sentenced to terms of imprisonment varying from five to eight years (Sengupta 1981: 32). One more gang which caused considerable trouble was composed of *Bhutias* who committed a number of *dacoities* along the frontier. It was mentioned in the Report of 1919 that there had been regular pitched battles in that area between the police and a group of robbers (William 1985: 181). To prevent this, a chain of patrol posts had been established. The Darjeeling district police had to be especially alerted to prevent criminals escaping into Nepal as extradition from Nepal was difficult and rarely successful (Dash 1947: 136). The difficulty of suppressing these dacoits was always increased by the fact that they terrorized the villagers by cruelties so atrocious that few or none can be found to give evidence against them. The superintendent of Police of Jalpaiguri observes regarding the dacoities 'The criminals got the support of the local people when the police were taking action against them under section 110, Criminal Procedure Code, so much so that cases stated in connection with special report cases No's 36 and 41 of 1921(*dacoities* section 395, Indian Penal Code) had to be withdrawn as

the non-cooperators are reported to have advised the witness that if necessary the accused might be dealt with in the 'Arbitration Court'(Hyde 1922: 30).

But the official reports many times contradicted the existing fact that there were many bandit groups who were social in nature and helped the poor and needy. During the early part of the colonial regime the region resorted to a rebellion under the Sannyasis-Fakirs against British rule and looted the British *kuthis* and *bunglows*. Lending hands to the villagers with money and goods were present among the bandit group of Bhabani Pathak, considered as the vanguard of the Sannyasi movement of Rangpur. E. G. Glazier's 'A Report on the District of Rangpur' (1876) also fortifies the piece of information that Devi Chaudhurani used to meander through the *Tista* basin of Rangpur district and almost the entire basin of Karala river in present Jalpaiguri district and rendered donations and distributions to the poor peasants inside the Baikunthapur forest. On her way to the *Karala* River, either to meet Bhavani Pathak or to make donations to the peasants, she first used to visit a temple to pray before the Goddess Kali (The Statesmen 2019: 5). The anti-British character of the group became a major theme of the novel of Bakim Chandra Chatterjee who has described the environment of forests of the region and the legendary character of Bhabani Pathak and Devi Choudhurani. Their characters are not just considered mythical for the local peasants and workers. Yet in the present days the local people of Shikarpur worship their idols as a savior along with the goddess Kali in a temple in the tea garden of Shikarpur near the village of Sannyasikata (The Telegraph 2018: 6). Therefore, it could be assumed that the complaint regarding the suppression of dacoity of police that the villagers were non-cooperative with the police administration can be judged in that way as well.

On the other hand, numerous cases of robberies on tea estates were reported from time to time. The earliest incident in the tea district was reported in 1906, this undersigned crime is usually related to "high prices of food grains and other necessities". This corroborates the general picture not just of Bengal but elsewhere in India as well (Arnold 1979: 111-45). Due to floods, the price of rice rose temporarily to three *seers* a rupee in some parts of the Jalpaiguri district, the *Santhal* Coolies, combined to loot the market and were suppressed with some difficulty" (Ghosh 2016: 51). In 1912 dacoity was being committed by the tea garden workers. On that occasion, the District Superintendent of Police announced a reward of Rs. 50 for the information leading to the arrest of four persons who had absconded after committing a dacoity near the Tasti tea in Falakata" (DPA Report 1912: 205). The

nature of these *dacoities* and the identity of the perpetrators become clear from another incident in 1920. The Superintendent of Police reported in 1920 to the Chairman of the *Dooars* Planters Association about a spread of *dacoities*, that:

...during the last three weeks there have been three cases of highway dacoity and robbery committed by some unknown persons on carts returning from or going to the hats within the tea garden areas. There is reason to suspect that these robberies are the work of the same gang and a vigorous combing out of all roads and *busties* within the limits of Madarihat, Falakata, Dhupguri and Nagrakata is necessary... I wish to remark in each case the complainants have said that their assailants appeared to be coolies of tea gardens (DPA Report 1921: 213).

During the First World War most of the incidents were, however, following inflation and instability. In 1917, several petty cases of 'hat' looting were also reported by the Commissioner of the Rajshahi Division who requested the cooperation of the planters 'in suppressing this form of crime which at any time may blaze out and become serious' (Roy 2002: 96). In 1939 when the Chairman of the DPA expressed doubts over claims of the police that the most of the *dacoities* in the villages near the tea estates were done by the 'coolies of different gardens visiting local coolies', the Superintendent of Police swiftly furnished him with a list of twelve cases in the past two years from Maynaguri and Alipur in which it was established beyond reasonable doubt that the persons involved were tea garden worker (DPA Report 1939: 200-3). A more serious incident took place at Madarihat over an altercation between a Marwari shopkeeper and a santhal labourer, (or peasant) over two gunny bags and the latter was assaulted. The Santals collected and organized some men of their tribe and looted the Marwari shop. A case was filed against the *Santals* and accordingly a police officer arrested four *Santhals* who were identified as having participated in the looting of February 1922 (Sanyal 2007: 525). As early as 1941, there were incidents of paddy-looting from the houses of the *Jotdars* in Jalpaiguri, and the reasons given were "inability to get credit (most certainly consumption loans) and dissatisfaction over profiteering" (Fortnightly Report, 1941). In the incident at Kumargramduar police station during the Quit India Movement, it was thought that the scarcity of paddy was the chief cause of grievance among the people.

Murder and Violence

There were other forms of heinous crime as murder which was non-preventable. According to various crime and criminal reports, the general motives behind murders have been ascribed to “intrigues with women, domestic quarrels and land disputes”; within these general descriptions, obviously, were included murders for gain and revenge as well. There were quite a few cases of murder of women suspecting them to be witches in the district of Jalpaiguri but none of these happened in any of the districts of Bengal proper.¹ During the *Oraon* movement an official account gave a description of crime where, “a man named Charua Orao cut his wife’s throat and then tried to cut his son. He told the police that the villagers had asked him to ‘sing the name of the Germans’ and had threatened that, if he did not, a devil named Logo would kill him. He and his wife resolved to kill themselves rather than be killed by a devil... he said that an unknown man was always telling him to recite something and that as he refused, every one abused him and his wife, so they resolved to commit suicide...”² There is a reference to the murder of a European Assistant Manager of a tea garden in Jalpaiguri (William 1932: 536). Conversely, there was a consensus among the officials that the recurrence of crimes of violence despite various administrative measures was believed by the Government to be largely due to the defective land tenure system. This prompted the government to order a detailed survey and settlement operations for the districts. Disputes about land with their inevitable accompaniment of forgery, perjury and the fabrication of false evidence are common as is the case elsewhere and the cultivator shows the usual tendency to try and drag what are really civil disputes into the criminal courts (Strong 1912: 115).

Dampier, the Superintendent of Police, Lower Provinces, admitted in 1842 that the “agricultural classes” in Bengal were often tempted to take the path of crime in times of economic distress (Police Report of 1841. 1842: 119). Prior to the introduction of forest conservancy in Bengal in August 1864, a group of forest dwellers of the districts of Darjeeling, Jalpaiguri, Cooch Behar and Rangpur controlled vast reserves of timber and other forest resources and supported an

¹ Such cases have been reported from the tribal-majority districts of Bihar, viz. *Santhal* Parganas, Hazaribagh, Singhbhum and Palamau in the respective Bengal Provincial Annual Administrative Reports, 1904: 24; 1905: 24; 1906: 22; 1908: 21-22; 1909: 20.

² The description of his particular incidence has been found in ‘Oraon Unrest in Bengal Bihar and Orissa, Judgment of the Special Tribunal appointed under the Defense of India Act in the Oraon Case’ NAI Home Political: A. Nos. 280-81 of June 1916: 5.

enormous range of livelihoods. Communities of artisans lived in the forest; many pastoralists grazed their cattle, sheep and goats there. The forest also provides raw materials, particularly wood, for peasants and artisans who lived outside their boundaries. In the years of dearth and crisis the forest could cushion scarcity problems and offered subsistence to people (Gadgil and Guha 1993: 259-95). But when the colonial state set about extending the rule of law into the forest, it criminalized many forms of behavior pertaining to the hunting and wounding of animals and fishing and the displaced groups then took to dacoity. The official papers relating to the suppression of dacoity in north Bengal as well as Bengal through ample light on *Shikari* dacoits. Similarly, the main group of offences was that of hunting, wounding or stealing animals, and poaching or fishing. In this manner created a whole new legal category of forest crimes. There was an opposition to the new rules; illegal grazing and setting fire to the forest became endemic. In 1882 in the Jalpaiguri Division only, several cases of illegal grazing were also reported (Roy 2002: 87). Referring to the rise in the incidents of forest fire in 1921-22, which was a 'particularly bad year of protection in the 'Buxa Division' the District Forest Officer reported:

It was in the Haldibari range that the number and extent of fires showed the greatest increase 9,738 acres being burnt in 23 fires. In none of these cases was the offender detected, but it is certain that most of the fires were malicious and were started to facilitate hunting and grazing and that the local people were encouraged to fire the forest by rumors spread by political agitators that the reserves were to be thrown open for hunting and grazing (Forest Administration Report 1921-22: 6).

The forest officers reported that 'organized poaching by large parties of tea garden coolies' had increased 'tremendously'. In 1932, it was reported that a guard was murdered by unknown persons and no definite evidence could be secured against anyone (Forest Administration Report 1932-33: 33). Similar incidents occurred in February 1936, where some *Santhal* workers at Nagrakata shot and killed two forest guards of the Upper Tondou forest with poisoned arrows when the latter tried to stop them from poaching. Quite a large number of workers seemed to have been involved, as the government report mentioned that a majority of the accused were charged with poaching while eight persons were charged with rioting and murder (Fortnightly Report 1936: 32). In another incident a month later which occurred further east, on the border between the reserve forest and the Rajabhatkhawa Tea Estate, three forest guards on challenging a group of *Santhals* carrying the body of a *Sambhar* deer were shot upon by arrows. When the forest guards fired in self-

defense and killed a member of the gang, the *Santhal* chased them shouting '*Goli Mara! Mara! Maro Salo Ko, Faros Ko Admi! Choro Tir!*' (Free Translation: they shot at us, killed them, the men of the forest department, and shot your arrows (DPA Report 1936: 27-8). Additional inquiries by the forest department revealed that incidents of this type were quite regular in the *Dooars*. The Deputy Conservator of Forests reported:

'I am informed that coolies of all neighboring tea estates gather together on set occasions, mostly on Saturday and Sundays, split up into gangs of anything from 9 to 10 to 30 or more and enter the reserves for *Shikar*' (Roy 2002: 184).

Furthermore, Affray and Riots was a particular type of violent collective "offences", attended with or without loss of life, against person or persons, widespread in the countryside in the phase of colonial rule. It was usually an open shadow of violence between two armed parties over a variety of rural disputes. Affrays between Land holders, between tea planters and managers were frequently reported by the district administration. However, only a very small percentage of the total number of such crimes could actually be brought to the notice of the higher authorities. In 1906 serious riots occurred among the *Santhal* coolies employed in the tea-gardens areas of Jalpaiguri (Gruning 1911: 133). The riots in 1906 took place when the workers were working overtime. The dispute was probably over being forced to work beyond the previously agreed time. The 'serious riots' referred to by the *Dooars* Committee in 1910 arose 'from a dispute over the hoeing task' (Monahan 1910: 23). In 1912, there was 'a particular bad *riot*' at the Nya Sylee tea Estate as a result of which the manager 'found it necessary to turn out certain *Sirdars* and collies' (DPA Report 1912: 120). Again in 1916, the Tondoo tea Estate was threatened by a potential 'riot' when 'the *sraders* threatened to prevent the whole of the garden collies from working and finally said that they would kill the manager Mr. Partridge (DPA Report 1916: 290). A typical case in point is a strike in Totopara tea estate where in September 1936 'the women got somewhat excited and at one time looked threatening; the strike 'originated in a misunderstanding on the part of the *pluckers*'. The matter, however, was subsequently settled'. But this incident never found a place in the Annual Report of Planters Association. It cannot be a wrong hypothesis that there were many such potential or actual incidents of labour resistance but the officials did not take notice of the superior authority due to their bad impression on their work ethics.

Mechanism of Control

Existence of crime by and large questions about the state of the criminal administration of the district. Therefore, to prevent such criminal activities the criminal administration of Jalpaiguri followed through various mechanisms or institutional agencies of control like police, court, prison etc. and the colonial government tried to reduce all challenges through the 'law and order' paradigm. Law was viewed as an instrument of pacification and an indispensable 'mechanism of discipline'.³ In Jalpaiguri the suppression of dacoity, rural violence, destruction of life and property was the most pressing importance from the point of view of the authorities. Consequently, it became necessary for the Company to establish complete monopoly over the legitimate instruments of coercion.

The police constituted the frontal institute of colonial control and legitimate instrument of coercion. Magistrate was the head of the criminal administration and police department. The district's police force was headed by Superintendent of Police and consisted of two bodies; the regular police and the village watch or rural constabulary. As Jalpaiguri was rural-urban in character, it needed another institution for the prevention of criminal activities. The policing of rural areas had to depend heavily on an espionage system (Barman 2020: 74-5). *Dafaders* and *Chowkidars* looked after the criminal activities in village areas and a village resistance group's act as self help organization for guarding the properties of the rural communities and against *dacoities* and burglaries mainly. They were fostered and assisted by the police but appointed by the local landlords (Barun De et al 1980: 99). Besides it there were seventeen centers for the investigation of crime. The district contains 11 police stations and 10 outposts (Imperial Gazetteer of India 1909: 234). In the Regulation area the District was divided into four police stations i.e. Siliguri or Sanyasikata, Fakirganj, Boda and Patgram. On the other hand for the convenience of the police administration, non-regulation portion was divided into three police circle i.e. Maynaguri, Falakata, and Alipurduar with a permanent

³ The Word 'discipline' has been used in this work in the sense applied by Foucault. To Foucault discipline is 'political autonomy of detail'. The 'vagabond masses had to be held in place 'looting and violence' must be prevented: the fears of local inhabitants who did not care of troops passing through their towns, had to be pacified. "The aim is to derive the maximum advantages and to neutralize the inconveniences (theft, interruptions of work etc.) as the forces of production became more concentrated to protect materials and tools and to master the labour force." Foucault, Michel. 1978. "Discipline and Punish: The Birth of the Prison". New York: Vintage Books: 213-4.

outpost station at Dhupguri, and cold-weather outpost at Benchapara, Ambari and Haldibari (Grunning 1911: 132-3). Apart from the police control there was Judicial administration and Criminal justice was administered by the Deputy Commissioner and Deputy Magistrate with some Divisional Officers (Imperial Gazetteer of India 1909: 217). In accordance with available sources, generally there had been a district jail and there was a whole time superintendent in charge, one Jailor, one Deputy-Jailor, three clerks and one Medical Officer. In Jalpaiguri Sadar had a District Jail with accommodation of 127 prisoners and also a subsidiary Jail at Alipurduar with accommodation of 22 prisoners (Grunning 1911: 125-6). It is worthwhile to mention that in spite of mentioned statistics the Judicial and Civil administration had been changed due to the time being.

Hereafter, Prison was yet another mechanism of control, an instrument of coercion to discipline and pacify rural turbulence. The classification of prisoners, measures adopted for reformation and deterrence to crimes have been probed. Prison served as an instrument of threat and threat of coercion. It became necessary in view of the breakdown of the traditional institutions of social control. As Michel Foucault states that by the beginning of the nineteenth century imprisonment was becoming the favored form of punishment for the 'offenders' in Britain and Europe. He argued that there was a shift towards punishment aimed at modifying behavior rather than mortifying the body through the infliction of physical pain. Such a shift was taken up by the colonial masters in creating prisons and introducing the concept of imprisonment and penal institutions over physical punishment (Foucault: 1978: 7-8/11). Henceforth, prison labour is a very important one; the labour provided the coverage of the cost of the prisoner's food and cloth. Prison labour was identified not just as an instrument of deterrence, but also of reform. David Arnold mentioned that the prison system in India grew out of the British preoccupation with maintaining law and order and the desire to ensure economic viability (Arnold 1986: 124). 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 crime prone and had the highest concentration of criminals. All these organs of the state were expected to be effective to control crime and public disorder.

Conclusion

The entire discussion reveals that, prior to colonial rule the region of north Bengal experienced less crime and violence. But there has been a sharp increase of crime

and massive range of violence during the colonial period. Several factors have been responsible for that, likely the impact of colonial rule, transformation of the land revenue system, the new process of urbanization and the change in the population structure which were imposed upon the indigenous people. The replacement of the native rulers by the Imperial colonial government and the alter of priority of the indigenous population mostly the *Nepalis*, *Mech*, *Rabha*, *Garos*, *Bhutias* etc. with new group of people migrated from the southern part of Bengal, Chota Nagpur region, and other parts of India alienated the aboriginals away from the colonial institutions. The aboriginals could not accept the new mode of economic system as well as could not work as labourers in their own lands and could not hold their life as forest dollars because of forest conservation by the Raj. Furthermore, the commercialization of agriculture brought tea plantations which invited the *Santals*, *Oraons* and *Mundas* into the region and pushed away the indigenous people who experienced and could not accept the new set of orders by the colonial government. Furthermore, the First World War brought inflation along with the exploitation of the labourers in the tea gardens who took the path of crime to find out a way of starvation and anger. They identified the moneylenders, Marwari shopkeepers mostly migrants and sometimes crimes were committed towards the European planters. However, it is to be noticed that a crude form of racism was visible in the tea gardens with incidents of the '*sahib*' planters trying to discipline his native servant or *coolie* by kicks and blows or by 'shooting accidents'. But such incidents did not get a place in the district official records. Consequently, crimes increased in the domain of ordinary and extraordinary form. Moreover, the region of Jalpaiguri was closer to the borders of neighboring kingdoms of Nepal, Bhutan and Sikkim where British laws were not applicable and it further increased and facilitated crimes. Henceforth, British rule initiated new rules of the state order through the popular method of 'law and order' and crimes began to be controlled with an orderly system of law and punishment through various institutions. But the district administration neither ensured the security and safety of the common inhabitants nor protected the western ideas of the rule of law in true sense.

Bibliography:

Annual Progress Report on Forest Administration in the Presidency of Bengal for the year 1921-22. 1922. Calcutta: Bengal Secretariat Book Depot.

Annual Report of the *Dooars* Planters Association for the year 1912. 1913. Jalpaiguri: Royal Printing Works Ltd.

Annual Report of the *Dooars* Planters Association for the year 1939. 1940. Jalpaiguri: Royal Printing Works Ltd.

Annual Report of the *Dooars* Planters Association for the year 1936. 1937. Jalpaiguri: Royal Printing Works Ltd.

Arnold, David. 1979. "Looting Grain Riots and Government Policy in South India 1918". *Past and Present* 84/1: 111-145.

Arnold, David. 1986. *Police Power and Colonial Rule: Madras, 1859-1947*. New Delhi: Oxford University Press.

Bari, Abdul. 1970. "The Birth of the District". *Jalpaiguri District Centenary Souvenir 1869-1968*, (ed.) C. C. Sanyal et al., 39-47. Jalpaiguri.

Barman, Binoy & Kartic Chandra Barman. 2015. *History and Culture of North Bengal*. Kolkata: Pragatishil Prokashak.

Barman, Tushar Kanti. 2020. Police Administration in North Bengal: An Account of a System of Control and Order (1861-1922). *CLIO*, Corpus Research Institute. 20/20: 62-89.

Chakrabarti, Ranjan. 2008. *Terror Crime and Punishment: Order and Disorder in Early Colonial Bengal 1800-1860*. Kolkata: Reader Service.

Chattopadhyay, Basudeb. 2000. *Crime and Control in Early Colonial Bengal: 1770-1860*. Kolkata: K. P. Bagchi & Co.

Daly, F. C. 1916. *Manual of criminal classes operating in Bengal*. Calcutta: The Bengal Secretariat Press.

De Barun and et al. 1980. *West Bengal District Gazetteer: Darjeeling*. Calcutta: Government Press. Report of the General Committee of the *Dooars* Planters Association for the year 1920. 1921. Calcutta: Catholic Orphan Press.

Fortnightly Report for the Second half of November 1941. (Home Political Confidential), File no. 13/41. Kolkata: West Bengal State Archives.

Fortnightly Report from Bengal for the second half of March 1936. (Home Political Confidential). File No. 18/9/36, New Delhi: National Archives of India.

Foucault, Michel. 1978. *Discipline and Punishment: The Birth of the Prison*. New York: Random House.

Gadgil, Madhav and Ramchandra Guha. 1993. "State Forestry and Social Conflict in British India" David Hardiman (ed.) *Peasants Resistance in India 1858-1914*, Delhi: Oxford University Press.

Gunning, J. F. 1911. *Eastern Bengal and Assam District Gazetteer: Jalpaiguri*. Allahabad: Pioneer Press.

Hobsbawm, Eric J. 1959. *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries*. UK: Manchester University Press.

Hooker, Joseph Dalton. 1885. *Himalayan Journal: Notes of a Naturalist in Bengal, the Sikkim and Nepal Himalayas, the Khasia Mountains &c.* I. London: John Murray.

Hunter, W. W. 1868. *Annals of Rural Bengal*. London: Smith Elder and Co.

Hunter, W. W. 1876. *Statistical Account of Bengal: Darjeeling, Jalpaiguri & State of Kuch Behar*. X. London: Trubner and Co.

Hutton, James. 1857. *A Popular Accounts of the Thugs and Dacoity: The Hereditary Garroters and Gang Robbers of India*. London: Allen.

Hyde, R. B. 1922. Report on the Police Administration in the Bengal Presidency for the Year 1921. Calcutta: Bengal Secretariat Book Depot.

Imperial Gazetteer of India (Provincial Series) Eastern Bengal and Assam, 1909. II. Calcutta: Superintendent of Government Printing.

Local Officers' Fortnightly Report' Second half of February 1936', and Second half of May 1936'. File No. 56/36. Kolkata: West Bengal State Archives.

Monahan, F. C. 1910. Report of the Dooars Committee of 1909. Shillong.

Mukherjee, Arun. 1995. *Crime and Public Disorder in Bengal: 1861-1912*. Kolkata: K. P. Bagchi & Co.

O' Brien, Patricia. 1978. "Crime and Punishment as Historical Problem". *Journal of History*: Oxford University Press 11/ 4: 503-543.

Progress Report of Forest Administration in the Presidency of Bengal for the year 1932-33. 1933. Calcutta: Bengal Secretariat Book Depot.

Report on the State of Police in the Lower Provinces for the first Six Months of 1841. 1842. Calcutta: Bengal Secretariat Book Depot.

Roy Sanyal, Ratna. 2006-07. "Impact of the Gandhian Movement on the Subaltern People of North Bengal: A Study". *Proceedings of the Indian History Congress*. 67. Indian History Congress 2006-2007: 520-542.

Roy, Subhajyoti. 2002. *Transformation on the Bengal Frontier: Jalpaiguri 1765-1948*. New York: Rutledge Curzon.

Saha, Soumendra Prasad. 2015. "Rise and Fall of Karala: A Case study of Jalpaiguri Town 1869-1994". *The Quarterly Review of Historical Studies*: 4-27.

Sandria, Freitag. 1991. "Crime in the Social Order of North India". *Modern Asian Studies* 25/ 2: 227-261.

Sanyal, Charu Chandra. 1970. "Jalpaiguri Saharer Aksho Bachor 1869-1969". *Jalpaiguri District Centenary Souvenir 1869-1968*, (ed.) by C. C. Sanyal et al., 80-96. Jalpaiguri.

Sengupta, J. C. 1981. *Bengal District Gazetteers: Jalpaiguri*. Calcutta: Messrs N. X. Gossain & Co. Pvt. Ltd.

Strong, F. W. 1912. *Eastern Bengal District Gazetteer: Dinajpur*. Allahabad: The Pioneer Press.

The Statesmen, Daily News Paper. 10. 05. 2019.

The Telegraph, Daily News Paper. 26. 02. 2018.

Williams, L. F. Rushbrook. 1932. *India in 1930-31: A Statement prepared for presentation to Parliament in accordance with the requirements of the 26th Section of the Government of India Act (5 & 6 Geo. V, Chap.61)*. Calcutta: Government of India Central Publication Branch.

Williams, L. F. Rushbrook. 1985. *India in 1920: Political, Social and Economic Developments*. III. Delhi: Anmol Publications.