

Shifting States: Mobile Subjects, Markets, and Sovereignty
in the India-Nepal Borderland, 1780-1930

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Abstract

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This dissertation analyzes the creation of the India-Nepal borderland and changing terms of sovereignty, subjectivity and political belonging from the margins of empire in South Asia from 1780 to 1930. I focus on particular instances of border crossing in each chapter, beginning with the exile of deposed sovereigns of small states that spanned the interface of the lower Himalayan foothills and Gangetic plains in the late eighteenth century. The flight of exiled sovereigns and the varied terms of their resettlement around the border region—a process spread over several decades—proved as significant in defining the new borderland between the East India Company and Nepal as the treaty penned after the Anglo-Nepal War of 1814 to 1816. Subsequent chapters consider cross-border movements of bandits, shifting cultivators, soldiers, gendered subjects, laborers, and, later, a developing professional class who became early Nepali nationalist spokesmen. Given that the India-Nepal border remained open without a significant military presence throughout the colonial and even into the contemporary period, I argue that ordinary people engaged with and shaped forms of political belonging and subject status through the always present option of mobility. While excluded from formal politics in Nepal and India, non-

elites used mobility as an effective threat and practice when petitioning various intermediaries and government officers for limited rights. These claims structured a different relationship between sovereign and subject than found in the developing liberal tradition in the west—such claims rested upon mobility (or self-governance of the body as migrant and entrepreneurial political subject often with supposed connections to a real or potential non-state community) rather than the supposed autonomy of individual property owners. My interdisciplinary analysis rests on a thick engagement with colonial and Nepali state archives as well as Nepali literature to illuminate a history of empire from below in South Asia.

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Chapter 1: Introduction

“We should have built a Great Wall along our border [with India] when we had the chance.” As I conducted research for this dissertation, on sovereignty, space, society and the shaping of the India-Nepal borderland, a highly-placed bureaucrat in Kathmandu, obviously bemused at my project description, thus summarized his views on the topic. I was not particularly surprised at the evocative statement: many in the Kathmandu establishment view the open border as unbalanced in favor of India’s strategic interests. Special vitriol is often reserved for the bilateral Treaty of Peace and Friendship of 1950 with India which had effectively frozen the colonial-era soft border in place.¹ Even as the treaty provided for the mutual recognition of “the complete sovereignty, territorial integrity and independence” of both countries, it also set a rather unusual precedent: “to give to the nationals of the other, in its territory, *national treatment*” in respect of “the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.”² Several generations of Nepali politicians have bristled at the endurance of a treaty signed in the final year of hereditary Prime Minister, Mohan Shamsher Rana’s unpopular rule, following which the nationalist movement successfully restored the Shah monarchy.³ For the next sixty years, the open border, an unexamined relic of British rule in the subcontinent, seemed unfairly left in place. Clearly, multiple colonial legacies and anxieties are bound up with the open border.

¹ In August 2014, when Indian Prime Minister Narendra Modi visited Nepal, as a gesture of good will, he agreed to revise the unpopular, bilateral Treaty of Peace and Friendship of 1950 and, in turn, extracted agreements to push forward several stalled hydropower projects on trans-border rivers. Prashant Jha, “After Modi’s Visit, What Changed and What did Not,” *Hindustan Times*, August 13, 2014. <http://www.hindustantimes.com/comment/analysis/what-changed-and-what-did-not-post-modi-s-nepal-visit/article1-1251690.aspx>.

² Emphasis added. I have combined language from Articles 6 and 7, which overlap in their stipulations. Treaty of Peace and Friendship between the Government of India and the Government of Nepal, *Commonwealth Legal Information Institute*, accessed May 11, 2014, <http://www.commonlii.org/in/other/treaties/INTSer/1950/12.html>.

³ B. C. Upreti, “The India-Nepal Open Border: Nature, Issues and Problems,” *Himalayan Frontiers of India: Historical, Geo-political, and Strategic Perspectives*, ed. K. Warikoo (Hoboken: Taylor and Francis, 2008), 122-135.

Yet, it is only toward the latter part of the twentieth century that the border began to seem untenable. At mid-century, India's foreign policy-makers viewed the soft border as necessary for maintaining an imperial-style frontier to buffer communist China's unknown future role in the trans-region, especially after the occupation of Tibet. Nepal's Rana Prime Minister saw such an arrangement as useful for maintaining his exclusive (albeit failing) grip on his state. Hence, both India's and Nepal's leaders make a calculation in 1950 that the open border enhanced their sovereign power over their respective territories.⁴ In contrast, by the end of the twentieth century, politicians and middle-class commentators in Kathmandu (Nepal's capital located in a valley of the nation's Himalayan heartland) have come to view the soft border as a threat to the foundation of the Nepali state—in particular, by subordinating the land-locked country's access to essential goods, such as fossil fuels and arms supplies, to India's regional interests.⁵ Similarly, the proliferation of security discourses in India has painted the open border as a conduit to terrorism in India (via Nepal as a staging ground for supposed infiltrators from Pakistan) and thus a potential threat to India's sovereignty, too.⁶ The function of the open border and its implications for state sovereignty have varied significantly with geopolitical context since its inception in the early nineteenth century; yet it is only in the latter part of the twentieth century that such understandings moved toward the notion that open borders constitute an uncomfortable, anti-modern relic which threatens state sovereignty. The bureaucrat's desire for walling thus reflects a

⁴ Nehru was concerned not only with physical threat but also explained to Nepal's Prime Minister in a letter during the negotiations preceding the treaty: "We have to combat not so much armies but ideas which come and disrupt and spread discontent and revolution among the people." Quoted in Sangeeta Thapliyal, "India and Nepal Treaty of 1950: The Continuing Discourse," *India Quarterly: A Journal of International Affairs* 68.2 (2022): 121. This argument was intended to play upon the beleaguered PM's sense that Nepal needed to be isolated from the rest of the world in order for the Ranas to maintain control; however, it was rather disingenuous given that the INC helped to support the Nepali National Congress movement against the Ranas. Further, it highlights the notion that there was some sort of shared civilizational ethos between India and Nepal which China did not share.

⁵ When the treaty was signed transportation facilities linking Nepal with China via Tibet were not well-developed enough to allow import of arms and fuel on a large scale. Now that such roads have been developed, India's foreign policy establishment has begun to re-think its relationship with Nepal. Surya P. Subedi, "India-Nepal Security Relations and the 1950 Treaty: Time for New Perspectives," *Asian Survey* 34.3 (March 1994): 274-284. .

⁶ Thapliyal, 124-127.

double concern: first, that such borders are not compatible with the statist desire for modernity prevalent amongst much of the political elite; and second, that the nation-state is under threat even as it remains an incomplete project.⁷ The ongoing debate about the open border and the common perception that it is a colonial relic suggests that British colonialism did not succeed in fully territorializing political power in the subcontinent.⁸ Layered sovereignty and soft borders were in fact crucial to British practices of rule in the subcontinent—even as the ideology of rule often diverged and imperial publicists circulated simplified images of colonial possessions as clearly bounded territories.⁹

While nationalists on both sides sometimes posit the border as having always existed in line with the supposed timeless national essence of India and Nepal, the actual demarcation of a border line dates to the early nineteenth century and the Anglo-Nepal War, with uneven social consequences for the next century.¹⁰ For many people living in the border region in the nineteenth century, the treaty produced after the war between the East India Company and the half-century-old Gorkha state of Nepal in 1815, did not mean that their understanding of political geography and engagement with state power was henceforth neatly separated by two sovereign,

⁷ For a discussion of the “desire” for walling, see Wendy Brown, *Walled States, Waning Sovereignty* (New York: Zone Books, 2010), 107-133. For a discussion of the notion that the nation is founded on difference and remains incomplete in post-colonial South Asia, see Partha Chatterjee, *The Nation and its Fragments: Colonial and Postcolonial Histories* (Princeton, N.J.: Princeton, University Press, 1993).

⁸ Historian Ayesha Jalal locates a pre-history of the subcontinent’s Partition in the way the colonial state rode roughshod over pre-colonial political forms and practices worked out to accommodate multiple, overlapping spaces of authority. In place of layered sovereignties, the colonial state produced “a centralized political unity based on the notion of a singular and indivisible sovereignty.” Ayesha Jalal, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective* (New York: Cambridge University Press, 1995), 10.

⁹ For a useful discussion of mapping and the deployment of geographical knowledge to project the desire for controlling space, rather than a reflection of contemporary realities, see the now-classic, Thongchai Winichakul, *Siam Mapped: A History of the Geo-Body of a Nation* (Honolulu: University of Hawaii Press, 1994), 16-18, 128-131.

¹⁰ For example, B.C. Upreti apocryphally argues, “It can...safely be said that before the consolidation of British power in India and other parts of South Asia there existed a border between India and the nearby principalities of Nepal.” B.C. Upreti, “The India-Nepal Open Border: Nature, Issues, and Problems,” in *Himalayan Frontiers of India*, ed.K. Warikoo (New York: Routledge, 2009), 122. The notion of a timeless border also permeates the claim that the Buddha was born in Nepal. “Buddha was Born in Nepal, Stresses India,” *Hindustan Times*, Sept 15, 2013. <http://www.hindustantimes.com/world-news/buddha-was-born-in-nepal-stresses-india/article1-1122470.aspx>

territorial entities. Throughout the nineteenth century, there was a great deal of short distance migration in the southern borderland, with the movement of large herds as well as the extension of cultivation into forested areas. The Nepali state treated its southern plains as a legally and culturally distinct subordinate territory—for example, by requiring passes and fees for plains-dwellers to travel into the hills or refusing *Madhesi* (plains people) entry to the military services.¹¹ Only as recently as 2007, with the *Madhesi Andolan* (Plains People’s Movement) did the central government begin to seriously take steps toward rectifying biases in the electoral system and access to government services and employment. *Madhesi* identity was thus shaped by an unevenly shared economic, familial and cultural life, politically excluded from the hill area of Nepal, with ties that historically flowed across the border in a period when the border was nebulous on the ground. As a scholar from Dhanush in the *tarai* (plains) recently felt compelled to remind the Kathmandu state and intellectual establishment: “A madhesi has the right to be different and yet be a Nepali.”¹² Borderland people are thus forced to make claims on states with identity as a diagnostic for the right to belong, as prospective citizens negotiating an exclusive national core, despite a much more varied and nuanced history of political claims making. This contemporary dilemma contrasts markedly with the histories of the nineteenth and early twentieth centuries that I illuminate in the following dissertation according to which states relied upon negotiations with mobile subjects to establish a presence in the border regions.

Similar dynamics are at play in the eastern borderland upon which this dissertation also focuses—eastern Nepal, the Darjeeling district of India, and southern Sikkim (an Indian state since 1975)—where the intra- and trans-regional movements of various communities has been

¹¹ *Madhes* literally means “middle country” but it was used by people living in the Himalayas to refer to the plains. Until recently, the term, “madhesi,” used to refer to someone from the plains, had a strongly pejorative connotation.

¹² The political movement for *madhesi* rights is unique to a portion of the southern borderland from about Kapilabastu to Jhapa, or the central and eastern *tarai*. Ramawatar Yadav, “On Being Madhesi,” *Himalaya, the Journal of the Association for Nepal and Himalayan Studies*, 29:1 (2009): 67.

studied by scholars most often as a backdrop to modern identity formation.¹³ Following the Anglo-Gorkha War, a portion of the eastern Nepal and its *tarai* were acceded to Sikkim, which meant that territorial borders were fixed amongst various ethnic groups and mobile peoples—including Limbus, Lepchas, Rais, Mech/Rajbhansis and others—who had been accustomed to directing their own negotiations with multiple states in the region. In 1834, the East India Company annexed a portion of this territory, Darjeeling, and continued to re-shape political borders throughout the rest of the century—for example, following a war with Bhutan in the 1860s. The arbitrary imposition of colonial borders proceeded alongside mass migration from the central and eastern Himalayas to tea plantations, mines, colonial public works (such as for road construction and forest clearance) in Bengal and Assam. Many migrants continued as far afield as Burma and Afghanistan and beyond, through service in the imperial army and police forces. The well-publicized Gorkhaland Movement for regional autonomy, active with variable intensity since the 1980s, encapsulates uncertainties about political belonging in Darjeeling which are largely a product of territorial intensification after 1947. At the same time, local activists have obviously long struggled against outsiders, whether state-actors or scholars, in order to articulate their own histories of community and mobility. Such a struggle certainly has strong roots in the colonial period.¹⁴

¹³ For example, Sara Shneiderman, "Reframing Ethnicity: Academic Tropes, Recognition beyond Politics, and Ritualized Action between Nepal and India," *American Anthropologist* 116:2 (2014): 279-295. Townsend Middleton, "States of Difference: Refiguring Ethnicity and Its 'crisis' at India's Borders," *Political Geography* 35 (2013): 14-24.

¹⁴ While studying identity formation in the Darjeeling borderland, for example, Middleton insisted that those he interviewed tell him when they came from Nepal, without apparent awareness that such a question was forcing a particular version of history on people who found it to be an uncomfortable subject. See Middleton's articles for his rather persistent attempts to get local activists to understand his view of "correct" history. Townsend Middleton, "Anxious Belongings: Anxiety and the Politics of Belonging in Subnationalist Darjeeling," *American Anthropologist* 115:4 (2013): 610.

People living in the borderlands, whether in the southern *tarai* or eastern mountains, consistently express discomfort at the attempts by outsiders to define them according to the act of crossing the borders of the modern nation state—for instance, as people belonging to a diaspora, Indians of “Nepali origin,” or “Indian[s] translated into Nepali medium.”¹⁵ This refusal of the nation-state binary also entails a refusal of diasporic identity to the extent that diaspora is defined as “migration during the age of nationalism.”¹⁶ Such a refusal is consistent with borderland people’s long, complex negotiations with sovereign powers during my period of study (1780-1930).¹⁷ In an autobiographical essay, sociologist Tanka Subba addresses the difficulties he has had, as a citizen of India, when others pose the question, “where are you from?”, while expecting him to claim to be “Nepali.” Subba explains that his father and paternal grandfather were born in a village near Darjeeling within India’s bounds, he was born in his mother’s village in Nepal, but moved to Darjeeling district soon after so he has no memory of Nepal. Further, his great grandfather had migrated from southern Sikkim (when it was independent of India) to Kalimpong during the colonial period to access educational facilities for his children. “And no one knows where my great great grandfather came from. My community

¹⁵ Yadav, 67.

¹⁶ According to Vijay Prasad, “Diaspora is migration during the age of nationalism. It refers to the scattering of peoples certainly, but only when this dispersion is accompanied by a political and emotional gathering in far-off lands under the sign of the nation... What defines the diaspora of the late nineteenth and twentieth centuries, in the era of nationalism, is that as people left a homeland that was already seen as a ‘nation,’ they continued to bear fond memories of that homeland and saw themselves as somewhat patriotic to it.” Vijay Prasad, “The Desi Diaspora: Politics, Protest, and Nationalism,” in *India and the British Empire*, eds. Peers, Douglas M., and Nandini Gooptu (Oxford: Oxford University Press, 2012), pp. 313-14. While I do not agree with Prasad’s periodization, nationalism has come to infuse the notion of diaspora in complex ways in the twentieth century and beyond.

¹⁷ For example, many communities in the eastern Himalaya have consistently asserted origin stories to describe their group identities; such stories indicate alternate reckonings with history and, in the contemporary context, may be used to leverage recognition from the state. Toni Huber and Stuart H. Blackburn, *Origins and Migrations in the Extended Eastern Himalayas* (Leiden: Brill, 2012).

being pastoralists and shifting cultivators till as late as the end of the eighteenth century, it is indeed difficult to locate the exact place of our origin.”¹⁸

Subba’s thoughtful exposition on where his family “came from” provides the occasion to reflect on how historians should conceptualize migration or circulation without adhering to state-centered definitions. Thus, understanding mobile histories means also conceptualizing the varied ways in which people, as certain kinds of subjects, create the political, social and cultural spaces they move through in a historical context which is itself shaped by multiple scales of power. In the following dissertation, I isolate two main areas of analysis to bring forward the nuanced historical contingencies of political belonging and identity formation in the India-Nepal borderland in the nineteenth and early twentieth century: that of subjectivity and sovereignty. Each chapter of the dissertation thus focuses on the act of border-crossing in order to highlight the ways in which people on the so-called margins engaged intellectually and through everyday practice with colonial power.

Conceptual Framework: Sovereignty and Subjectivity

Since theories of sovereignty are intimately tied to their contemporary political, economic and cultural contexts, they have shifted a great deal over time. As a concept, “sovereignty” is something of a moving target; still, Wendy Brown’s summary of the western tradition of political philosophy provides a benchmark to which I then add several key themes:

[A] composite figure of sovereignty drawn from classical theorists of modern sovereignty, including Thomas Hobbes, Jean Bodin, and Carl Schmitt, suggests that sovereignty’s indispensable features over time include supremacy (no higher power), perpetuity over time (no term limits), decisionism (no boundedness by or submission to law), absoluteness and completeness (sovereignty cannot be probable or

¹⁸ Tanka B. Subba, "Living the Nepali Diaspora in India: an Autobiographical Essay," *Zeitschrift Für Ethnologie* 133:2 (2008): 216.

partial), nontransferability (sovereignty cannot be conferred without cancelling itself), and specific jurisdiction (territoriality).¹⁹

The imposing nature of sovereignty as described above suggests it would be hard to miss; yet, for theorists from Bodin to Agamben and scholars of globalization such as Hardt and Negri and Saskia Sassen, the central question of defining and describing sovereignty has been intimately bound—interestingly enough—with what seems like a far simpler question: Who is in charge? *Who* is the sovereign?²⁰ The latter question should merit a simple answer, but in times or spaces of political flux, especially in the case where multiple contenders might exist, the question becomes less transparent. Indeed, the international system of states, centered around European norms, that developed in the nineteenth and twentieth centuries has achieved a monopoly on defining which political entities count as sovereign states and where—and in the process, has redefined sovereignty as existing only for and within the state.²¹ In contrast, in early-modern Europe, well before the development of such international norms, the concept of sovereignty had an independent life beyond the state. Western political theory has typically conceptualized sovereignty as either absolute (indivisible) or mixed (capable of being shared amongst multiple state institutions) and based upon a constitution or contract—a debate which also revolves around who is in charge and who is subject to this power, and what this implies for how power works.²² Hannah Arendt suggests that monarchies in Europe contributed to the development of

¹⁹ Brown, 22. She further adds: “If nation-state sovereignty has always been something of a fiction in its aspiration and claim to these qualities, the fiction is a potent one and has suffused the internal and external relations of nation-states since its consecration by the 1648 Peace of Westphalia” (22).

²⁰ For example, after explaining the twelve essential prerogatives of the sovereign, Hobbes writes: “These are the Rights, which make the Essence of Sovereignty; and which are the marks, whereby a man may discern in what Man, or Assembly of men, the Sovereign Power is placed, and resideth.” Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), 127.

²¹ Douglas Howland and Luise White, “Introduction: Sovereignty and the Study of States,” in *Sovereignty: Frontiers of Possibility*, eds. Julie Evans, et al. (Honolulu: University of Hawai‘i Press, 2013), 1-18.

²² Both traditions tend to understand sovereign power as paramount above which there are no other temporal powers. Julian H. Franklin, “Sovereignty and the Mixed Constitution: Bodin and his Critics,” in *The Cambridge History of Political Thought, 1450-1700*, eds. Mark Goldie and J. H. Burns (Cambridge: Cambridge University Press, 1991), 298-323.

the modern state structure in order to gain leverage over powerful entrenched interests by hiding behind a supposed singular, bounded sovereignty--in her words, “an independent state machine, which either as an enlightened despotism or a constitutional government...could, in splendid isolation, function, rule, and represent the interests of the nation as a whole.”²³ The same sort of mystique was also possible within contract theory: Thomas Hobbes likened sovereignty to an “artificial soul” that “give[s] life and motion to the whole body [i.e., the state]”.²⁴ Saskia Sassen contends monarchs achieved such sovereign pretensions, in part, by claiming territorial mastery even as the state machinery was rather weak.²⁵ Lauren Benton and Philip Stern, imperial historians of early modern Europe and its overseas colonial activity, also describe the linking of sovereignty to territory as an additive, contingent process developing in the late fifteenth and sixteenth centuries, which involved a great deal of bargaining for rights between kings, Parliament or other types of “Assembly,” merchants, corporations, municipal bodies, ecclesiastical authorities, and multiple other groups and individuals—as well as the general exclusion of non-Europeans from the conversation.²⁶

In addition to the key question of where and in whom sovereignty resides, the relationship between subject and sovereign is also central to western political philosophy; various theories of sovereignty contain implications for subjectivity, which is informed by

²³ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & World, 1966), 11. I read Arendt to suggest that the problematic link between human rights and citizenship in a nation-state was further entrenched when, following the French Revolution, the “secret” state-society conflict was temporarily resolved by the “nation” claiming to provide the source of the “sovereignty” of the state. Arendt, 230.

²⁴ I have chosen to use the modern English spelling instead of the original orthography. Hobbes, 9.

²⁵ Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton, N.J.: Princeton University Press, 2006), 71-72.

²⁶ Benton’s work highlights the extension of territorial control via the legal relationship between sovereign and subject in the Atlantic World; hence, she argues early-modern thinking about sovereignty was not dependent on territoriality. This argument is not directly applicable to British empire over the long term in India but does seem compatible with Stern’s discussion of the very early Company settlements and EIC administrator’s concern with securing its jurisdiction over European subjects in India. Lauren Benton, *A Search for Sovereignty* (Cambridge: Cambridge University Press, 2010), 288. Philip J. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (New York: Oxford University Press, 2011), 51-60, 71.

historical context and configurations of power. For Jean Bodin (1530-1596), the sovereign needed to be maintained separately to avoid corruption by the subject. The sovereign could not delegate or share his powers with anyone else: “For he is absolutely sovereign who recognizes nothing, after God, that is greater than himself.”²⁷ Further, Bodin models sovereignty as structured by “the person or persons that have the sovereignty on the one side, and the people on the other.” He elaborates that “sovereign majesty and absolute power consists of giving the law to subjects in general without their consent;” the sovereign is defined by characteristic powers “which are properties not shared by subjects;”²⁸ and “sovereign majesty” is increased by the recognition of subjects.²⁹ Hobbes also posits a complete separation between sovereign and subject, despite his foundational argument for the theory of social contract. In his formulation, men give up their right of self-preservation to another power (the Leviathan) which takes on the role of “decisionism” (essentially deciding what is and is not a threat or mediating the friend/enemy distinction). Men make a contract with the sovereign, who then carries “the Right of bearing the Person of them all” and becomes the ultimate judge; the sovereign (whether a monarch or assembly, for example) has not made a matching contract with the people. Subjects do not have the right to decide, then, if the sovereign has broken the contract because this latter power has in fact made no contract.³⁰ This rather fraught relationship between sovereign and subject in the western tradition contrasts with the ritual relationships and co-constitution of Rajas

²⁷ Bodin, 4. Bodin was a 16th-century French jurist and scholar who was profoundly affected by the contest between the Huguenots and the Catholic church and Crown in France. He changed his thinking to support a stronger sovereign and oppose the right of resistance, even in the case of tyranny. Julian H. Franklin, *Jean Bodin and the Rise of Absolutist Theory* (Cambridge: Cambridge University Press, 1973), 41-53.

²⁸ Bodin, 46. Not unsurprisingly, subjects may never become sovereigns, resistance is not allowed, and anyone who should attempt to claim sovereignty for himself should be put to death. Bodin, 110.

²⁹ Bodin, 23-24.

³⁰ Hobbes, 122-4. To make the matter very clear, Hobbes asserts, “And as the Power, so also the Honour of the Sovereign, ought to be greater, than that of any, or all the Subjects...And in the presence of the Master, the Servants are all equall, and without any honour at all; So are the Subjects, in the presence of the Sovereign” (128).

and their subjects through ceremonies of dual recognition in pre-colonial South Asia, as discussed below.

From the mid-twentieth century, the subject has finally, it seems, separated itself from the sovereign as the state and sovereignty come apart. Hannah Arendt, for instance, was a forerunner in highlighting the danger of state-less people to the bounded system of nation-states (as well as vice versa).³¹ More recently, within globalization studies, Wendy Brown, among others, has detailed how the proliferation of non-state subjects threatens fixed sovereign entities more than contests with other sovereign polities.³² Combining Marxist thought and post-modernism, Hardt and Negri argue that the modern theory of sovereignty developed at the level of territory around an inside versus outside and at the level of subjectivity, as interior civility versus the “external order of nature.” Thus, they posit that modernization came to mean “the internalization of the outside,” as part of an alleged civilizing mission; however, in the post-modern world, the internal versus external dialectic has been bridged by capital, such that there is no longer an outside. According to Hardt and Negri, “in this smooth space of Empire, there is no *place* of power—it is both everywhere and nowhere.”³³ Agamben, similarly, posits the rupture of bounded institutions (e.g., “the *police* now becomes *politics*”) along with the bio-politicization of sovereignty: the internal-external, friend-enemy divide shifts to the life of the subject after the nation-state has come to locate sovereignty in the latter. In the contemporary period, as the subject becomes synonymous with bio-political power and circulates, threatening the fixity of the state, it appears that the role of the sovereign and the subject have been swapped.³⁴ In contrast to Agamben’s formulation, Hardt and Negri argue contemporary global capital has transcended the nation-state

³¹ Arendt, 269-290.

³² Brown, 22-23.

³³ Michael Hardt and Antonio Negri, *Empire* (Cambridge, Mass: Harvard University Press, 2000), 189-190.

³⁴ Agamben, 148, 127.

to create a unitary sovereignty which is bound up in “Empire.” Given the breakdown of inside/outside distinctions, which Hardt and Negri also accept, post-modern subjects are at risk of being hailed by the singular sovereign, Empire.³⁵ Thus, a potential liberatory politics could be enacted if people cultivate forms of subjectivity that are resistant to “getting entangled with power” (in Negri’s formulation).³⁶ In other words, the subject may be able to overcome all possible sovereign regimes.

The foregoing discussion raises a number of questions. For example, is sovereignty a useful political theory or it is rather an ideology—or, perhaps, a mixture of the two? In its various guises—such as the body politic, the “soul” of the state, a machine, an outcaste who may be killed but not sacrificed---does the concept mystify more than it reveals? Does sovereignty offer a secular front to what stems from an essentially metaphysical or religious impulse or, alternately, offer a ritual façade to prosaic state power? Is it just a European concept? The vast volume of literature on sovereignty suggests it is a productive lens for understanding major changes in state, social and spatial power. The widely differing notions about sovereignty over the past half millennium, just barely hinted at above, however, indicates the difficulty of remaining aloof from the highly generative idea. The topic has clearly experienced a revival via studies of globalization which influences readings of the past; historians and theorists are also subjects within their contemporary societies. Yet, the themes I have highlighted above—the productivity and changeability of sovereignty as a theory and ideology over time, the difficulty in locating the sovereign, and the highly charged relationship between sovereign and subject—rather than offering a fixed definition that remains homogenous across time and space (and

³⁵ Hardt and Negri, 325-350.

³⁶ Antonio Negri, *Reflections on Empire* (Cambridge: Polity, 2008), 138.

metropole and colony) suggest ways to explore changing power in a borderland without reifying state or society.

European Sovereignty and South Asia: The Historiography

In contrast to the multiple, slippery meanings of sovereignty outlined above, much of the historiographical work featuring sovereignty as a key analytic to understanding change in early modern and colonial South Asia bypasses any definition in favor of using the term loosely to signify ruling authority operative at the level of the state.³⁷ This framework has often been employed for understanding the transition from the political landscape of pre-colonial South Asia (the Mughal empire c. 1526-1857 and regional states which benefitted from expanding trade as the former's governing institutions gave way to centripetal forces) to "territorial" dominance by the East India Company in the mid-eighteenth century. Several scholars have recently highlighted the imperial level of negotiations between the East India Company's administrators and the British state (i.e., the Crown and Parliament) over the sovereign status of the Company as it began acquiring territorial jurisdiction following the Battle of Plassey in 1757 and the grant of the *diwani* (revenue collection rights) in Bengal in 1765. According to Robert Travers and Sudipta Sen, the East India Company, based upon its commercial orientation and the corporate charter it held from the Crown, claimed that its possessions were the property rather than sovereign territory of the Company as one way of keeping the Crown from taking control over the revenues to which the Company had gained access.³⁸ According to Sen, the English constitution forbade British subjects from taking possession of colonial territory as sovereign

³⁷ Andre Wink dwelt at greater length on the term, "sovereignty" but he still equates it with state-based rule ("svarajya") and clearly indicates it is a "political structure" of "dominance." Andre Wink, *Land and Sovereignty in India: Agrarian Society and Politics under the Eighteenth-Century Maratha Svarajya* (Cambridge: Cambridge University Press, 1986), 8.

³⁸ Sudipta Sen, *Distant Sovereignty: National Imperialism and the Origins of British India* (New York: Routledge, 2002), xv, 5.

entities but it had no such rights over subjects' private investments.³⁹ By initially denying its own sovereign pretensions, however, the Company had to contend that it operated under some other sovereign power in India in order to keep the Crown and Parliament at arm's length. Around the middle of the eighteenth century, Company administrators partly legitimized their transition to territorial power by asserting that much like the English, the Mughals also had an "ancient constitution" which encompassed customary law and that their initial forays into land revenue administration were in accord with such principles.⁴⁰ At the same time, Partha Chatterjee points out, the inter-imperial rivalry with other European mercantilist powers, especially France, meant that the East India Company directors thought political power was necessary to protect from French incursions and they worried that the pretense of Mughal sovereignty was not sturdy enough to actually provide such political protection.⁴¹ Nicholas Dirks, however, has argued against the view that either the early Governor Generals of the Company or the British public viewed the East India Company as holding sovereignty under any other power, Parliamentary or Mughal; rather, it was an "irreducible fiction" of early Company empire-building.⁴² According to Dirks, many in England felt discomfort at the rampant commercialization of political power (bribery, buying and selling grants and privileges) in India under the Company watch—as well as its translation into Parliamentary corruption back home. Rather than respecting South Asian traditions of governance, Dirks contends that the Company simply made "strategic use of cultural forms to explain and legitimate a relentless pattern of political and territorial conquest."⁴³

³⁹ Sen, xx-xxi.

⁴⁰ Travers, 19-21.

⁴¹ Partha Chatterjee. *Black Hole of Empire*.

⁴² Nicholas B Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, Mass.: Belknap Press of Harvard University Press), 2006, 168.

⁴³ Dirks, 172.

In order to clarify arguments about the nature of the East India Company in the late eighteenth century, scholars such as Partha Chatterjee, Philip Stern, and Bernard Cohn have argued, that from their very entrance into Asian trade, European trading companies had operated with the assumption that they needed to have sovereign control of trading posts. Company charters allowed extensive powers such as the right to mint coins, make war, try civil and criminal cases, and exercise full jurisdiction over all British subjects.⁴⁴ Chatterjee emphasizes the sovereign pretensions of the EIC as excessive in relation to its ostensible commercial purpose. He points out that Jewish, Armenian, Arab and other traders managed commercial transactions without using force or snatching sovereign prerogatives, in order to argue that the idea of colonial difference guided the British (and Portuguese and Dutch) in Asia from the start. In his view, European Companies justified their use of force to execute trade through recourse to 1.) The notion that natural law allowed for legitimate self-defense and extension of possessions that were “useful for life;” and 2.) Oriental despotism nullified natural law, rendering the Mughals’ or other Asian rulers’ sovereign claims meaningless. In other words, “a normative proposition of supposedly universal validity did not apply to the East because of some inherent moral deficiency of the Oriental.”⁴⁵ While Chatterjee’s discussion may oversimplify the notion of “natural right” (given there were competing ideas in contemporary Europe); nevertheless, his discussion implies that Europeans diagnosed Indian sovereignty as a failure because of a supposedly inherent lack of character on both the part of the sovereign and the subject. That sovereignty was understood as a highly productive dialectic underlay moral panic in England

⁴⁴ Bernard Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton, N.J.: Princeton University Press, 1996), 58. Partha Chatterjee, *The Black Hole of Empire: History of a Global Practice of Power* (Princeton, N.J.: Princeton University Press, 2012), 33-40. As Laura Benton as also discussed at length in *Searching for Sovereignty*, exclusive control over European subjects meant that they could be tried for treason since they were expected to show full loyalty (101-103).

⁴⁵ Chatterjee is quoting Grotius. 34.

concerning the corruption of Company servants who were considered spoiled via the act of governing the despotic and/or lawless Oriental subject. Such conceptions of the contagion of corruption fueled the impeachment scandal surrounding the first Governor General Warren Hastings as well as the trial of Robert Clive, architect of the negotiated victory at Plassey in 1757 and later, governor of Bengal.⁴⁶ To help placate sentiment in 1769 in Parliament, Robert Clive stressed that his expansionist policy had netted the EIC “the possession of the labours, industry, and manufactures of twenty millions of subjects”—a point which highlights the anxieties as well as opportunities imagined in acquiring subjects in Asia.⁴⁷

In 1784, Pitt’s Act subordinated the Company to Parliamentary oversight, references to a Mughal Constitution were dropped, and an ambiguous combination of British and Company claims to sovereign power became the status quo from the colonial perspective. This arrangement, despite fears in the metropole, never threatened the jurisdiction of the Crown at home and until the mid-nineteenth century there was little impetus to clarify matters.⁴⁸ Over the next decade, the Council and Select Committee in Bengal gathered evidence and debated policy papers in order to establish a fixed rule for land revenue administration based on private property ownership (as opposed to tax farming, for example). Company policy-makers felt that establishing long-term governance in India was impossible without creating a class of landed, property owners upon which to rely. In 1793, the Permanent Settlement in Bengal fixed land rates “in perpetuity” to create a group of property-owning subjects who could bolster the Company’s claims to governance.⁴⁹ Such intensified engagement with Indians as subjects proceeded at roughly the same rate as the EIC spread legal jurisdiction over Indian subjects via

⁴⁶ Dirks, *The Scandal of Empire*, 7-17.

⁴⁷ Dirks, *The Scandal of Empire*, 17.

⁴⁸ Travers, 19-21.

⁴⁹ Ranajit Guha, *A Rule of Property for Bengal: An Essay on the Idea of Permanent Settlement* (Paris: Mouton, 1963), 15-21.

its Residency system established in the courts of its subordinate allies.⁵⁰ I argue rather than territory, extending claims over the political affiliation of Indian subjects served as the more important barometer of the Company's success. In fact, given the recent skepticism expressed by geographers and international relations scholars, such as John Agnew, about whether sovereignty was ever actually territorialized or fully equivalent to the state, it may not be very useful to look try to locate the moment the EIC became a territorial power as the starting point for its sovereignty in South Asia.⁵¹

Territory, Identity, Power

The foregoing discussion should not be taken to mean that territory and space do not matter. According to David Delaney, territory, "a bounded meaningful space," is a product of social life and as such reflects and reproduces the power structures of a particular temporal and spatial context; moreover, part of territory's significance lies in how it embodies ideology and political action but seems entirely natural to contemporary observers. As a corollary, during moments of rapid social change, the common-sense meanings bound up in territory may be questioned as identity and territory are often deeply intertwined.⁵² Geographer Robert Sack emphasizes that territory is often socially constructed to control access to resources, and he asserts, "Territoriality is the primary spatial form power takes."⁵³ Thus, the idea that modern-nation state must be located in a contiguous, bounded area has represented one such powerful mode of

⁵⁰ Michael Fisher, *Indirect Rule in India: Residents and the Residency system, 1764-1858* (Delhi: Oxford University Press 1991).

⁵¹ John A. Agnew, *Globalization and Sovereignty* (Lanham: Rowman & Littlefield Publishers, 2009), 47-68.

⁵² David Delaney, *Territory: A Short Introduction* (Malden, MA: Blackwell Pub, 2005), 15; 11-18.

⁵³ Robert David Sack, *Human Territoriality: Its Theory and History* (Cambridge: Cambridge University Press, 1986), 26. Agnew gives a more instrumental definition in contrast to Sacks' more dialectical understanding: "Territoriality, the use of territory for political, social, and economic ends, is widely seen as a largely successful strategy for establishing the exclusive jurisdiction implied by state sovereignty" (Agnew, 6).

territorialization from the late nineteenth century.⁵⁴ Territoriality does not have to occur at the national level—political scientist Sanjib Baruah defines a “model” of territorialization in India’s North-East centered on “protective discrimination for ethnically defined groups within particular territories.” This draws upon the legacy of colonial separation of tribes into hill and plains as “natural” geographic categories as well as that Indian state’s affirmative action policies since 1947 for so-called “Scheduled Tribes.”⁵⁵ Thus, different modes of territoriality can compete or complement each other in a particular context.

As the Company expanded across resource-rich and accessible parts of the subcontinent from the latter half of the eighteenth century, neither it, nor the polities it engrossed through direct or indirect rule, operated with the notion that strictly bounded territories were necessary for viable political entities. Typically when the EIC gained a territory (or wanted to do so), it announced to the local people that they were now free of their old government and had become Company subjects. Such proclamations tended to delineate the immediate obligations this would entail. This process proceeded in large part by the redefinition of political norms. Many corporate groups or power holders were defined as falling outside the legitimate norms of governance; the Company assumed as well as informed subjects that they must be grateful to be rid of their “oppressors.”⁵⁶ The colonial reclassification makes the history of the “state” in pre-colonial South Asia particularly hard to recover. The early-modern state form most commonly recognized in the historiography operated at the imperial level—the Mughals and the Marathas

⁵⁴ Territorialization of governance in Western Europe has been given many different genealogies as Benton points out (Benton, 280). See also, Agnew 27.

⁵⁵ Sanjib Baruah, "Territoriality, Indigeneity and Rights in the North-East India," *Economic and Political Weekly* 43:12 (2008): 15-19. See also Atul Mishra, "Boundaries and Territoriality in South Asia: From Historical Comparisons to Theoretical Considerations," *International Studies* 45:2 (2008): 105-32.

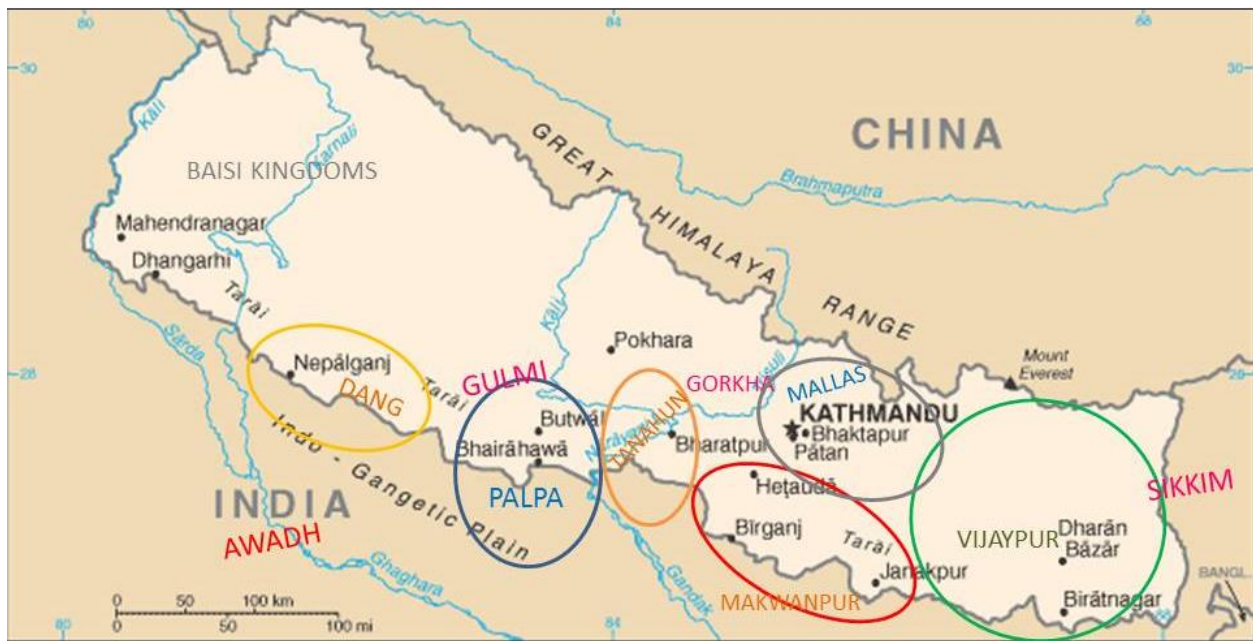
⁵⁶ See Chapter Two for an example at the time of the Anglo-Nepal War. "No. 79 in Encl. 2, Proclamation to the Chiefs and Inhabitants of the Country heretofore forming the Choubese Raj and Bausee Raj," in *Papers Respecting the Nepaul War* (New Delhi: Bimla Publishing House, 1985 [1824]), 156.

forming two significant case studies. Multiple other local or regional polities have been studied as “little kingdoms”—for example, the Rajput principalities of Rajasthan, supposed tribal lineages in forested or dry upland areas, and the Nayaka kings in Tamil country.⁵⁷ By declaring some groups as unfit sovereigns, the Company tried to establish its rights over South Asian subjects. In this way, regulating the movement, affiliations and identities of subjects provided the foundation by which the EIC worked out practical control over its northern borderland with Nepal.

The open border along India’s northern plains has typically been ignored by scholars seeking to understand the changing terrain of political cultures and practices of modern South Asian state and society; tracing the history of this region highlights both the complex and contingent nature of state formation in nineteenth-century South Asia, in which rhetoric and reality often did not match. The imperial state loomed over more substantial locally-based sovereign polities in the borderland for over half a century before enveloping them more definitively into the colonial state structure. In other words, Nepal and the East India Company, both imperial states, achieved only spotty and tenuous forms of governance in much of the borderland in the early decades of my study, from about 1780 to 1840. In the early eighteenth century, there were several interrelated blocks of states stretched throughout the Himalayas of present-day Nepal and claiming bordering *tarai* (plains) territory, stretching from the Dang valley in Nepal (roughly north of Bahraich district in present-day Uttar Pradesh, India) to

⁵⁷ See, for example, Muzaffar Alam and Sanjay Subrahmanyam, *The Mughal State, 1526-1750* (Delhi: Oxford University Press, 1998); Stewart Gordon, *The Marathas, 1600-1818* (Cambridge: Cambridge University Press, 1993); Hermann Kulke, *The State in India, 1000-1700* (Delhi: Oxford University Press, 1995). Pamela Price and John McLane do well to remind us that the favored landed powers of the colonial regime across India, the zamindars, in many cases belonged to warrior lineages with substantial royal aura that was recognized (even if also occasionally contested) locally. John R. McLane, *Land and Local Kingship in Eighteenth-century Bengal* (Cambridge: Cambridge University Press, 1993). Pamela Price, *Kingship and Political Practice in Colonial India* (Cambridge: New York: Cambridge University Press, 1996).

Sikkim. These states, examined in more detail in Chapter Two, included Dang/Tulsipur, Palpa, Tanahun, Makwanpur, and Vijaypur, and spilled across what is now the India-Nepal border. They maintained seasonal control over the lowlands and retreated in the summer and monsoon months to higher ground, typically possessing both upland and lowland capitals, centered around forts and market complexes. They controlled at least one regional trade route from which they earned revenue on transit duties; they also taxed both the rich agrarian produce of the plains, especially rice which grew in the wet and fertile lands of the *tarai*, and the seasonal pasturage of large herds of animals from the Gangetic plains.⁵⁸ Even the Rajas maintained large herds of cattle, often numbering in the thousands. These states engaged closely with their neighbors to the south—in fact, several rulers deposed by the Gorkha conquests in the late eighteenth century became *zamindars* in their *tarai* possessions under Awadh and the Company.



Pre-Colonial State Formations, Overlaid on a Map of Contemporary Nepal

(Template available: <http://commons.wikimedia.org/wiki/File:Nepal-map-blank.png>)

⁵⁸ Other revenue-earning crops included cotton, sugarcane, oil seeds, and opium in the early nineteenth century in lands reclaimed from the forests and tall grass jungles of the tarai. For example, see: “A Land Grant in Saptari District, A. D. 1807,” *Regmi Research Series*, 12: 1 (1980): 16.

The hill states conquered by Gorkha had deployed their (questionable) Rajput genealogies to assert links to powerful extra-regional lineages from roughly the sixteenth century. With the exception of Sikkim at the eastern limit of the region under study, all of these kingdoms traced their origins to Rajasthan around the fourteenth century when they claimed to have been pushed into the Himalayas due to Sultanate expansion, yet the lineages were purported by some contemporary chroniclers as well as later ethnic activists to have sprung from indigenous groups.⁵⁹ From the sixteenth century, the hill principalities, as well as the Malla rulers of the Kathmandu valley, proclaimed a more assertive Hindu identity through the patronage of Brahmins and temples with land grants, and, in some cases, the addition of fancy Sanskrit titles proclaiming their Hindu affiliation in their official state eulogies.⁶⁰ William Tuladhar Douglas distinguishes two major types of governance found in the early modern Malla city-states in the Kathmandu valley—the first, a particularly Himalayan “monarchy-with-consent form” characteristic of the oligarchy of Lalitpur [Patan] with a nominal but weak Raja, and the second, a more centralized monarchical form that developed, drawing upon Maithili Brahminical influences, in Bhaktapur around the famous fourteenth-century king, Jayastithi Malla.⁶¹ This analysis can be loosely extended to the other early modern hill polities prior to Gorkha’s major expansion of 1742 to 1768. The polities that drew upon Brahminical influence (i.e., those

⁵⁹ On the basis of linguistic similarities, Tej Nararayan Panjiar suggests that the Palpa Sens were Tharus. Tej Narayan Panjiar, “In My Own Words: In Search of the Tharu Past,” in *The Kings of Nepal and the Tharu of the Tarai*, eds. Gisele Krauskopff and Pamela Deuel Meyer (Kirtipur, Nepal: Centre for Nepal and Asian Studies, 2000), 53. Hamilton claims they were Magars. Francis Hamilton, *An Account of the Kingdom of Nepal and of the Territories Annexed to This Dominion by the House of Gorkha* (New Delhi: Manjusri Publishing House, 1971 [1819]), 131. Such re-readings of history by ethnic activists/historians should not necessarily be taken as bad history; both Chemjong and Panjiar conducted extensive archival research, providing both Nepali and western scholars access to documents previously unavailable. Iman Singh Chemjong, *Kiratakalina Vijayapiurako Sankshipta Itihasa* (Darjeeling: Nepali Sahitya Parishad, 1975). Saphalya Amatya, “Makwanpur ka kehi Puratatvik Upalabdhi,” *Ancient Nepal* 14:3 (January 1971): 37.

⁶⁰ Despite also patronizing Buddhist communities, the later Malla rulers stressed the Hindu aspects of their rule—for example, Mahindrasimha (r. 1712-1722) was the first to use the title “*Hindudhvaja*” in his *prashasti* (eulogy). D. R. Regmi, *Medieval Nepal* (Calcutta: Firma K.L. Mukhopadhyay, 1965), 171.

⁶¹ Tuladhar Douglas, 135.

claiming a Rajput lineage) tended towards more hierarchical monarchies and those with more firmly local roots, including openly acknowledged indigenous identities, such as the Kirat-Sen principalities of the eastern hills, leaned towards combining monarchy with strong deliberative bodies. Within this string of hill polities, the Sen Rajas of Palpa (north of Gorakhpur) were the strongest prior to Gorkha expansion, and branches of the family controlled the kingdoms of Tanahun, Makwanpur and Vijaypur to the east of Palpa stretching all the way to Darjeeling.⁶² The kingdom of Gorkha, located north-west of the Kathmandu Valley was captured from a tribal Magar clan in 1559 by a Rajput lineage, the ancestors of the (recently deposed since 2008) royal Shahs of modern-day Nepal.⁶³ Gorkha remained a small and economically inconsequential hill state until its famous campaigns of expansion, absorbing the Nepal valley in 1768, and continuing under the next two rulers to increase its size exponentially by the early nineteenth century. Gorkha's development into an imperial state at a time when it had little to distinguish it from the other small states of the eighteenth-century Himalaya, generally explained in nationalist histories by Gorkha Raja Prithvi Narayan Shah's inherent greatness, occurred along with the Gorkha state's creation of a standing army which required a more centralized administration.

The initial Gorkha expansion focused on the Malla dynasty's city-states in the agriculturally rich Kathmandu valley, known as "Nepal," a space of state formation since the ancient period nestled in the Mahabharat or Lower Himalaya range, through which a major Tibet-India trade route had long passed. The Mallas, a Newar lineage, formed a unified state in the thirteenth century and controlled the main cities of the valley, Bhaktapur, Lalitpur [Patan],

⁶² All of the Sen lineages ended up in exile in India (except for the Vijaypur branch which Gorkha had assassinated). In exile in India, Tanahun's former Raja commanded the largest *zamindari*, Ramnagar, adjacent to Bettiah in present-day West Champaran district. For more on these states and the exile of some of the Rajas in India, see Chapter Two.

⁶³ D. R. Regmi, *Modern Nepal* (Calcutta: Firma K.L. Mukhopadhyay, 1975), 31.

and Kantipur [Kathmandu] as a kingdom jointly ruled by the male heirs of the line.⁶⁴ Although historians differ on when the Mallas divided the kingdom, the later Malla rulers of the seventeenth and eighteenth centuries presided independently over city-states, largely bypassing locally entrenched elite families, and jockeying amongst themselves for prime position.⁶⁵ The rulers of each of the three valley-states continued to employ the title *Nepaleshvara* or “Lord of Nepal.”⁶⁶ Kathmandu and Bhaktapur’s northern limits extended to the passes in the high Himalaya leading into Tibet, where they shared control of the trading posts, Kuti and Keraung, with the latter. This trade route was the main road to Tibet from the Indian plains, excepting the route through Ladakh and Kashmir, in the early modern period. Around the beginning of the nineteenth century trade from Tibet included gold, silver, borax, yak tails, musk, salt, dried fruits and nuts, medicinal herbs, wool, Chinese silks, tea, goats, and sheep. The Nepal valley had little besides its skilled craftsmanship to export; items from India transiting through the valley included various spices, otters’ skins from Dhaka, pearls, corals, European manufactures, Indian cottons, tobacco, beads, goats, buffaloes, metal ware, and vermilion.⁶⁷

Before the expansion of the Gorkha imperial state, many of the hill states as well as those of the Kathmandu valley relied upon occasional conscript labor for maintaining a militia. Historian Dhanvajra Vajracharya posits the fragmented but enduring, city-based pattern of Malla rule in the Kathmandu Valley as resting upon a strong foundation of forts, usually composed of a combination of thick walls, gates, bastions and moats, built around the three major cities as well

⁶⁴ Mary Slusser and Gautama Vajracharya, “Two Medieval Nepalese Buildings: An Architectural and Cultural Study,” in *Art and Culture of Nepal: Selected Papers* (Kathmandu: Mandala Publications, 2005), 430. Malla rule was territorially patchy--non-royal governors and elite families ruled other areas without paying tribute to the Mallas. D. R. Regmi, *Medieval Nepal*, 31.

⁶⁵ Dhanvajra Vajracharya, “Mallakalma Deshrakshako Vyavastha ra tyasprati Prajako Kartavya,” *Purnima* 1:2 (1964): 20-33.

⁶⁶ D. R. Regmi, *Medieval Nepal*, 395.

⁶⁷ Hamilton, 212-213.

as many smaller towns. Although the Mallas did not maintain a large standing army, they exacted compulsory labor from the *praja* (subjects) for the maintenance of the forts and expected them to join military levies to ward off enemies.⁶⁸ The valley consisted of a patchwork of towns and jurisdictions paying taxes and owing services to the city-states which fluctuated with political trends. Each walled fort represented an arrangement for the territorialization of power at the local level.⁶⁹ In the early modern period, trade connections with the Mughals to the south thickened—for example, numismatic evidence suggests that the Mallas modified the weight of their coins to facilitate exchange with Mughal coinage in the sixteenth century; some coins even contain decorative but illegible Persian script.⁷⁰ From the sixteenth century, royal and temple inscriptions are found in Newari rather than Sanskrit as was previously used, indicating that intensified trade connections dovetailed with the articulation of a more regional identity.⁷¹ This trade route, and the obvious wealth it had produced, seems to have been the major attraction for Gorkha conquest, yet Prithvi Narayan Shah, in his famous speech to his councilors recorded towards the end of his life, likened the valley's cities to “cold stone” and postulated that moral order could not develop where people “drink water from wells.”⁷² He intended to build a new capital on a hillside overlooking the valley but was unable to do so before he died. Even today a casual visitor can observe the striking mix of *parbatiya* (hill) settlement patterns of houses scattered amongst fields and Newari patterns of compact settlements throughout the valley.⁷³ Thus the Gorkha conquest meant amalgamating different types of early modern states with their distinct patterns of territoriality (most significantly, hill-tarai principalities centered on trade

⁶⁸ Dhanvajra Vajracharya, “Mallakalma Deshrakshako Vyavastha ra tyasprati Prajako Kartavya,” *Purnima* 1:2 (1964): 22-23.

⁶⁹ D. R. Regmi, MN, 446-450. Saphalya Amatya, “Makwanpurka kehi Puratatvik Upalabdhi,” *Ancient Nepal* 14 (January 1971): 42.

⁷⁰ Satya Mohan Joshi, “Evolution of Nepali Coins,” *Regmi Research Series* 8:1 (1976): 8-15.

⁷¹ D. R. Regmi, *Medieval Nepal*, 8.

⁷² Divya Upadesha, quoted by Slusser and Vajracharya, 431.

⁷³ Slusser and Vajracharya, 431. See also Hamilton, 210.

routes and city-states of the Kathmandu valley). It also meant that the Gorkha state absorbed polities that had developed particular patterns of sovereign-subject relationships, which included itinerant traders, shifting cultivators, pastoralists, cultivators, artisans, in both monarchical as well as relatively more community-based patterns of governance.

Imperial Sprawl, Trading Places

The East India Company also encountered multiple polities and powerful frontier interests through its expansive trading activities and early experiments with collecting land revenue, following its forceful seizure of the *diwani* of Bengal in 1765. This brought the Company up to the northern frontier in Bengal and Bihar at a time when the frontier polities were in flux themselves. In the second half of the eighteenth century, the spaces of trade routes and the territorial reach of states interacted in a productive tension as new subcontinental powers used military force to control or levy tribute from nodal points where wealth accumulated (i.e., markets, trade routes, and areas of agricultural expansion). Historian Kumkum Chatterjee's formulation is particularly helpful in understanding this historical conjuncture: "In precolonial eighteenth-century South Asia a political and social order evolved in which *the state and world of trade appeared to be moving closer to each other* and the political-military ruling elite formed a collaboration of sorts with merchants and bankers, whose growing power and prominence were reflected in the ascension of their social status."⁷⁴ It is important to consider that the eighteenth century, despite coinciding with the break-up of the formal Mughal empire, also experienced an intensification of space as productive of power and wealth, especially along long-distance trades

⁷⁴ Emphasis added. Kumkum Chatterjee, *Merchants, Politics, and Society in Early Modern India: Bihar, 1733-1820* (Leiden ; New York: E.J. Brill, 1996), 4.

routes which conveyed expensive luxury items.⁷⁵ For its part, the East India Company was far more likely to become involved in territorial disputes that promised profitable ventures. For example, due to Gorkha expansion, several exiled royal lineages, including Vijaypur and Makwanpur, applied to the East India Company for help in defending or regaining their polities but had little to offer in return and so received little aid.⁷⁶ Company administrators were more amenable to pleas from the much beleaguered Raja of Kathmandu, Jaya Prakash Malla, whose control over the major trade route through the Kathmandu valley was fast eroding due to Gorkha's blockade. Thus, Jaya Prakash Malla sent an emissary via the *zamindari* of Bettiah, a nodal point of anti-Gorkha sentiment near the frontier. The British Resident in Bettiah, Golding, who oversaw the timber depot there for the conveyance of fir trees from the lower Himalaya, was convinced that the Gorkhas had been ruining trade between Tibet and the plains with their blockade of the valley. Further, locals in Bettiah, including the exiled family of Makwanpur, a former hill principality, assured Golding that Bettiah would be the next target of Gorkha attack. The Company duly sent an expedition under Captain Kinloch in 1767 to assist Jaya Prakash Malla, but, far short of the destination, the mission was forced to retreat owing to its incompetence in the hilly terrain and lack of supplies.⁷⁷ Golding apparently had not realized how close the Gorkhas were to complete victory in the Kathmandu Valley. Even after the Kinloch

⁷⁵ This is somewhat different from C. A. Bayly's formulation that "the state, both Indian and British" which was "only one of the political formations that existed" in eighteenth-century North India, ultimately "triumph[ed]" because of the simultaneous expansion of indigenous merchant firms and bureaucratic lineages." Yet I am also drawing from his insight on the importance of trade in luxury items fueled by warrior and landed elites. C. A. Bayly, *Rulers, Townsmen and Bazaars: North Indian Society in the Age of British Expansion, 1770-1870* (Oxford: Oxford University Press, 1993), 32, 63. My suggestion also builds on Frank Perlin's conceptualization of an invisible "city," an interconnected institutional structure of rights, values, measurements, etc. building up over the western Deccan in the seventeenth and eighteenth centuries. Frank Perlin, "State Formation Reconsidered," *Modern Asian Studies*, 3 (1985): 446-447.

⁷⁶ As Gorkha expanded into the eastern hills towards Sikkim, the Sen family of Vijaypur was forced into exile in Company territory, where the lineal descendants were then assassinated by Gorkha agents. While in exile the Vijaypur family and their retainers petitioned the East India Company for help but to no avail. See Chapter Four.

⁷⁷ James Long, *Selections from Unpublished Records of Government for the Years 1748 to 1767 Inclusive, Relating Mainly to the Social Condition of Bengal, with a Map of Calcutta in 1784* (Calcutta: Firma K.L. Mukhopadhyay, 1973), 707-714.

mission and Gorkha's final annexation of the Malla rulers, the East India Company did not give up on the potential trade connection: trade missions were sent to Kathmandu in 1770, 1784, 1793, and 1795, despite Gorkha's reluctance to host such visitors.⁷⁸

In the same period, the Company tried to gain control over trade in the northern plains by using military force to expel the *gosains* (corporately-organized Hindu renunciates) and *fakirs* (itinerant, often Muslim ascetics) who collected regular tribute from settled cultivators along their annual trade cum pilgrimage circuits in northern Bengal and Bihar. These groups, combining the functions of mobile traders, financiers, and militias were thought to travel north into the Nepal hills in the summer and receive shelter from various hill principalities. After the Gorkhas gained control over the Kathmandu Valley, the Company put pressure on Prithvi Narayan Shah and later kings to expel the *sanyasis* (Hindu renunciates) and *fakirs*.⁷⁹ The East India Company further secured trade routes in Bengal by attacking local militias and armed peasants and destroying local forts. This was important because the infamous mud forts in bamboo thickets were built along major land and river passages at which small Rajas and landlords collected trade duties.⁸⁰

In the late eighteenth century, the Company forced a subsidiary alliance on Awadh, a breakaway Mughal province whose northern frontier bordered the still-forming Nepali state (under the Gorkhas). The Company had secured the revenue collection rights in Bengal, a semi-autonomous Mughal Province, after defeating the combined forces of the Nawab of Bengal,

⁷⁸ Saphalya Amatya, "British Diplomacy and its Various Mission in Nepal from 1767 to 1799," *Ancient Nepal* 6:4: 1-5.

⁷⁹ For example, see Long, "Letter on Nipal," Select Committee, April 30 [1767]," 693-694.

⁸⁰ The placement of forts along land and river routes is clearly illustrated in renowned Company surveyor James Rennell's Bengal map of 1786, See "A map of Bengal, Bahar, Oude & Allahabad--James Rennell." http://commons.wikimedia.org/wiki/File:1786_-_A_map_of_Bengal,_Bahar,_Oude_%26_Allahabad_-_James_Rennell_-_William_Faden.jpg.

Nawab of Awadh, and their forced ally, the Mughal emperor of Delhi, at the Battle of Buxar (Bihar) in 1764.⁸¹ Following this victory, the Company demanded war reparations, payment for the stationing of troops, and tribute from Awadh.⁸² The Nawabi's rich agriculture and the precocious connections formed by European business adventurers and troops stationed there, who procured textiles, indigo, salt, saltpeter, and opium to export via Calcutta, proved attractive to the ever-acquisitive Company directors.⁸³ When the reigning Nawab of Awadh, Asaf al-Daula died in 1797, the Company initially agreed to his son Wazir Ali's succession, but later revoked its recognition by claiming he was illegitimate. Awadh's frontier with the *tarai* holdings of several of the former hill principalities was quite fluid—so much so that the exiled Raja of Dang/Tulsipur made a successful transition to reigning as a local Raja, but under the title of *taluqdar* assigned by the Nawab.⁸⁴ Awadh was also allied with Palpa, the last hold-out amongst the hill states, located north of Gorakhpur. Thus, when Wazir Ali was deposed from the throne by the Company, after escaping a brief imprisonment in Varanasi, he sought protection with Awadh's neighbor, Palpa.⁸⁵ In place of the deposed Nawab, the Company seated Asaf al-Daula's brother, Saadat Ali Khan, from whom the Governor General continually extracted more

⁸¹ For the best account of the Battle of Buxar, see Richard Barnett, *North India between Empires: Awadh, the Mughals, and the British, 1720-1801* (Berkeley: University of California Press, 1980).

⁸² Michael Fisher, *The Politics of the British Annexation of India, 1757-1857* (Delhi: Oxford University Press, 1993), 175.

⁸³ The multiple sorts of trade connections and the EIC troops' role in business and politics in Awadh prior to annexation is well elucidated in P. J. Marshall, "Economic and Political Expansion: The Case of Oudh," *Trade and Conquest: Studies on the Rise of British Dominance in India*. Brookfield, VT: Ashgate Publishing, 1993, 465-482.

⁸⁴ This was in the Raja's former *tarai* possessions at Awadh's northern frontier near Bahraich from the 1780s after Gorkha's allies had usurped the upland portion of his kingdom. See Chapter Two. Metcalf defines "taludkar" in Awadh as a "rent-receiving intermediary holding several villages." Generally, the scope of their operations and status under the Nawabs was higher than an ordinary zamindar. This then became a special title under the British, given to loyal regional landholders after 1860. Thomas Metcalf, *Land, Landlords, and the British Raj: Northern India in the Nineteenth Century* (Berkeley: University of California Press, 1979), ii.

⁸⁵ Palpa was so weak by this point that it was unable to guarantee the deposed Nawab Wazir Ali shelter; Gorkha, in order to cement friendship with the EIC, insisted that Wazir Ali must be turned out of Palpa. Several years later, in 1804, Gorkha's Chief Minister Bhim Sen Thapa would imprison the reigning king of Palpa, and send in troops to annex the kingdom. For more on Wazir Ali's brief foray into Palpa, see Yogi Naraharinath, *Light on History: Volume I* (Kathmandu: Itihasa Prakasha Mandal, 1955), 12-14.

payments, until annexing about half of Awadh's territory in 1801, including the region of Gorakhpur (south of Palpa).⁸⁶

In the first decade of the nineteenth century, the East India Company experimented with land revenue administration in northern Gorakhpur following annexation, secured alliances with landed powers, and made halting attempts to extend police administration in the rather independent-minded northern frontiers of Bihar. Unsurprisingly, the Company and Gorkha clashed over territory and the nature of rights in the borderland.⁸⁷ Indeed, the Company pursued a forward policy of establishing markets close to the Gorkha frontier, even sending armed guards to attend, such as in Pilibhit in the ceded Rohilkhand, and encouraging the annual horse fair at Hajipur (across the Ganga River from Patna) by buying all the fit horses put up for sale.⁸⁸ As in Bengal a few decades earlier, the East India Company sent in troops to dismantle the mud forts scattered along trade routes in the forests of Gorakhpur, and kill those who resisted while fixing regular, progressive land revenue settlements with such *zamindars* as could be found.⁸⁹ During these settlements, it became apparent that it was difficult to separate political power from the administration of property. For example, a number of rajas, including those of Gulmi and Palpa (hill principalities) who claimed rights to an area, but would not or could not enter into revenue settlements for various reasons, were accorded *malikana* (so-called proprietary rights) accounting for ten percent of the land revenue agreement.⁹⁰ Despite their reckoning in terms of

⁸⁶ Fisher, 176-177.

⁸⁷ For a thorough discussion of the most controversial territorial disputes of this era—the most prominent of which involved Bettiah and northern Gorakhpur—see Bernardo Michael, *Statemaking and Territory in South Asia: Lessons from the Anglo-Gorkha War (1814-1816)* (London: Anthem Press, 2012), 31-66.

⁸⁸ W. S. Seton-Karr, *Selections from Calcutta Gazettes, of the Years 1798, 1799, 1800 and 1801: Volume IV* (Calcutta: Bibhash Gupta, 1987[1864]), 106-108.

⁸⁹ For example, see India Office Library (IOL). Boards Collections (BC). F/4/1117, 1829-1830, 29972. No 8. Bengal Judicial Letter 17 April 1828.

⁹⁰ West Bengal State Archives (WBSA). Revenue Dept. Proceedings. August 24-29, 1805. Board of Revenue, to Richard Marquis Wellesley, GG in Council. For a thorough discussion of land tenures in Gorakhpur before and after

land revenue, these “rights” derived not from property as such but rather from an acknowledgment of an unbreakable bond of authority between a lineage and a loosely defined territory, even in the event that the *malikana* holders had effectively lost all property rights to the territory.⁹¹ Essentially, it was a payment for an ineffable layer of sovereignty. Despite this limited concession, the East India Company did not recognize Palpa’s claim to much of its lowlands, preferring the convenient view that the Nawab’s government possessed sovereign and alienable rights which had been handed over. The remaining Palpa Sens, in exile in Gorakhpur from 1804, were caught in a bind because Gorkha claimed that by conquering Palpa, it gained all of the former sovereign’s territories, including the *tarai*. On the other hand, the former sovereigns, exiled and dependent on the district administration in Gorakhpur, had to accede to the Company’s sovereign claims, even if they were not entirely well-substantiated, in order to derive protection and maintenance from the Company. Thus, the Sen royal family was reduced to acting as (fairly unsuccessful) *zamindars* on a portion of their former *tarai* possessions, from which they had never previously collected rents directly. Their continued claim was, ironically, based on continued sovereign authority rather than property rights (of which they had little effective control). That the Company had to recognize them for the next half century because their neighbors still considered them as Rajas, despite their occasional inability to collect and hand over revenues, indicates that the Company was, in fact, forced to share sovereignty in “directly ruled” northern Gorakhpur.⁹²

Cession, see Meena Bhargava, *State, Society, and Ecology: Gorakhpur in Transition, 1750-1830* (Delhi: Manohar, 1999).

⁹¹ For a very informative discussion of the complicated legal history and implications of *malikana*, which makes clear that it is not a right based on any sort of relationship to property as such, but owes to an undefined customary authority, see R. Bachawat, “State Of Bihar & Anr vs Maharaja Pratap Singh Bahadur on 11 April, 1968,” *Indian Kanoon*. <http://indiankanoon.org/doc/974947/>.

⁹² The final heir joined the rebels in 1857 and lost his title to his properties. See Chapter Two.

As this case makes clear, the Company's newly minted *zamindars* and the Gorkha's revenue administration were set to clash over land revenue collection rights at a number of spots, including northern Gorakhpur and the frontier near Bettiah (present-day West Champaran district). For whatever frontier territory the Rajas under Company protection claimed based upon a previously established right, Gorkha felt that as it had, in fact, conquered such principalities, this area should come under its authority. The East India Company understood the governance of land revenue collection as coterminous with sovereignty and interpreted Gorkha incursions (which were directed against local powers) as a threat to Company rule. To prevent war, the Gorkha state unsuccessfully offered to pay a portion of the land revenue to the Company for erstwhile Palpa's *tarai*. These conflicts provoked the Anglo-Nepal War of 1814-1816. Throughout the nineteenth century, after the termination of the expensive Anglo-Nepal War in the Company's favor and the demarcation of the border on the basis of the Treaty of Sugauli and occasional boundary survey missions, occasional territorial disputes arose. These clashes over rights—for example, to bodies of water, irrigation, cattle, and timber--arose with irregular frequency but never threatened the East India Company's sense of sovereign power in the same way that the disputes between its *zamindars* and the Gorkha's functionaries had.⁹³ Thus, in the early nineteenth century, the East India Company operated under a more narrow view of how sovereign power worked in the borderland, fueling the conflict that ended in war.

⁹³ For example, see IOL. BC. F/4/303, 1810-1811, 6995, Encroachments of the Rajah of Napaul upon the low Country and Bootwul, Examiner's Office, March and April 1810; F/4/304, 7010, Employment of a Military Force to expel the Napalese from the encroachment in the District of Purnea; F/4/185, 1805-1806, 3880, Examiner's Office, April 1806. See also C. U. Aitchison, *A Collection of Treaties, Engagements, and Sunnuds Relating to India and Neighbouring Countries: Volume II* (Calcutta: Savielle and Cranenburgh, 1862), 151-152.

Mobile Subjects

Historians have studied the negotiation of warrior, peasant, and royal identities as a very productive aspect of state formation in the eighteenth century. Political territories, markets, and states were frequently made and remade in the eighteenth century, allowing mobile warrior communities multiple employment opportunities. With the spread of colonial rule in the nineteenth century, formerly dynamic regional polities became bankrupt or were dismantled and the colonial redefinition of political legitimacy constrained the options available to freelance military specialists. For example, the East India Company put consistent diplomatic pressure on Nepal to curtail recruitment efforts in bordering Company territories in the first half of the nineteenth century.⁹⁴ Historian Purnima Dhavan's work further suggests that in times of political crisis, notions of group identity based on action (not birth) and shared ethics amongst warriors could float a kind of de-territorialized sovereignty in opposition to contested state structures.⁹⁵ After all, languages of sovereignty and power have proved exceptionally enduring and amenable to appropriation by new elites operating from drastically changed political contexts—a point well made for adaptations of Mughal imperial culture in eighteenth-century successor states.⁹⁶ In the hill states of the borderland, until the early nineteenth century, warrior status was claimed convincingly by both local “tribal” groups, with more incorporative and associative types of governance, and Rajputs, claiming extra-territorial genealogies and comparatively more facility in Brahminical Hinduism.⁹⁷ John Richards, drawing upon Kolff's model of an early modern

⁹⁴ This is well illustrated in William Pinch, *Warrior Ascetics and Indian Empires* (Cambridge: Cambridge University Press, 2006). See also Chapter Three.

⁹⁵ Purnima Dhavan, *When Sparrows Became Hawks: The Making of the Sikh Warrior Tradition, 1699-1799* (New York: Oxford University Press, 2011), 72. See also Stewart Gordon, *Marathas, Marauders, and State Formation in Eighteenth-century India* (Delhi: Oxford University Press, 1994).

⁹⁶ For example, Muzaffar Alam, *The Crisis of Empire in Mughal North India: Awadh and the Punjab, 1707-48* (Delhi: Oxford University Press, 1986).

⁹⁷ Chemjong, 32, 41-2.

military labor market, has argued for greater attention to be paid to the process by which the North Indian peasantry was armed and trained in martial skills, and has suggested that the expansion of the agrarian frontier with population growth, as well as the displacement of “Hindu-Buddhist groups” under pressure from “Indo-Muslim state-building” meant repeated clashes between tribal and settler groups. Through the process of agrarian expansion, Richards suggests that males of local agrarian clans became obligated to provide compulsory military service to their *zamindars* (landlords) or clan chiefs when opening up jungle for cultivation, which kept alive the martial tradition. Over time, *zamindars* adopted small standing armies for collecting rent and maintaining power, which slowly developed into a more specialized form of military service. Both Kolff and Richards read military specialization as leading to greater freedom of association, physical movement, and upward social mobility.⁹⁸ Such mobility clearly helped aspiring states access networks and resources not available locally.⁹⁹

Material evidence from temples located in mountain forts (*durgas*), including inscriptions, as well as oral traditions, and the continued Dasain (also known as Durga Puja, Dashera, and Navaratri) festival in the autumn suggest a seasonal, popular ritual complex in which warriors, kings and cultivators all participated.¹⁰⁰ Historian Kunal Chakrabarti cogently argues that in the case of Bengal (where, as in Nepal, animal sacrifice and goddess worship became well established) Brahmans appropriated and re-shaped the goddess traditions which were almost certainly indigenous and highly variable with location. The Bengal *Puranas*,

⁹⁸ John F. Richards, “Warriors and the State in Early Modern India,” *Journal of the Economic and Social History of the Orient* 47, 3 (2004), 393-395.

⁹⁹ Jos Gommans, “The Silent Frontier of South Asia, C. A.D. 1100-1800,” *Journal of World History* 9:1 (1998): 1-23.

¹⁰⁰ See Chapter Two for a fuller exposition of this topic and its implications for sovereign power. Interestingly, Kunal Chakrabarti suggests that there is a connection between the name of mountain forts “durga” and the name of the goddess “Durga” who is supposed to originate in the mountains, and whose name “literally means lady of difficult terrain.” Kunal Chakrabarti, *Religious Process: The Puraṇas and the Making of a Regional Tradition* (New Delhi: Oxford University Press, 2001), 169.

religious texts composed in medieval Bengal, facilitated the creation of Brahmanic hegemony through linking the highly popular worship of the goddess and pan-Indic Brahminical values (such as the recognition of Brahmans as ritual and Vedic authorities and the ranking of Bengal's communities into the caste hierarchy).¹⁰¹ Similar processes were at work in the pre-Gorkha hill kingdoms, such as Palpa and Tulsipur, where the local celebrations of Dasain included the worship of weapons and preceded the commencement of the fall military campaign season after the termination of the monsoon rains. Various groups—kings, Brahmins, and warriors—shored up their local power through facility in negotiating and accessing trans-regional networks in a process which sidelined indigenous groups over time as high caste groups came to dominate the land tenure systems locally.¹⁰² The prevalence of Navaratri or Dashera (which parallels Dasain) in kingdoms throughout the subcontinent in this period suggests a highly mobile ritual language. The Gorkhas even as they professionalized their army retained many of these elements of ritual incorporation—they continued to emphasize the Hindu nature of their army (composed of many ethnic *janajatis* as well as self-professed Rajputs), and continued to patronize Dasain as an important religious festival with special meanings for the professional soldiery.¹⁰³

Historical studies tracing the role of ritual and sovereignty in “little kingdoms” that made the transition to colonial rule in the nineteenth century have often been caught between trying to explicate norms and practices of honor, prestige and power as a coherent language while relating

¹⁰¹ Kunal Chakrabarti, *Religious Process*, 165-233, 291-2.

¹⁰² See for example, Ghimire, Vishṇuprasada. *Palpa Rajyako Itihasa* (Chitwan: Ghimire Prakasana, 1988). Tekbahadur Shrestha, “Palpaka Sen Rajaharuka Atarah Aprakashit Patraharu,” *Contributions to Nepalese Studies* 14: 3 (August 1987). The occurrence of Navaratri or Dashera (which parallels Dasain) in kingdoms throughout the subcontinent in this period suggests a highly mobile ritual language. Mediniprasad Nepal, *Socio-Economic History of Ancient and Medieval Nepal* (Biratnagar: Daranidhar Multipurpose Co-operative, 1997), 71. See also Pamela Price, 33-35.

¹⁰³ For example, under the former Shah monarchy presided over a big sacrifice on Dasain on the parade ground. In eastern Nepal, an area of heavy recruitment of soldiers—but many of whom went to India for military service—there was a ritual explosion of gun powder at the time of Dasain. Andrew Russell, “Traditions in Transition: Sanskritization and Yakkhification in East Nepal,” *History and Anthropology* 15:3 (Sept 2004): 256-257.

this to the changed colonial context. Nicholas Dirks, in *The Hollow Crown*, examined the logic of royal gift giving in particular to argue that ritual, including the production of caste, in pre-colonial India was “embedded in a political context of kingship” which later became frozen in the “fictional power” of the “theater state” in indirectly ruled India.¹⁰⁴ In an interesting contrast to his study, Pamela Price argues that the Permanent Settlement at the beginning of the nineteenth century in the Madras Presidency, by fixing warrior-kings’ territories, did not eradicate their political functions, but rather relegated their political scope to the local level.¹⁰⁵ Both Price and Dirks rightly suggest that a given ritual form of sovereignty will mean quite different things in different contexts; however, Dirks takes the colonial state’s power as far more monolithic in contrast to Price’s formulation. Norbert Peabody objects strongly to Dirks’ formulation, partly on these grounds, and, attempts to show the pre-colonial past as contested, with overlapping sovereignties formed around political, economic and ritual logics pulling in quite different, non-contiguous directions. In the early eighteenth century in the princely state of Kota, land grants became de-linked from the provision of military service and the small standing army had to be provisioned with cash. This transition dovetailed with a shift towards *bhakti* devotion centered on consumption and circulation of wealth.¹⁰⁶ Drawing upon the work of Rao, Shulman and Subrahmanyam, Peabody hints that the insertion of ritual and labor into a cash economy produced a new, more individualistic subjectivity.¹⁰⁷ The resumption of revenue-free

¹⁰⁴ Nicholas Dirks, *The Hollow Crown: Ethnohistory of an Indian Kingdom* (Cambridge: Cambridge University Press, 1987), 7-8.

¹⁰⁵ Price, 39-43. “Even if monarchy became discredited in civic arenas, in villages and in the rituals of urban temples monarchical symbols continued to represent and define ideas of power, honour and authority for both rich and poor” (Price, 76).

¹⁰⁶ Norbert Peabody, *Hindu Kingship and Polity in Precolonial India* (New York: Cambridge University Press, 2003), 80-111.

¹⁰⁷ Peabody, 105-106. The formulation of this argument in the collectively authored *Symbols of Substance* is much stronger although it pertains to an earlier period: the Nayaka courts of the sixteenth to mid-eighteenth centuries, which abjured Brahminical ethics, supposedly produced a new type of historiography, in which the individual actions of the heroes and heroines became central, “as individuals largely responsible for creating their fate.”

grants in Nepal also dovetailed with the creation of a standing army in the late eighteenth century; yet, at the same time the Gorkhali state maintained and, indeed, instituted the Dasain holiday and *devi* worship associated with the hill state's levied armies.¹⁰⁸ The centralization of administration, redistribution of land to provision a standing army (such as military garrisons in frontier territories), and the extension of cash-based land and labor markets meant that the Gorkha state developed a stronger and more widespread reach into communities that were previously quite autonomous or even dominant vis-à-vis regional states. This was the case, for example, in eastern Nepal where the Kirati population (consisting of Rais, Limbus, Lepchas, and other pastoralists and shifting cultivators) were fixed into a subordinate role to a state whose center was nevertheless much further away than the previous regimes they had alternately allied with, propped up, and fought against. This process, spanning the first half of the nineteenth century and entailing the re-ordering of subjects in the new borderland of eastern Nepal, southern Sikkim, and the newly-annexed colonial outpost, Darjeeling, is explicated in detail in Chapter Four.

Taken together the historiography discussed above as well as my research, suggests that state formation in the late pre-colonial period extracted labor from valuable mobile subjects (in this case, warriors), who in turn, found some opportunities for new articulations of self and community in the process. The circular migrants contributed to developing languages and rituals of sovereignty, which dovetailed with economic expansion along trade routes. In the nineteenth

Velcheru Narayana Rao, Sanjay Subrahmanyam, David Shulman, *Symbols of Substance, Court and State in Nayaka Period Tamilnadu* (Delhi: Oxford University Press, 1992), 53.

¹⁰⁸ Peabody, 6-7, 80-111. Ethnic groups have recently critiqued the perceived Hinduification of Nepal under Rana rule in particular, for instance, by boycotting Dasain as a symbol of Hindu domination. The perception of the history of social marginalization produced through the state's sponsorship of fixed elements of a previously more organic and diverse warrior culture, indicates some of what was at stake in the creation of a more centralized, Hindu state. For an example of commentary of the festival, see Kishore Sherchand, "'Dasain' or 'Vijay Dashami': In Keeping the Tradition Surrounds a Question of its Validity," *The Himalayan Voice* (September 13, 2011). <http://thehimalayanvoice.blogspot.com/2011/09/dashain-or-vijaya-dashami-in-keeping.html>.

century, such networks were disrupted, but for many South Asians patterns of mobility, subject formation, and engagement with local and regional polities had become a regular way of life.

Defining Subjects after 1857

Throughout the nineteenth century, defining Nepal and India as separate political spaces was closely bound up with defining the status of “subjects.” Even when the East India Company and Nepal clashed over land revenue collections resulting in war in 1814 to 1816, which ostensibly was about territory, the issue could not be isolated from that of control over subjects. For example, Gorkha military officers allegedly kidnapped headmen of villages to enforce tax collection in disputed areas prior to and during the war, and the East India Company’s operational commanders had to promise hill porters grants of land after the conflict to get them to carry supplies for the troops.¹⁰⁹ In the frontier area, cultivators shifted between regimes and even late into the nineteenth century, the colonial state was apt to consider mobile people subjects neither of one state nor the other. From 1784, when the East India Company’s administration was subordinated to Parliamentary oversight, until 1857, British servants and unofficial British in India were considered subjects of the British Crown, while Indians, regardless of personal status, were not.¹¹⁰ When the Crown assumed control of India after the so-called Mutiny in 1857, Queen Victoria’s proclamation assured Indians (excepting those living in Princely, or indirectly ruled, states) that they were henceforth like subjects of the Crown. Scholars have often read the proclamation to indicate that the Crown would refrain from interfering in reform of India’s social and religious traditions and practices, but it is worth looking again at the particular language used. With the specter of Awadh’s disastrous annexation

¹⁰⁹ IOL. BC. F/4/185, 1805-1806, 3880, Examiner’s Office, April 1806.

¹¹⁰ Bernard Cohn, 58.

(1855) looming over the new covenant, the following was also promised: “We know, and respect, the feelings of attachment with which the natives of India regard the lands inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.”¹¹¹ Hence, this foundational document contained a tacit acknowledgement that Britain could not and would not claim a full monopoly on defining India’s territory as a political and moral space. Rather, the sovereign would accommodate the subjects’ notions of rights and customs which were seen as intimately tied to spatial forms of identity. Moreover, the “Native Princes” were assured that they did not have to fear encroachment on their territory and that they were not considered subjects of the Indian state. The Proclamation leaves the subject status of all people in the Indian subcontinent open to a great deal of ambiguity; it implies that in Princely states there are no Crown subjects. Thus, the question arises: if territory was not to be extended, would subject status also remain fixed as it was in 1857? Even more ambiguous than the status of subjects of the directly and indirectly ruled areas in India, was the status of subjects in Nepal, in large part because Nepal’s standing in relation to British India was never clearly defined.

The example of extradition arrangements, examined in Chapter Three, illustrates this ambiguity well in the period before the Proclamation. Although Nepal’s purported failure to stop cross-border crime was officially cited as a precipitating cause of the Anglo-Nepal War of 1814-1816, the Treaty of Sugauli did not set any precedent for extradition, and it was only in 1837 that a very limited non-treaty agreement was penned to deal with dacoity and “thugee.” Extradition

¹¹¹ “We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessings of Almighty God, we shall faithfully and conscientiously fulfill.” “Queen Victoria’s Proclamation.” http://en.wikisource.org/wiki/Queen_Victoria%27s_Proclamation

agreements between Nepal and India could get bogged down in determining the relevant criteria for defining the subject's status—for example, how long did someone have to live in one territory or another before he was considered a subject? If a subject of the colonial government of India should voluntarily travel to Nepal and fall afoul of the law, did he have any right to claim intervention from the British Residency in Kathmandu?¹¹² A common excuse amongst colonial administrators was that due to incompatibilities in the two legal and judicial systems, it was better to avoid confrontation and leave ordinary people to their fate. Thus, the first actual extradition treaty was formed between the two states in 1855, and was limited to cases of “murder, attempt to murder, rape, maiming, thuggee, dacoity, high-way robbery, poisoning, burglary, and arson.”¹¹³ While a substantial list of crimes, the treaty did not cover the most common offenses, occurring in both directions, such as cattle theft, desertion from the Army, and absconding with public revenue.

In general, the colonial government in India settled such questions with the unspoken precedent of avoiding expensive and/or time consuming obligations to people of unexceptional status and refrained from lengthy or complicated negotiations with the Nepali Darbar over particular cases. Because the borderland contained abundant land and scarce labor in the nineteenth century, local people could vote with their feet to ensure that their government provided certain protections or services. For example, when hundreds of mutineers fled to the Nepali *tarai* after the rebellion of 1857, locals near Sheoraj (north of Gorakhpur) petitioned the Nepali Prime Minister, Jung Bahadur, to send Gorkha royal troops to protect them from the looting fugitives and equally dangerous British sepoys who had followed them across the border.

¹¹² See Chapter Six.

¹¹³ Aitchison, 179. See also, WBSA. Bengal Proceedings. Political Department, Oct. 1923. Proposed Revision and Improvement of the Extradition Arrangements between India and Nepal. No. 25-30.

The villagers asserted in their petition to the head of state: “If you do not make these arrangements please give us leave to quit the country. If you, being the master of the country, do not protect us, the troops of the Foreign Government and the rebels will utterly destroy us.”¹¹⁴ Threats to relocate if revenue officials oppressed local cultivators by levying unjustly high revenues or interfering with customary rights were ubiquitous in the Nepali *tarai* in the nineteenth century. Similarly, those favored with land grants of sparsely cultivated or waste lands in Nepal were enjoined to lure cultivators from the other side of the border with favorable terms.¹¹⁵ The possibility of becoming a subject of the other state through relocation allowed local people to bargain with local or even higher levels of administration.

With the integration of South Asia into the expanding networks of the British empire, new questions arose: for example, when relief works were set up during large famines, would Nepali or Indian subjects be welcome if they crossed the border to avail of services? After the famine of 1867, Prime Minister Jung Bahadur returned many female and child famine victims, purported British subjects, who had sought relief in Nepal and had then been sold into slavery especially to Nepali military officers.¹¹⁶ In the case of a severe famine in Champaran and Tirhoot in 1874, on grounds of charity, the Governor General’s office asserted that no distinction could be made, even though as many as half a million Nepali subjects might be impacted.¹¹⁷ Later, the question of colonial emigration called for a similar adjudication of belonging: could people living in Nepal emigrate to plantation colonies as indentured British subjects? In response to a

¹¹⁴ NAI. FD. 30 December 1859. No 517. Abstract Translation of an Urzee from the Nepalese subjects (men and women) residing in the Seoraj, Khujnee, Pallee and Majh Khund Districts to Maharajah Jung Bahadoor Ranajee Prime Minister and Commander in Chief of Nepal. Dated the 11th of Sowun Budee (Tuesday) Sumbut 1916, corresponding with the 26th of July 1859.

¹¹⁵ See for example, Krauskopff, 160, 167-168.

¹¹⁶ NAI. Foreign Dept. Political A. Oct 1867. Nos 225-6. No 225. From Col G Ramsay, Res at Nepal, to JWS Wyllie, Under-Secy to the GOI, in the FD, with the GG, Simla—No 29, d in the 23rd Sept 1867.

¹¹⁷ NAI. FD. General B. February 1874. Nos 98/101. Scarcity in Nipal.

case that arose in the Gorakhpur, the Governor General's office declared that "in the opinion of the Government of India, a native of Nepal is a native of India within the meaning of the Emigration Act XXI of 1883." Yet, since it was found that the "Nepal Darbar would prefer that its subjects should not be recruited for colonial emigration," an exception would be made and the office of the Protector of Emigrants would be suitably notified.¹¹⁸ These examples indicate the ad hoc considerations which set up very slight distinctions between Indian and Nepali subjects in practice, but nevertheless indicated the Government of India's willingness to defer to the Nepali state, especially on issues where little was at stake for colonial India.

In the decades around the turn of the century, the Governor General's office often had to moderate between different interests, such as plantations, public works departments of various British Indian states, and the military police establishment, who all clamored for government support in accessing pools of migrant labor from the Nepal hills. The colonial government consistently favored the Indian Army's claims—for example, through imposing legislation in districts such as Darjeeling and through diplomatic negotiations with the Nepali darbar favoring the military interest. One well-oiled strategy of diplomacy was what could be called the "arms for men" exchange: the GOI allowed for more imports of guns and ammunition into Nepal, and in return, the Prime ministers promoted the outflow of military labor.¹¹⁹ Clearly, British India did not find Nepal a military threat—following Jung Bahadur's major show of assistance in stamping out the rebellion of 1857, Nepal was considered a firm ally.¹²⁰ In 1886, the incoming

¹¹⁸ NAI. FD. External A. Pros. November 1894, Nos 35-37. No 36. Dated Simla, 16 Oct. 1894. From—Denzil Ibbetson, CS, Officiating Secy to the GOI, Revenue and Agricultural Dept, To—The Chief Secy to the Govt of the North-Western Provinces and Oudh.

¹¹⁹ For example, see NAI. FD. Secret E. June 1884. No 438. Note on the possibility of improving our relations by means of mutual concessions, by CER Girdlestone, Res in Nipal.

¹²⁰ For example in the 1890s, the Foreign Department internally debated, without any apparent urgency or conclusion, whether the Indian districts of the North-Western Provinces and Oudh and Bengal bordering Nepal were to be considered as located on the "external land frontier?" The question was raised in reference to the recent

Prime Minister, Bir Shamsheer, taking office as result of a coup, proved exceptionally eager to bargain over the export of military labor; thereafter, a permanent recruitment depot was established at Gorakhpur in 1886, another in Darjeeling in 1890, and a trial station opened in Purneah in 1891, and the number of Gurkha regiments doubled.¹²¹ Chandra Shamsheer, who would follow his brother Bir Shamsheer as Prime Minister after deposing a third brother who reigned briefly, was appointed Commander-in-Chief of Nepal's Army in 1886. Chandra Shamsheer would compel some 200,000 Nepalis, including even prisoners and slaves, to join the British war effort, as soldiers, manual laborers, and frontier guards, in World War I.¹²² Prior to the war, the Indian Army had refused to recruit migrants from Nepal residing in India (see Chapter Five), especially in Darjeeling, because the administration thought only recruits straight from Nepal were pliant and reliable. Yet, during World War I, Nepali residents in India were recruited in large numbers—thus, the line between Nepali and Indian subjects was further confused for the protection of the empire. After World War I, Chandra Shamsheer attempted to rectify this mixing of subject populations by placing new restrictions on recruiting operations within Nepal and discouraging the migration of Nepalis into private service in India.¹²³ As Chapter Five, however, argues, throughout the latter half of the nineteenth century, migrants

extension of Arms Act to prohibit the export of lead to foreign neighbors--the question resulted in a brief survey indicating unlicensed lead was illegally imported in diffuse areas across the India-Nepal border in most districts, and no British officials knew where it went thereafter. Clearly, Nepal was not considered a military threat. NAI. FD. Internal B. April 1893. No 38, and KW.

¹²¹ In accord with the Indian Army's penchant for segmenting military labor by ethnic stereotype, Gorakhpur was meant to obtain Magars and Gurungs from the central-western hills, and Darjeeling for ethnic groups, like Rais and Limbus, of the eastern Nepal hills--the latter to be channeled to the Army as well as the Military Police in Bengal, Assam, and Burma. NAI. FD. External B. May 1893. Nos 18/20. Byron Farwell, *The Gurkhas* (New York: Norton, 1984), 73-76.

¹²² That slaves (emancipated in Nepal only in 1924), were sent to World War I, is indicated in the record holdings (thus far unavailable to foreign scholars), in Sapahya Amatya, *Source Manual: His Majesty's Government, Ministry of Defence, Royal Nepal Army Headquarters and His Majesty's Government, Ministry of Foreign Affairs (Record Section)* (Kathmandu: National History Guide Committee, 1988). Vidya Bir Kansakar, "Indo-Nepal Migration: Problems and Prospects," *Contributions to Nepalese Studies* 11:2 (April 1984): 52.

¹²³ NAI. File No 523-x, 1926, GOI, FPD. External Serial Nos 1-4. Recruitment of the fighting classes for private employment in India.

managed to cross the India-Nepal border through informal networks which allowed them more choice in destination and employment. For example, many migrants ended up clearing forests and settling as cultivators in Southern Sikkim, out of the reach of the more disciplinary regimes of the tea plantation or army. Other migrants built up intricate networks to move in and out of such colonial institutions. Male migrants were able to avail of more options for circular migration and employment than female migrants, which also coincided with a serious undervaluation of women's labor.

In the final chapter, I consider what the two states' attempts to regulate and discipline subjects meant for changing forms of subjectivity. While gender has been a level of analysis implicit in the background of much of the narrative, Chapter Six focuses specifically on gender and sexuality as a productive site on which the everyday understanding of subjectivity was contested between states and individuals. In order to gain a sense of the centrality of controlling sexuality and gender relations over time, this chapter spans over a century, beginning with the regulations both the EIC and the Nepali darbar worked out to reach a sort of shared patriarchal understanding that Indian and Nepali subjects needed to be sexually segregated which entailed policing subaltern contact. I then discuss regulations the Nepali state made to restrict the movements of cross-border migrants based on limiting men's patriarchal rights over their families (and, by implication, their landed property) if they should defy the state's injunctions. As seen from the case of WWI, Nepal at times sought to fix men in place and sometimes to move masses of them, given its geo-political priorities: sexuality was always, however, at the heart of the state's strategies of control. How then did the disciplining of sexuality for over a century as part of the creation of the border between two states affect how people perceived themselves as migrants and subjects? Did the state's version of sexuality begin to infiltrate the body and

subjectivity of borderland people? The final section of Chapter Six offers a close reading of the first Nepali novel, *Muluk Bahira* (“Outside the Country”), about laboring-class migrants in the eastern borderland. The author, Lain Singh Bangdel, wrote the novel in the mid-1940s, while living in Calcutta as an aspiring artist. He had grown up in a family of lower management on a tea plantation in Darjeeling, although his family shared a similar history of migration with the plantation laborers. I argue that sexuality figures prominently in this novel (as well as other short stories) in a way that both unconsciously absorbs the statist disciplinary discourses and locates the body and subjectivity of the working-class migrant as the site of potential resistance from state strictures. The Nepali diaspora, formed in the early twentieth century in India and abroad, maintained a contested relationship with the state. In this foundational novel, the individual traumas experienced by the “autonomous subject” forms a site for imagining diaspora in a way that the homeland as a territorial entity does not.

By covering a large swathe of terrain and a century and a half (1780 to 1930) in the borderland, this dissertation moves through different levels of analysis: that of sovereignty to the subject to subjectivity. I argue that throughout this period, subjects used mobility—the possibility of flight and allegiance to alternate sovereigns—as a way to access rights and political space. Within the pre-colonial dispensation non-elite people, including cultivators, artisans, and soldiers, had negotiated between multiple sovereign regimes (including states and landed religious establishments) largely through deploying the threat of flight. Thus, pre-colonial sovereignty rested upon and was structured by the inherently contradictory figure of the “autonomous subject” who attached himself or herself to a, sometimes rather shaky, political entity in order to bargain for limited sets of rights or privileges. In order to attract labor, ranging from agricultural to military to artisanal, as well as tax-paying subjects, the EIC/GOI too had to

keep alive practices of sovereignty in South Asia that were structured by multiple, competing sovereignties and mobile subjects. This undermined the colonial authority's claim to spread a unitary, territorially based sovereignty—a claim also produced, but not fully enacted, at the same time in the developing nation-states of Western Europe. In this way, an open borderland emerged through disciplining bodies rather than policing territory. In the process, subjects became the site of sovereignty—a move that parallels arguments made about the development of biopolitical power as sovereignty shifted to the body of the subject with the development of the nation-state in Europe.

Chapter 2: Sovereigns in Exile, 1780-1820

By the late eighteenth century, the East India Company had become involved in a growing list of border conflicts along its frontier north of the Gangetic plain. These included attempts to break up and settle networks of armed *fakirs* and *sanyasis* (Muslim and Hindu “armed ascetics”) who were involved in finance, mercantile and pilgrimage networks from the Himalaya throughout North India, as well as interference in numerous disputes between Rajas and *zamindars* (landholders), the Nawabs of Awadh and the growing Nepali state.¹ The limited historiography on the Company’s march into the plains adjoining the Himalayan foothills has tended to characterize this region as a frontier, beyond which state authority was erratic.² Rather, Nepal and the Company’s imperialist expansion was predicated upon the successful dismantling of a string of polities consisting of self-proclaimed Rajput lineages that controlled trans-Himalayan trade routes along with some area of agricultural land in the *tarai*; most of the disputes between the Company and Nepal revolved around these *tarai* holdings of the former principalities.³ The former hill polities had gained authority over largely indigenous groups of subjects, as well as an

¹ According to William Pinch, “[b]y the late eighteenth century, not only had the number of armed ascetics increased dramatically, there was much greater tactical variety” (73). Many of these had adopted newer military technology and more conventional infantry and cavalry strategies, although they remained renowned for their guerilla tactics. The East India Company administration in Bengal suspected Nepal harbored such groups and put pressure on the Nepal darbar to turn them out. William Pinch, *Warrior Ascetics and Indian Empires* (Cambridge, UK: Cambridge University Press, 2006), 70-101. Yogi Naraharinath, “A Document in Connection with the Treaty Regarding the Terai Region, 1768-74,” in *A Collection of Treaties in the Illumination on History* (Nepal, Naraharinath: 1966), 8-11; “Royal Order to Fakirs in Morang, 1797,” *Regmi Research Series*, 3:11 (1971): 262. For details of conflicts between landlords that involved supra-regional actors, see Bernardo Michael, *Statemaking and Territory in South Asia: Lessons from the Anglo-Gorkha War (1814-1816)* (London: Anthem Press, 2012), 37-47.

² Bernardo Michael does much to highlight the complex modes of governance which overlapped to attract and shelter various groups of cultivators, bandits, pastoralists, and others, in the *tarai* region in the late eighteenth and early nineteenth century; however, he also conceptualizes the region as a “potential zone of refuge from, and resistance to, state power while at the same time attracting agrarian entrepreneurs and revenue contracts to invest in the productive potentials of the land” (Michael, 27-28). Thus, for Michael, the *tarai* was both a site of state formation and resistance to the state. I would argue that this characterization would apply to multiple sites across the Indian subcontinent and the Nepal Himalaya in this period; in short, I do not think it necessarily defines the region as a frontier.

³ See Chapter One, for a brief introduction to these polities.

increasing monopoly on local property regimes, from the middle of the sixteenth century. In order to gain political traction in the northern *tarai* and southern Himalayan foothills, both Nepal and the East India Company had to negotiate with former sovereigns who lost exclusive command over their *rajyas* (kingdoms) and sought refuge either under the conquering power, were killed, or, quite frequently, shifted their households into exile in neighboring territories. These Rajas, however, continued to be recognized by multiple actors, including subjects, personal servants, and local landlords, as retaining vestiges of sovereign power. This process continued over several decades and it was only when Nepal and the East India Company had nearly succeeded in marginalizing the last substantial power-holders in the foothill-*tarai* region that they clashed over revenue collection rights and state boundaries, precipitating the Anglo-Nepal War of 1814 to 1816.

An often overlooked but key event destabilizing the relationship between Nepal and the Company was Nepal's final military occupation of Palpa, a substantial hill principality covering an area spanning the current India-Nepal borderland, north of Gorakhpur and west of the Kathmandu valley. Nepal's annexation of Palpa lengthened its fuzzy zone of direct territorial contact with Company territory given that the latter, under Governor-General Wellesley, in 1801 had annexed large portions of the independent state of Awadh's territory around Gorakhpur.⁴ As the Company attempted to secure control, particularly of land revenue collection, in its ceded territory, it came up against the enduring practices of multiple and mobile sovereignties in the overlapping jurisdictions of former Awadh/Gorakhpur, Palpa, and Nepal. During the Anglo-Nepal War of 1814 to 1816, the East India Company's officers commanding operations on the front attempted, albeit unsuccessfully, to use exiled "hill chiefs"—including the remaining heirs

⁴ The Company claimed the territory in lieu of repayment for alleged arrears accrued from the stationing of Company troops in Awadh.

of the Palpa lineage—as sources of local knowledge and rallying points for gathering irregular troops, scouts, and porters.⁵ Rather than understanding the Anglo-Nepal War as the clash of two sovereign powers, then, by following the prolonged negotiations of the exiled Rajas with multiple powers (Awadh, the Company, Nepal and powerful local zamindars), this chapter examines the enduring multiplicity of sovereign powers in the late eighteenth and early nineteenth century borderland. Sovereigns retained some degree of status and recognition even when separated from their territories, indicating that political and moral power consisted of more than just territorial mastery. Drawing from Indologist Alf Hiltebeitel’s explication of sovereignty in classic Indic thought, I argue that borderland Rajas treated sovereignty as if it were inconstant and unpredictable, as well as mobile in space and time.⁶ Sovereignty was simply not an all-or-nothing concept or practice; it required weathering periods of exile and misfortune through rallying limited resources, often through seeking the favor of neighboring Rajas and/or imperial powers (or even, as illustrated in Chapter Three, bandits). The very fluidity of sovereignty in practice and concept, in turn, constrained the strategies by which Nepal and the East India Company could become entrenched in the region.

Multiple Sovereignities in the late Eighteenth Century

The political history preceding the Anglo-Gorkha War presents a tangle of names and dates and has been read primarily through the story of the successful political actors—Nepal and the East

⁵ A similar strategy was used on all fronts, but I am focusing only on the Palpa-Gorakhpur frontier in this chapter.

⁶ Hiltebeitel’s formulation comes from his reading of the Mahabharata, a widely known epic in South Asia, which draws on an oral tradition that may be as much as three millenia old, and was written over 1500 years ago. Clearly, it is problematic to suggest that such notions of sovereignty do not change over such a long period of time. However, given the self-consciously Hinduizing strategies of various hill Rajas and later the Gorkha Rajas of Nepal, textual narratives of kingship may have been familiar to the political actors of the nineteenth-century borderland. Moreover, the idea of sovereignty as mobile and unamenable to fixed rules (for example, of dharma) will be illustrated in the material that follows. Thus, whether or not there is a strong historical connection, Hiltebeitel’s elucidation of sovereignty as a theory remains of interest as a comparative framework. Hiltebeitel, 163-165.

India Company. It is, however, important to remember that both Nepal and the Company were expanding territorially as well as forming centralized state apparatuses in the latter half of the eighteenth century. As Philip Stern argues, the East India Company developed as a corporate body that governed fortified trading posts in India and Asia from the seventeenth century. In his words,

[The Company's] efforts were directed towards protecting a particular form of hybrid and composite sovereignty over a system that was at its core urban, coastal and maritime in its orientation and rooted in the Company's constitution as a body politic, a jurisdiction over trade and people, a colonial proprietor, and eventually a Mughal tributary officeholder.⁷

Stern convincingly explains that increasingly after the Battle of Plassey in Bengal of 1757 and the assumption of revenue collection rights in 1765, the “early modern” governing structure of the Company seemed outmoded and unreliable to many in the British metropole. The Company's administration in India was centralized under Calcutta's authority and Parliamentary oversight with a series of regulatory acts from 1773 as well as more stringent conditions written into each renewed charter the Crown approved for the Company in 1794, 1813 and 1833. In this way, Stern argues, the British Crown and Parliament began restructuring the East India Company to meet modernizing ideals of a state in the metropole well before the Crown took over the whole governing entity in 1857.⁸

As the Company acquired territory in the south east of the subcontinent and in Bengal, Gorkha, a small kingdom originally located north-west of Kathmandu, slowly conquered the principalities of the Kathmandu Valley from about 1742 to 1769 through an economic blockade, strategic military advances and shifting diplomatic alliances—mirroring quite closely the

⁷ Stern, 208.

⁸ Stern, 208-209.

strategies used by the modernizing Company state across the subcontinent.⁹ In the last three decades of the eighteenth century, the Gorkha kingdom of Nepal¹⁰ absorbed principalities stretching to Sikkim in the east and Kumaon in the west. The expanding state recognized only those Rajas who agreed to hand over sovereignty and independence in return for retaining their titles and receiving rights to their former lands as deemed expedient by Gorkha.¹¹ Yet, such expansion was only partly under way when the successful military adventurer Prithvi Narayan Shah died in 1775, his older son and heir outlived him by two years, and much of the territorial advancement was achieved under the regency of his daughter-in-law, Rajendra Laxmi Devi (d. 1785), a princess from the still-independent state of Palpa.¹² At the turn of nineteenth century, succession to the throne in Kathmandu was highly contested; Bahadur Shah, younger son of founding king Prithvi Narayan, successfully fought for the regency with Rajendra Laxmi Devi, his widowed sister-in-law, and continued to preside over military expansion until 1794. Bahadur Shah, while acting as regent after his sister-in-law's (surprisingly) natural death, was

⁹ The British Assistant Resident to Kathmandu, from 1841 to 1845, noted in his memoir and brief history of Nepal that prior to the Gorkha "unification" of Nepal, there were numerous "hill-chieftains or rajahs—an ignorant, selfish set of petty tyrants" who had been fighting with their subjects and neighbors and also within their own families. "The Gorkha chiefs were at all times as ready to apply the influence of intrigue as open force, and could well combine both for the prosecution of their ends. They had a regular army, obedient to its officers, and the whole in proper subordination to the state. This was always available to the weaker party, upon conditions, and the frequent internal dissensions of the rajahs, which successively came to form the Gorkha frontier, never failed to produce the invitation." These comments could just as easily describe the system of subsidiary alliances that the East India Company used to subordinate the majority of princely states that fell into its reach in the latter half of the eighteenth and first half of the nineteenth centuries. Captain Thomas Smith, *Narrative of a Five Years Residence at Nepaul* (London: Colburn and Co. Publishers, 1852), 155-156.

¹⁰ After Gorkha, a small hill state to the north-west of the Kathmandu Valley (also known as Nepal), conquered the latter, the expansionary Himalayan state used both the terms "Gorkha" and "Nepal" to refer to itself and standard history texts have followed suit. For a nuanced discussion of the different political connotations of the term "Nepal" see Richard Burghart, "The Formation of the Concept of Nation-State in Nepal," *The Journal of Asian Studies* 44 (1984): 101-125.

¹¹ The political fortunes of vassal states fluctuated (some were abolished and/or reinstated during Gorkha rule), but Adhikari estimates there were about 11 officially recognized, nominally distinct *rajyas* (princely states) in the early nineteenth century. Several were added around the end of the nineteenth century (from internal territory) such that 17 states were abolished in 1961 by the Nepali government. Krishna Kant Adhikari, "The Status, Powers, and Functions of Rajas and Rajautas during the Nineteenth Century Nepal in Light of Contemporary Documents," *Contributions to Nepali Studies* 8 (December 1980): 147-155.

¹² Captain Thomas Smith, *Narrative of a Five Years Residence at Nepaul* (London: Colburn and Co. Publishers, 1852), 157.

assassinated at court in 1794, likely at the behest of the *yuvaraja* (prince in waiting) Rajendra Laxmi's son, and a supposed group of conspirators, of which Palpa's unfortunate last king was counted.¹³ To further complicate matters, during his reign Rana Bahadur Shah (grandson of Prithvi Narayan and third monarch in the lineage) married a third wife, a Brahmin from Bihar, across caste boundaries and, despite opposition, wanted their son to succeed him. He therefore abdicated in favor of the infant, Girban Yuddha, in 1799—a scandal that earned him exile in Banaras, India.¹⁴ From the turn of the nineteenth century, factional court politics were exacerbated by the absence of an adult monarch and the infamous fight between the Pande and the Thapa clans for control over the infant king and thus the kingdom.

Gorkha (Shah) Rajas of Nepal and their Regents, 1768-1847

Year of Reign	Reigning King	Relationship to 1 st Gorkha king of Nepal	Royal wives (not consorts)	Regent and relation to the minor king
1768-1775	Prithvi Narayan Shah	Same	Indra Kumari Devi, princess from Makwanpur; Narendra Rajya Laxmi , of Benares (may have been Brahmin, mother of heir)	N/A
1775-1777	Pratap Singh Shah	Oldest Son	Maiju Rani Maheshwari Devi (Newari, may have been concubine); Rajendra Laxmi Devi (princess from Palpa, mother of heir)	N/A
1777-1799 (as a minor until 1794 when he assumed direct rule)	Rana Bahadur Shah	Grandson	Raj Rajeshwari Devi aka Sri Vidya Laxmi, princess of Palpa; Subarna Prabha Devi of Gorakhpur; Kantavati Devi , Maithili Brahmin from Janakpur area, controversial mother of heir; Chandravati Devi; Amara Rajeshwari Devi; Lalita Tripura Sundari Devi, daughter of a Thapa	Rajendra Laxmi Devi, Regent 1777-1778, 1779-1794; mother Bahadur Shah, uncle and younger brother of Pratap Singh; Regent 1778-1779

¹³ This was one of the accusations against Prithvipal Sen (Palpa's Raja) which would lead to his imprisonment and death in 1804 and 1806 respectively. Smith, 174.

¹⁴ There are various versions of this story. See for example, Smith, 165-171.

1799-1816	Girban Yuddha Shah	Great-grandson	Sidhi Laxmi Devi; Gorakshya Rajya Laxmi Devi , mother of heir; Laxmi, Kirtirekha (the latter two possibly concubines)	Vidya Laxmi, another wife of father, 1799-1800, 1803-1804; Subarna Prabha Devi, another wife of father, 1800-1803; Prithvipal Sen, Raja of Palpa, no relation to child king, may have shared regency with Damodar Pande, 1804; Rana Bahadur Shah, father, 1804-1806 (killed 1806); Lalita Tripura Sundari, youngest wife of father, just a few years older than the minor king, 1806-1816
1816-1847 (as a minor until 1837)	Rajendra Bikram Shah	Great-great grandson	Samrajya Laxmi Devi , of Gorakhpur, mother of heir; Kancha Rajya Laxmi Devi; of Gorakhpur	Lalita Tripura Sundari, wife of his grandfather, 1816-1832

Source: All of these names and dates can be verified in the exceptionally detailed online genealogy, see: "Nepal: The Royal House of Shah, Genealogy," *The Royal Ark*, accessed October 6, 2014, <http://www.royalark.net/Nepal/nepal.htm>.

In the lead-up to the Anglo-Nepal War, in the first decade of the nineteenth century, then, Nepal's court politics centered around successfully controlling the child king, Girban Yuddha.¹⁵ In fact, it was the Raja of Palpa who had placed the crown on Girban Yuddha's head at his coronation.¹⁶ At the turn of the century, the Raja of Palpa acted briefly as Regent or Nayab at court and was closely allied with Mukhtiyar (Chief Minister), Damodar Pande.¹⁷ While Rana Bahadur (the abdicated king) was residing in Banaras, India, in exile, Damodar Pande signed a treaty of alliance with the Company in 1801 allowing a Resident to be posted at the court in Kathmandu. The Company attempted to secure this unpopular treaty with Palpa's support because the kingdom offered access to mountain passes leading toward the Kathmandu valley and, as an ally, could potentially supply manpower which would be necessary if the treaty were to be backed with force. In 1802, when Captain Knox travelled to Kathmandu to establish the Residency, he negotiated with Palpa as an independent state; the Residency, however, would be

¹⁵ See for example, an instance in 1803, when the infant king seems to have almost literally been exchanged from the junior to the senior regent Rani in a virtual palace coup. Amatya, 14.

¹⁶ Mohan Bahadur Malla, "The Baise and Chaubise Principalities," *Regmi Research Series* 11: 8 (1979): 120.

¹⁷ The term *Nayab* was used for the Regent in Nepal prior to 1806, although it draws from the Indo-Persian term *Naib* which means "deputy." "Nepal: Brief History," *The Royal Ark*, accessed April 2, 2013, <http://www.royalark.net/Nepal/nepal.htm>.

packed up after only a year due to court hostility.¹⁸ Thus, during the decade and a half preceding the Anglo-Nepal War, a minor king remained on the throne (Girban Yuddha, d. 1816), under the guidance of competing regents and court factions, of which a major player until 1804 was the independent state of Palpa. With the return of the exiled, abdicated king and the ambitious Bhimsen Thapa, the king of Palpa was imprisoned (1804, killed 1806), Damodar Pande was executed in 1804, and the Thapa faction gained ascendancy. At the time of the Anglo-Nepal War, the regent was Lalita Tripura Sundari, the youngest queen of the self-abdicated and, later assassinated (d. 1806), former king; hailing from the Thapa clan by birth, she ruled with the support of the General and Chief Minister or *Mukhtiyar* Bhim Sen Thapa.¹⁹ The Mukhtiyar, while a powerful figure behind the scenes, however, held his position at Lalita Tripura Sundari's favor, because she had the power to assign ranks at court every year during the annual *pajani* ceremony—a power which extended even to the Prime Minister's office.²⁰ Factional struggles at court in Kathmandu included limited roles for acquiescent Rajas of the conquered principalities, although by the time of the Anglo-Nepal War, this space was eroding. Other Rajas who resisted encroachment were expelled from their realms; many sought refuge in East India Company territory to the south, while some found refuge in Tibet or in as-yet unconquered principalities in the Himalayas.²¹ Out of favor factions, such as the abdicated former Raja Rana Bahadur, also found refuge in British India.

While the foregoing discussion seems to highlight fissiparous tendencies in the actually very successful expanding state of Nepal, it is useful to think about the multiple contests for

¹⁸ Amatya, 11.

¹⁹ Lalita Tripura Sundari was not the child Girban Yuddha's mother.

²⁰ Chitranjana Nepali, *Janarala Bhimsena Thapa ra Tatkalina Nepal* (Kthmandu: Ratna Pustak Bhandara, 1966), 37-40.

²¹ IOL. BC. F/4/185, 1805-1806, 3880. Extract Bengal Separate and Judicial Consultations in the Department of Ceded Provinces, 10th May 1804, Magistrate of Goruckpore, Ahmuty, to Fombelle.

power as also strengthening a sense of shared purpose. Court factions in Nepal often split along support or opposition to the East India Company; however, both sides tended to view one or the other policy as strengthening the ambitious Nepali state as well as their own factional interests within it.²² Political conflict also allowed neighboring states to provide support to exiled factions at a price: Awadh, Nepal, and the East India Company all engaged in such politics.²³ Creating sovereign power was a game with many players and required a constant shuffling of personnel in and out of competing realms of power. As historians such as Munis Faruqui, Andre Wink, and Norbert Peabody have argued, in the context of Mughal and eighteenth-century Indian polities, elite contestation, entailing diverse alliances and circulation of resources within and across pre-colonial states, aided not only in state formation but also territorial expansion.²⁴ As Peabody points out, however, kings linked themselves to a particular tract of land through rituals and histories of battle—for example, soil from the ancestral land was offered to the lineage ancestors and fallen soldiers’ blood mixed with the soil in last-rite offerings in eighteenth-century Rajasthan. This “(con)substantiation” of the land and the lineage created an irrevocable tie which could not easily be broken even by the vagary of political change, allowing for sovereigns and their lands to occasionally become separated for periods of time even as the moral and ethical tie between place and power remained socially and culturally recognized.²⁵ Thus, the exile of former sovereigns and the shuffling of factions in and out of the Nepal court were neither new nor unprecedented developments and for several decades before and after the turn of the eighteenth century, exile did not signal a firm closure on sovereign pretensions or possibilities.

²² For example, see Chittaranjan Nepali, “The Childhood of Rana Bahadur Shah,” *Regmi Research Series* 2; 12 (1970), 286-297.

²³ IOL. IOR 30658. Mss Eur D 91. Buchanan-Hamilton Papers.

²⁴ Munis Faruqui, *Princes of the Mughal Empire, 1504-1719* (Cambridge: Cambridge University Press, 2012), 8-12. Peabody, 80-86.

²⁵ Peabody, 90-91.

The Spaces of the Hill Polities: The Pre-colonial States of the Would-be Borderland

The hill polities ranging along the foothills of the Himalaya--including many of the loose group of states known as Chaubisi (the “twenty four”) and Baisi (“the twenty two”) as well as the Vijaypur kingdom of the eastern Himalaya--were enduring political entities, many dating from the mid-sixteenth century or earlier. Despite this, Nepali nationalist historians have been reluctant to accord them the designation of “states” and they remain altogether absent from Indian historiography. For example, Nepali historian D. R. Regmi, discounts the state-ness of the five or six dozen Himalayan principalities that Prithvi Narayan Shah conquered to form modern Nepal, claiming they were in a “state of division and backwardness,” too numerous and too small to be real states, and “suffered from various deficiencies in economic resources and man power.” Thus, Regmi writes, contradicting much of his own evidence as well as his repeated usage of the term “state” to refer to such principalities, it was only Prithvi Narayan Shah who created “a viable state” in the Himalaya.²⁶ In fact, the hill polities that Prithvi Narayan Shah conquered possessed many conventional attributes of states in South Asia: the right to mint coins in their own name, small armies, forts, control over significant aspects of regional trade, and patronage of regionally significant ritual complexes. As the East India Company expanded across the subcontinent, it did not recognize Indian polities by their capabilities and institutions, but rather by their potential for fitting usefully into imperial structures. States were often only named as such when their sovereignty was at stake. Travers argues that it was more pragmatic for Company representatives to portray local rulers as sovereigns who were capable of legally conferring rights or leasing land to the Company, thereby skirting the question of whether openly conquered territory should be placed under Crown authority. As the East India Company made and broke alliances with regional, post-Mughal successor states, a related question arose about

²⁶ D. R. Regmi, *Modern Nepal, Vol. 1* (Calcutta: Firma K.L. Mukhopadhyay), 83-84.

the extent and nature of Mughal sovereignty and whether Indian Rajas had retained sovereignty under Mughal empire.²⁷ In this case, however, the hill polities had never fallen under Mughal rule; due to their strategic positioning around hill passes and forts that could be shut off to the plains below, they remained independent during the Mughal period. Colonial British accounts preferred to claim that these hill polities held loose control over their plains possessions, and when Gorkha overtook them to form the modernizing state of Nepal, Gorkha had no right to the plains.²⁸ Thus, the hill polities have been sidelined in colonial-era historiography—a stance mirrored in later accounts—both of which have incorporated notions of the state as redefined by British and Nepali ideologies of expansion in the nineteenth century.

Therefore, it is necessary to reassess the pre-colonial political formations spanning what would become the India-Nepal borderland. The powerful Sen lineages of the hill-tarai principalities, for example, with their foundation in Palpa, and cadet lineages established in Tanahun, Makwanpur, and Vijaypur, provided a regionally influential model of royal power in the early modern period. The Sen kingdoms stretched from roughly 600 kilometers from present-day eastern Nepal to the hills north of Gorakhpur and lasted roughly 300 years from about 1500 to 1804.²⁹ Along with the Newari Mallas of the Kathmandu Valley, the Sens were the predominant regional powers prior to the Gorkha expansion. In the early sixteenth century, Rudra Sen broke away from his regional hegemon, the Khas kingdom of western Nepal, and

²⁷ Whether the Mughals were despotic or exercised a limited despotism adhering to an ancient constitution framed the poles of debate on Mughal authority (Travers, 46, 56-8). See also Chatterjee, 43-4 for a similar argument. Dirks and Travers, however, disagree on the extent to which this was a relatively hegemonic discourse (i.e., the British public and EIC administration really believed it) or it was just an “irreducible fiction” and “increasingly seen as a lie.” Nicholas B. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, Mass: Belknap Press of Harvard University Press, 2006), 168.

²⁸ The former tarai possessions at the center of the dispute were those belonging to the extinct kingdoms of Palpa and Makwanpur. “Papers Relating to East India Affairs: Origin, Continuance and Termination of the Late War with the State of Nepal, 1817,” House of Commons Parliamentary Papers.

²⁹ D. R. Regmi argues that there is no firm historical evidence for Rudra Sen’s reign and that Mukunda Sen should be considered the founder.

established an independent kingdom at Palpa.³⁰ His son and successor, Mukunda Sen (the first) expanded the kingdom by conquering Palpa, Tanahun and Vijapur, partly through force and local alliances; however, his sons later divided the kingdom.³¹ Palpa's strategic location, on the east-west route stretching across what is present-day Nepal and located astride a lucrative trade route stretching south into Gorakhpur, provided a geographical foundation for the kingdom's regional influence. The Sens' origins are obscure, but they may have migrated from the South—perhaps from the direction of Champaran or Northern Awadh.³² Like the Shahs of Gorkha, the Sens have also been linked to the indigenous Magar population and in older documents referred to as Magar kings, which may or may not refer to their ethnic identity.³³ By controlling the extension of settled cultivation and taxing trade routes, these so-called Rajput lineages, were able to build strong regional militaries to solidify their power over non-caste based populations in the hills and tarai. As historian Baburam Acharya has convincingly argued, the high-caste Hindu Brahmin, Thakur and Chettri migrants brought in irrigated agricultural techniques to cultivate rice, while the resident Magars cultivated dry crops.³⁴ Such an extension of irrigated agriculture may not have gone uncontested; in the late eighteenth century, for example, Palpa's Raja Prithvi Pal Sen issued a royal order levying a stiff fine on the breaking of irrigation canals (*kulo*).³⁵ The

³⁰ Ghimire, *Palpa Rajyako Itihasa*, 29.

³¹ Ghimire, 33-40.

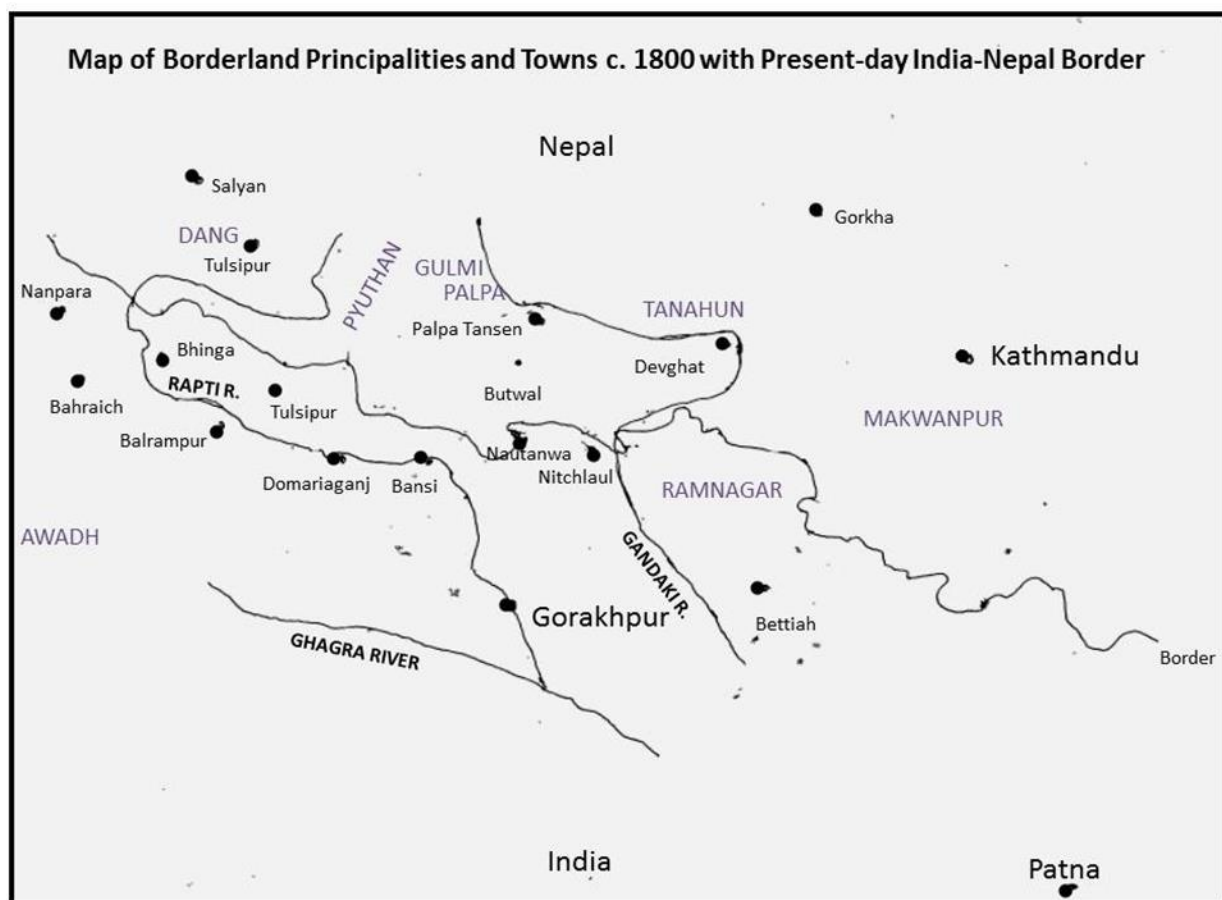
³² This geographical linkage is further suggested by the mixed Maithili language used in their published documents. See Thek Bahadur Shrestha, "Palpaka Sen Rajaharuka Atharah Aprakashit Patraharu," CNAS, Vol 14, No 3 (August 1987), 207-227. And Thek Bahadur Shrestha, Gisèle Krauskopff, and Pamela Meyer, *The Kings of Nepal & the Tharu of the Tarai* (Los Angeles: Rusca Press, 2000), Plates 37, 38. It is my argument that it is similar to Maithili which was a prestigious regional language in the early modern period. Maithili was not the language of the Butwal tarai, which would have been a mixed Awadhi or Bhojpuri, or perhaps Bajika. In contrast, the Shahs used Nepali for documents addressed to the same area. Shrestha, *The Kings of Nepal*, Plate 40, for example. Other sources suggest they migrated from western Nepal. Ghimire, 28-9.

³³ In the sixteenth and seventeenth centuries Sen princes married Magar chiefs' daughters, just as the Shahs of Gorkha married into prominent Magar lineages; even so, both the Sens and the Shahs claimed Rajput status. For origin in northern Awadh, see John Whelpton, *A History of Nepal* (Cambridge: Cambridge University Press, 2005), 23. (re origin in northern Awadh). Ghimire, 31-3.

³⁴ Baburam Acharya, "Prithvi Narayan Shah: Notes to Chapter One," RSS, Year 8, No. 12, 226.

³⁵ Shrestha, "Palpaka Sen Rajaharu," 213.

importance of maintaining and regulating irrigation canals and water supply is evident in the extent documents of the Palpa Sen dynasty.³⁶ Moreover, like the Shahs of Gorkha, the Sens gave out many *birta* land grants to Brahmins from the early sixteenth century, no doubt undermining indigenous control over the land.³⁷ Additionally, the Sens appointed a Brahmin to officiate over the big *dasain* (dashara) puja at Nuwakot and several other places and to oversee wedding and birth ceremonies for the whole population—representing an extension of Brahminical Hindu norms to a non-Hindu, non-caste based subject population. The Sens also promoted trade by donating land to locals who would provide water and a resting place for travelers along important routes.³⁸



³⁶ Thek Bahadur Shrestha, "Palpaka Sen Rajaharu," 207-227.

³⁷ Ghimire, 29. See also Shrestha, *The Kings of Nepal*.

³⁸ Ghimire, 41-2.

The Palpa Sens created a mixed patrimonial administration, with family members filling the top administrative posts such as head of the military and chief minister. Such positions required active participation in government (especially on the battle field and in diplomacy) and likely ensured cooperation with primogeniture as the standard of succession. For example, the *Chautara* (Chief Minister) was typically appointed from the reigning king or (*yuvraj*) crown prince's brothers and his signature was required on all of the Raja's official documents, on the right-hand side. Other high-ranking posts, such as *Sardar* (head of the army), *Kaji* (minister of foreign affairs), *Khajanchi* (treasurer), etc. were often filled by non-family members. The administration of justice was carried out on the local level, either by the *tharghar* or *panchayat* (village council), depending on the nature of the case. The *tharghar* were higher status landholders from non-kin, typically upper-caste lineages, favored by the royalty.³⁹ These bodies of local governance were common across many of the Himalayan kingdoms; from the time of king Rama Shah (r. 1606-1636) of Gorkha the *tharghar* was recognized as holding special status there, too. In one of his famous edicts of the early sixteenth century, King Rama Shah named the six families of the *tharghar*, all Brahmins and Khasas (the latter were mixed upper castes unique to the hills), and stated that:

If a chautariya, kaji, sardar, etc., should enter into an unjust or unlawful act [*kohi anyaya anritima*] in order to destroy the throne [*gaadi*] or impair justice, then the Six Clans [*cha thar*] should come (to the court) and explain the details to the King without bias or compassion. This order is given to you, your descendants, and their descendants, by us, our descendants, and their descendants, in order to preserve the throne upright.⁴⁰

³⁹ Ghimire, 47-8, 52, 76-86.

⁴⁰ In one of his famous seventeenth-century edicts, King Rama Shah listed the six thaghar clans at Arjyal, Pant, Pande, Khanal and Bohora and Rana. Theodore Riccardi, Jr., "The Royal Edicts of King Rama Shah of Gorkha," *Kailash* 5; 1 (1977): 49.

Thus, the Tharghar were a landed elite living in the countryside away from the court who could keep an eye on the ministers, generals and judges who were often members of the royal family. This arrangement simultaneously provided a significant check on the power of royal collaterals who filled the patrimonial administration and also undermined indigenous governance and rights to the land (by elevating upper caste Hindus to most administrative functions). Scholars have observed similar systems of checks and balances based upon overlapping administrative duties in other pre-colonial South Asian polities.⁴¹

The borrowing of *prashasti* (honorific eulogies) across lineages highlights the mutually interdependent nature of kingship and indicates the strong networks of political and cultural influence that the Sens commanded. Moreover, the Shahs' addition of several "Sri" and emphasis on their role as the leader or "crest-jewel" of many "mountain kings" indicates that they saw their power as enhanced by that of the kings they had subordinated. Such influence is highlighted by neighboring Rajas' emulation of the Sen's honorific titles.⁴² The interrelated Sen dynasties of Palpa, Tanahun and Makwanpur would use identical *prashastis*, while the Sens of Vijaypur would add the term "Hindupati" to their title. Gulmi, though unrelated, also used the Sen *prashasti*, but other neighboring kingdoms, though powerful such as Parvat, employed much simpler titles. The fullest form of the *prashasti* reads: "*Swasti Sri Ishwarcharansmaranpurvak Rupnarayanetyadi Vividha virudavali virajman manaunata Sri Manmaharajadhiraja Sri Sri Srimat [Prithvipal Sen Bahadur] devanam sada samar vijayinam.*" ([A decree] of Auspicious Sri, the Lord at whose feet the head is bowed, resplendent with a series [of epithets] and like RupNarayan, Sri Raja of Rajas, Sri Sri Srimat [Prithvipal Sen Bahadur], of the gods always

⁴¹ Norbert Peabody, *Hindu Kingship and Polity in Precolonial India* (New York: Cambridge University Press, 2003), 84.

⁴² The Sens may have adopted their honorific, Sanskrit *prashasti* used in official communications, from a fifteenth-century Bhumihar lineage, headed by Madana Sinha in Champaran and Gorakhpur. Baburam Acharya, "King Prithvi Narayan Shah, Cont.," *Regmi Research Series*, 8; 11 (1970): 220.

victorious in battle.)⁴³ This *prashasti* only appears in extent documents following Rudra Sen's establishment of an independent lineage at Palpa in the early sixteenth century.⁴⁴ The Shahs adopted a very similar *prashasti* from about the 1770s onward; interestingly, they emphasized their role as head of the "mountain kings" with the eulogy, "*Swasti Sri Chakrachudamani Narnarayanetyadi vividha virudavali virajman manonmat Sri [Raja's name] devanam sada samar vijayanam.*" Mahes Raj Pant has translated the eulogy as "Hail. [A decree] of him who is shining with manifold rows of eulogy [such as] 'The venerable crest-jewel of the multitude of mountain kings' and Narnarayana (an epithet of Krsna) etc., high in honour, the venerable supreme king of great kings, the thrice venerable great king...the divine king always triumphant in war."⁴⁵

A self-legitimizing myth explains this new *prashasti*. The story is found in a Gorkha chronicle that narrates the seventeenth-century Gorkha king Ram Shah's supposed rise to influence by fixing a superior law code for neighboring kings and thus garnering the admiration of all surrounding kingdoms, without having conquered territories (a fact that is stressed in the chronicle). Supposedly, an envoy of Gorkhali archers visited the emperor in Delhi and impressed him with their superior skills with bow and arrow, besting the emperor's own men. The emperor offered land grants and service positions to the men if they would settle there, but they said they would only serve their own king who had sent them to ask a question: Given that the Gorkha kings were Sisaudiya Rajputs, like the Rajas of Chitaur [in Rajasthan, present-day India], how should their eulogy differ from the latter? The emperor gathered scholars together who decided that the beginning of the *prashasti* should become "*Girirajchakrachudamani*" which means

⁴³ Dr. Richard Salomon helped me decipher the Sanskrit, but I am alone responsible for my inelegant paraphrasing.

⁴⁴ Ghimire, 21.

⁴⁵ Mahes Raj Pant, *Adarsa* No 2: 113.

“crest jewel of the mountain kings.”⁴⁶ While this story is neither historically accurate nor plausible as the claims to Sisaudiya Rajput status developed after King Ram Shah’s time, it indicates the ways in which a state with imperial pretensions (a king of mountain kings) needed recognition by another imperial power. This story does not indicate that Gorkha owed its sovereignty to the Mughals; rather it showcases the necessity for post facto legitimation by a power superior to the local Rajas that Gorkha later subordinated. Since Gorkha rose to power in the subcontinent about the same time as the Company, this narrative (certainly apocryphal) served similar functions as the Company’s insistence that it held its authority from the so-called Mughal constitution.⁴⁷

If small kings and their *rajyas* represented significant nodes in the constitution of networks of sovereignty, their local seat of power was their *gadhi* (mud fort) and *parvat durga* (hill fort often made of stone and timber). In the face of competition for local power, *tarai* Rajas often built mud forts and surrounded them with thickets of thorny brush, mango trees, and bamboo in the plains. Hundreds of such forts dotted the landscape; many were built on raised sites called “*dihā*” or “*dihī*” (a Persian term for village), likely to avoid the seasonal floods from overflowing streams and rivers carrying monsoon run-off and melting snows from the Himalaya. Some forts also had ditches cut around them. Parade grounds for assembling the levied militia, consisting of flat open space, were situated near (but not necessarily adjacent to) the forts. Small towns or villages often developed around forts, and were in turn fortified with a hedge, ditch, and/or earthworks. Such forts were hard to besiege especially by more elite cavalries (unless the forest was cut or burnt) and easy to abandon in case a strong enemy had surrounded them. Periods of active construction of mud forts seems to have coincided with attempts to concentrate

⁴⁶ Naraharinath, 341-345.

⁴⁷ See Chapter 2 in Robert Travers, *Ideology and Empire in Eighteenth Century India: The British in Bengal* (New York: Cambridge University Press, 2007).

local power either for defensive purposes (such as resisting revenue payment) or to create new independent realms. The Rajas who built and maintained such forts were typically equally at home living in the *gadhi* or the jungle; choosing one or the other depending upon their relationship with outside powers and the strength of imperial or regional tax-collectors, the prevalence of epidemic disease, and other political or environmental factors. In other words, fixed state authority could quickly and easily transform into mobilized and dispersed guerilla force.⁴⁸ The hill forts often guarded trade routes and constituted a toll station as well, representing a significant source of revenue as well as a site of investment.⁴⁹

Although blessed with favorable, fixed geography which supported nearly impregnable hill forts, the (pre-borderland) polities were shaped by an intimate connection with mobile groups. In the early modern period, herdsmen, such as Afghans, Banjaras, and Ahirs, moved along the forest clearings of the foothills in seasonal migrations to maximize their access to pasture and trading opportunities.⁵⁰ Frontier states were intimately attuned to the transhumant milieu; the seasonal migrations that patterned pastoralist movements—namely, between summer and winter pastures—continued to structure the typically bipolar government of small kingdoms straddling the hill-plain interface. Palpa's rulers spent the summer and monsoon in Palpa (Tansen) in the hills and the dry winters in Butwal in the plains, a pattern mirrored by

⁴⁸ These mud forts are described in a number of places. Sher Shah Suri, the 16th-century military innovator and 5-year emperor of Hindustan (1540-45), put into place a rapid building program of mud forts and spread propaganda that all military commanders under him would have to contribute labor to building. Shaikh Rizq Ullah Mushtaqui, and Iqtidar Husain Siddiqi *Waqi 'at-e-Mushtaqui of Shaikh Rizq Ullah Mushtaqui: A Source of Information on the Life and Conditions in the Pre-Mughal India* (New Delhi: Co-published by Indian Council of Historical Research and Northern Book Centre, 1993), 129-158. Upon the cession of Gorakhpur in 1801, the East India Company tried to eradicate the mud forts and forbade the zamindars and Rajas to maintain them.. For a many brief mentions and descriptions of mud forts in northern Gorakhpur, see IOR 30658 Mss Eur D 91 Buchanan-Hamilton Collection. In the 1830s, the EIC sponsored a similar push against mud forts in Awadh. See for example, IOL. BC.F/4/1117, 1829-1830, 29972. No 8. Bengal Judicial Letter 17 April 1828.

⁴⁹ Ghimire, 33.

⁵⁰ Robert Montgomery Martin, *The History, Antiquities, Topography, and Statistics of Eastern India: Volume II* (London: W. H. Allen and Co., 1838), 415. Gommans, *The Rise of the Indo-Afghan Empire*, 33-43.

Dang/Tulsipur, Gulmi, Tanahun, and numerous other hills-plains principalities.⁵¹ A number of lineages even trace their histories to famous warriors and pastoralists whose names long outlived them in oral legends centered around their feats in protecting common people's livestock.⁵² Gorkha's ancestral king of the seventeenth century (long before the conquest of Nepal), Rama Shah, famous for stories of his just rule, was known to have passed an ordinance stating that pasture must be provided in every village, and that "[i]f there will be no pastureland, the King will incur specific sins."⁵³

Annual migration into the plains holdings of these kingdoms for agriculture, game, forest produce or pasturage from the south (i.e., from the upper Gangetic plain) constituted another pattern of seasonal occupation and retreat.⁵⁴ In the eighteenth century, the people who lived in the forests, often tribal or outcaste groups, maintained a significant level of independence from local governments, paying tribute to the strongest neighbor who extracted it by force. For example, in the case of the forests that would comprise the late eighteenth and nineteenth-century Tulsipur Raj in northern Awadh, the local people referred to this tribute as "Dakhinaha

⁵¹ IOL. FD. L/PS/20/6, Confidential Report on Nepal: Prepared in the Intelligence Branch of the Quarter Master General's Department in India, By Brevet E. R. Elles, R.A., Deputy Assistant Quarter Master General. Calcutta: Superintendent of Government Printing, 1884. The Raja of Tanahun stayed in the foothills at Devghat for three months in the winter, near the confluence of the Gandaki and its tributaries (D.R.Regmi, *Modern Nepal*, 66). This was a very widespread pattern in early modern South Asia. See Jos Gommans, "The Silent Frontier of South Asia, c. AD 1100-1800," *Journal of World History* 9; 1 (Spring 1998): 8.

⁵² For example, the purportedly Chauhan Rajput Tulsipur family claims descent from Raja Suhel Dev, the hero of an historically undocumented oral narrative who protected cattle and fought a popular saint Ghazi Mian in the 11th century. See <https://sites.google.com/site/houseoftulsipur/>. Accessed April 21, 2013. This website is supported by the current direct descendent of Tulsipur, personal communication with Rajpal Jwala Pratap Singh, April 21, 2013. Yet Suhel Dev has been cited as an ancestor to many of Bahraich's communities, including Rajput, Jain, Tharu and Dom, in nineteenth-century official colonial literature as well as by contemporary groups. H.R. Nevill, *Gonda: A Gazetteer* (Allahabad: Superintendent of the Government Press, 1905), 138. The oral traditions related to Ghazi Mian and Suhel Dev, still current in the Bahraich district of Uttar Pradesh, India and dating from a kernel of historical events in the eleventh century, indicate the enduring importance of protecting cattle in the borderland for the constitution of kingship. See, for example, Tahir Mahmood, "The Dargah of Sayyid Salar Masud in Bahraich: Legend, Tradition and Reality," in *Muslim Shrines in India*, edited by Christian Troll (New York: Oxford University Press, 2004), 24-43. For more stories about cows and kings in the tarai region, see Croke, William, Pandit Ram Gharib Chaube, and Sadhana Naithani, *Folktales from Northern India* (Santa Barbara, Calif: ABC-CLIO, 2002), 265-267, 324.

⁵³ The regulation stipulates both cattle and Brahmins need to be protected. Naraharinath, 342.

⁵⁴ See Princep, Vol. I, 61.

[Southerly] when extorted by the Rajas of Balrampur or the viceroys of Oudh, and as Uttaraha [Northerly] when taken by the northern neighbor at Dhang.”⁵⁵ In the northern Awadh region subject to Tulsipur and Palpa, the settlements and hamlets tended to be much more spread out as the semi-forest dwelling (and clearing) cultivators needed to live close to their fields to protect them from wild animals. Moreover, the inaccessibility of the terrain meant that there was less danger from neighboring armies and so less need to fortify compact settlements. In Tulsipur and Balrampur (northern Awadh) little intermediary structure existed between the Raja and his *raiya*s (subjects)—zamindari tenures were virtually unknown. Some villages were clustered around old forts, but in comparison to central and southern Awadh, there were far fewer forts and fortified villages.⁵⁶ Such villages and forts would often be fitted with small canons, and provided the physical evidence of a Raja’s power to rule his realm and extend refuge to his beneficiaries.⁵⁷

This frontier region nevertheless experienced the extension of settled agriculture at the expense of tribal people as Rajput lineages promoted land clearance from the sixteenth and seventeenth centuries in some hill areas and more extensively in tarai areas by the eighteenth centuries.⁵⁸ Rather than simply supplanting tribal people, however, hill Rajas used the services of the mobile pastoralists to consolidate their hold on the region. For example, in the early 1700s, Tilak Sen, the Palpa Sen Raja’s cousin who held a portion of the tarai around Tilpur (present-day northern Gorakhpur) under Palpa’s dominion, created an alliance with the nomadic *banjaras* from the west to assert his independence. The strategy seems to have succeeded for a time; the

⁵⁵ W. C. Benett, *The Final Settlement Report on the Gonda District* (Allahabad: North-Western Provinces and Oudh Govt. Press, 1878), 28.

⁵⁶ Bennett, 49-51, 95. See also Amritlal Nagar, *Gadar ke Phul* (Delhi: Rajpal and Sons, 1981), 93-106. Richard Fox, *Kin, Clan, Raja, and Rule: State-Hinterland Relations in Preindustrial India* (Berkeley: University of California Press, 1971), 51.

⁵⁷ Ghimire. 33-38.

⁵⁸ This process accords with John F. Richards’s observations that globally, in the early modern period, states were formed as tribal chiefs and other powerful actors facilitated the advance of “pioneer settlers” in frontiers or “remote lands lightly occupied by shifting cultivators, hunter-gatherers, and pastoralists.” John F. Richards, *The Unending Frontier: An Environmental History of the Early Modern World* (Berkeley: University of California Press, 2003), 4.

Nawab of Lucknow sent a force only in 1750 to defeat Tilak Sen's son, indicating that the region was fairly autonomous for the previous half century.⁵⁹ Further, settled polities often patronized the circulating pastoralists in order to gather intelligence about neighboring polities.⁶⁰ The Rajas of the borderland even in the nineteenth century maintained large herds tended by their servants; Nepal too maintained large herds in the tarai. Other power holders in the frontier region, such as the *mahant*, or head, of the Shavaite *math* (monastery) at Dudhnath, owned extensive herds of cattle.⁶¹ In the eighteenth century, the thriving livestock trade between Himalayan states and plains helped to create more integrated markets, as Gommans has aptly described in the case of Rohilkhand, Garwhal and Kumaon (just to the west of Tulsipur). Gommans notes that the hill states provided a "transshipment" base for livestock, textiles and food products from the plains, and livestock, herbal medicines, and other forest and mountain products from the hills. Further, acting as conduits for and profiting from Tibetan trade with the plains, strengthened hill states, like Tulsipur and Palpa, in the eighteenth century.⁶²

Collecting taxes on the pasturing of cattle represented a significant and enduring form of state revenue. Henry Princep, a Company administrator, noted in the early nineteenth century that the area south of the impressive sal forests of the hills, the open plain or tarai, was

chiefly valuable on account of the fine pasture it yield[ed] during the months of April and May, when the periodical hot winds entirely destroy the herbage of the more southern regions. The bunjaree bullocks from Malwa, and even from the northern parts of the Dukhun, come here to

⁵⁹ Palpa and Lucknow reached an agreement, allowing Palpa to reabsorb the breakaway tarai holding. A. W. Cruickshank, *Final Report on the Settlement in the Gorakhpur District, North-Western Provinces* (Allahabad: North-Western Provinces and Oudh Government Press, 1891), 87.

⁶⁰ See for example, IOL. BC. F/4/455, 1815-1816. 11,110. Further Operations against the Napaleuse. Bengal Political. A Translation of a Report from the Thanadar of Lawtun dated 13th January 1815.

⁶¹ IOR 30658 Mss Eur D 91. Buchanan Papers.

⁶² Jos Gommans, *The Rise of the Indo-Afghan Empire*, 40, 154-159.

graze in those months; and the Kahchuraee, or pasturage-rate, is a very productive branch of [State] revenue.⁶³

The forests of Tulsipur, for example, doubled as vast grazing grounds, and the estate contained a pass through which cattle from India made the yearly ascent and descent to and from pastures of the Dang valley.⁶⁴ Tulsipur's forests also provided a site for the breeding of bulls for export; a rough estimate of cattle in the 1870s counted about 143,000 in the *pargana* (revenue district) of Tulsipur.⁶⁵ Several large seasonal fairs, most notably Patan Devi in the Tulsipur tarai, provided yearly or biannual venues for large-scale livestock trading. Interestingly, at several annual melas (Tulsipur and Bakhir, for example), numerous animals such as buffalo, goats and sheep were sacrificed during the annual nine nights and ten days of the dashara festival in honor of the goddess Durga.⁶⁶

Dynamic interactions between settled lineages who expanded fixed cultivation and mobile, pastoralist groups represented a common pattern of state formation in the early modern period as historian Jos Gommans has persuasively argued. In Gommans's formulation, the early modern "Eurasian frontier" facilitated "flourishing mixed economies of wandering pastoralists coexisting with settled peasants."⁶⁷ Increased long-distance connections, particularly the circulation of livestock, including horses, pastoralists and new ideas of state formation, spurred political formations based around new warrior elites—a dynamic that likely supported the rise of

⁶³ Henry T. Prinsep, *History of the Political and Military Transactions in India during the Administration of the Marquess of Hastings, 1813-1823, Vol I* (London: Kingsbury, Parpury, and Allen, 1825), 60-61.

⁶⁴ Bennett, 498-500.

⁶⁵ Bennett, 90-91.

⁶⁶ IOR 30658 Mss Eur D 91. Buchanan-Hamilton, Papers. Royally sponsored Dashara festivals were widespread in South Asia and have been interpreted by scholars as a major ritual event for enacting the king's sovereignty as the fulcrum of the realm. See Dirks, *The Hollow Crown*, 38-43.

⁶⁷ Jos Gommans, *The Silent Frontier*, 2.

the hill principalities of the Himalayan foothills as well as numerous kingdoms throughout western, central and south India from the late medieval period.⁶⁸

Kinship Networks, Exile and Hypergamy

In the borderland, Rajas produced sovereignty in part by obtaining the recognition of other Rajas. Mutual recognition was important the hill polities claimed Kshatriya status but their genealogies were actually rather obscure. Hence ritual relationships and marriage alliances served to create a network of mutually recognizing ascendant warrior clans who were in the process of institutionalizing their power in state administration.⁶⁹ Dirk Kolff's foundational work on the military labor market which explicated the "achieved" nature of Rajput, warrior status in pre-colonial India accords with such an observation.⁷⁰ Just as sovereignty was produced through networks of kings who recognized each other's status, power could accumulate in the hands of a king of kings, a "Rajadhiraja." Weaker Rajas acceded to the system because it was the network of self-recognition that upheld their status. After all, it was better to be a subordinate king than no king at all. Subordinate Rajas would typically owe a lump sum tribute and, depending on the strength of the superior political power, military service at the head of their own dependents when called to battle on behalf of the stronger party.⁷¹ In turn the smaller Rajas retained the right

⁶⁸ Gommans, *The Silent Frontier*, 8-16.

⁶⁹ "For example, William Bennett, in his Settlement Report of Gonda of 1878, states ambiguously: "Hence it comes that in time of disturbance low caste families have no doubt occasionally attained to the supreme temporal power, which has at others been grasped by foreign invaders; still, it remains true that in a purely Brahminical polity, the Raja must always be a Chhatti and the only exception to the rule in this district is furnished by the Pathan conquerors of Utraula" (Bennett, Gonda, 38).

⁷⁰ Dirk Kolff, *Naukar, Rajput, and Sepoy: The Ethnohistory of the Military Labour Market in Hindustan, 1450-1850* (Cambridge: Cambridge University Press, 1990). Richard Fox offers a slightly different reading of Rajput identity as a "status title which local groups assumed as part of their claim to social position or higher rank on a regional level." Although Rajput identity acted as a "rationalization of political alliance" rather than as an accurate description of marital and hereditary relationships, Fox argues that this extra-local "status and political image" was modeled on "nonfictive genealogical groups at a lower organizational level." Richard Fox, *Kin, Clan and Raja*, 16, 23.

⁷¹ Bennet, Gonda, 38-39.

to impose taxes, administer justice, and organize military levies in their territories.⁷² Many frontier and hill Rajas paid in kind for the rights to lands nominally held by other sovereigns, by offering forest produce, grain and elephants in the eighteenth century. Nepal retained such practices, including the levying of local irregular troops, with its dozen Rajas and Rajautas who had accepted its suzerainty in the nineteenth century. A Raja often held rights to land from a variety of sources, including the ancestral authority of his own lineage. By the late eighteenth century, for example, many hill Rajas paid intermittent tribute for their tarai possessions to the Nawab of Awadh's administration in Lucknow.⁷³

Powerful Rajas, sometimes referred to as "*Tilakdari Rajas*", symbolized their status by placing *Tika* or *Tilak* (vermillion marks on the forehead) on their subordinates, including weaker Rajas, at key moments—at the coronation of a royal heir, when heading for battle, at the time of Dasain/Dashara, or during annual promotion or reinstatement to office (*Pajani*). The use of *tika* during Dashara was widespread among regional kings such as the Mallas, the Sens and the Shahs, as well as Chaubisi kings, but the annual practice of *Pajani* was more specific to Gorkha and probably developed from local traditions.⁷⁴ An undated dynastic history translated by Yogi Naraharinath retells the familiar story of Dravya Shah (ancestor to the founding father of Nepal Prithvi Narayan) who became king of Liglig in the late sixteenth century. Annually, in Liglig, the Magar people held an uphill footrace towards the *kot* (stronghold); whoever reached the top first with the puja offerings for the deity of the *kot* would become king for several years and receive the *tika* (presumably from the community). By launching a surprise attack on the day of *Tika*,

⁷² Raja Udayapratapa Sinha, *A History of the Bhinga Raja Family* (1883; reprint, Varanasi: Eureka Press, 1984), 17.

⁷³ For example, Bettiah paid to the Mughal authorities an "annual tribute in wax and charcoal." IOR MSS Eur E 68. Buchanan papers. Yogi Naraharinath, "A Document In Connection with the Treaty Regarding the Tarai Region, 1768-74 A.D.," and "A Royal Order, 1899 VS," *Itihasa Prakashma*, 8; 204. In the late eighteenth century, for example, Gorkha accepted annual tribute from the principality of Mustang in cash and horses and offered the option of just paying in horses (Adhikari, 148).

⁷⁴ Naraharinath, 111, 144. Bennet, 39.

Dravya Shah and his forces defeated the Ghale king of Liglig and claimed the kingship.⁷⁵ Thus, the practice of *tika* seems to have developed in multiple contexts. In the case of Liglig, the community elected their king by using *tika*; the practice probably had an indigenous, more democratic variant that became melded with Dashara. Tharus also were known to practice a form of *blood-tika* (supposedly by cutting off their toe) to anoint their chosen king.⁷⁶ In another well-known incident in the Gorkha Shah's lineal history, King Ram Shah (r. 1606-1636) spent months in religious austerities and both he and Narayan Malla, a more powerful regional hegemon, saw auspicious signs indicating Ram Shah's future. Ram Shah invited neighboring kings for a ritual sacrifice or *Yajnya*, and when Narayan Malla informed them of the omens, they bowed down and all six kings invested Ram Shah with a *tika*. This story indicates the importance of the recognition of other kings in verifying and elevating a sovereign. Whereas the stories of the Shah ancestors cite examples of the Shah's receiving *tika*, later they become the ones who dispensed *tika*. Interestingly, when Ram Shah passed away with great dignity, his queen purportedly prepared to commit *sati*, or burn on the funeral pyre with her husband, but first she invested their son Dambar Shah with the *tika*.⁷⁷ In the late seventeenth century, as the Sens' power waned in favor of the rising Gorkhas, the Shah Raja forced Palpa's Prithvipal Sen to journey to Kathmandu to place a *tika* on the former's mixed-caste heir, Girvan Yuddha, whom the Raja wanted to reign in his stead. Prithvipal Sen seems to have had little choice in the matter.⁷⁸ During the Shah and Rana rule in Nepal, the giving of *tika*, regardless of its democratic and indigenous

⁷⁵ Yogi Naraharinath, 245, 330-331. Note: In Nepal, the dasain holiday still contains a day in which in families *tika* is given by elders in every family to the younger members of the family, on the day of "Tika" or "Bara dasain." The king used to also have an open house and give *tika* on the same day to his nobles and this practice was only modified when monarchy was overthrown more recently in Nepal.

⁷⁶ Ishwar Baral, "The Tharu Community and their Culture," in RRS, Year 2., No. 8, 189.

⁷⁷ Yogi Naraharinath, 358.

⁷⁸ Francis Hamilton, *An Account of the Kingdom of Nepal and of the Territories annexed to this Dominion by the House of Gorkha* (New Delhi: Manjusri Publishing House, 1971), 176-7.

variants, became codified by law to accord with the caste system—i.e., lower castes could not place *tika* on higher castes.⁷⁹

Kinship, whether real or fictive, was a powerful tool in raising the status of an aspiring warrior-statesman in regional ruling networks. Given the purported Rajput identity of many of these ruling houses, hypergamy (or marrying daughters into higher status lineages) was the ideal. Effecting such marriages was a way for a Rajput lineage to prove that other lineages recognized it as such. Some Rajputs of the tarai region were even known to accept money from lower status families from the east for the honor of marrying their daughters (and might contract numerous such marriages).⁸⁰ Anthropologist Richard Fox has noted that hypergamy functioned as a “way of spreading political alliances over regions and of organizing disparate groups around a common status system.” However, he ignores the ways in which this model of Rajput marriage was frequently and coercively defied by upwardly mobile but lower status lineages. The marriage patterns of the Shahs of Gorkha aptly demonstrate the strategic usage of such alliances in defiance of hypergamy.⁸¹ In fact, in the mid-eighteenth century, Nepal’s founder Prithvi Narayan Shah encountered difficulties in negotiating his marriage with the more established Sen lineage of Makwanpur (a principality located south of the Kathmandu valley). When he went to take his bride home, he met with resistance from her family. He then demanded a rare one-toothed elephant and a nine-lakh necklace to leave peacefully with the bride and threatened to use his sword if his request was not met.⁸² In the late eighteenth and early nineteenth centuries the

⁷⁹ For example, a translated excerpt of the *Muluki Ain* states this quite clearly. See “On Disciplinary Matters,” RRS, Year 8, No. 6, 12.

⁸⁰ IOL. IOR 30658. Mss Eur D 91. Buchanan-Hamilton Papers.

⁸¹ Fox, 41, 54-55, Cohn.

⁸² Ludwig Stiller, *Prithvinarayan Shah in the Light of Dibya Upadesh*, (Kathmandu: S.P.: 1968), 38-39. The unusual request for an expensive gift, despite marrying into a more prestigious family, echoes another successful empire builder and warrior Sher Shah Suri’s strategies of effecting lucrative alliances with elite women. In fact, this may have been a more common route to upward mobility than previously acknowledged by historians. See Richard Kolff, “A Warlord’s Fresh Attempt at Empire” in *The Mughal State: 1526-1750*, edited by Muzaffar Alam and

Shahs married their daughters into princely families of the *Rajyas* (indirectly ruled kingdoms) that they had conquered; such marriages afforded Nepal's "native princes" with a cash dowry and tax-free land grants (*kusha birta*) perhaps making these marriages more acceptable.⁸³

While honorable, hypergamous marriage alliances were a badge of a ruler's belonging within the ruling class, they also produced discord as tension arose between an aspirant's genealogical status and that of more established polities. When a chief of higher status was driven to seek refuge at a neighbor's court during difficult times, he was particularly vulnerable to pressures to give a daughter in marriage to a lower status lineage.⁸⁴ For example, in the late eighteenth century, when the deposed hill Raja of Gulmi, Shiv Narayan Shah and his dependents were staying under Bettiah's protection (in present-day Bihar), the exiled Raja was pressured to marry his daughter to the Gorkha Raja. He also sent his younger son to serve in the court at Kathmandu.⁸⁵ The second generation of the exiled Tanahun royal lineage in India, Tej Pratap Singh, who became known to the Company as the zamindar of Ramnagar, bordering the Bettiah estate, was married to the Gorkha Raja's sister. Such a marriage would have accorded with the spirit of hypergamy as his was a longer established lineage. Yet, even in this situation, Colonel Bradshaw, the administrator deputed to the border to handle the disputes with Nepal just before the outbreak of the Anglo-Nepal War, noted that this alliance might prove dangerous for Raja Tej Pratap Singh. He referred to the imprisonment and execution of the last Raja of Palpa to underscore the dangers of marrying daughters into a rising lineage.⁸⁶

Sanjay Subrahmanyam (Delhi, Oxford University Press, 1998), 75-114. Also see J. F. Richards and V. Narayana Rao, "Banditry in Mughal India: Historical and Folk Perspectives", 491-519, in the same volume.

⁸³ Krishna Kant Adhikari, 149.

⁸⁴ IOR MSS Eur E 68. Buchanan-Hamilton Papers.

⁸⁵ Board's Collections F/4/185, 1805-1806, 3880, Extract of Bengal Judicial Consultations in the Department of Ceded Provinces, 28 June 1804, No. 14.

⁸⁶ IOL. BC. F/4/453, 1814-15, 1815-6, 11102-11107. Extract BPC, 4th Feb 1814, No 44, Bradshaw to John Adam

The marriage of royal daughters into upstart lineages also carried ritual or symbolic significance. Indologist Alf Hiltebeitel has convincingly suggested that “Indian mythology in general, and the *Mahabharata* [epic] in particular, associate sovereignty with the goddess Sri-Laksmi.”⁸⁷ Hiltebeitel reads the *Mahabharata* as well as various commentaries on the oldest Brahminical literature to indicate that the goddess Sri, also identified with Lakshmi, bestows the virtues (or characteristics) of sovereignty on those she favors, often in accord with their meritorious actions or *dharma*. The kings’ wives as well as his kingdom are thus conceptualized as an “embodiment of Sri.”⁸⁸ Hiltebeitel compares the older Brahmanas to the slightly younger *Mahabharata* epic to argue that over time Sri takes on more agency and while a would-be king’s dharmic action might merit the bestowal of sovereignty, the aspiring warrior king only receives such favor at the will of the goddess.⁸⁹ Echoes of such traditions are evident in the consciously Hinduizing Shah king’s self-presentation. From the time of Prithvi Narayan Shah, the royal queens were bestowed names upon marriage that contained the title, “Laksmi Devi”; previous wives in the Shah lineage did not possess such titles.⁹⁰ Shah Queens were also significant actors in politics during the first half-century of consolidation of the conquest of Nepal; Queen Regents were preferred over male relatives of deceased kings, even when the queens were not the mother of the minor king. Further, the rising Shah lineage asserted dominance over its potential rival, Palpa, by incorporating several Palpa princesses in marriage.⁹¹ From the early eighteenth century, the Sens gave daughters in marriage to the Gorkha Shahs, despite the Sens’ supposedly

⁸⁷ Hiltebeitel, 143.

⁸⁸ Hiltebeitel, 149-150.

⁸⁹ Hiltebeitel, 163.

⁹⁰ “Nepal: Brief History,” The Royal Ark, accessed May 12, 2014, <http://www.royalark.net/Nepal/nepal.htm>.

⁹¹ While the Sen lineage’s power waned in the late 18th century, Palpa was still the most significant regional polity with which Gorkha had to contend. Palpa commanded a major trade route, led an alliance of western principalities (the “Chaubisi” kingdoms), held an important pass through which east-west traffic passed (the most important route militarily in Nepal), and also was seen as an important source of information regarding the bordering independent state of Awadh. “Order to Officials of Palpa,” *Regmi Research Series* 3; 4 (1971): 80.

higher status (thus violating Rajput hypergamy). Gandharva Sen (r. 1701-1737) married his daughter Kaushalyvati to Narbhupal, the Raja of Gorkha, as his second wife, and their son Prithvi Narayan (Nepal's future founding father) spent time at Palpa's reputedly lavish court as a poor relation.⁹² Several posthumous stories detail the taunts Prithvi Narayan endured for his poverty and rustic diet while at Palpa's court.⁹³ Gandharva's heir Mukunda Sen II (r. 1751-1780)⁹⁴ also married his daughter into the Gorkha Shah lineage—Rajendra Laksmi was wedded to Pratap Shah, Prithvi Narayan's son and successor who died after two years in office. Rajendra Laksmi became regent for her minor son and purportedly shocked some court elites with her martial skills, assumption of an active political role, and creation of an all-female troop of warriors.⁹⁵ As Regent, she aggressively continued Gorkha's military conquests, even attacking Palpa and related Sen principalities such as Tanahun. During the campaign, Palpa's capital Tansen was captured by a Gorkha general in 1784 and the commander of Palpa's tarai, Butwal, defected to Gorkha. Reigning Palpali Raja Mahadatta Sen (and Rajendra Laksmi's brother) fled to neighboring Argha where he found refuge until he was able to re-take his kingdom.⁹⁶ A third generation of marriage alliance was formed between Palpa and Gorkha when Mahadatta Sen solidified his relationship with Rana Bahadur, Rajendra Laksmi's and Pratap Shah's son, by

⁹² Thek Bahadur Shrestha, "Palpaka Sen Rajaharuka Atharah Aprakashit Patraharu," CNAS, 14; 3 (August 1987): 211. Hamilton, 170.

⁹³ Baburam Acharya, "King Prithvi Narayan Shah, Continued," *Regmi Research Series*, Year 10; 12 (1978): 180-85.

⁹⁴ The regnal dates I have included for Gandharva Sen and Mukunda Sen II are approximate and correspond to the dates for which documents were issued in their names. Clearly, these are inexact dates (especially since they don't match up with a gap between father and son) but they are not crucial for my argument in this chapter. See Thek Bahadur Shrestha, 207-227.

⁹⁵ She would spend much of this time fighting for power with her brother-in-law, Prithvi Narayan Shah's younger son, Bahadur Shah, for the regency. The latter spent low political moments in Bettiah in exile, but also occasionally eclipsed Rajendra Laksmi's power in Kathmandu and took over the Regency briefly in 1778 and again in the 1880s. He had spent some time in exile with Palpa as well and favored the Sens' politically. His death in 1894 signaled the end of a favorable policy towards Palpa (D. R. Regmi, 274-289).

⁹⁶ Tanahun's Raja fled to India in 1781. Baburam Acharya, "War with Sikkim and the Chaubisi States," RRS, Year 6, No. 10, 190-4.

giving his daughter, Vidya Laksmi, in marriage.⁹⁷ Hamilton writes that this was “considered as a very honourable connexion for the chief of Gorkha” because of the girl’s higher status.⁹⁸ To make the most of a losing situation, Mahadatta Sen turned against his erstwhile western allies and helped the Gorkhas conquer several neighboring principalities (Argha, Kanchi, and Gulmi) in exchange for added territory.⁹⁹ This brought Palpa temporary security from Gorkha expansion, but also weakened Palpa’s position as a regional hegemon; moreover, this alliance drew Mahadatta Sen’s heir, Prithvipal Sen, increasingly into Nepal’s turbulent court politics. Prithvipal Sen became associated with the losing faction, the Pande clan, and he was imprisoned and executed in 1806.

Palpa’s Ruling Lineage and Marriage to Shahs of Gorkha

- Mukunda Sen I (r. 1518-1543)
- ...
- Gandharva Sen
 - daughter Kaushalyvati m. Nabhupal Shah of Gorkha
 - son: Prithvi Narayan Shah, founder of Nepal
- Mukunda Sen II
 - daughter Rajendra Laksmi m. Pratap Shah (Prithvi Narayan’s successor)
 - son: Rana Bahadur
- Mahadatta Sen
 - daughter Vidya Laksmi m. Rana Bahadur
- Prithvi Pal Sen d. 1806

⁹⁷ This means that three generations of the Palpa Sen daughters had been married into the Shah family, despite the continued sense that the Sens were higher status than the Shahs. In 1806, perhaps to remove Palpa’s traces from the royal family, Chief Minister Bhimsen Thapa forced her to commit sati after her husband’s assassination. This was just two years after the last Raja of Palpa, Prithvipal Sen was assassinated at Kathmandu. For a list of Rana Bahadur’s marriages, see the very thorough Shah genealogy. Available <http://www.royalark.net/Nepal/nepal6.htm> accessed May 2, 2013.

⁹⁸ Hamilton, 173.

⁹⁹ Hamilton claims that the alliance between the Nawab of Awadh protected Palpa from immediate annexation, but after the Nawab’s death, Palpa fell afoul of Gorkha’s expansionary plans. Hamilton, 176-7. Mukunda Sen seems to have used some of the wealth acquired in this conquest to build up his capital, called “Srinagar” (present-day Tansen); he engaged in works that employed 2605 workers which he duly recorded. This suggests employing a lot of manpower was as impressive as the building project itself. Shrestha, 213.

General Bhimsen Thapa effectively sidelined the Pandes and dismantled Palpa in his bid to gain power from behind the scenes as Chief Minister.¹⁰⁰ The final marriage between the two families ended in Vidya Laksmi's forced *sati* after her husband and her brother were assassinated. Clearly the marital alliances were politically significant such that the opposing court faction under Bhimsen Thapa felt it important to eliminate the Palpali Rani in addition to her maternal family.¹⁰¹ Further, Bhimsen Thapa orchestrated a marriage between one of his younger female relatives, Tripura Sundari Laksmi and Rana Bahadu Shah (abdicated father of the minor king, Girban Yuddha) in order to ensure that she would become Regent to the minor king to support Bhimsen Thapa's long tenure as Prime Minister.¹⁰² Chief Minister Bhimsen Thapa, Regent Lalita Tripura Sundari, and minor king Girban Yuddha remained in charge of the Nepal court both before and during the Anglo-Nepal War; Palpa's heirs fled into exile.

Tulsipur: Successful Exile in Awadh

In order to understand how sovereignty was created and maintained during the complex political changes in the nascent borderland around the turn of the nineteenth century, it is important to remember that exile was not synonymous with complete loss of power. This point will be illustrated by a brief comparison of Palpa's fortunes with that of Tulsipur, another hill principality whose lineage was successfully reestablished in exile under the independent state of Awadh. The Raja of Tulsipur, a member of the western Baisi states, commanded the southern

¹⁰⁰ He also sent the famed general Amar Singh Thapa with a contingent of troops which secured the territory of Palpa quite easily as soon as the last king was imprisoned. Hamilton, 176-7.

¹⁰¹ IOL. BC. F/4/1619, 1836-1837, 64974. Affairs of Nepaul. India Political Department. Extract Political Letter from the Government of India at Fort William, dated 28th November 1836, pp 69-70.

¹⁰² K. L. Pradhan, *Thapa Politics in Nepal: With Special Reference to Bhim Sen Thapa (1806-1839)* (New Delhi: Concept Publishing, 2012): 28.

portion of the Dang and Deukhuri valleys, a highly productive rice growing area, with much forest cover, and vast grazing grounds for cattle driven north from the Gangetic plains and from the surrounding Himalaya. These purportedly Chauhan Rajputs, likely migrated from northern Awadh in the fifteenth or sixteenth century, where they had already established a kingdom ruling over a mainly tribal population. The Dang kingdom (as Tulsipur was known) was one of several, including Chilli and Phalabang, which traced their origins to a king hunting in the jungles who shot an animal, either a wild boar or a deer, which turned out after a bloody chase deep into the forest to be the yogi Rattannath. These kings therefore traced their right to hold land to their satisfactory propitiation of Rattannath and his gift of the arrow they had used to shoot him. The Rajas maintained a close relationship with the Gorakhnath yogis and their monasteries. Both Rajas and yogis maintained adjacent winter and summer establishments in the valley and on the mountain slopes (in Dang's case in Phalabang and Tulsipur), between which the yogis proceeded with the lineage's deity every year.¹⁰³ Tharus (a supposedly indigenous community) were the most numerous inhabitants of the southern portion of the valley and some of the few who resided there year-round despite the reputation for malaria and *aul* (hot, disease-carrying winds).¹⁰⁴ A further connection, possibly preceding Tulsipur's exile, was the yearly journey of the *kanphata* yogis based at the Chaughera math in Dang to the Devi Patan temple in Tulsipur for *dasai*. Interestingly, the yogis made the pilgrimage every year on foot over the course of fifteen days

¹⁰³ Actually, Boullier indicates that it is unclear whether the summer palace was in Phalabang or Chaughera. The historical record seems a bit unclear on whether Phalabang and Tulsipur were two or one rajya (probably they separated and amalgamated at different times depending on family fortunes). Boullier, CNAS, 33-4.

¹⁰⁴ The Tharus actively participated in regional trade, growing wheat in the Rapti river valley for export to Awadh. See a later description in IOL. FD. L/PS/20/6, Confidential Report on Nepal: Prepared in the Intelligence Branch of the Quarter Master General's Department in India, By Brevet E. R. Elles, R.A., Deputy Assistant Quarter Master General. Calcutta: Superintendent of Government Printing, 1884. Indeed, Tharus who had migrated to India and maintained contact with relatives and associates in Nepal provided the information for the portion of this report on the Dang and Deukhuri Valleys as British officials or civilians could not visit the valleys (10-14). The two most informative accounts of Tharus as an indigenous and politicized community (or communities) in Nepal are: Arjun Guneratne, *Many Tongues, One People: The Making of Tharu Identity in Nepal* (Ithaca: Cornell University Press, 2002). Herald O. Skar, *Nepal, Tharu and Tarai neighbours* (Kathmandu: EMR, 1999).

travelling only at night.¹⁰⁵ At the time of this pilgrimage, the Tharu *chaudharis* (headmen) who also used to worship Rattannath as their ancestor, provided labor as porters, thus confirming their (hierarchical) emplacement within local circuits of worship.¹⁰⁶ In the nineteenth century, Tulsipur continued to sponsor an annual fair held around the site of the *Devi Patan* temple complex and *math* (monastery of, typically armed, ascetics), situated on top of a sprawling mound and surrounded by rice fields, about a mile from the Raja's village with his palace.¹⁰⁷ It was a major trade depot for the exchange of plains and hill products, especially for livestock including several hundred horses and ponies from Nepal and Kabul.¹⁰⁸

The patronage of an important shrine in the tarai represented a fairly common way for the hill Rajas to cement their plains and hill realms together; the Gulmi Raja (before Gorkha dismantled the kingdom) considered the head of a *math* of ascetics at Bakhira as his spiritual guide. He endowed the *math* with 17 *mauzas* of land to keep up the worship of Palata Devi. In the spring, many people gathered, including about 300 to 400 vendors and also offered numerous buffaloes, goats, and rams to the devi.¹⁰⁹ Similarly, Moorcroft observed around 1810 that the head of a *math* in the town of Balrampur, Moti Gir, conducted trade in horses and hill products with Saliana and Pyuthana (in Nepal). He noted that "The Rajah is poor, the [Mahant] rich."¹¹⁰

¹⁰⁵ Veronique Boullier, "The Nepalese State and Gorakhnathi Yogis: The Case of the Former Kingdoms of Dang Valley, 18th-19th Centuries," *CNAS Journal* 20 (Jan. 1993): fn 3, 48.

¹⁰⁶ Boullier, 36.

¹⁰⁷ Brenton Badley, *Tulsipur Fair: Glimpses of life in North India; a book for children*. London: Religions Tract Soc., 1886), 106-9, 120. The missionary's description of the fair is apparently based on observations he made around 1884; thus, the Raja described would have had to either be the Raja of Balrampur or a collateral of the house of Tulsipur who continued living in the region (as the official Raj did not survive the rebellion).

¹⁰⁸ From the mountains, people brought "mountain wood, iron ore, Nepalese birds, curious baskets ornamented with berries and shells", and other items. Merchants selling carpets, cloth, blankets and shawls might travel for over a hundred miles to attend. Smaller-scale traders including peddlers, or boxwalas, with their assorted small consumer items, cloth merchants from market hubs with their bundles, mithai (sweets) vendors, cobblers, booksellers, jewelers and metal workers also attended. Grain dealers also set up in the market. Money changers helped to facilitate the transfer of value with their heaps of copper coins and concealed silver and larger denomination coins. Brenton Badley, 138-154.

¹⁰⁹ IOR 30658 Mss Eur D 91. Buchanan-Hamilton Papers.

¹¹⁰ *Papers Respecting the Nepaul War: Volume II*, 85.

The Palpa Rajas also patronized a *math* near Pali, in his tarai, but it had fallen into disrepair and the disciples had moved away by the early nineteenth century.¹¹¹ Unlike Palpa, Tulsipur's ruling family maintained stronger control over its trade with the plains in the period preceding Gorkha expansion, which allowed it some leverage when forced out of its capital in the hills.

In the late eighteenth century, the support of both the Tharu and the yogis was critical for maintaining Tulsipur as a kingdom. Both the rebellion of Tharus and the apparently successful connection Prithvi Narayan Shah developed with the head of the Chaughera monastery, Bhagvantha Nath, forced the ruler to flee. Indeed, Bhagwanta Nath became a trusted advisor and pillar of Gorkha influence in the west; Prithvi Narayan Shah also relied upon his blessings and sent him a turban as a sign of appreciation for success in distant campaigns of the east.¹¹² This relationship allowed Prithvi Narayan Shah to use the yogi to affect alliances with the Baisi states of the west and circumvent the resistant Chaubisi states of the mid-west (of which Palpa was included), in order to continue to extend the western frontier.¹¹³ Nawal Singh of Tulsipur solidified relations to the south during this period; most importantly, he had provided refuge to Balrampur's Raja of the same name, Nawal Singh, when the latter had to flee his territory in Northern Awadh over a succession dispute around 1770. The Tulsipur Raja gave him the services of 2000 Tharu soldiers to reclaim his *gaddi*.¹¹⁴ Not long after, Tulsipur Dang's Raja Nawal Singh was driven out of his territory by the Gorkhas when neighboring Salyan allied with them (for the promise of Dang's territory). Nawal Singh took refuge with Balrampur's Nawal Singh, who helped him to put down the rebellion of the Tulsipur Tharus, and placed him, for the

¹¹¹ IOR 30658 Mss Eur D 91. Buchanan-Hamilton Papers.

¹¹² "King Prithvi Narayan Shah's letter to Bhagavanta Nath," RRS, Year 1, No 1, 11-13. Naraharinath, "The Letter of King Prithvi Narayan to Siddha Bhagawant Nath, 1773," 5.

¹¹³ Naraharinath, "A Letter in Connection with the Treaty between Gorkha and Jumla, 1774," 6-7.

¹¹⁴ The Raja Prithipal Singh had died and his nephew the "Bhayya of Kalwar" tried to capture the *gaddi*; Nawal Singh was legitimate heir. William Charles Bennett, *Gazetteer of the Province of Oudh* (Allahabad: Oudh Government Press, 1878): 505.

promise of an annual payment, in a “chieftainship” in northern Awadh, adjacent to and overlapping with his former domain where he already had a winter fort and palace.¹¹⁵ Negotiations over the annual payment set up a long-standing feud between Balrampur and Tulsipur, stretching until 1857 when Tulsipur was annexed by the Crown and handed over to its enemy, Balrampur.¹¹⁶ Until internal infighting weakened the Raj several years before the rebellion of 1857, the Tulsipur Rajas were well established as *taluqdars* or estate holders of northern Awadh under the independent Nawab’s administration. Despite holding the title of *taluqdar*, the Tulsipur lineage also maintained their title as Rajas and merely paid a fixed annual tribute to the Nawab, whose revenue administration was never allowed into the territory.¹¹⁷ For over 30 years after its annexation to Nepal, until 1816, the former kingdom of Dang remained under the military rule of a *faujdar* (general).¹¹⁸ Tulsipur clearly remained a formidable regional power. Besides garnering the support of Balrampur, and perhaps the Nawab of Awadh, Tulsipur effectively retained control over its dependents, service providers and tax payers. Hamilton estimated that Nawal Singh’s successor, Dhan Singh, had “25,000 families of vassals”—some of whom apparently still remained about Phalabang in Gorkha’s territory.¹¹⁹ Thus, Tulsipur maintained strong but presumably illicit connections with its former territory in Nepal that may have helped it to weather the colonial vicissitudes of Awadh’s politics.

¹¹⁵ However, the degree to which Balrampur helped Tulsipur is somewhat open to question—Hamilton explained that the Dang Raja had already possessed a large estate around Tulsipur which was his most lucrative asset and that the Nawab of Awadh guaranteed its security. Hamilton, 278-9. The Tulsipur Dang rulers had already possessed the strength to intermittently collect tribute from the bordering tarai in the south previous to their exile. W. C. Bennett, *The Final Settlement Report on the Gonda District* (Allahabad: Northwestern Provinces and Oudh Government Press, 1878), 28.

¹¹⁶ Bennett, *Gazetteer of Oudh*, 505-6.

¹¹⁷ Bennett records in his settlement report that this annual tribute totaled Rs. 62,759 Bennett, *Gonda Settlement Report*, 28-29. Indeed, the Bahraich sarkar (containing the 19th-century Gonda and Bahraich districts) had been well-known since Mughal times for its high quality rice. “A Glossary of Revenue, Administrative and Other Terms Occurring in Nepali Historical Documents,” RRS, Year 2, No. 6, 149.

¹¹⁸ “A Glossary of Revenue, Administrative and Other Terms Occurring in Nepali Historical Documents,” RRS, Year 2, No. 6, 149.

¹¹⁹ Hamilton, 279.

The Palpa Sens: Exile and Loss

Whereas Tulsipur maintained a large estate and many of its trappings of sovereignty, the Palpa lineage's exile eroded the vestiges of Palpa's ruling authority much more quickly. Within the older order, a Raja's forced exile from his kingdom was often temporary and could be overcome if he retained sufficient military strength and the support and recognition of his neighbors. Tulsipur was known to have fought several wars to try to regain its influence in Nepal; the lineage regrouped and maintained a strong regional presence. As in the case of Tulsipur, and other Rajas exiled in India, such as Tanahun, maintaining a semblance of authority depended on the Rajas' ability to effectively negotiate political networks. Some zamindars in India, notably Bettiah, practically collected refugees due to their political utility. Previously exiled Rajas also sometimes provided refuge to later waves of exiles—for example, Jumla's heir took refuge with the exiled Raja of Tulsipur in Awadh.¹²⁰ Gorkha produced a new batch of refugee Rajas and other power-holders in the first decade of the nineteenth century as it consolidated its military victories throughout its new (and still expanding) kingdom.¹²¹ In the old order, offering refuge to disaffected princes was an important component of statecraft; the ability to extend refuge marked the sovereign space of a Raja's realm. Because Awadh maintained only weak control over its northern frontier, Tulsipur was able to make a smoother transition to a new semi-sovereign status as a large estate under Awadh. Palpa, however, was located closer to Kathmandu and in a more strategic geographical region, so posed a much greater threat to Nepal than Tulsipur. Moreover, the Company's annexation of Gorakhpur in 1801 meant that the struggling Palpa Sen lineage in exile was forced to meet the colonial revenue administration's stringent requirements in a directly ruled territory. Further, as Nepal and the Company worked together as unequal partners

¹²⁰ Hamilton, 288.

¹²¹ IOL. BC. F/4/185, 1805-1806, 3880. No. 14 No 1 Appendix, Translation of the Magistrate's Proceedings in Faujdarry Court of the Zillah of Goruckpore on the 7th of March 1804.

to create a new kind of bilateral state system, largely by liquidating the former hill states, the former Rajas and other power holders in the developing borderland no longer possessed the political right to extend protection to refugees. The Palpali exiles found that the East India Company had a much different way of handling refugees which accorded with its priority of creating a bilaterally fixed border with Nepal.

Palpa represented a major thorn in expansionary Nepal's side for several reasons. First, in order to expand to the west, Nepal had to come to terms with the Palpa Sens who were located on the strategic east-west route across the Himalayas. Men and material could not easily be moved west to the war front in Kumaon without Palpa's compliance or removal. The Sens also provided leadership to the Chaubisi Rajas, a mid-western group of mostly distinct ruling lineages who nevertheless intermarried, in the late eighteenth century.¹²² Mukunda Sen II (r. 1752-1782), opposed Gorkha strongly throughout his life, providing leadership to a defensive cluster of western principalities, including Argha, Kanchi, Gulmi, Gajarkot, Rising, and Ghiring.¹²³ He also developed a good relationship with the Nawab of Awadh Asaf Ud-daula's family as the latter used to hunt in Palpa's tarai. Mukunda Sen II took the revenue grant of several zamindaris, including Tilpur and part of Rajpur, from the Nawab of Awadh, who in turn recognized all of Mukunda Sen's tarai possessions.¹²⁴ While it seems that Mukunda Sen had not previously sought Awadh's recognition of its tarai holdings, the increasing tensions with expansionary Gorkha made such a strategic alliance with a third party attractive to the Sen Raja.¹²⁵ Reversing his

¹²² Prithvi Narayan Shah was well aware of this, and sent his emissaries through Tibet to reach Jumla, a far-western principality which he hoped to ally with in order to defeat the mid-western Chaubisi principalities. See, "King Prithvi Narayan Shah's letter to Bhagavanta Nath," *Regmi Research Series*, Year 1, 11-13.

¹²³ Baburam Acharya, "War with Sikkim and the Chaubisi States," RRS, Year 6, No. 10, 190-4.

¹²⁴ The Nawab also seems to have developed a fondness for "[t]he youngest son Samar, a lame but shrewd man... and he bestowed on him the title Nader Shah, by which he is much better known than by his proper name." Hamilton, 173.

¹²⁵ Baburam Acharya, "War with Sikkim and the Chaubisi States," RRS, Year 6, No. 10, 190-4.

father's strategic policy, Mahadatta Sen (r. 1782-1793) turned against his erstwhile western allies and helped the Gorkhas conquer several previously allied neighboring principalities (Argha, Kanchi, and Gulmi) in exchange for added territory.¹²⁶ This brought Palpa temporary security from Gorkha expansion, but also weakened Palpa's position as a regional hegemon. While the Sens had long resided during the summer in a *gadhi* (fort) near Butwal, a busy trade center for exchanging hill and plains products on which the Rajas collected duties, their authority was more attenuated in their tarai holdings.¹²⁷ Their increasing vulnerability in the tarai is underscored by the defection of Palpa's governor of the Butwal tarai to Gorkha's side in 1784.¹²⁸ Moreover, Hamilton notes that around the turn of the century near Nitchloul at "Sivapur and Bahuyar, small forts of brick were lately held by Hathi Ray, a slave of the Palpa Raja, who having rebelled, held the country for some time."¹²⁹ Thus, even as Palpa's political situation became tenuous in the hills, it was unable to effectively strengthen its position in the tarai.

Palpa's subordinate alliance with the Nawab of Awadh represented an attempt to leverage a greater sovereign's power in the plains region in order to maintain its hold on the tarai; yet, the alliance made Palpa quite vulnerable to the 1801 treaty between the Company and Nepal. This agreement positioned the Company as arbiter of all border disputes or discussions between Nepal

¹²⁶ Palpa's capital Tansen was captured by a Gorkha general in 1784 and the commander of the tarai possession, Butwal, defected to Gorkha. Mukunda Sen II's son, Raja Mahadatta fled to neighboring Argha where he found refuge until he was able to re-take his kingdom. Baburam Acharya, "War with Sikkim and the Chaubisi States," RRS, Year 6, No. 10, 190-4. Hamilton claims that the alliance between the Nawab of Awadh protected Palpa from immediate annexation, but after the Nawab's death, Palpa fell afoul of Gorkha's expansionary plans. Hamilton, 176-7.

¹²⁷ In November 1802, Routledge went to Butwal and found merchants from Banaras and Mirzapur living there who reported that annually to trade hill and plains products, traders arrived from Bhutan, Tibet and Nepal. The trade items from the Himalaya included: "Gold, Brass, Iron, Copper, Borax, Bees wax, and many other Productions of the Mountain Countries" [gold was probably an exported import], and from the plains: mostly coarse cotton cloth, beads and a few others kinds of cloth, etc. IOL. BC. F/4/185, 1805-1806, 3880. L. Routledge, Goruckpore, 14 Dec 1802, To Secretary to the Honble the Lieutenant Governor and Board of Commissioners of the Ceded Districts in Oude, Bareilly.

¹²⁸ Baburam Acharya, "War with Sikkim and the Chaubisi States," RRS, Year 6, No. 10, 190-4.

¹²⁹ Martin, 404.

and Awadh, without reference to the Sens as governing this strategic region. (Indeed, the Sen's sovereignty only terminated with Prithvi Pal Sen's execution in 1806; thus in 1801, Palpa was still an independent state with its own administration.) The first part of the treaty focused on strengthening friendship and creating a strategic alliance between the two powers, with an emphasis on handling border disputes bilaterally. Article 6 mentioned Awadh specifically: "Such places as are upon the Frontiers of the dominions of the Nabob Vizier and of Nepaul, and respecting which any dispute may arise, such dispute shall be settled by the mediation of the vakeel on the part of the Company, in the presence of one from the Nepaul Government, and one from His Excellency the Vizier."¹³⁰ With this article, the Company cleverly set itself up as the mediator between a power it already controlled (Awadh) and Nepal, which was much more independent, and entirely wrote Palpa out of the equation. The desirability of getting rid of Palpa (at least on paper) perhaps trumped the weaker position that Nepal agreed to in allowing the British Resident in Awadh to decide such disputes—a stipulation made more explicit in the Nepali version of the treaty. "If any dispute should arise in connection with the country border of the Nawab Vazir's or Nepal, settle such a dispute before Nepal's and the Nabab Vazir's agents (vakils) during the Resident's sitting for the Company."¹³¹

Awadh's cession of the former Mughal sarkar of Gorakhpur to the Company in 1801 to liquidate debts it had incurred from the Residency system over the latter half of the eighteenth

¹³⁰ Aitchison, Volume XIV, 58-59. This treaty was established when Ran Bahadur was in exile from the court at Banaras and the Bengal Government pressed its advantage with the ruling faction (basically Bhim Sen and others surrounding the younger king Girban Yuddha) (Prinsep, 57). The treaty seems never to have gained much legitimacy in Nepal and was abrogated soon after.

¹³¹ "Simanababat Nabab Vazirko ra Nepalka mulkko kehi jhagra simanama uthya bhanya Hanarbil Kampnitarafka Rejidentdarmiyani basi Nabab Vazirka ra Nepal sarkarka ukilharuka samne testa jhagra chhinnu." RA. PM. DNA 3/30. "San 1801 October menhaka 27 tarikhma Nepalsang Angrezko Ahadnama bhayako." (The British's Agreement with Nepal made on October 27, 1801 AD.)"

century preceded the Sen's exile by several years.¹³² Indeed, at the cession in 1801, Raja Prithvipal Sen held the parganna of Butwal; the first revenue settlement was fixed with him at the rate of Rs 30,001. The next year (1802), Prithvipal Sen stopped paying the revenue because several revenue divisions had been transferred to the Raja of Gulmi by Nepal—a transfer which the Governor General of the Company also approved. The dispute between the Rajas of Gulmi and Palpa continued until Prithvipal's imprisonment in 1804 and assassination in 1806. In 1804, the remainder of tappa Binayakpur and tappa Tilpur was placed under Khas collection status (or direct Company administration) and the Raja's minor heir, Ratan Bahadur Sen, "taken under the protection of the British Government." His uncle Nadir Shah acted as his guardian and disbursed his yearly allowance of Rs 4000.¹³³ Khas or Company management in Butwal proved completely ineffective as the revenues could not be collected, supposedly because of "the general desertion of the Tenants on account of the Neighbourhood of the Napaul Troops, and the return into Goruckpore of many Families who during the oppressions of the Vizier's Government, had left the Eastern Pergunnahs of Goruckpore to settle in Bhotewul."¹³⁴

Within the newly Ceded Provinces acquired from Awadh, the Company's revenue administration encountered the most difficulty in administering northern Gorakhpur given resistance from Nepal and the mobility of cultivating *rai'yats*. The Company officials encountered difficulties integrating the Butwal areas that had been nominally subject to Awadh into the Ceded Provinces because Palpa had always ruled the territory independently. For

¹³² *Final report on the settlement in the Gorakhpur District, North-western Provinces* (Allahabad: North-western Provinces and Oudh Govt. Press, 1891), 66. For a detailed explanation of the Company's early revenue operations in Gorakhpur, see Meena Bhargava, "Chapter Three: Revenue: Assessment, Appropriation, Resistance," in *State, Society and Ecology: Gorakhpur in Transition* (Delhi: Manohar, 1999), 96-122.

¹³³ This allowance was referred to as "nankar." Nankar was compensation to a deposed landed power, usually a local "Raja" whom the EIC deemed ineffectual at land revenue administration but who still retained some kind of locally recognized right to a particular territory (often loosely defined).

¹³⁴ BSA. Bengal Proceedings. Revenue Department. 1-29th December 1810. No 35. 29 Dec. To Lord Minto, Governor General in Council. Fort William, From E. Colebrooke, J. Deane, Board of Commissioners, Furrukabad, 16 Nov 1810. See also Princep, Vol I, 68-69.

example, Prithvipal Sen's Agent felt confident in refusing the extension of the Company's new police establishment in Butwal because Awadh had never claimed such privileges.¹³⁵ Further, Prithvipal Sen tried to negotiate with the Company to pay the "greatest part of his Revenue in Elephants and Commodities of the Hills" rather than the cash that the Company demanded.¹³⁶ Officials hired to oversee collections in Northern Gorakhpur, finding an intractable situation, quickly resigned or were fired.¹³⁷ When the government tried to establish relationships directly with the *malguzars* or head cultivators, they went into hiding as Nepal too was trying to summon them. When the head cultivators finally met with the revenue officials, they insisted their holdings were rent free and refused to enter into revenue engagements. The Collector of Gorakhpur lamented:

"...[E]ver since the Cession of these Provinces to the Honourable Company, the Cultivation in Bootwal has been declining yearly, and the Resources of the District consequently decreasing, under the former Government the Rajah paying but a small amount of Revenue (and that not regularly) was enabled to let his Lands at much lower Rates than those paid in the neighbouring Districts and under this Encouragement held out by him many of the Inhabitants of Goruckpoor and Baraitch [then under Awadh], to avoid the oppression and Exactions committed by the aumils went and settled in Bootwal. Since the Cession Numbers of the Settlers from Goruckpoor have annually returned to their Homes, and many of those also from Baraitch, in consequence of the Disturbances, occasioned by the Nepalese have lately returned to that District."¹³⁸

¹³⁵ IOL. BC. F/4/185, 1805-1806, 3880, Examiner's Office, April 1806: Extract of Judicial Letter from Bengal in the Department of the Ceded and Conquered Provinces, 31 Dec 1804.

¹³⁶ IOL. BC. F/4/185, 1805-1806, 3880. Extract of Bengal Judicial Consultations in the Department of Ceded Provinces, 28 June 1804, Ahmuty to Fombelle

¹³⁷ The first Tahsildar Mirza Mohammad Hadi, resigned and the salary had to be increased and a separate tahsildar appointed for each parganna. BSA. Bengal Proceedings. August 24- 29, 1805. Revenue Department. Governor General in Council. No 17. To Charles Buller, Secretary to the Board of Revenue. From A. Ross, Collector, Gorakhpur, 17 July 1805. Fort William. Consulation 30 July 1805.

¹³⁸ BSA. Bengal Proceedings. August 24- 29, 1805. Revenue Department. Governor General in Council. No 17. To Charles Buller, Secretary to the Board of Revenue. From A. Ross, Collector, Gorakhpur, 17 July 1805. Fort William. Consulation 30 July 1805.

Between the lines of this and other complaints penned by the Revenue Collector, it seems plausible that the Sens had actually been rather adept at attracting cultivators from neighboring territories in the late eighteenth century by offering moderate tax rates. When Gorkha and the Company attempted to raise the rates, the cultivators who still held ties to land in Northern Awadh and other parts of Gorakhpur reversed their pattern of migration. Another Collector, Balfour, conjectured that the Sens' waning authority had influenced the *raiya*'s decisions to leave. The *raiya*s had developed a personalized relationship with the Sen Raja, and did not like living under Company *khas* management:

[N]ow that the Rajahs family have been so long absent from their Estate, and there being now no immediate prospect of the Mehals being again placed under the Rajah or any of his Relations even the Ryots of this description are daily quitting their Lands in Bootwul, and Settling in the more healthy and adjoining Pergunnahs where they can easily bring into a State of Cultivation the waste Lands which formerly belonged to them or their Ancestors.¹³⁹

Hamilton noted at this time an annual migration from Awadh of about 54,000 agricultural laborers for seasonal work in Gorakhpur.¹⁴⁰ It seems possible that in trying to prove their rights over territory, all sides preferred to ignore seasonal migration or shifting cultivation and instead paint a picture of "unnatural" movements of *raiya*s.

If the Company found it difficult to collect taxes in their new "Ceded Province" of Gorakhpur, the Gorkhas found it no less difficult in their new tarai possessions of Butwal. After the Sens fled from the Nepal borders, it seems that revenue contractors, "ijaradars," were appointed to farm the revenues in the tarai. Mahadev Upadhyay claimed that he had taken a contract for the tarai of Butwal from the Rajah of Nepal at Rs, 40,000 per year, a quarter of

¹³⁹ BSA. Revenue Department, Governor General in Council, 5-26 March 1807. No 41. To Thomas Graham, Acting President and Member of the Board of Revenue, Fort William, From F. Balfour, Collector, Zillah Goruckpore, 21 Feb 1807.

¹⁴⁰ Martin, 409.

which he had paid in advance.¹⁴¹ This may have represented a change in tax collection as a document from Prithvipal Sen to a head cultivator in Binayakpur (present-day northwest Gorakhpur district) gives receipt of direct payment for July-August 1796.¹⁴² Owing to the uncertainty of political change, and the purportedly higher rates charges by the tax farmers, a number of local inhabitants migrated to Company territory, referred to in the documents as “Muglan.” The Gorkha court sent officials to India to talk to the displaced people and try to convince them to return—and also threatened the *Chaudharis* and *Mahatos* that even after relocating they were still responsible for paying the revenue.¹⁴³ Such confusion in revenue collection seems to have persisted until the Anglo-Nepal War of 1814 to 1816; with Nepal collecting more than half of the revenue in Butwal under military supervision. In such a situation, many *raiya*s probably were taxed unfairly, and would have had plenty of incentive to move elsewhere, at least temporarily.¹⁴⁴

While the East India Company pursued the jurisdictional dispute as one over landed property, yet lamented the absconding of *raiya*s, local rulers such as Prithvipal Sen focused on securing manpower and local resources. The Company ignored the extent to which sovereign power, as well as cultivating subjects, was quite mobile. For example, under pressure from Nepal, Prithvipal Sen had reluctantly allowed Gulmi to retake its land in the tarai—but only after diverting some of its water resources to his own irrigation canals. He also tried to relocate the

¹⁴¹ IOL. BC. F/4/185, 1805-1806, 3881. 3881, Bengal Judicial Lre, Dept @ P, 10@17_31st Decemr. 1804, Examiner’s Office, April 1806. Extract Bengal Judicial Consultations in the Department of the Ceded and Conquered Provinces, the 1st November 1804

¹⁴² However, this was a disputed area and Prithvi Pal Sen may have issued such documents in order to bolster his claims to the area. Krauskopff, Doc 40.

¹⁴³ Rajpur and Dun are mentioned. Krauskopff, Plates 39 and 40.

¹⁴⁴ “The force under Ammer Sing Thappa is stated by the Magistrate to consist of 18 Companies are stationed in Bhootwall independently of a rude kind of Militia armed with large knives and similar Weapons... The whole Country of Bhootwall is stated to be about 32,000 Rs. Per Annum of which as we have already stated two thirds are collected by the Nepaulese.” IOL. BC. F/4/303, 6995, 1810-1811, Encroachments of the Rajah of Napaul upon the low Country and Bootwul, Examiner’s Office, March and April 1810.

*raiya*s located in Gulmi's possessions to his own more secure tarai holdings. As Shakti Prachand Shah, Gulmi's restored heir, wrote in 1804 to the Acting Collector of Gorakhpur: "I also beg leave to inform you that the Officers in question have imprisoned Tickaram a Mehtoo (or head Ryot) and others during three months and are desirous of retaining these Assamees to Cultivate the Butwul Rajah's Land, by which measures my state is laid Waste."¹⁴⁵

Another indication of Palpa's waning influence, both in the hills and tarai, was its repeated inability to provide refuge to those who petitioned for it in the face of Gorkha opposition. For example, Prithvipal Sen declined the deposed Nawab of Awadh Wazir Ali's petition for refuge in 1799. Wazir Ali, after escaping from imprisonment in Banaras and killing a British officer, fled to the border of Palpa (i.e., the Butwal tarai) with a few dozen men on horse, where he attempted to recruit a small army—an endeavor at which he was apparently fairly successful. Yet in order to cement its friendship with the Company, Gorkha's court actively spread orders to local Rajas and officials to apprehend Wazir Ali.¹⁴⁶ Palpa's *Bharadars* (ministers) received Wazir Ali's letters asking for refuge with sympathy, yet Raja Prithvipal Sen bowed to Gorkha's pressure to refuse the deposed Nawab asylum.¹⁴⁷ This must have been a particularly dishonorable move on Prithvipal Sen's part because his father, Mahadatta Sen and Wazir Ali's father, Asaf ud-Daula, had exchanged turbans—and Wazir Ali had honored

¹⁴⁵ The EIC officials had a great deal of trouble with Shakti Prachand Shah's name and it often is written as something like "Sant Prat Shahi." In the petition quoted above, he is trying to regain possession of Mutka. BSA. Revenue Department, Governor General in Council, 5-26 March 1807. No 41. To Thomas Graham, Acting President and Member of the Board of Revenue, Fort William, From F. Balfour, Collector, Zillah Goruckpore, 21 Feb 1807. "Persian Copies with Translates" submitted to Gov General in Council, btwn Acting Collector of the Goruckpore and: No. 19 Translation of a Hinduvee letter from Rajah Sunt Prat Sahee (or Sukt Purchund Sahe) dated 17th Phagun 1211 Fussily and received the 27 February 1804.

¹⁴⁶ Pant, "The Wazir Ali Affair," RRS, 158-60. The Nepal court (speaking in the guise of infant king Girban Yuddha) stated that Wazir Ali had raised 5000 to 6000 troops there to fight the English and Awadh (fn 16, 167). Yogi Naraharinath,"18. & 19. Royal Instructions to the Wakil", 27, 28.

¹⁴⁷ Within the Palpa administration, there was a faction that seemed to oppose Prithvi Pal Sen's policies towards Gorkha politics in general, including Prithvi Pal Sen's uncle, the Mahila Babu (Middle Babu), Palpa's Chautara (in this case, Prime Minister) Surbir Sen, and Kaji (Commander-in-Chief) Ranmardan Sen. Mahesh Raj Pant, "Palpa Rajyako Nepal Adhirajya ra Avadhsanga Sambandha," *Purnima*, 7; 1, (1971): 1-8.

Mahadatta Sen as his brother--some years before.¹⁴⁸ This exchange enacted a form of ritual kinship; as Peabody has argued, “the metonym of swapped headgear rested on Rajput beliefs identifying the head as the source of male fertility and well-being.”¹⁴⁹ Thus, after the exchange, the two lineages were responsible for protecting each other’s best interests as if they were kin. Nepal’s court, however, underscored its cooperation with the English demands by sending Nepali troops to Butwal.¹⁵⁰ Wazir Ali moved on, seeking refuge elsewhere, but was eventually turned over to the Company.¹⁵¹ In 1804, when Mukhtiyar Damodar Pande and several other *Bharadars*, were expelled from court by the abdicated Raja Rana Bahadur Shah, they fled to Lautan a village about 12 kos from Nichlaur in the Butwal tarai.¹⁵² Nepal’s Raja then demanded that Prithvipal Sen send troops to arrest the fugitives and return them to Kathmandu; Prithvipal Sen complied and upon arriving at the capital, Damodar Pande was executed.¹⁵³ The execution of Damodar Pande, former *Mukhtiyar* (Chief Minister) and unofficial regent for the child king on Nepal’s *gaddi*, marked a drastic change in Nepal’s ruling structure—to which Prithvipal Sen would also fall victim. As a result, several hundred refugees fled from Nepal to Banaras via Butwal, including several army commanders, Damodar Pande’s relatives, and unnamed people “of the lower class”—perhaps their dependents. In accord with orders from Kathmandu,

¹⁴⁸ IOL. BC. F/4/185, 1805-1806, 3880. No. 14 No 1 Appendix. Translation of the Magistrate’s Proceedings in Faujdary Court of the Zillah of Goruckpore on the 7th of March 1804.

¹⁴⁹ Peabody, 32.

¹⁵⁰ Pant, “The Wazir Ali Affair”, 160.

¹⁵¹ The Raja of Jayanagar handed him over after extracting a substantial payment for shelter Pant, “The Wazir Ali Affair”, 163.

¹⁵² As Mukhtiyar, Damodar Pande had overseen Girban Yuddha’s affairs as the latter was young and inexperienced. His father, Rana Bahadur, who had abdicated in favor of Gorban Yuddha, seems to have taken up cudgels against his own son who had been appropriated by a court faction, of which supposedly Damodar Pande was supposedly a leader. The name of the village in the original document is hard to read—Lowtun is my best guess.

¹⁵³ IOL. BC. F/4/185, 1805-1806, 3880. Extract Bengal Judicial Consultations in the Dept of the Ceded Provinces, 12 April 1804. Magistrate of Goruckpore, J. Ahmuty to John Fombelle Esq., Sect to Govt in the Dept of the Ceded Provinces, Fort William—submitting papers re Butwal

Prithvipal Sen had the passes leading out of Palpa closed so that no one else could flee.¹⁵⁴ Clearly, Nepal's traction over the Butwal frontier was increasing at Palpa's expense.

Prithvipal Sen realized the precariousness of his position at court in Kathmandu and he attempted to leverage the relationship he had formed with the new Company administration in Gorakhpur via the payment of revenue for his tarai holdings. He requested that the Company pretend to arrest him so that he could dodge the Regent's orders to appear at court in Kathmanu. The Magistrate of Gorakhpur reported to his superiors in Bengal:

In the present state of things, the Rajah of Butwal with some reason appears unwilling to comply with the requisition of the Rajah of Nepaul to repair to him and in order to evade proposes that the acting Collector should depute two Peons to take charge of him & bring him to Butwul apparently on account of the arrears of Revenue due from him to the British Government. Being apprehensive that such a measure might lead to embroil the British Government with the Rajah of Nepaul & the Rajah of Butwals's residence being on the Hills without the limits of my jurisdiction, I did not think it advisable to direct the acting Collector to comply with the Rajah's suggestion.¹⁵⁵

Prithvipal Sen's petition suggests that Hill Rajas were accustomed to support each by such public performances of intertwined allegiance when facing political threats. The Company's refusal to countenance such a request indicates that the colonial power positioned itself within a different language and practice of sovereignty to whatever extent it was effectively able to do so.

Prithvipal Sen was imprisoned in 1804 (and assassinated two years later) at court under Mukhtiyar Bhim Sen's directive; upon hearing the news many of Palpa's clients fled into exile along with the royal family. An army chief, Amar Singh Thapa, was then sent with a contingent

¹⁵⁴ IOL. BC. F/4/185, 1805-1806, 3880. Extract of Bengal Judicial Consultations in the Department of Ceded Provinces, 28 June 1804, Ahmuty to Fombelle. This was during a period of rapid political change—Rana Bahadur Shah had returned from voluntary exile in Banaras and had (temporarily) wrested power away from the faction surrounding his son, Girban Yuddha, who had been reigning. Those who had been supporting the child's reign were out of favor and in danger (e.g., Damodar Pande who was executed in 1804). Ranbahadur would not survive the political turmoil—he was killed in 1806. Hamilton, 176-7.

¹⁵⁵ IOL. BC. F/4/185, 1805-1806, 3880. Extract Bengal Separate and Judicial Consultations in the Department of Ceded Provinces, 10th May 1804, Magistrate of Goruckpore, Ahmuty, to Fombelle.

of troops and took Palpa quite easily.¹⁵⁶ When Prithvipal Sen was imprisoned for the second time in Kathmandu in June 1804, two Brahmins in his entourage escaped to Tansen to warn the Rani. According to Kanak Nidhi Tiwari, Vakil to Palpa: “Immediately upon this the Inhabitants of the Pergunnah waited on the Ranee and informed her that 5 Companies of [Nepal’s] Sepoys were running from the West and 3 Companies from the East, in order to seize the Ranee and her Son.” The Rani left immediately for the tarai with her son in a “doolie.” Following close upon the Rani’s heels, the inhabitants of Tansen also fled, except for two Companies of soldiers and about 400 to 500 “armed peons” in the Raja’s service.¹⁵⁷ In addition, Prithvipal’s brother Samar Bahadur (also referred to as Lal Diwan or Nadir Shah), and Prithvipal’s uncle Suravir, the *Chautariya*, or Head Minister, left Tansen. The Raja’s brother made arrangements for the group to reside in the Sen’s slightly dilapidated old *gadhi* at Nichlaul.¹⁵⁸ Perhaps because of the substantial contingent left behind, Nepal’s troops gathered in the jungles about three kos (approximately six miles) outside Tansen, and decided to attack at night in order to avoid open battle, at which time they would arrest the Rani and her family and plunder the town. However, the Rani was already six kos away and her party made it safely to the tarai.¹⁵⁹ About ten days later, four of Palpa’s *sardars* (military commanders) arrived in the tarai with the rest of their families and their soldiers (ranging from 25 to 200 soldiers each) and settled at Pali.¹⁶⁰

Quickly, however, the cohesiveness of the Palpa state in exile unraveled, largely due to lack of resources and strong leadership. Nadir Shah, brother of imprisoned Raja Prithvipal Sen,

¹⁵⁶ Hamilton, 176-7.

¹⁵⁷ IOL. BC. F/4/185, 1805-1806, 3880. Extract of B. J. C. in the Dept of Ceded Provinces, 23rd August 1804. No. 3 Papers transmitted to Fombelle from Magistrate of Goruckpore, Ahmuty, 26 June 1804

¹⁵⁸ IOL. BC. F/4/185, 1805-1806, 3880. No. 1. Translation of an Arzee from Roy Bhowanny Sahye, the Darogah of Police in the Pergunnahs of Tilpore and Benaickpore, dated the 7th of June 1804. See also Hamilton, 176-7.

¹⁵⁹ IOL. BC. F/4/185, 1805-1806, 3880. No. 8 Translation of Proceedings held before the Magistrate of the Zillah of Goruckpore &c on the 14th of June 1804.

¹⁶⁰ IOL. BC. F/4/185, 1805-1806, 3880. Extract of B. J. C. in the Dept of Ceded Provinces, 23rd August 1804. No. 3 Papers transmitted to Fombelle from Magistrate of Goruckpore, Ahmuty, 26 June 1804

struggled to provide for the extended family, dependents and other refugees gathered about him, as Palpa's wealth had been left behind and the family was not yet established in the tarai. Their numbers swelled to about 380 around Pali and Nitchloul and there were significant numbers collected at Bansi and Bagah as well. Many others simply passed through on their way to Banaras.¹⁶¹ Female refugees were particularly vulnerable in exile—Hamilton noted that locals of northern Gorakhpur spread rumors about women refugees and their alleged sexual availability.¹⁶² Even Damodar Pande's three sons had joined the refugees. Nadir Shah had trouble collecting revenue as per the initial engagement with the Company. The Magistrate of Gorakhpur noted: “[H]e now finds, that much reliance cannot be placed either in the integrity or attachment even of his own Officers and Servants.” A number of Palpa's officers deserted and returned to Nepal's service. Within a month of the move, the Rani died in their abode near Tilpur.¹⁶³ The emotional distress of the family is suggested by Hamilton in his description of Prithvipal Sen's uncle Surbir's return to Nepal:

...[E]ven his [Ratan Sen's] venerable grand-uncle Suravir, son of Makunda Sen, suffered such mortifications, that he had determined to perish on the place where his son had suffered death, for this youth had accompanied his cousin Prithwi Pal [to Kathmandu]. The old man, after taking an affectionate leave of some of the family adherents in Tilpur, and weeping with them a whole day, went to Palpa and presented himself to Amar Singha [Gorkha's occupying commander], who was moved with compassion, and said, though we have killed your son and overthrown your family, we will do you no injury, but will provide for you in a manner very different from your friends the English.¹⁶⁴

¹⁶¹ IOL. BC. F/4/185, 1805-1806, 3881. 3881, Bengal Judicial Lre, Dept @ P, 10@17_31st Decemr. 1804, Examiner's Office, April 1806. Extract Bengal Judicial Consultations in the Department of the Ceded and Conquered Provinces, the 1st November 1804

¹⁶² IOR 30658 Mss Eur D 91. Buchanan-Hamilton Papers.

¹⁶³ IOL. BC. F/4/185, 1805-1806, 3880. Extract of B. J. C. in the Dept of Ceded Provinces, 23rd August 1804. No. 3 Papers transmitted to Fombelle from Magistrate of Goruckpore, Ahmuty, 26 June 1804

¹⁶⁴ Hamilton, 178.

Other officers, including Palpa's Faujdar and Subah, who forced a number of Tharu *Mahtos* (head cultivators) to accompany them, also absconded to Nepal's side of Butwal.¹⁶⁵ Given the rapid number of desertions, it seems that Surbir Sen's return to his now-occupied homeland, was less altruistic than Hamilton portrayed. Still, the justification he offered—wanting to die on his own soil where he had lost his son—indicates what sort of narrative would have been considered at least marginally honorable. The recorded incident, for which Kanak Nidhi Tiwari, Palpa's vakil, had provided the information, also was meant to shame the Company officials into providing better stipends and amenities for the refugees.¹⁶⁶

Company officials operated within a different system of politics, in which ideals of extending refuge as part of royal honor and a demonstration of sovereign power did not accord with their priorities. The Magistrate doled out small stipends as necessary even while noting the refugees' "distress," and further hoped that the servants and dependents amongst them would take up land grants and break new cultivation in *jangli* areas. The refugees needed supplies and advances right away, as the terrain would take time to cultivate. It was crisscrossed with rivers and streams, filled with sal forest, and clearances "knee deep in Mud & Water, [with] long grass Jungles of 8 and 10 Feet high." Only a little scattered cultivation of rice and lentils was found belonging to local Tharus. The resident cultivators remained aloof, hiding in the jungles at nights with their livestock, waiting out the tensions between Nepal, Palpa and the Company.¹⁶⁷ A surprise attack from Nepal added to the refugees' difficulties:

¹⁶⁵ One of the Mahtos, a Tharu, wrote to the Gorakhpur revenue officials to help him out. IOL. BC. F/4/185, 1805-1806, 3880. No. 4 Translation of an Hinduree [sic] letter from Bhajee Mahtoo (of the Tuppah of Sekrown) to Meer /Zulfukar ally/ and Lalla Sahid dated the 21st of Assar and received the 20 July 1804

¹⁶⁶ Hamilton, 178.

¹⁶⁷ IOL. BC. F/4/185, 1805-1806, 3881. Extract BJC in the Dept of Ceded and Conquered Provinces, the 22nd Nov 1804. IOL. BC. F/4/185, 1805-1806, 3881. Bengal Judicial Lre, Dept @ P, 10@17_31st Decemr. 1804, Examiner's Office, April 1806. Extract Bengal Judicial Consultations in the Department of the Ceded and Conquered Provinces, the 1st November 1804.

No rain having fallen for several days past, which rendered the Tenavee and the Rohim fordable, and the family of the young Rajah being wholly engaged in the performance of the funeral obsequies of the deceased added to the moon light; offered a favorable opportunity to the officers of Nepaul to endeavor to surprise and secure the person of the young Rajah, by a night attack or Daka on Mudhobunnee [northern Gorakhpur], a mode of warfare in which the Nepaul Troops are said to excel.”¹⁶⁸

Yet again, intelligence of the attack was received in advance, defense of the heir Sahibji (Ratan Sen) was increased, and the attempt failed.

The remaining Palpa family then moved to the town of Gorakhpur because they feared living too close to the border.¹⁶⁹ Ratna Sen, heir of Palpa, continued his attempts to order subjects about him and managed to retain some of his royal authority despite his move to Gorakhpur. In 1812, over a dozen years after the succession, his *syaha mohar* (black-sealed order) is found cleverly adapted to the new circumstances—he still used a high-blown panegyric with three “Sri” before his name and used the title “Maharajadhiraj” but he adopted a square seal with in the Urdu script, and employed Company revenue terminology to allot waste land for agricultural extension to a Mahato in Binayakpur praganna (in Company territory). Moreover, it is clear he still collected royal perquisites from his *raiya*s.¹⁷⁰ The lineage quietly persisted as local zamindars until 1857, when the last heir rebelled and they lost their title.¹⁷¹

Contingent Sovereignties: Restoring the Old “Chiefs”

In 1814, the Company went to war with Nepal, its erstwhile ally, in order to permanently fix the border between the two states. The main source of conflict was the tarai holdings of the former

¹⁶⁸ IOL. BC. F/4/185, 1805-1806, 3880. Extract of B. J. C. in the Dept of Ceded Provinces, 23rd August 1804. No. 3 Papers transmitted to Fombelle from Magistrate of Goruckpore, Ahmuty, 26 June 1804

¹⁶⁹ IOL. BC. F/4/185, 1805-1806, 3880. Extract of B. J. C. in the Dept of Ceded Provinces, 23rd August 1804. No. 3 Papers transmitted to Fombelle from Magistrate of Goruckpore, Ahmuty, 26 June 1804

¹⁷⁰ Krauskopff, Document 45, 171.

¹⁷¹ Cruickshank, 96.

hill Rajas whom Gorkha had exiled or annexed. The Company claimed them with the justification that, as in the case of Palpa, the former Rajas paid tax to the Nawab and the Company had taken over much of the Nawab's territories so it now held rightful claim to the agriculturally rich plains. For other portions of the borderland, such as that north of Bettiah, the Company declared the lands once held by Makwanpur to have been forfeited following the Kinloch expedition of 1767.¹⁷² On the other hand, Nepal argued that the former rulers' sovereignty was unitary, and the customary tax payment to Indian powers did not negate the singularity of the realm. As Bhimsen Thapa argued in a letter to the Company officials amassed at the border several months before the commencement of war, Nepal conquered the Hills Rajas along with their tarai territory. The Rajas who submitted were "allowed to remain" and "those who resisted were expelled" and their plains holdings seized.¹⁷³ Kaji Amar Singh Thapa reiterated this explanation to the Governor General in July of 1814:

Places that have long been under the dominion of the Goorkas [sic] cannot easily be wrested from them. God Almighty has conferred the extensive territories of Hindoostan, long governed by foreigners, on the British nation. In like manner he has bestowed the territories of the hills on the Goorkas, and both nations have at length reached the banks of the Sutlej to give stability to ancient customs, and a due appreciation of this treasure conferred by Providence: interchange of favours is necessary.¹⁷⁴

This argument emphasized that Nepal's court understood its territorial conquests as similar in nature to those of the East India Company, and thus, the two sovereign powers should reach an amicable understanding based on the principle that conquest of former sovereigns was a legitimate form of state formation. Nepal's court further tried to argue that de facto control over territory proved rightful possession and, quite cleverly, used the example of the Company's

¹⁷² Smith, 175-184.

¹⁷³ IOL. BC. F/4/453, 1814-15, 11107. Extract Bengal Political Consultations, 10th December 1813. No 89 From Bheem Sein Thapa, 31st Oct 1813.

¹⁷⁴ "To Colonel D. Ochterlony, From Amar Singh, Recd. July 6, 1814", in *Papers Respecting the Nepaul War* (New Delhi: Bimla Publishing House, 1985 [1824]), 20.

petition for Wazir Ali's extradition to back up this claim in the contested Butwal tarai and especially the Sheoraj tappa. Nepal's agents even produced the EIC's *parwanas* or petitions to the Gorkha Subah asking for Vazir Ali's extradition from the disputed Sheoraj tract.

The Company, however, claimed that de facto control did not equate to legitimate rule and the *parwana* proved nothing.¹⁷⁵ Administrators further bristled at the notion that its rights to the tarai were on par with that of Nepal's. As the Secretary to the Government of Bengal noted concerning an earlier round of border disputes, "His excellency in Council is disposed to believe, that the difference between the two Governments may be principally ascribed to the little knowledge which the Nepaul Government possess either of the Laws of Nations or of the usages of the Government of the Honourable Company."¹⁷⁶ The Magistrate of Gorakhpur lamented the difficulties in settling the border because "the innate ignorance of Mountaineers in general with regard to civil rights and political institutions" caused them to refute Company logic.¹⁷⁷ In other words, Nepal's claims could not be taken seriously because the Company insisted on rule by colonial difference. Colonial administrators' perception of difference, rather ironically, however, often stemmed from their frustration at the agency and political savviness of local power holders. For example, the Magistrate of Gorakhpur brusquely demanded that the Gulmi Raja should select a new *vakil* or agent to transact the revenue negotiations for his tarai holdings. The Collector asserted, "The Vakeel who is now in attendance here on your behalf is totally unfit for

¹⁷⁵ Princep, Vol. I, 73.

¹⁷⁶ IOL. BC. F/4/185, 1805-1806, 3880, Examiner's Office, April 1806. Extract of Judicial Letter from Bengal in the Department of the Ceded and Conquered Provinces, 31 Dec 1804.

¹⁷⁷ IOL. BC. F/4/185, 1805-1806, 3880, Extract Bengal Separate Consultations in the Department of the Ceded Provinces, 5th April 1804. Magistrate of Goruckpore to John Fombelle

his duty and extremely ignorant. He never gives me any information in respect to what is passing in the Country under your charge.”¹⁷⁸

Despite the Company’s lack of patience with borderland negotiations, Nepal’s perspective was reasonable from the point of view that exiled Rajas were likely to attempt to make a come-back from their plains territories which were sheltered by the Company or Awadh. The Raja of Tulsipur, after all, entrenched as a *taluqdar* under Awadh’s jurisdiction and based from the lowland portion of its former kingdom, had been waging intermittent battles since the 1770s to recoup its hill territory. In fact, in the build-up to the Anglo-Nepal War, some of the less hawkish elite courtiers in Kathmandu cautioned their government that they needed to proceed with caution lest the exiled Rajas join the Company.¹⁷⁹ Even local Company administrators noted that the exiled Palpa Sen family was likely enflaming rumors of Nepali troops gathering at the border in order to hasten on the war which they hoped would bring a return of some of their former kingdom.¹⁸⁰ The East India Company absolutely refused to accept the argument that plains territories belonging to Rajas conquered by Nepal rightfully belonged to Nepal even after about a decade of negotiation.¹⁸¹

Company administrators began to favor the “old chiefs” in exile as potential allies as war preparations commended, in order to shore up claims to tarai lands as well as Nepal’s more recent conquests in the western Himalaya, Kumaon and Garhhal. The Company’s argument that *de facto* control was not the same as legitimate rule placed it in an awkward position, as it was poised to go to war with Nepal and hoped to capture more than just the disputed districts. The

¹⁷⁸ IOL. BC. F/4/185, 1805-1806, 3880. No. 3 Translation of a Perwannah issued to Loll Run Behader Sein, dated, the 26th of December 1803.

¹⁷⁹ Smith, 184.

¹⁸⁰ IOL. BC. F/4/453, 1814-15, 11107. Extract Bengal Political Consultations, 10th December 1813. Extract Bengal Political Consultations, 10th December 1813, No 87 Major Bradshaw to John Adam.

¹⁸¹ “Papers Relating to East India Affairs: Origin, Continuance and Termination of the Late War with the State of Nepal, 1817,” House of Commons Parliamentary Papers.

Company needed a set of supposed power-holders with a more defensible right in Nepal: the “independent petty chiefs,” who had once held “[a]ll of Gorkha” filled this much-needed role. Further, many of them, or their heirs, were living in the Company’s territory, dissatisfied with their current situation, and harboring grievances against Gorkha. Buchanan (a major supporter of the “chiefs”) argued rather hopefully that the people were still “attached” to the former Rajas, but he cautioned that it was necessary to act fast because their authority was declining.¹⁸² Buchanan remained in close contact with Nadir Shah (the late Prithvi Pal Sen’s brother) at Gorakhpur, but expressed some trepidation about the quality of information the Palpals could offer as “the refugees are so eager to conceal difficulties, that what they say much be received with caution.” Indeed, misinformation and rumors did circulate amongst them, such as the notion that in preparation for war, Bhimsen Thapa had patronized the human sacrifice of a Newari boy. Despite their limitations, Buchanan thought that army detachments should be sent with the Rajas or heirs of Makwanpur, Tanahun, Palpa, and Garhwal, all of whom were living in Company territory. Additionally, the former Rajas and their adherents could also provide information about routes, intelligence, and help in procuring supplies.¹⁸³

As the Company prepared for war in the autumn of 1814, officials worried that borderland residents would take up service for Nepal.¹⁸⁴ Even more alarming, Company officials found that very few hill people willing to carry supplies into Nepal alongside the troops (and people of the tarai were known to refuse to go to the hills). Porters were necessary because pack animals could not be used on the mountain routes. In October of 1814, the Governor General

¹⁸² No 12 in Encl 2, To J. Adam, from Dr. Buchanan, near Ghazipur, 19 Aug. 1814, *Letters Respecting the Nepal War*, 44.

¹⁸³ No 12 in Encl 2, To J. Adam, from Dr. Buchanan, near Ghazipur, 19 Aug. 1814, *Letters Respecting the Nepal War*, 42.

¹⁸⁴ No 62 in Encl. 2, To J. Adam, from J. O. Oldham, Magistrate, Moradabad, 12 Oct 1814. *Letters Respecting the Nepal War*, 131.

issued a proclamation that the Company's subjects were forbidden to join Nepal's service. The proclamation stated:

Whereas the conduct of the State of Nepal has placed it in the condition of an enemy of the British Government and its allies, all subjects of the Honourable Company and of its allies are hereby strictly forbidden to take service with the Nepalese, or otherwise to afford aid to that Government, on pain of being considered and treated as traitors to the State to which they belong; and all subjects of the Honourable Company and its allies, who may now be actually serving with the Nepalese, are hereby required to relinquish that service, and return to their home before the 30th of November next.¹⁸⁵

As officials endeavored to keep Company subjects (a category possessing no legal precision) from lending support to Nepal, administrators pressed the exiled Rajas to gather their dependents and provide supportive labor. The Company held out the promise of rewarding the former kings by recognizing and supporting their sovereignty, if the military operations should prove successful. On the other hand, administrators threatened the former Rajas with loss of their landed estates in Company territory if they chose not to provide such assistance.¹⁸⁶ Accordingly, the Company issued a "Proclamation to the Chiefs and Inhabitants of the Country" previously constituting the Chaubisi and Baisi confederacies (i.e., all of western and mid-western Nepal). In part, it stated that the British government had been "sympathetic" for a long time to the "oppressive sway of the Goorka [sic] power" and now must defend itself from the latter's aggression. Thus, the Company "eagerly seizes the favourable occasion of assisting the inhabitants of the hills in the expulsion of their oppressors, the recovering of their national Independence, and the restoration to the families of their legitimate and ancient Chiefs." The people were therefore invited to rebel against the Gorkhas, and restore their "ancient rights and

¹⁸⁵ No 63 in Encl 2, To Oldham, Magt of Moradabad, from J. Adam, Kanpur, 20 Oct 1814. *Letters Respecting the Nepal War*, 132.

¹⁸⁶ No 68 in Encl. 2, To Major Baillie, Resident at Lucknow, From J. Adam, 20 Oct 1814, *Letters Respecting the Nepal War*, 134.

privileges.” While they would not be expected to indemnify the Company for services rendered, they would be expected to cooperate and render further services as the army ventured into the hills.¹⁸⁷

The East India Company won the brief war, conducted mostly over the winter of 1814 to 1815, and dictated the terms of the Treaty of Sugauli of 1815 which formed the legal basis for the borderland until India’s independence in 1947. In order to achieve success in the hard fought war, the Governor General Hastings had advocated for a rapid expansion of the Bengal Army’s forces, enlisting some 7,000 irregular forces (locally recruited military laborers who fought as militia forces and provided police duties). Hastings insisted on making the additions permanent, with four new “Gurkha” battalions of infantry added to the standing army, such that many of the irregular forces who joined (especially men from the Kumaon and Garhwal regions) found employment after the war.¹⁸⁸ In contrast, the Governor General asserted that except in a few minor cases, such as the help extended by Palpa heir, Rattan Sen, the “chiefs” had failed to mobilize their old dependents or provide substantive aid. Therefore, the Governor General concluded, the lack of results negated the original plan for “re-establishment of the exiled Hill Rajas.”¹⁸⁹ Thus, the Hill Rajas were considered to have proved ineffective. Despite the expenses of the war, the East India Company realized that a relatively strong and dependent large buffer state on its northern border was the most expedient arrangement. This policy shift is underscored by the subsequent return of almost all of the tarai territory to Nepal over which the Company had originally determined to engage in war. John Pemble argues that the Company’s substantial

¹⁸⁷ No 78 in Encl 2, To Major-General Wood, from J. Adam, Lucknow, 31 Oct 1814, Letters Respecting the Nepal War, 154.

¹⁸⁸ Seema Alavi, *The Sepoys and the Company: traditions and Transition in Northern India, 1770-1830* (Delhi: Oxford University Press, 1995), 275. John Pemble, *The Invasion of Nepal: John Company at War* (Oxford: Clarendon Press, 1971), 96-98.

¹⁸⁹ Secret Letter from Lord Moira, 2 August 1815, in Letters Respecting the Nepal War, 744.

investment in the China trade, especially tea, and its fear of angering the Chinese emperor by pushing its frontier north into former Nepali territory was the deciding factor in accepting a conciliatory stance on the border. The Company was well aware that imperial Chinese troops have moved to Tibet-Nepal border at the end of the war, displeased that a British Resident had set up an establishment in Kathmandu.¹⁹⁰ The Company would not press its advantage secured by the Treaty of Sugauli. In the end, boxing the Himalayan state in by propping up hill states to the east and west answered the Company's policy needs.

Even so, the tentative alliance with exiled chiefs represented a momentary recognition of an older order that the Company felt might pose a useful alternative to Gorkha's aggressive expansion. Still, as the British imperial representatives wavered between according legitimacy to Nepal or to the "exiled Hill Rajas," the notion of sovereignty in colonial India was at stake. That this was merely an exercise in bad faith, however, is highlighted by the Collector of Gorakhpur's response about five years after the completion of the war. Rattan Sen, the heir to Palpa, had lent the most fervent and effective military support to the Company of all the "old chiefs" during the war. He claimed that he fought alongside Major-General Wood in the campaign with "all his dependents and relations" and lost forty men in the fighting at Jeet Gurh. During the border survey after the war, Sir R. Martin had handed over more than 400 of the villages Rattan Sen claimed as his patrimony—this was in addition to the land he had already lost to Gorkha military encroachments. Thus, he concluded that he had lost altogether 1224 Mouzahs. His monthly stipend of Rs. 700 did not cover all of these losses in his estimation and he had been fighting the case for several years. The collector concluded that the case should be closed with no further compensation because "...with respect to the lands ceded to the state of Nepaul, as the transfer regarded merely the right of Sovereignty, the Raja's claims to

¹⁹⁰ Pemble, 74-78, 342-344.

compensation on that account from the British Government are wholly untenable.”¹⁹¹ In other words, the East India Company was arguing that “the right of Sovereignty” did not actually go hand-in-hand with the right to it collect revenues. By implication, the Palpa heir was free to contract a revenue engagement in Nepal for the lands if Nepal’s government would allow it.

By redefining the terms of sovereignty and the rights that that went with it as per its own convenience, the Company managed to cut former sovereigns off from the sorts of political networks that had allowed them to garner the sorts of recognition that made them kings in the first place. This chapter has explored the ways in which the pre-colonial Hill Rajas from the mid-sixteenth to late eighteenth centuries had created and maintained a network of relationships that not only provided logistical support to sovereign claims but also arbitrated the very meaning of sovereignty. The lived experiences which leant meaning to this language of honor, status, and right were rooted in the networks of sovereigns and subjects of the hill polities. By mediating the definition of politics—choosing at will to count or discount a polity—the East India Company succeeded in draining this language of substantive meaning. However, as we will see in the next chapter, despite the seeming finality of this change, it was rather cosmetic.

¹⁹¹ WBSA. Revenue, Territorial Department. Bengal. 6-27 October. No 65.

Chapter 3: The Bandit Borderland, 1800-1840

Popular images of the India-Nepal borderland, ranging from contemporary film to news items, depict a lawless frontier—a border zone exceptional for its openness—where criminals slip with ease between nation-states.¹ Some contemporary discourses mirror quite closely colonial rhetoric: for example, an article printed in the *Times of India* in 2003, calls for border populations to prepare to defend themselves against lawless elements (in this case, Islamic militants and Maoists), whereas in the nineteenth century, British officials debated policies of arming borderland villagers to fight the “dacoits.”² In contrast to such discourses about the timelessness of cross-border crime, in the following chapter, I will examine how the East India Company prosecuted the eradication of banditry in its northern frontier as a project of re-shaping the terms of colonial sovereignty. Chapter One examined pre-colonial kings and kingdoms positioned along the Himalayan foothill-*tarai* (plains) interface, in particular the pivotal role of the Sen principality of Palpa and the enduring role of Tulsipur, as well as the ways in which sovereigns in exile remained important actors in the early decades of Nepal and the East India Company’s imperial expansion at the turn of the nineteenth century. This chapter argues that the Company continued to push into and consolidate its hold on its northern frontier in the decades after the Anglo-Nepal War of 1814 to 1816 by forcing Nepal to agree to a limited extradition agreement focused on banditry in 1837. This move tacitly threatened to introduce the Company’s

¹ See for example, *Ishqiya*, DVD, directed by Abhishek Chaubey (Mumbai: Shemaroo Entertainment, 2010).

² Bisheshwar Mishra, “Border Population has Crucial Role in Defence,” *The Times of India*, Pro-Quest Historical Newspapers (April 1, 2003), p. 8. See for example, IOL, BC, F/4/701, 1823-4, 19012, Reports from the Magistrate of Goruckpore connected with the Police of that District on the Frontier of Oude, Extract BJC, 26 Mar 1819, No 10.

developing legal regime in Nepal's territory, as had occurred in other indirectly-ruled states in India via the Residency system and similar extradition agreements.³

Nepal's government assented to the arrangement largely because it helped Nepal to assert authority over its still contested southern border; Company recognition allowed Nepal to assert its status as the only sovereign power along its southern fringe. The former frontier Rajas had lost their ruling legitimacy as the borderland was defined as the convergence of two sovereign states, yet many of these Rajas lived as exiles near the border in Company territory and some even prosecuted cross-border military campaigns to try to regain some of their former influence. Frontier Rajas had employed bandits for multiple purposes in the former political dispensation and continued to do so in the early nineteenth century. Bandits' illicit but state-sanctioned activities, ranging from raiding votaries of the imperial state and merchants to providing guerilla-style military tactics, were crucial to maintaining the frontier state in the *jangli* northern *tarai*, perched between settled and mobile society. For the imperial powers, Nepal and the East India Company, fighting bandits became a way to eradicate the vestiges of frontier states' authority. The "engagement" of 1837 with Nepal for the "surrender of thugs" followed more than half a century of fighting against actual bandits, rather ineffectively, in the jungles of Gorakhpur (after it was ceded in 1801), northern Awadh, Purnia and Nepal's Morang (swampy eastern *tarai*).⁴ On

³ Similar diplomatic pressure was exerted on other states outside the Company's direct control, especially Awadh and the Marathas, in the early nineteenth century. The expansive campaigns against bandits allowed the Company to put pressure on these as-yet independent state whose borders functioned as boundaries of distinct legal regimes with the potential to offer asylum to fugitives from Company territory. Kim Wagner, *Thuggee: Banditry and the British in Early Nineteenth-century India* (Basingstoke: Palgrave Macmillan, 2007), 35.

⁴ C. U. Aitchison and M. Belletty, *A Collection of Treaties, Engagements, and Sunnuds Relating to India and Neighbouring Countries: Volume II* (Calcutta: Savielle and Cranenburgh, 1876), 171. The term "Morang" refers to an expansive area of the eastern plains that was subject to the medieval Limbu confederacy of the eastern hills and later the Vijaypur kingdom (under mixed Rajput-Limbu governance) of the sixteenth to eighteenth centuries (which was later conquered by Gorkha and incorporated into Nepal). It was supposedly named after a chieftain of the early medieval period, Maavaraung, who settled people there. Iman Singh Chemjong, *Kirata Itihasa ra Samskriti (History and Culture of the Kirat People)* (Taplejung: Iman Singh Chemjong, 2006), 1-3, 20. The contemporary district of

the one hand, the engagement signals the growing confidence and power of the Company state in the borderland; on the other hand, its limited nature and rather elliptical terms--it was used to extradite “dacoits” in practice but only named thugs--indicates the oblique power of the Company state at its northern frontier. I delve into the Company’s patchy and contradictory handling of a group of mobile subjects whom it deemed most threatening to territorial order, by first considering the local context of anti-banditry measures ranging from northern Awadh to Purnia and the adjoining Nepali *tarai* in the early decades of the nineteenth century as well as analyze the effectiveness of bandits as political and economic actors. I then examine in detail the first notorious extradition case pursued under infamous anti-thuggee campaigner William Sleeman’s watch. Owing to the detailed records in the Nepali state archive about the case, we know a great deal about Mangal Singh. These testimonies, recorded by informants working for the Nepali court, indicate a view of bandits outside the purview of colonial discourse, which allows us to re-read Sleeman’s oft-discredited observations in a new light.

Bandits in South Asian Historiography

The study of banditry in the colonial period has been overshadowed largely by attention to the more exotic and fanciful campaign against *thagi*, or “thuggee” in the colonial record, which built upon a history of East India Company military and police action against bandits since the 1770s and was used in large measure to combat the latter. The accepted consensus is that *thags*, supposed ritual murderers belonging to a secret hereditary society, either did not exist or were grossly exaggerated by colonial administrators.⁵ Studies on the colonial discourse surrounding

Nepal called Morang is much smaller than the area referred to as “Morang” in the nineteenth century. The British administration considered Morang a particularly lawless region.

⁵ Kim Wagner argues that there was some social reality supporting the popular image of “thags,” but does not offer enough evidence to be thoroughly convincing. Wagner, 25-31. Radhika Singha, “Providential’ Circumstances: The Thuggee Campaign of the 1830s and Legal Innovation,” *Modern Asian Studies* 27; 1 (1993): 91-2.

the anti-*thagi* campaign in the early nineteenth century highlight its effectiveness as publicity justifying territorial expansion. For example, extension of Act XXX of 1836 to indirectly ruled territories expanded colonial legal jurisdiction to semi-independent territories.⁶ Radhika Singha has pointed out that Company legislation against bandits starting with Warren Hastings' enactment of 1777 criminalized whole communities for suspected criminal activities.⁷ The territorialization of rule via such ordinances can also then be read as a way to eradicate or contain non-territorially based tribal communities or mobile groups who remained powerful in frontier regions. Moreover, by disrupting long-established flows of people and commodities, in part by criminalizing wandering groups, the Company could secure colonial routes and expand into new territory to re-orient trade towards the colonial economy. The foothills of the Himalaya had long been connected to Central Asia via a transhumant, pastoralist, peddling economy.⁸ Thus, while certain Company officers, mostly famously William Sleeman, created the "thugee" hysteria through colonial propaganda drawing upon deep-seated imperial anxieties, the fear of bandits, and concomitant diplomatic negotiations with indirectly ruled states, was plausible because bandits were actually effective quasi-political actors at certain times and places-- particularly in frontier regions along important trade routes. Most importantly, the campaign against bandits was concomitant with re-ordering the domain of licit politics in South Asia. In the eighteenth century, generally states and military entrepreneurs paid their irregular troops with

⁶ Singha, 84. Nitin Sinha, "Mobility, Control and Criminality in Early Colonial India, 1760s-1850s," *The Indian Economic & Social History Review* 45, no. 1 (2008): 1-33.

⁷ Singha, 85.

⁸ Nitin Sinha stresses the point that these sets of campaigns against *thags* and dacoits were a way of re-ordering patterns of community mobility in Northern India; however, I would argue that this was only one aspect of the campaign against bandits. Nitin Sinha, *Communication and Colonialism in Eastern India: Bihar, 1760s-1880s* (New York, Anthem Press, 2012), 121-3. For an understanding of colonial criminalization of people who moved along these trade routes and shaped the pastoralist economy along the Hinalayan foothills, see Neeladri Bhattacharya, "Predicaments of Mobility: Peddlars and Itinerants in Nineteenth-century Northern India," in *Society and Circulation: Mobile People and Itinerant Cultures in South Asia 1750-1950*, ed. Claude Markovits, Jacques Poucheпадass, Sanjay Subrahmanyam (Delhi: Permanent Black, 2003), 163-214. Also, Jos Gommans, *The Rise of the Indo-Afghan Empire, c.1710-1780* (Leiden: E.J. Brill, 1995).

loot from raiding, so the line between military campaign and banditry was necessarily porous, if it existed at all.⁹ The Company state deemed this mode of organizing force as criminal and used the eradication of banditry to try to redefine moral order.¹⁰

Most importantly, the campaign against bandits was concomitant with re-ordering the domain of politics in South Asia. The East India Company's discourse on the crimes it labeled *dakaiti* and *thagi* influenced wider understandings of banditry and its relationship to the state in South Asia more generally. For example, the Company publically showed a strong disdain for the use of guerilla force, which was then associated with banditry; consequently, regional states and armed, mobile bands of warriors in the eighteenth century began making greater showings of drilled discipline on the battlefield.¹¹ While in many Nepali records of the early nineteenth century, *daka* simply refers to an informally organized night attack, rather than a pitched battle, the term *daku* (one who commits *daka*) later comes to take on the meaning ascribed by the Company. The Company redefined *daka* within criminal law to mean an attack by five or more people; this definition has been adopted even in modern standard Nepali dictionaries, despite

⁹ For example, see Shaikh Rizq Ullah Mushtaqui, *Waqi'at-e-mushtaqui of Shaikh Rizq Ullah Mushtaqui: A Source of Information on the Life and Conditions in the Pre-Mughal India*, trans. Iqtidar H. Siddiqi (New Delhi: Indian Council of Historical Research and Northern Book Centre, 1993); and William Pinch, *Warrior Ascetics and Indian Empires* (Cambridge: Cambridge University Press, 2006), 59-103.

¹⁰ Nitin Sinha, 122-3. This shift to considering the expulsion of bandits from political society as necessary to the morality of the modern state has been continued in post-Independence India. While I have yet to see scholarly research on this area, it is interesting to note that the early Congress-led post-Independence government continued to seek to eradicate or rehabilitate bandits as part of its state-building exercise—for example, Vinoba Bhave's work in Chambal. For information about the post-colonial campaign in Chambal, see Tarun Kumar Bhaduri, *Chambal: The Valley of Terror* (Delhi: Vikas Pub. House, 1972). While pre-colonial states also used force against bandits who caused large local and regional disturbances, but also sometimes employed them, bandits were considered of a low social order. Even so, the issue of morality was not at stake. Bandits did not threaten society in the same way in the state's estimation. See for example, Richards and Rao's excellent article, J. F. Richards and V. Narayana Rao, "Banditry in Mughal India: Historical and Folk Perceptions," in *The Mughal State 1526-1750*, ed. Muzaffar Alam and Sanjay Subrahmanyam (Delhi: Oxford University Press, 1998): 491-519. For one of the most interesting commentaries on the ambivalence of bandit and state, see Sher Shah Suri's (perhaps facetious) discussion of his own bandit origins in Mushtaqui, 134-149.

¹¹ Pinch, 70-73. John Pemble, *The Invasion of Nepal* (London: Oxford University Press, 1971), 28-29.

arising from the colonial criminal code which held no sway in Nepal.¹² Some Nepali state records even qualify the term *daku* to specify whether the person in question was from the mountains or a non-caste based ethnic group—for example, “*Pahariya daku*” or “*Magar daku*”—implying that an unmarked “*daku*” is from the plains and/or India (which were conflated in Nepal’s official view).¹³ This again suggests the new meaning of the term was adopted from colonial India. Just as the language of colonial governance tended to fetishize the characteristic marks of crime—for example, *thags* always strangled victims with silk scarves and *dakus* always appeared in a band of five or more—colonial officials stressed the hereditary nature of these crimes, often confusing tribes and criminals in the process. As a scathing critic of the Company’s penal system, Scottish judge and historian, Alexander Fraser Tytler noted, the whip or *corah*, a common punishment for alleged bandits, as well as a weapon for extracting confessions under torture, left distinctive marks. Even after years of imprisonment, the bearers of these scars would remain social outcasts for life upon release from prison. Such men could be found working as coolies in urban areas (where the colonial administration posted spies looking for fugitives); many joined criminal gangs upon release. Thus, the Company’s actions were also responsible for permanently marginalizing some people as outlaws.¹⁴

In addition to work that deconstructs the colonial discourse surrounding *thagi*, other historical scholarship on bandits in South Asia typically draws on Hobsbawm’s influential framework of “social banditry” according to which “social bandits” are defined as “peasant outlaws whom the lord and state regard as criminals, but who remain within peasant society, and

¹² For example, Babulal Pradhan, *English-Nepali Dictionary* (Varanasi: Trimurti Prakashan, 1988), 345.

¹³ Rashtriya Abhilekhalaya, Nepal (RA). Parrastriya Mantralaya (PM). DNA 4/7 No. 50. From Bambahadur Kuwar and Amar Singh Thapa, Tansen, 1900 bhadra badi 8 roj 6. All of the material I have drawn from the Nepal State Archives is based on my own translations.

¹⁴ Alexander Fraser Tytler Woodhouselee, *Considerations on the Present Political State of India: Vol. II* (London: Printed for Black, Parrry, & Co., 1815), 37-40.

are considered by their people as heroes...[and] as men to be admired.”¹⁵ Hobsbawm clearly envisioned such bandits as ex-peasants, formerly tied to the land, who had broken free from an existence “shackled by the double chains of lord and labour”—a situation which fits neither South Asian cultivators nor describes the pastoralist or semi-tribal milieu from which most bandits arose.¹⁶ Further, not all states or landed elites in South Asia viewed bandits as entirely subversive elements, but rather found various ways to incorporate them at arms’ length. Further, the economic aspect of banditry which Hobsbawm neatly elucidated has been bypassed in most of the South Asian historiography. Indeed, Hobsbawm argued that most bandits lived within a monetary economy even as the regional peasant economy less monetized by comparison.¹⁷ As he aptly explained:

What do they [the bandits] do with the rustled cattle, the travelling merchants’ goods? *They buy and sell*. Indeed, since they normally possess far more cash than ordinary peasantry, their expenditures may form an important element in the modern sector of the local economy, being redistributed, through local shopkeepers, innkeepers and others, to the commercial middle strata of rural society; all the more effectively since bandits (unlike the gentry) spend most of their cash *locally*, and are in any case too proud or freehanded to bargain.¹⁸

Here Hobsbawm’s analysis concurs with my case study—bandits brought a great deal of coinage into circulation in the frontier of Awadh, Gorakhpur and the Nepali *tarai*. They set up local markets and facilitated the exchange of commodities for cash. Hobsbawm, however, reads the economic role of bandits to illustrate their contradictory social role: to rise above his or her

¹⁵ Eric Hobsbawm, *Bandits* (1969; reprint, New York: Pantheon Books, 1981), 17. Examples of scholarship on bandits (albeit a rather limited field in South Asian historiography) includes Radhika Singha 1993; Richards and Rao 1998; Mayaram 2003. Also, see Ranjit Sen, *Social Banditry in Bengal: A Study in Primary Resistance 1757-1793* (Calcutta: Ratna Prakashan, 1988); Richard Eaton, “Papadu: Social Banditry in Mughal Telengana,” in *A Social History of the Deccan, 1300-1761* (Cambridge: Cambridge University Press, 2005), 155-176; and Stewart Gordon, *Marathas, Marauders, and State Formation in Eighteenth-century India* (Delhi: Oxford University Press, 1994).

¹⁶ Hobsbawm, 30. Hobsbawm undermines his own thesis on banditry as pre-industrial peasant resistance by pointing out that bandits come from the “mobile margin of peasant society” (31).

¹⁷ Hobsbawm, 82.

¹⁸ Hobsbawm, 84-5. Emphasis added.

status, the bandit draws closer to wealth and power, so he can champion the cause of the poor, but he also becomes part of and support to the social and economic system of the exploitative landed elite and merchants. Hobsbawm, moreover, did not conceive of the bandits' economic role as an independent factor in shaping the local economy.¹⁹ At any rate, given bandits' roles in local economies, banditry was not simply the product of economic distress, as some scholars have contended, although foot soldiers might join bandit camps in greater numbers in times of famine or agrarian crisis.²⁰

Revisiting the question of bandits and defunct frontier states matters because they produced understudied but durable strategies for governance in the early colonial period. In contrast to studies focusing on the “resistance” of bandits, I argue that bandits were not the structural opposite of the state, but rather were integrated within the margin of states as “useful men.”²¹ In contrast, the ability of “social banditry” to maintain a kernel of peasant resistance which could be transformed into real political action and emerging class consciousness seems to be what has most captivated the interest of several scholars, including Ranajit Guha.²² Modern forms of governance, however, were not necessarily only produced through the colonial or dependent state in South Asia. Bandits did not represent an authentic exception to colonial rule but evolved along with it—for example, by adopting more disciplined military tactics. Moreover, just as the organization of force was not fully contained within the frontier polity's direct control (i.e., multiple power-holders ranging from kings and princes to landlords and

¹⁹ Hobsbawm, 87-8. This is a question that should be revisited, but awaits more detailed economic study.

²⁰ For example, Ranjit Sen, 56-59.

²¹ RA. PM. DNA 2/33 Arzi of Ranadal Pande sent from Tansen, VS 1897 Bhadra Sudi 12 Roj 3.

²² Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi: Oxford University Press, 1983), 89-101. Shail Mayaram is working within this framework but also trying to move beyond it, as for example, she framed her insightful study around the question, “what are the limits of banditry as a mode of protest?” Shail Mayaram, “Kings versus Bandits: Anti-colonialism in a Bandit Narrative” *Journal of the Royal Asiatic Society* 13; 3 (2003): 317.

merchants indirectly supported such forms of illicit violence to ensure their position in the borderland), bandits also performed crucial economic functions beyond the immediate capabilities of the state—a point rarely raised in the limited literature on bandits in South Asia.

Bandits in the New Borderland

While the Anglo-Nepal War of 1814 to 1816 between Nepal and the East India Company established a fixed border between the two states, it also indicated the pragmatic limits of territorial control. Even as hawkish voices in the upper echelons of the Company's civil and military administration called for annexing large swathes of Nepali territory following the war, the administrators on the ground realized it was impossible. Despite announcing the annexation of large areas of the Nepali *tarai*, a civil government could simply not be put in place there without a significant deployment of police and military posts along the foothills. The local cultivators reportedly absconded because they were confident Nepali troops could and would descend from the hills after the rains and collect revenue; they were less confident that the EIC could prevent this from happening. Thus, if the Company annexed the former Nepal-controlled *tarai*, local cultivators were facing the prospect of paying land revenue to two governments for the foreseeable future. Moreover, in the interim of hostilities in the hot months before the rainy season of 1815, the Magistrate of Saran, Elliot, explained to the Secretary of the Judicial Department that he had encountered extreme difficulty in setting up police *thanas* (outposts) at the disputed border with Nepal. Elliot had even promised *thanadars* from other posts that they would only have to remain at the border for two to three months, and that they would receive an enhanced salary. Even then, police *thanadars* were unwilling to take up posts unless the military would support them in the field. Moreover, the Magistrate cautioned the Governor General's office that unless army troops were stationed nearby, the cultivators would not have the

confidence to carry on normal agricultural operations. Finally, he insisted that it would be unfair to try to set up civilian rule because it would place the cultivators in a “state of continual peril” as the Gorkha troops and former headmen, who represented the state locally, had taken shelter in the jungles and would continue to assert their claims in the absence of adequate Company force.²³ The Bettiah frontier proved even harder to police—Bradshaw, the Political Agent, who was stationed at this war front noted that local *chaudharis*, *malguzars* and other notables had earlier professed loyalty to the Company but during the summer interim of 1815 were quietly retracting their support. The Bettiah estate, located near the border on the Indian side, was apparently in a state of tension and uncertainty.²⁴ The irregular troops raised by the Raja of Bettiah, likely skeptical of the post-war scenario, had refused to fight for the Company and had been dismissed.²⁵ The panic at Bettiah makes sense given that the estate as well as its neighbor, Ramnagar, acted as centers for the support of political refugees from Nepal which significantly bolstered their local stature, but the uncertainty over where the border would be fixed meant that the refugees no longer knew if they were safe in Company territory or potentially lodged as rebels in Nepal’s far reaches.²⁶

Following a string of victories in the war, the Company signed the Treaty of Sagauli with Nepal in December 1815 in which the latter relinquished much of its *tarai* possessions. This treaty was extremely unpopular within Nepal, and it was only about four months later, after another battle conducted in the lower hills of Makwanpur south of Kathmandu, that the treaty was fully ratified in March 1816. By December 1816, Resident Gardner posted in Kathmandu, as per the new treaty, signed a memorandum with the *darbar* negating the majority of the territorial

²³ At the time, Saran district bordered Nepal since it included the, now administratively distinct, areas of contemporary East and West Champaran districts. WBSA. Rev. Dept Proceedings. Bengal. 5-26 May 1815. No 13.

²⁴ WBSA. Rev Dept Proceedings. Bengal. 8 April 1815. No 4-7.

²⁵ WBSA. Rev. Dept Proceedings. Bengal. 5-26 May 1815. No 13.

²⁶ *Papers Respecting the Nepal War: Vol II*, 375.

gains, with the exception of several disputed tracts and the territory given to Awadh for its help in the war. The memorandum states quite clearly that “[w]ith a view to gratify the Rajah [of Nepal] in a point which he has much at heart, the British Government is willing to restore the Terai ceded to it by the Rajah in the Treaty [with certain exceptions]...such as appertained to the Rajah before the late disagreement...”²⁷ While the majority of the territorial gains in the lowlands were negated with the new memorandum, contradicting the aggressively expansionist view of a segment of the administration, the memorandum stressed that the new deal hinged upon Nepal’s full cooperation with border surveys and the work of demarcating a “well defined boundary.”²⁸ Moreover, the boundary would be fixed in such a way as to sort subjects of each state onto one side or another, even if it meant that land holdings had to be rearranged in order to do so.²⁹

The foregoing review of the territorial status quo, more or less a working compromise that allowed the Nepal’s government to retain the *tarai* area in which it had the military capacity to extract land revenue, serves to illuminate the basis of the new bilateral arrangement made in the aftermath of the Anglo-Nepal War. It was not fully satisfactory to either state, but it was the only workable and inexpensive solution as neither state wanted to invest much military power in guarding the border permanently. Thus, the cross-border banditry that became a notable and enduring feature of this borderland after the war was operating in a quite different political system after the sovereign powers of borderland states had been effectively liquidated. That it took over two decades following the close of the war to pen an agreement with Nepal over

²⁷ Aitchison, Volume II, 168.

²⁸ Aitchison, Volume II, 169. See also the discussions over “gifting” the newly acquired *tarai* back to Nepal, with the expectation that the EIC would not be responsible for paying pensions to former landholders as the original treaty stipulated in IOL.BC. F/4/550, 1818-1819, 13376. Negotiations with the Nipalese for obtaining possession of the Districts ceded by the Treaty concluded with that State.

²⁹ Aitchison, Volume II, 169.

extradition of cross-border bandits means that protecting the local population or securing the territory was not an immediate or strong priority. Only when the transfer of wealth outside of the region into EIC coffers was consistently threatened, did the Company make an effort to eradicate bandits.

Negotiating Extradition

Prior to the enactment of a formal agreement with Nepal in 1837, cases of cross-border crime properly fell under the purview of ad hoc diplomatic negotiations. The earliest and most protracted diplomacy over the issue of extradition occurred in the late eighteenth century, with the Company's concern over the alleged depredations of so-called *fakir* and *sanyasi* raiders in Bengal, many of whom the Company claimed were living in the Morang territory nominally subject to Nepal.³⁰ Despite diplomatic protocol, it was typical for overly zealous district administrators in Company India to bypass the appropriate superior channels and allow the police to cross the border in pursuit of criminals or engage in direct negotiation with Nepali officials who were often fairly accessible. The Company administration consistently rebuked district magistrates or police *darogas* (inspectors) for such indiscretions and reminded the local officials that negotiations must proceed via Calcutta and Kathmandu. Especially in the late eighteenth and early nineteenth centuries, local policing was necessarily a matter of negotiation between criminal parties and local society. Villagers in Purnia knew that stolen items would show up in periodic markets near the border and they could repurchase their own household

³⁰ IOL. BC, F/4/9, 1796-7, 710-20. 713, Political No. 9, Incursion of the Rajah of Nepal's Officer into the Vizier's Territories, Examiner's Office, April 1797. *Extract Bengal Political Consultations, the 7th March 1796*. For more on the so-called *fakir* and *sanyasi* uprisings as a form of social banditry, see Ranjit Sen 1988. Another slightly different argument is that the *fakirs* and *sanyasis* provided alternative centers of rural power, organizational expertise, and a distinctive ethic around which rural society, facing the early onslaught of colonial change, could form resistance. Atish K. Gupta, *The Fakir and Sannyasi Uprisings* (Calcutta: K. P. Bagchi and Company, 1992). Nitin Sinha argues that the colonial state increasingly read the *sanyasi* and *fakirs*' activities as "crime" because according to colonial notions of rule, mobile groups should have no rights on the produce of settled agriculture (Sinha, 137).

items if needed. Informing about local merchants' locations and activities could also buy villagers some protection from bandits. Cattle theft, an exceptionally common occurrence in the extensive pastures on both sides of the border, was dealt with in a similar manner. People with illicit connections, often village *chaukidars* (watchmen), helped villagers to locate their missing livestock for a fee.³¹ Non-elite villagers were often given some share from bandits' spoils in return for providing intelligence about wealthier merchant and moneylending neighbors.³² William Pinch has noted that peasants in Nepal's Morang (north of Purnia) may have approved of the fakirs' occasional kidnapping and extortion of merchants as they were simply extracting a bit of surplus wealth from the merchants which the latter were otherwise too fearful to spend locally.³³ In other words, villagers seemed to ally with bandits to keep wealth in the region rather than allowing merchants to transfer locally accrued surpluses outside the locale. As the Company expanded into the region, protecting the transfer of land revenues (or "treasure") over long distances became a growing concern and so the customary law and order arrangements involving the negotiation between criminals, peasants, and merchants was no longer as tenable from the Company's perspective. The main concern was not to protect local society, but rather to secure the transfer of wealth to colonial coffers.³⁴ Radhika Singha noted a similar concern in Rajputana and the Central Provinces as money was transferred from imperial centers, Bombay and Surat, to finance the opium monopoly from 1817.³⁵ Thus, territorial expansion needs to be understood as vitally linked to expansion of the colonial economy and subordination of more economically autonomous regions to imperial centers.

³¹ NAI. FD. Secret E. Pros Oct 1890. Nos 378./ No 55P—12-3008, d/ Nipal Residency, the 12th August 1890.

From—the Res in Nipal, To—the Secy to the GOI.

³² IOL. BC. F/4/701, 1823-4, 19012. Reports from the Magistrate of Goruckpore connected with the Police of that District on the Frontier of Oude. Extract BJC, 26 Mar 1819. Nos 7-8.

³³ Pinch, 100.

³⁴ See for example, IOL. BC. F/4/701, 1823-4, 19012. Reports from the Magistrate of Goruckpore connected with the Police of that District on the Frontier of Oude. Extract BJC, 26 Mar 1819. Nos 7-8.

³⁵ Singha, 87. See also Sinha, 128-130.

With the spread of diplomatic negotiations through the Residency system, such local forms of negotiation were sidelined as entirely illegitimate. Prior to the establishment of the Residency following the Treaty of Sagauli in 1815, diplomatic work was generally conducted as negotiations with agents, or *vakils*, deputed by the Nepali *darbar*, often during meetings held in Calcutta, Patna, or closer to the border itself.³⁶ Within the indirectly ruled territories, such as Awadh, the EIC relied on the Residency system to handle diplomatic negotiations as well as spread its legal jurisdiction from the mid-eighteenth century. For example, Residents steadily increased the number of subjects (European and later Indian dependents) who would be exempt from the princely states' judicial system.³⁷ While the Company established a permanent Residency in Kathmandu after the Anglo-Nepal War of 1814 to 1816, it never achieved such legal jurisdiction there—all dependents of the Resident, for example, remained subject to Nepal's laws. Thus, Company officials could only case-by-case negotiations to press extradition in cases of cross border crime until the limited agreement of 1837.

Negotiations over extradition in the early decades of the nineteenth century often bogged down because of perceived incompatibilities in the legal and judicial systems of the two states. In large part, this stemmed from the Company officials' disdain for the Nepali system. For example, an escaped prisoner from Nepal captured near the border by a *dak* runner in 1831, was set free because the Magistrate of Tirhoot did not view his original offence as meriting criminal punishment. The escaped convict, Nandkishor, claimed that he had been imprisoned for abducting a Magar woman (he was likely of a lower caste) and faced capital punishment for his

³⁶ Note that there was a brief but failed experiment with the Residency system in Nepal in 1801, but Nepal was opposed to it and the EIC did not have the strength to persist with it until after the war. C. U. Aitchison and M. Belletty, *A Collection of Treaties, Engagements, and Sunnuds Relating to India and Neighbouring Countries: Volume II* (Calcutta: Savielle and Cranenburgh,), 161-9.

³⁷ Michael Fisher, *Indirect Rule in India: Residents and the Residency System, 1764-1858* (Delhi: Oxford University Press, 1991), 199-208, 414-421.

offence. Nandkishor had escaped to Company territory before his trial. Tirhoot's magistrate explained to the Resident of Nepal his decision to release the detainee because he "[felt] averse to subjecting the unfortunate man to such punishment by sending him to the Local officers in the Terrai."³⁸ This sentiment was also raised in the debates over who would have legal jurisdiction over the Residency staff and escort in Kathmandu; from the beginning of the establishment, various Residents repeatedly objected to men from the lines receiving punishments (especially for adultery in the case of illicit affairs) that seemed to the British perspective too harsh for the offense.³⁹ The concern over incompatibility in notions of justice did not extend in only one direction. For example, following a bout of arm twisting over *fakirs* and *sanyasis* alleged to be living in Nepal's *tarai* in 1796, Raja Rana Bahadur Shah complained to the Political Agent at Benares that he had had put to death "Currum Ally Shah and other Dacoits coming under the Denomination of Fakeers who committed Depradations in the Districts of Tirhoot, Dinajepour, and Purnea, and other parts of the Company's Provinces," who had taken up "Residence in [his] Country, where they remained very peaceable." The Raja claimed that it had been against the "Hindu religion" to do so and he had violated his own code of ethics to mollify the Company. The implication was that the Company owed him some diplomatic favor as a result.⁴⁰ As late as 1923 when Nepal and the Government of India were drafting a new treaty to underscore Nepal's relative independence vis-à-vis India, a Bengal official cautioned against lengthening the list of extraditable offenses because "the power is mutual and the Government of India might not wish

³⁸ IOL. BC. F/4/1380, 1833-34, 55,103. Fort William Political Department. Letter dated 10 June 1831. Nankeshwur a fugitive Criminal of Nipaul.

³⁹ See for example, IOL. BC. F/4/1963, 1841-42. 86057. Transactions connected with Nepaul. India Political Department. Collection No 15. Paras 46 to 52 India Political Letter, From Magistrate J. C. Brown. 15th Sept 1841, No 50.

⁴⁰ IOL. BC, F/4/9, 1796-7, 710-20. 713, Political No. 9, Incursion of the Rajah of Napaul's Officer into the Vizier's Territories, Examiner's Office, April 1797. Extract Bengal Political Consultations, the 7th March 1796.

to surrender Nepalese accused of comparatively petty offences when sentences far severer than those permissible under Indian law could be inflicted for those offences by Nepal's courts."⁴¹

Such concerns were clearly at play in the case of Mangal Singh, examined below. When the English officers who had chased Mangal Singh towards the border began making discrete local inquiries, they were clearly invested in finding out how Nepal would punish the bandit if he was left to their jurisdiction. First, they asked the local Raja whose *jangal* was it into which the *daku* had fled? The Rajas replied that it was "Gorkha Bahadur's jungle." Then the Company officers inquired as to the punishment for theft (*chorko nisap*) in the Gorkha Raj. The Raja replied that the justice for theft was capital punishment. Following this exchange, the Company officials got together and wrote a letter to Nepal and then left for their respective places.⁴² It seems even from the vernacular source that the question of British disapproval of the Nepali justice system tipped the scale in favor of pressing for extradition. While bandits had been hanged for their crimes, the recent Act XXX of 1836, regulating "thuggee," had stipulated "imprisonment for life, with hard labour" and possible "transportation" (i.e., deportation) outside of India, as the appropriate punishment.⁴³

Company officers were loath to push for extradition in most cases because Nepal often countered with demands for reciprocity. For example, in September 1822, the Acting Magistrate of Purneah requested the extradition of five "Mewatti" robbers. In reply, the Resident in Kathmandu informed the Government of Bengal that the *darbar* insisted that these men were

⁴¹ BSA. Proceedings, Government of Bengal, Political Branch, October 1923. Proposed Revision and Extradition Arrangements between India and Nepal. No 29. File no. 3-E-14(5). Jalpaiguri, 5 October 1923, From the Commissioner of Rajshahi, To the Undersecretary to the Government of Bengal, Political Dept.

⁴² Rashtriya Abhilekhalaya. Parrashtriya Mantraliya. DNA 3/45. Oral testimony from Company's sipahi, Hira Singh. All translations from Nepali sources are my own.

⁴³ Singha, 84. For example, an infamous dacoit of Awadh Maherban was hanged in 1821 and his followers imprisoned for periods of up to life sentences. James Button, *A Popular Account of the Thugs and Dacoits, The Hereditary Garotters and Gang-Robbers of India* (London: Wm. H. Allen And Co., 1857), 118.

landholders in the *tarai* for the last 20 years, but would consider handing them over if the Company would agree to reciprocate at a later date. In this case, the men were not extradited because even though they purportedly had stolen Rs 11,000 in government treasure in Purneah, and had previously lived in the Tirhoot and Purneah districts, they had admittedly resided too long under Nepal's jurisdiction to be remanded to Purneah's custody. Further, the Government of Bengal did not want to agree to a vague promise of future reciprocity.⁴⁴

While Company officialdom was slow to push for extradition, local officials were far more eager. On numerous occasions, they were reprimanded for allowing police to chase criminals in to the *tarai*. Thus, when the Company's forces were stationed in the region during the interim of the Anglo-Nepal War in 1815, before a final peace treaty and territorial division had been made, the Governor General in fact warned Nepal's Raja that he would allow police to pursue bandits into Nepal's Morang during hostilities. The Governor General's office gave commanding officer Captain Latter instructions that he would be "fully warranted" in allowing the free access to criminals in the *tarai*, nominally under EIC military occupation. Latter was informed that he could allow District Magistrates to catch supposed offenders living in Nepal's Morang "known to have committed Dacoity or other offences within the British territories previous to the War;" however, only "notorious delinquents" or people on whom there was substantial evidence could thus be chased and caught. Rumors would not suffice. Police officers could only enter the Morang with the permission of the Officer Commanding on the Frontier.⁴⁵

⁴⁴ IOL. BC. F/4/826, 1825-6, 21938. Application from the Magistrate of Purneah relative to the refusal of the Nipaul Govt. to deliver up five Mewattees of desperate character who had fled from the Company's Territories. Bengal Poltl. Dept. 16 to 21 Sept 1823.

⁴⁵ WBSA. Rev Dept. Proceedings, 5th-6th May 1815, No. 3, To Capt. Latter, From J. Adam, Sect to Govt, Futtu Chur, 29 April 1815.

In addition to the Company's general reservations about the Nepali legal and penal system, many of the officials in the districts bordering Nepal claimed that the Nepali officials, (from *subahs* to *faujgars*, *ijaradars* and even *chaudharis*)⁴⁶ were suspected to be colluding with the criminals. Thus, even if the basic principles of the Nepali legal and judicial systems had been acceptable to the Company, the actual administration of government was thought to be too corrupt to achieve fair results. Nepal's *darbar* and local officials consistently denied these charges of local corruption, but also seemed to be concerned that they might be true. During the late eighteenth-century power struggle over *fakirs* and *sanyasis* who were supposedly looting people in the borderland, for example, King Rana Bahadur Shah sent an order to "fakirs throughout the territory of Vijaypur." In this, he forbade them from staying in Nepali territory and committing dacoity in that of the EIC, and he also noted with approbation that the fakirs and *sanyasis* claimed to be authorized by the former military commander of the district.⁴⁷ Thirty years later, similar charges continued to be levied, when the Magistrate of Purneah approached the government about intelligence gathered by the Daroga of Bahadurganj regarding planned cross-border dacoities to be launched from the Morang.⁴⁸ His informant, Dhanpat, characterized as both a Lohar and/or a Tharu and whose cousin worked as a *mahout* (elephant driver) for Bhagwan Mandal in Jhapa (Nepal), claimed to have witnessed the signing of an agreement between Morang's Subah and a gang of dacoits. In an oral statement, Dhanpat stated: "Preeag Dutt Jasee [Prayag Datta Jaisi] the Soobah of the Morung has taken a written agreement from Bheer Sing Sirdar, and Ram Sirdarnee wife of Ram Sirdar that they shall not commit dakoities in the Morung; but in the Company's Territories. The Sirdar and Sirdarnee have bound over the

⁴⁶ These terms may be translated as Governors, Generals, contractors and headmen, respectively.

⁴⁷ "Royal Order to Fakirs in Morang, 1797," *Regmi Research Series*, 3; 11 (1979): 262.

⁴⁸ Bahadurganj is located in the north-west corner of Bihar, in the current district of Kishanganj (in the 1820s and 1830s, it was part of the Purnia district).

Kichicks to the same. 250 Rupees have been paid; and 250 are to be paid out of the profits of the dekoities.”⁴⁹ The Subah of Morang vehemently denied involvement in dacoity and insisted that Dhanpat was an unreliable informant who had been imprisoned twice for theft and escaped both times.⁵⁰ An order to the recently appointed Subah Prayag Datta Jaisi from the darbar, posted in 1830 instructed him to abolish the posts of *faujdar*, *jamadar*, and other related positions, and reallocate their wages to hire a *subahdar* to assist him at headquarters. This austerity measure, likely to save on costs of Morang’s administration (the province was always treated as a cash cow), may have forced the Governor to look to non-state forces to maintain law and order in his region. Moreover, he seems to have been strapped for local manpower—in order to rebuild the thatch *kacheri* at Rangeli damaged in flooding in the same year, the darbar ordered him to hire workmen from the Morang and India to put up a *pakka kacheri* and a barracks.⁵¹ Thus, given the limited labor and resources available to the local Morang administration, the allegations may have at least partially true, because the administration was in no position to act decisively against bandits even if it had wanted to.

While cross-border criminals in Morang remained a constant nuisance to the Purnia officials, the Company was no less concerned with dakoits supposedly sheltered in the northern and *jangli* parts of Awadh especially after the annexation of Gorakhpur. There the Bhars and

⁴⁹ The tribal inhabitants of the Morang, likely Mech, Dhimal and Rajbhansis, were referred to as Kichaks. “Paharis” were also involved, so one can interpret the label as a very loose designation for non-Hindu non-caste based groups from the plains. Little information is provided about the paharis involved. “It is remarkable that, both in the correspondence forwarded by you to Government and in that transmitted to Kathmandu by the Subah of the Morung, the class of people to whom professional Dacoity is attributed is variously designated- the same persons (as I understand the correspondence) being called Richeks—Kicheks—Cochaks and Cochiahs.” “The Durbar professes to be ignorant of the existence of any persons denominated Kicheks or Richeks, but observes that the Cochials or aborigines of Coch Behar are settled in numbers if Morung; and this is probably the tribe adverted to. It is denied however that any of them are (as alleged) recent settlers. They are said to be those particularly alluded to—old inhabitants and substantial Malguzars” (33). The evidence indicates that the dacoits had achieved some sort of military leadership or coercion over local indigenous groups. IOL. BC. F/4/1365, 1832-33, 54301. Dacoity on the Morung Frontier. Letter from Fort William Judicial Dept, Lower Provinces, dated 12 July 1831.

⁵⁰ IOL. BC. F/4/1365, 1832-33, 54301. Dacoity on the Morung Frontier. Letter from Fort William Judicial Dept, Lower Provinces, dated 12 July 1831.

⁵¹ “Selected Documents of Kartik-Marga, 1887 [Vikram Sabmbat]”, Regmi Research Series, Year 7, No. 6, 109.

Shogalkhors (various iterations of the term all seem to reference “jackal eaters” or “jackal killers”) were the Company’s stereotypically favored tribal suspects.⁵² The pejorative term clearly was not used by its designees.⁵³ Company officials frequently lamented the *zamindars*’ supposed collusion with the dacoits. In Northern Awadh, *zamindars* were said to collude with bandits to carry on feuds with each other as well as to resist the Nawab’s revenue administration, as represented by the office of the *amil*.⁵⁴ Even the Nawabi of Awadh had previously found negotiating with bandits more convenient than fighting them. Allegedly, Shuja ud-daula (r. 1753-1775) had tried to enlist about 1200 “Budhuk” and mixed caste bandits into his army, organized as a separate corps, but they refused to accept the command of high-ranking Nawabi officers as the latter would not perform the same work as they did. Hence, they insisted that someone from their own ranks would lead them. Their mission was, ironically, to guard the country from bandits. Due to their unruly behavior, and several alleged mutinies, they were referred to as the “Wolf” (*Bhereea*) or “Tiger” Regiment. The Nawab posted them far from his capital near Allahabad; it was not until the province was ceded to the Company that they were eventually disbanded in 1798. Several other informers asserted that around 1800, a bandit leader, Tara Singh, executed a daring dacoity on a leading merchant of Lucknow; the court detained Tara Singh’s family in retaliation. Tara Singh then paid the *jamadar* of intelligencers Rs. 6000 to help him get a hearing at court, during which he asked for the Nawab to again raise the Wolf Regiment to give employment to bandits. While the *darbar* was organizing such recruitment, the

⁵² IOL. BC.F/4/1117, 1829-1830, 29972. Attack on a proclaimed robber named Bussiha Bhur & payment to the Thannadar of Doomeriagunge Reward of Rs 500 for his services. Judicial No 8, Bengal Judicial Letter 17 April 1828.

⁵³ “Papers on Public Affairs in the North West Provinces-No. III” *Ledlie's Miscellany and Journal for the North West* (Agra, India: Printed at the Secundra Orphan Press, 1852), 232.

⁵⁴ Court favorite Almas Khan was said to be their original leader. W. H. Sleeman, *Report on Budhuk alias Bagree Decoits, and Other Gang Robbers by Hereditary Profession, and on the Measures Adopted by the Government of India, for their Suppression* (Calcutta: J.C. Sherriff, 1849), 12.

jamadar (labor leader) of the spies had Tara Singh assassinated and the regiment was never raised.⁵⁵

By the early nineteenth century, Awadh was quite amenable to Company initiatives against dacoits. In fact, the EIC was able to use much stronger counter-insurgency tactics in Awadh and the ceded territory of Gorakhpur to try to break up the gangs than in Nepal's Morang. Moreover, the Nawab of Awadh seems to have readily agreed to have Company troops sent into northern Awadh in order to replace his rather tenuous position with firmer territorial control. One of the Company's main concerns was to secure the transfer of land revenue. The efforts to eradicate bandits in northern Gorakhpur coincided with a growing concern about attacks, such as on the Treasury at Bansi near the Nepal border in 1816, in which a number of the guards defending the Company's treasure were killed. The revenue had been gathered in the district establishment and was awaiting an armed guard to be escorted to the Sudder Treasury when about 200 dacoits, "supposed to be surmurwas or people personating them" attacked and fought a hard and unsuccessful battle. The guards who successfully stopped them consisted of a Jamadar with his own men and five of the Raja of Bansi's men—a mixed assortment of loyalties.⁵⁶ So-called *searmarwahs* perpetrated a similar attack the following year on the Tehsildar of Purrownah's people in Gorakhpur who were in charge of Company treasure and had stopped for the night at the dwelling of Hussein Ali Beg, a notable resident of Captainganj. Such attacks indicate a considerable access to local intelligence about the periodical transfer of Company revenues. Several attacks per year were reported on the government treasure in the 1820s and early 1830s. A secondary area of concern were frequent attacks on merchants, bankers

⁵⁵ Sleeman, 166-71.

⁵⁶ The Acting Collector of Gorakhpur suggested that small forts should be constructed for the secure residence of the tehsildars. This strategy was never put into place. WBSA. Revenue, Territorial Department Proceedings, 5th-26th July 1816, No. 61. To GG, From Bd of Cmsrs, Farukhabad, 14 June 1816. & No. 62. To Bd of Cmsrs, From Acting Collector, Farukhabad, 6 June 1816.

and moneylenders—many of these attacks also display a high degree of effective intelligence gathering and preparation prior to the armed robbery which almost always was executed at night. Information gathered from approvers (or bandits and “thags” who confessed and informed on others in return for immunity) focused not only on the use of force and occasional murder attendant with dacoity, but also, and most especially, the total amount of money and value of goods reported to have been stolen. In testimony taken from approvers, the accused typically specify rather precisely the type of currency stolen—including Company Rupees, Spanish dollars, gold *mohurs*, pice and *chaunis*.⁵⁷

Years	No of dacoities	Killed	Wounded	Property taken Rs. As. P.	Arrested	Convicted
1819	5	14	81	60,070 0 0	1	1
1820	9	10	43	1,64,062 0 0	197	134
1821	6	4	8	16,660 0 0	3	3
1822	13	13	47	60,336 0 0	3	3
1823	12	11	48	1,11,867 0 0	1	1
1824	6	3	38	26,854 0 0	46	20
1825	11	13	21	72,404 0 0	6	6
1826	13	20	77	91,782 0 0	46	20
1827	11	16	55	23,642 0 0	15	0
1828	6	7	50	7872 0 0	25	5
1829	7	35	47	38,851 0 0	43	8
1830	5	5	45	56,054 0 0	19	0
1831	3	5	28	12,912 0 0	14	0
1832	5	11	26	1,19,744 0 0	16	2
1833	6	5	68	2,79,781 0 0	68	3
Total	118	172	682	11,42,891 8 0	457	186

List of Dacoities Ascertained to have been committed by the Oude Turae Budhuks, every year from 1819 to 1833 (based on testimony from approvers); Excerpted from Sleeman, 49.

Company administrators found evidence that the bandits of Northern Awadh and Gorakhpur traversed the Nepali *tarai* to engage in operations ranging from the area about

⁵⁷ See Sleeman, 34-9; IOL. BC. F/4/701, 1823-4, 19012. Reports from the Magistrate of Goruckpore connected with the Police of that District on the Frontier of Oude. Extract BJC, 26 Mar 1819. Nos 7-10.

Lucknow to as far east as Purnia. The major strategy for breaking up the gangs was to destroy the mud forts and jungles where known gangs were said to encamp, often protected by local landlords. These camps often included multiple generations of family members. Women typically wielded weapons and defended the family if male members were away on campaigns. They worked as spies, even gathering intelligence on colonial operations and transmitting information between relatives in jail and members of the band outside.⁵⁸ Women were known to take up arms and lead a band when their husbands died in action.⁵⁹ The Magistrate of Gorakhpur in 1819 estimated that there were over 300 forts and “other fastnesses” in the jungles on the Awadh side of the border and recommended that they should be destroyed. This conceptualization of bandit strongholds indicates that the Gorakhpur administration did not make a strong distinction between local bandits and *zamindars*—the two were closely linked in the official imagination.⁶⁰

Operations against bandits in the region had been persecuted with irregular effort since the annexation of Gorakhpur. In 1819, the Governor of Bahraich and Khera in Awadh moved against several bands at the behest of the Residency.⁶¹ The Resident, Brian Hodgson in Kathmandu, had promoted a major campaign in 1823 after a deceased bandit’s wife, Munea, took up the reigns of military leadership and led an audacious raid on a treasury shipment totaling Rs. 64,000 near Janakpur en route to the Residency in Nepal. Nepali troops were sent in pursuit; Rs. 52,000 was re-taken along with several prisoners. Hodgson then prevailed upon the Resident in Lucknow to enlist the Nawabi forces against the estimated 4000 to 6000 bandits

⁵⁸ IOL. BC. F/4/701, 1823-4, 19012. Reports from the Magistrate of Goruckpore connected with the Police of that District on the Frontier of Oude. Extract BJC, 26 Mar 1819. Nos 7-10.

⁵⁹ *Ledlie's miscellany and journal for the North West*. 1852. Agra, India: Printed at the Secundra Orphan Press, 235.

⁶⁰ IOL. BC. F/4/701, 1823-4, 19012. Reports from the Magistrate of Goruckpore connected with the Police of that District on the Frontier of Oude. Extract BJC, 26 Mar 1819. Nos 7-10.

⁶¹ *Ledlie's Miscellany*, 233.

living in colonies (including women and children) in Awadh's tarai. Approvers interviewed by the Resident after their arrest claimed that the majority of bandits were living in the Atroula and Gonda jungles (in northern Awadh). The campaign was deemed a success, until Gorakhpur's magistrate, Frederick Currie, considered further military action necessary a few years later in 1826 to 1827. The Magistrate used Irregular Cavalry stationed in Awadh and local Gorakhpur police to move against supposed *budhuk* or *searmarwah* bandits thought to be living in the jungles of Balrampur, Tulsipur, and surrounding areas of northern and eastern Awadh. Operations were extended to smaller bandit groups living along the forest fringes in camps of just five or six, who were said to enlist the help of herdsmen from local grazing grounds "and a few of the lower caste labourers from the villages" when executing a raid. Interestingly, it seems these smaller, more marginalized outlaw groups were considered as a threat by the more established "searmarwahs," living in larger camps. The latter employed force as well as informed against the marginal bandits to eliminate their competition.⁶²

Mangal Singh

Mangal Singh was a notorious bandit chief, residing in the jungles at the frontier of northern Awadh in the 1830s, who first came to seasoned anti-thagi campaigner William Sleeman's attention as a dacoit band member around 1820. Mangal Singh seems to have stolen a significant amount of loot from the band he was working with at the time which may have helped him to become a leader himself. Sleeman considered Mangal Singh a product of a hereditary profession. He quotes dacoit-turned-approver Ramdeen in 1840 as stating that Mangal Singh's great-

⁶² Sleeman, 27-34; 41-2.

grandfather, Baboora, and grandfather, Rahol, were *jamadars* (low-ranking officers) in the Wolf or Tiger Regiment formed by former Nawab Asaf ud-daula.⁶³

Around the time that Mangal Singh's influence appeared to be cresting in 1837, the ruler of Nepal, Rajendra Bikram Shah, had signed the country's first extradition agreement with the East India Company--this after Nepal's Chief Minister Bhim Sen Thapa, the renowned General and veteran of the War of 1814 to 1816, widely acknowledged for his hard work in keeping Nepal free from British control, had been imprisoned. While the ascendant court faction in Nepal may have been eager to display its new, warmer attitude toward its Company neighbors, even in the late 1820s, Nepal's military governor in Palpa, an erstwhile independent state, had shown considerable enthusiasm for the Company to deploy its forces fighting cross-border dacoits. Likely this was one way to prevent local power from accumulating and to sever cross-border connections as the deposed Raja's family across the border in Northern Gorakhpur continued to represent an alternate source of power.⁶⁴ Interestingly, the exiled heir to Palpa had helped then Magistrate of Gorakhpur, Bird, to campaign against bandits in 1821; thus, participating in the military and police operations must have represented a way to stay close to regional politics for the exiled Raja.⁶⁵ Clearly, local powers took various sides in the anti-bandit campaigns in support of their own diverse interests.

In the fall of 1838, Raja Rajendra Bikram Shah had a message delivered to the Governor General via the Resident, Hodgson, in Kathmandu, assuring the Company of his desire to strengthen relations by adhering to several measures they had requested—one of which was to prosecute “thuggee” more seriously, hand over the suspected thugs as requisitioned, and appoint

⁶³ Sleeman, 54, 169.

⁶⁴ See Chapter Two. Sleeman, 49-50.

⁶⁵ Sleeman, 8.

an officer to head anti-thagi operations.⁶⁶ The agreement between the Company and Nepal of 1837 had only stipulated the extradition of “thugs.”⁶⁷ In 1837, the Lt. Governor of the North Western Provinces, Charles Metcalf, established the office for the Commissioner for the Suppression of Dacoitee with Hugh Fraser in charge. The shift in focus was away from “thuggee” and towards dacoity, which was understood as robbery conducted by organized groups, typically at night, with the use of force occasionally resulting in death. As dacoits were thought to operate over long distances, the Commissioner was given powers to coordinate and take over cases conducted by Magistrates from various districts and was asked to look out for and report incursions into “foreign States.”⁶⁸

Quite significantly, the only cases in which I have found the Nepal’s government to have employed the term “thug” were in negotiations with the Residency in Kathmandu. Otherwise, the *darbar* seems to have been left to its own devices to figure out the targeted objects of the agreement. In 1837, the *darbar* sent out a generic order to all the districts bordering the East India Company’s territory informing all officials and notables from the Governor down to the *chaudharis* (headmen) about the necessity of extraditing certain classes of people. Whereas the English agreement only used the word “thug” with no additional explanation, Nepal’s court circulated the following order:

If a man known to our Government or the (East India) Company Government, is found not to have lived here in the past, if his forebears are unascertainable, if he has no occupation, if he leads a comfortable life; or if he lives in this country but remains in one place four months but goes to other places for the other months and if he is seen to be maintaining himself without

⁶⁶ NAI. FD. Secret. 21 Nov 1838. 160. Translation of a Letter from the Moha Raja of Nepal to the Governor General delivered to the Resident October 27th 1838.

⁶⁷ Aitchison, 171.

⁶⁸ The Commissioner was also authorized to give out cash rewards of up to Rs 100 and petition Government for increased rewards if he thought fit. Sleeman, 6.

occupation, such a man shall be handed over to the Magistrate of the Company Government by the Government of Nepal. The Magistrate shall punish such person. In case a person is ascertained by the Government of Nepal, as the murderer of such and such and the son and grandson of so and so, living at certain place, and of a particular physical description and if the Governors of the Company also find him not to be a permanent Resident, whose forebears cannot be ascertained, who is found to be holding no occupation, who is found to be living a comfortable life or who lives in the country but changes his residence quarterly, if it is seen that he is maintaining himself without occupation, and if he is recognized by the witnesses, he shall be handed over to the officials of the Government of Nepal in the Terai by the Company Government. The Government of Nepal shall punish such person...The man who defaults in following these instructions shall be punished according to the laws pertaining to the caste to which he belongs.⁶⁹

From the above, we gain a sense that Nepal's government pragmatically explicated the 1837 agreement to district officials and landed powers through terms that would have made sense to them, some of which were concerns shared with the new initiative against dacoity. Most importantly, both seemed to share suspicions against itinerant or mobile people who passed back and forth between the two territories. However, Nepal's *darbar* interpreted the agreement to include "murder" (which it did not) and also emphasized the need for others within society to vouch for a person's antecedents. In other words, many people who were not bandits could have been persecuted according to these orders; perhaps such an agreement suited the *darbar*'s interests in asserting its authority over the *tarai*. At any rate, local officials seem to have been confused by the orders and one administrator replied to the *darbar*, asking what was meant by the instructions and requesting clarification:

In the *lal mohar* [received from the *darbar*] about the understanding with the Angrez, it says that we should only send an arzi if there is a matter of dakus. But in the previous *lal mohar*, both chor and daku are mentioned. So I would like to clarify about the status of chors. Please clarify: Who are the thieves? People who steal buffalo, cattle, and grain, are also thieves or just people who

⁶⁹ Naraharinath, 58.

break into houses and in the middle of the night and commit daka are the thieves? Who should I give the order for?

The anonymous official who wrote this petition mentioned that he was spreading the word about extradition every fifteen days in the villages, accompanied by the beat of a drum to indicate an important announcement; however, he wanted to make sure he was disseminating the correct information. In his understanding, a *daka* was a night attack (indeed this is generally how the term is used in Nepali records), and he was uncertain of how to relate it to the concept of *chori* or theft. This petition suggests that the Company's definition of "dacoity" may have inflected the generally accepted notion of the *daka* as guerilla attack towards *daku* as bandit who steals.⁷⁰

The most committed harborers of bandits in this period were the landed powers of Northern Awadh, particularly Tulsipur and Balrampur, who held out against Nawabi authority longer than other *zamindars* in Awadh. In the eighteenth century, the Mughal breakaway Subah of Awadh exercised relatively loose control over its northern frontiers. The Rajas of Balrampur and Tulsipur, the largest of the fortified jungle kingdoms of the area, paid annual tribute rather than revenue to Awadh and barred Awadh's administration access to their territories.⁷¹ Tulsipur in fact had been an independent kingdom in the lower ranges of the Himalaya, situated around the Dang valley, and had successfully relocated south when defeated by expansionary Gorkha in the 1770s.⁷² Tulsipur and Balrampur, sometimes allies, also fought a number of battles against each other and their smaller neighbors. Throughout the late eighteenth century and first half of the nineteenth century, moreover, Tulsipur continued to fight pitched battles across the border in Nepal against the house of Saliara, subordinate to the kingdom of Nepal, who had swallowed

⁷⁰ RA.PM. DNA 4/100. (Anonymous arzi.) My translation.

⁷¹ See Thomas Metcalf, *Land, Landlords, and the British Raj: Northern India in the Nineteenth Century* (Berkeley: University of California Press, 1979), 18-19, 43.

⁷² See for example, Naraharinath, 409. See Chapter One.

Tulsipur's former territories in Dang, partly as a reward for helping to defeat Tulsipur in battle. The house of Tulsipur had moved into exile in Northern Awadh in the 1770s, but refused to accept it as a permanent condition.⁷³ The East India Company's invigorated campaign of the 1830s targeted these landholders for their alleged patronage of bandits as William Sleeman charged in his *Report on Budhuk alias Bagree decoits, and other Gang Robbers by Hereditary Profession, and on the Measures Adopted by the Government of India, for their Suppression*:

Rajah Dan Sing of Tulseepoor, the Rajahs of Binga and Bankee, the Rani of Pudeenaha, Rajahs Gunga Ram Sa, of Khyreegur, and Arjun Sing, of Dhorehra, were all in league, *offensive and defensive*, with Mungul Sing and the other Decoit leaders, who were located in the Oude forest, from Majgowa south-east to Khyreegur north-west, for a distance of one hundred and fifty miles, and doing their utmost to screen them from pursuit; and in return deriving assistance from them from the Government authorities.⁷⁴

In other words, the nexus between the bandits and the Rajas provided strong resistance against Awadh's rule as well as colonial rule in the frontier region.

Sleeman cites a recent example of this close relationship—the case of an adolescent Raja whom the Nawab's district governor expelled when he made a new agreement with another landholder at a higher rate. “Arjun Sing fled to the forest with [2000] armed followers, and all the banditti turned out to support his cause, for he had always protected them upon the estate, on condition of receiving from them one quarter of their spoils—their united force was too formidable for the Governor, and he was obliged to restore the estate.”⁷⁵ Indeed, in the early nineteenth century, there are a number of recorded cases of bandits helping Rajas to flee their *gadhis* or mud forts. These strongholds, easy to construct as well as dismantle, were often built upon high land, and surrounded by bamboo and jungle thickets and sometimes moats; moreover,

⁷³ *Papers Respecting the Nepaul War: Vol II*, 399-401.

⁷⁴ Sleeman, 175.

⁷⁵ Sleeman, 176.

they often provided sites for markets in the frontier areas. Instead of taking a stand against aggressors, Rajas often took to the forest and engaged in guerilla warfare—a highly successful tactic, especially against the imperial cavalry which could not move through the thick jungles in pursuit. It was generally only a matter of time before the Raja ended up back in his *gadhi* again.⁷⁶

Captain Hollings, an adjutant in the Oude Auxiliary Force, prepared to move against Mangal Singh's jungle camps near the Ghogra River in spring of 1839. He sent a spy posing as a traveling vendor to attend the twice weekly markets the bandits held in their camps. The spy noted the easy mixture of men and women in the camps, the heavy jewelry worn by the women, the bandit's unusual dialect, and the abundant circulation of Company rupees (“such money was current among no other class”) despite the lack of apparent local forms of livelihood. These signs were enough to convince him of the groups' criminal activities. The spy managed to sell Mangal Singh some sugar.

Sleeman concurred with his informant regarding Mangal Singh's liminal yet respectable status: Mangal Singh could “take [his place] with the landed and official aristocracy of the country.” For example, Mangal Singh and several other bandit leaders were invited as per custom to a recent wedding between the young Raja of Dhorerha and a daughter of Khyreeghur. Mangal Singh claims that he had given his sister in marriage to the Raja of Nanpara and Sleeman verifies that Mangal Singh and the Raja of Charda had exchanged turbans. The spy describes the bandit as “a fine young man of about thirty-five years of age, with large eyes, and fine form, and very courteous in his deportment.” Perhaps the spy felt pleased as the bandit paid readily and liberally for the wares and encouraged others to patronize the new vendor. It seems Mangal

⁷⁶ See, Chapter Two. Also, Thomas Metcalf, *Land, Landlords and the British Raj*, 9, 32.

Singh moved easily between worlds: Sleeman's source claimed that "his followers addressed him respectfully, but without servility."⁷⁷ William Crooke observed in *The Tribes and Caste of the North-western Provinces and Oudh* that many of the *daku* in the region were the illegitimate sons of Rajputs and tribal women⁷⁸ --if accurate, this may help to explain the bandit's anomalous status.

Mangal Singh was reputed to employ a number of soldiers in a flashy style. An informant for Nepal describes the *daku*'s people as forming an impressive military camp, complete with "3000 soldiers in fighting shape" and "73 horses, 39 camels, 132 carts, goods" and a wide array of weapons, including two canons, and numerous mortars, shields, swords, guns, pistols, etc. The informant asserted that "Even the neighboring small kings are afraid of them and provide them with supplies." Moreover, he seems almost envious of the soldiers' salary (perhaps exaggerating for comparative effect), stating that the "sipahis" received monthly 12 *sikka* rupees (i.e., newly minted rupees), "even some daily spending money." Here again, we gain a sense of the bandits' role in circulating desirable forms of currency within local society.⁷⁹ Even more impressively, "the sipahis have uniforms, some groups are green, black, pomegranate red (*kusumi*), some gold. They are always prepared, rifle fuses ready to be lit, even when they are eating, they do not take off their weapons." This description of uniforms is vivid and precise. A bandit approver providing testimony some four decades after the Nawab's Wolf Regiment had been dissolved recalls the fierce negotiations which ensued when the bandit soldiers had been forced to give up

⁷⁷ Sleeman, 176.

⁷⁸ He refers specifically to Agrah and Rohilkhand. Crooke, xxiii.

⁷⁹ Not all forms of currency would have been equally easy to spend in the frontier. By emphasizing the payment in *sikka* rupees, the informant seems to be indicating that the *daku*'s payment was in newly minted coins that were not debased in value through wear and tear—hence, quite desirable as currency.

their state-issued arms and insignia.⁸⁰ Prospective bandit soldiers likely found these symbols of respectability worthwhile incentives for enlisting.

Finally, Mangal Singh maintained elaborate security measures—for example, he kept a decoy so that “if at first, some important man should go to meet Mangal Singh, they present them with another Mangal Singh. The real Mangal Singh is never met at first. ...He never fears anyone.” The informant quotes Mangal Singh as saying, “If 25,000 Firangis come, my 5000 javaan [young fighters] can kill them. No one can follow me here [into Nepal].”⁸¹ This description indicates Mangal Singh’s success in mobilizing labor from the arguably much beleaguered military labor market of early nineteenth-century, Northern and Central India. According to Kolff’s thesis, armed peasants trained in martial skills found employment as soldiers for states and warlords with readily available cash in Northern South Asia—thus shaping states and economies in the early modern and early colonial periods. Besides cash, peasants also gained access to upwardly mobile social identities as Rajputs or Afghans.⁸² Upward mobility would have similarly appealed to Mangal Singh’s warriors who were considered by the East India Company and Nepal as “jackal killers” or “jackal eaters”—i.e., low status, groups outside the caste system. While Radhika Singha has read the Company’s campaign against *thagi* and dacoity as partly a response to the fragmentation of the military labor market with the spread of the Company’s territorial control, the issue of the particularly low ritual identity of the campaign’s targets has not been explored in depth.⁸³ Was the bandit warrior’s status low because

⁸⁰ Sleeman, 169.

⁸¹ RA. PM. DNA 2/91 Transcription of a verbal statement given by Phaujdar Seva Puri about armed gang of Dakait Mangal Singh and Nihal Singh.

⁸² Dirk Kolff, *Naukar, Rajput, and Sepoy: The Ethnohistory of the Military Labour Market in Hindustan, 1450-1850* (Cambridge: Cambridge University Press, 1990).

⁸³ Singha 1993.

they were working for an outlaw rather than a state, or were warriors with less certain pedigrees driven out of state employment more readily than other armed peasants?

Fugitives in Nepal

Having gathered intelligence on the *dakus'* location and numbers, the Resident in Awadh obtained a *farman* (formal order) from the Nawab against the dacoits and sent Col. Roberts, leading the Nawab of Awadh's forces, to launch an attack in April 1839.⁸⁴ Col. Roberts sent infantry to encircle the camps from the north and chase the bandits towards the cavalry he had posted in the open plains; however, the bandits received prior intelligence of the troop movements and managed to escape further north into the jungle. In northern Awadh, the Nawab's few local administrators as well as the local Rajas' officials refused to help the combined Company/Nawabi forces advancing northwards and the rivers began to swell from early monsoon rain. Captain Stuart, advancing with the troops, found a well provisioned, recently abandoned camp large enough to house about 700 people, which he then had torched. At a nearby village, he captured the *dakus'* accountant and record books. Further inquiries suggested that the Rajah of Dohrerha's *diwan*, Bhawani Singh, who acted as agent, banker and grain supplier to the *daku*, had fled with them.

Pushed eastward into the jungles of the Charda and Bhingra *rajyas* (subordinates of Awadh), the bandits were hard-pressed to find shelter on the Awadh side of the border. The Rajas of Tulsipur and Charda were charged with guarding the passes by the River Rapti into Nepali territory. Nanpara's Raja, Manuwar Khan of Rohilla descent, dispatched several ministers to kindly ask the bandits to leave his jungles. One of the men who attended the mission, Faujdar

⁸⁴ Sleeman, 177.

Seva Puri, a *gosain* (Hindu ascetic) who also happened to work for the Nepali government, described the meeting between a defiant Mangal Singh and the Nanpara ministers. The ministers relayed the Raja's message that this was his *rajya* and the *firangis* would take it if the bandits should remain. Mangal Singh exclaimed, "What a non-manly Raja!...If the Firangis attack the Raja, I will cut them all down. Go and ask your Raja, why are you afraid?" The Naib [Deputy] placated Mangal Singh, by saying: "We have had a cordial relationship but you have to consider the timing. The Firangis have come with a big hullabaloo. If you go somewhere else, there you will save your pride and even I won't get any *badnaami* (bad name), the maharaja has said." Hearing this Mangal Singh decided to move on with his band; he and another bandit leader sent several female ambassadors (wives and relatives) to negotiate with the Nawab's forces. Company officers detained two of the wives as hostages. Just before making an escape, Mangal Singh thumbed his nose at the "Angrez forces" by celebrating a large marriage in which he took four more wives (apparently to replace the two the British had imprisoned). Allegedly he then matched fire with Tulsipur's troops and escaped through the Gorela pass into Nepal.⁸⁵

By late May, the Company's men returned to the Awadh Residency in Lucknow and the Resident in Nepal, Hodgson, began to put pressure on the Nepali court to capture and extradite the criminals. Awadh's troops would not remain in the *tarai* during the hot season. The bandits then pushed into the foothills of Palpa and through intermediaries began negotiations with the military governor or Kaji of Palpa. At Hodgson's insistence, Rajendra Bikram Shah's court asked Ranadal Pande to capture and hand over the men; the Kaji of Palpa spent the rainy season prevaricating. In *bhadra* toward the end of the monsoon, he reassured the *darbar* that even if an armed struggle should be necessary it would be good to catch the *daku* quickly "so there's no

⁸⁵ RA. PM. DNA 2/91 Transcription of a verbal statement given by Phaujdar Seva Puri about armed gang of Dakait Mangal Singh and Nihal Singh. This account accords with Sleeman, 178-183.

tension in the friendship between the two *sarkars* (governments).” However, he cautioned that if fighting should be necessary there would be loss of life; moreover, the Madhesh [plains] was flooded and could only be navigated by elephant.⁸⁶ Further, as one Nepali who worked as a Company soldier and informant to the Nepali Sarkar, explained to his (EIC) superiors when refusing to carry a money gift to Palpa’s *kaji* (military governor): the rains were the *dakus*’ season.⁸⁷ In other words, during the monsoon, the bandits controlled the local terrain. Thus, in his correspondence with the Nepali court, even as Ranadal Pande asserted that the *daku* would be captured owing to the Gorkha sarkar’s “*pratap*” (majesty), he expressed a great deal of ambivalence about whether this was actually the correct policy. After mentioning the difficulties because of the rains, and the exceptional preparedness of the *dakus*, whose women even lit the fuses of their guns, he reiterated: “Given how smart and prepared the *dakus* are, it seems like it will be a big fight, not a small one. If there is an order to fight, there will obviously be some killing.” He then noted that:

the Rajas, Babus and Jimidars, etc of the Madhesh say that Mangal Singh is a useful man (*Kamko maanis chha*).The daku asked Gorkha for protection. Gorkha must have asked the important and old people for advice. The bharadars must have said it’s important to catch the dakus to solidify friendship with the Angrez. Nowadays the English have become big.⁸⁸

Given that Ranadal Pande’s own father, Damodar Pande, a Chief Minister of a previous generation, was killed when he lost control of Nepali politics at the turn of the century, it is notable that Ranadal Pande feels so comfortable expressing such strong opinions.⁸⁹ Further, the *Kaji* had only recently been appointed governor of Palpa after the recent regime change which

⁸⁶ RA. PM. DNA 2/33 Arzi of Ranadal Pande sent from Tansen, VS 1897 Bhadra Sudi 12 Roj 3.

⁸⁷ RA. PM. DNA 4/79.

⁸⁸ DNA 2/33 Arzi of Ranadal Pande sent from Tansen, VS 1897 Bhadra Sudi 12 Roj 3.

⁸⁹ Baburam Acharya, “The Downfall of Bhimsen Thapa”, *RSS*, Year 6, No. 11, 219.

coincided with closer relations with the EIC.⁹⁰ Ranadal Pande had also recently married the Raja of Tulsipur Dhan Bahadur's daughter—Tulsipur was known as a supporter of Mangal Singh, and other *dakus*, and was said to have allowed the bands to escape through his territory.⁹¹ Thus, Ranadal Pande cites the weather, the *dakus'* military skills, and the opinion of local power holders of the plains (Rajas, landlords, and other notables), to imply that the court should re-think its decision. Apparently, when ordered to attend court to explain the long delay in catching the bandits, Ranadal Pande side-stepped the order by informing his superiors that actually he had been informed that Mangal Singh was an ally of the British and thus could not be left in the *tarai* unsupervised. He later retracted the statement, explaining that he had rather discovered the *daku* to be a strong enemy of the British and could thus be useful. The Resident in Kathmandu, Hodgson, speculated that Ranadal Pande had been paid off by Mangal Singh.⁹²

Kaamko Maanis: A Useful Man

Despite his notoriety and relationship with the Rajas of Northern Awadh, Mangal Singh was rather desperate. By the end of the rainy season a number of his band had died of starvation or drowned while trying to cross a river to look for food. He had had to send emissaries to Ranadal Pande asking for provisions. He also sent a mission to the famous Mahant (head of the Chaughera Math of *nath*, or tantric, *yogis*) in the Dang valley petitioning for refuge or “*saran*” there.⁹³ In *Ashwin* (around the beginning of October), Mangal Singh was captured by a platoon of Gorkha's army through trickery and brought before the EIC officials. Ranadal Pande, finally forced to take action, proceeded by pretending to help the bandits. He told them to flee the EIC's

⁹⁰ Perhaps he was quite secure with his position as the new faction opposing Bhim Sen Thapa had blamed the deposed Chief Minister for Damodar Pande's death.

⁹¹ Sleeman, 187.

⁹² Sleeman, 188.

⁹³ RA. PM. DNA 4/79.

men by moving west along a particular road. The road ran through a narrow point at which the Nepali army was awaiting them.

Even after this final encounter, Mangal Singh is portrayed with great dignity in the Nepali papers describing his arrest. When a Company intermediary came to receive him, Mangal Singh rose from the small cot on which he had been confined only when the Sahab saluted him. He returned with aloof disinterest the Sahab's exaggeratedly formal salute. The officer addressed him with the question, "Why Mangal Singh Badshah, we sent you many letters on many occasions, you never came, if you [replied and] came, you could have been a big person, you could have had a Raj, you could have been a Raja, you didn't come so you got into all this trouble."

Mangal Singh replied, "In our karma it was written that these were the circumstances in which we would meet. If I would have really gotten a Raj before, I would get one even now. If a raj was not to be mine, even now it will not be. What's the [big] deal? What's written in our *kismet*, that will happen." This encounter, complete with direct quotations, contained within the Nepali records, is actually quite moving, and seems that it would have been so for its intended bureaucratic audience. The words are precisely written and quite memorable as Mangal Singh emphasizes that while the status of the Raja and the bandit are quite distinct, one's actions or *karma* determines one's status. In Mangal Singh's own accounting, he had performed exemplary *karma* as a warrior and for him, holding his head up and fulfilling his destiny as a warrior is what matters, not whether he is accorded a title in the new dispensation. Here, my reading of Mangal Singh's apparent unconcern for actually achieving the status of sovereign, or ruler, accords with historian Norbert Peabody's discussion of *karma* within Rajput lineages of an eighteenth-century regional state in Rajasthan. Peabody asserts that while *karma* is often thought to operate through

rebirth, numerous precedents suggest it can also be transferred between contemporary individuals based on valorous deeds. For example, if a low-status Rajput warrior bravely defeated a higher-placed Raja on the battlefield, he could quite literally absorb his *karma*, which would justify an increase in status for the successful, but low-born warrior.⁹⁴ Thus, Mangal Singh in a very real sense had already achieved an honorable status in his own reckoning and he did not need the recognition of “unmanly” and corrupt government officials.

In response to Mangal Singh’s assertion, the Sahab’s armed attendant chimed in: “Why Mangal Singh? When the Sahab’s “parvaana” (order) had gone out, you would have gotten a raj, if you had come, such a problem would not have befallen you.”

Mangal Singh appeared unimpressed with this logic, probably because he knew it was not true. He replied: “When big Rajas were in my grasp, they fell at my feet, now is Mangal Singh going to start such pleading/cowardice?” Again, Mangal Singh is indicating that his rank and social worth have grown from overturning the power of the high and well-placed.

One wonders why Mangal Singh is allowed to subvert the legitimacy of English rule in the Nepali records; after all, Nepal was complicit in catching and extraditing the bandits. His critique of the English implies a critique of Nepal’s current policy towards the Company. Yet critique of this policy is enfolded into the documents in Mangal Singh’s voice, which stands out because it is quoted in colloquial Hindi rather than the courtly Nepali of the documents. Further, the passages directly preceding and following the vivid description of Mangal Singh’s extradition in the court document underscore Mangal Singh’s words as a veiled criticism of the new order. In the relevant passage, the local official in Palpa laments that despite such strenuous

⁹⁴ Peabody, 40-42.

efforts on their part to catch the fugitives, still the reward supposedly promised by the Governor General was never handed over.⁹⁵

Thus, throughout the extent Nepali records of Mangal Singh's capture and extradition, several different sources quote Mangal Singh as lamenting the lack of courage of local Rajas and the Nepali military establishment. For example, a spy working for Ranadal Pande reports a conversation with the bandit in which Mangal Singh asked how many forces are stationed in Palpa. When told the informant provided him with the answer, Mangal Singh retorted, "If you have that kind of force, why don't you kill the English scoundrels?" To this, the spy replies that when the time is right, their forces will strike. Obviously, there were many in Nepal who would have preferred a more aggressive stance against the Company; the Nepali state was built around contests between factions supporting or opposing alliance with the Company and later British Government of India.⁹⁶ Further, the documents underscore Mangal Singh's outlaw morality by reporting in detail his theatrically heroic and nearly suicidal gestures of masculine honor. For example, Mangal Singh is directly quoted as chiding the Nanpara Raja's men about their lack of "manliness," throwing an extravagant wedding celebration with the English in hot pursuit and marrying twice as many wives as he lost to prison, and refusing to bow before the Company officials after he is arrested. In contrast, the colonial officials and those who ally with them appear as de-masculinized, duplicitous traitors. For instance, Ranadal Pande voices fears about fighting in several places in contrast to Mangal Singh's announcements that he is ready to go into battle whenever needed.

⁹⁵ RA. RM. DNA 4/99 Arzi.

⁹⁶ See Chapter Two for a more thorough discussion of this dynamic.

Discontent at Nepal's policies was aired indirectly in the documents sent back and forth from district administrators in Palpa to Kathmandu during the months surrounding Mangal Singh's capture and extradition. Yet, Nepal's government was forced into a position according to which it had to make a significant display of cooperation with the Company. Even as Nepal worked with the Company to catch Mangal Singh, the Foreign Office and Resident in Nepal suspected that Nepal was playing both sides to its own advantage. In fact, it was common for Nepal to take advantage of the disputes between various *zamindars*, *taluqdars* and the Awadhi revenue administration across its southern border. When refugee parties crossed the border seeking shelter in Nepal, it was often available in return for a significant payment. With enough ready cash, arms and military manpower could be made available through discrete channels.⁹⁷ During this period, however, Nepal had fallen under suspicion due to its diplomatic negotiations with political powers in South Asia and abroad which violated the terms of the Treaty of Sagauli. For example, during the Afghan War of 1838 to 1843, Nepal's court was continually in communication with the *darbar* in Lahore, and with the "Sind sardars and Mahratta chiefs." The British intercepted twenty-three secret missions from Kathmandu to Lahore and elsewhere from 1838 to 1840.⁹⁸ Moreover, whereas the bandits were useful to the local Rajas and *zamindars* in the borderland in terms of concentrating power and wealth locally, they were much less desirable from the centralizing Nepali state's perspective for these very reasons.

⁹⁷ See for example, RA. PM. DNA 4/7. No 44; RA. PM. DNA 1/41 Arzi, SimhaVira Pande writes about the war in Balarampura, VS 1898.

⁹⁸ Edward Balfour, *The cyclopædia of India and of eastern and southern Asia: commercial, industrial and scientific, products of the mineral, vegetable, and animal kingdoms, useful arts and manufacture* (London: B. Quaritch, 1885), 1083.

Conclusion

As Shail Mayaram has argued, in the Meo folk narrative of northwestern India she analyzed, the Princely state's actions are synonymous with "duplicity" and honor resides with the folk heroes, the bandits. Mayaram also observes that the folk narrative lists three different types of "raj": that of the *angrez* (or British), the Princely state, and the bandits who have their fort in the marginal rocky hills.⁹⁹ In her analysis, bandits represent discontent within a peasantry facing the commodification of social relations due to the encroachment of "industrial capitalism." They constitute one Raj or political realm, and they protest against the Princely and colonial states.¹⁰⁰ While the argument about the spread of industrial capitalism is too vague as a causal explanation to seem convincing, the idea that there are multiple, overlapping and conflicting realms of social, political and moral power, seems to accord with Mangal Singh's own statement that he would have gotten a Raj if it had been written in his *kismet*. What he seems to indicate is that it was not possible for him to achieve sovereign power in the current political dispensation, whereas previously banditry had provided a route to social mobility and even ritual and territorial authority. Even the "big Rajas" who had fallen at his feet, and begged for mercy, were powerless against the encroachments of the colonial power. Moreover, one could not be given a Raj—power had to be constituted through force, honor and *karma*. Mangal Singh idealizes and attempts to embody a moral order that contrasts sharply with the new system of alliances. He implies that such alliances allowed for some political actors to thrive in the new imperial dispensation through official recognition rather than honorable deeds.

⁹⁹ Mayaram, 228-330.

¹⁰⁰ This argument about the spread of capitalism dislodging peasant content and causing sporadic outlaw moments of resistance closely mirrors Hobsbawm's arguments regarding economic change, but doesn't accord well with South Asian historiography more generally (Hobsbawm, 30-36).

Bandits in the northern Awadh frontier in the early decades of the nineteenth century, demonstrated remarkable tactics of “resistance” against the spread of colonial power because they were extremely effective at attacking shipments of Company revenue. Although organized along communal or tribal lines and specializing in mobility and illicit use of force, bandits in Northern Awadh facilitated the reproduction of local state power in the *jangli* frontier by mediating between settled and unsettled people. They specialized in guerilla tactics, yet could constitute fine displays mirroring local infantries. They brought coins from more distant regions into circulation in the local markets (some of which they sponsored). When a Raja had to abandon his fort and strike out in the jungle, they helped him to survive and achieve desired political outcomes through guerilla force. By inhabiting a jungle (even for relatively short periods of time and paying some sort of tax to the landlord), they enacted the Raja’s hold over his territory. Similarly, an ambitious, and often younger, member of a Raja’s family might try a surprise attack to claim the *gaddi* (throne) for himself—in such instances, he could not rely on the family’s settled, typically conscript, forces, but looked to *dakus* for guerilla-style attacks. In other words, to a large extent, bandits made the maintenance and reproduction of the local state in the frontier viable, and they helped it to hold out against imperial intrusions—whether from Awadh, the EIC, or Nepal. While bandits did not resist the “state” per se, they did seem to specialize in resisting the imperial state. As the East India Company pushed a new definition of the state and its function, thereby propagating new notions of legitimate politics, the Princely Raj and the Bandit Raj, and their uneasy alliance in frontier regions, became delegitimized and erased from history. Yet, it was banditry in the end that adapted to the new colonial borderland—the heads of frontier states were slowly transformed into *zamindars* and *taluqdars*, or glorified landlords, several of whom chose the losing side in the rebellion of 1857 and lost even their

landed estates. Indeed, the end result of the campaign of the 1830s in northern Gorakhpur was the construction of a settlement for so-called “budhuk” tribals. The settlements, however, proved disappointing to the colonial state because the next generation of dacoits came from mixed caste and religious backgrounds and seemed to have no relation to the settled “*searmarwah*” and “*budhuks*” who were firmly under colonial surveillance, despite deploying similar techniques of organization and militant activity.¹⁰¹ Banditry, as a mode of governance and form of power which retained a slippery and fluid articulation between subject and sovereign, long outlived the frontier kingdoms in the borderland. As a strategy, banditry proved more adaptable than the polities alongside which it had developed and, thus, remained deeply troubling to the colonial state.

¹⁰¹ IOL. BC. F/4/701, 1823-4, 19012. Reports from the Magistrate of Goruckpore connected with the Police of that District on the Frontier of Oude. Extract BJC, 26 Mar 1819. For example, in 1864, the GOI notes with concern a group of dacoits led by Akbar Khan who has committed some attacks in the Atrowlee jungle and maintains a base on the Nepal side of the border near Bansi. *Report on the Administration of the Police in the North-western Provinces for the year 1861* (Allahabad: Government Press, 1862), 34.

Chapter 4: Cultivating Subjects: The East India Company in Darjeeling, 1800 to 1850

The first two chapters have considered the ways in which sovereignty was constructed in the pre-colonial Himalayan-plains interface and partially refigured under colonial rule. In these chapters sovereigns and subjects were never far apart; sovereigns exacted tax revenues, subjects evaded them; sovereigns and subjects engaged in ritual complexes centered around goddess worship in particular; they went into battle together; and sometimes, as is suggested in the case study of Mangal Singh, they might have swapped places. This chapter focuses on the sovereign-subject relationship from the perspective of subjects and takes us further east, to the pre-colonial extent of Sen rule, the eastern Himalaya of the former Vijaypur kingdom and its neighbor to the north-east, Sikkim.

The Company arrived in the region several decades later than the southern borderland discussed thus far. Following the Anglo-Nepal War of 1814 to 1816, the peace treaty demanded that Nepal relinquish the territory it had conquered at its eastern frontier, specifically all territory it had acquired east of the Mechi river. The Company then made a separate agreement with Sikkim that the latter would be placed in charge of this territory subject to certain conditions favorable to the Company interests, including the right to mediate all border disputes. On the occasion of a border survey, Company officials happened upon the well-situated Darjeeling tract and demanded its annexation from Sikkim in 1835. Local administrators, in attempting to fix a border around the new territory, in a region with multiple recent histories of conquest and resistance among a population of pastoralists and shifting cultivators, tried to sort subjects into governable categories. Quite remarkably, the first Superintendent of the district, Archibald Campbell, insisted repeatedly that he had created a free market in labor which provided

unprecedented local opportunities to indigenous peoples. This narrative occurs alongside the depiction, in colonial gazetteers, censuses, and guidebooks, of Darjeeling as a remote hill station transformed single-handedly by British institutions into one of the premier tea-growing tracts of the nineteenth century. This discourse locates Darjeeling on “the outskirts of civilization” whose jungles were inhabited by only a few shifting agriculturalists when annexed.¹ This fabrication is not just about a misremembered past, but was also itself a technology of power. In the histories it told about its rightful assumption of territorial control, the Company emphasized the fragility of regional states’ claims (such as Sikkim, Nepal, Tibet, and Bhutan) and recast local groups of shifting agriculturalists as exploited aboriginals who were by definition incapable of engaging in political or market arenas.² At the same time, the Company mirrored the strategies of regional states and power-holders by relying heavily on the services of shifting agriculturalists to provide crucial labor, for building infrastructure and providing transportation, and knowledge of the area. The Company’s assertion that it had created a free labor market served to carve out its territory as separate and negate all regional states’ and various power-holders’ claims over laborers and dependents. Thus, the Company used free market ideology as a way of disaggregating multi-layered power structures and defining its singular sovereignty within theoretically fixed boundaries.

Following a discussion of the relationship between subjects and states in the precolonia dispensation, I will illuminate the process of colonial space-making through a close examination of two foundational events in the Company’s self-narrated history of its rule in the region—first, the dispute over the Sikkim and Nepal border in which the Company intervened during the 1830s

¹ Archibald Campbell, “On the Tribes around Darjeeling,” *Transactions of the Ethnological Society of London*, Vol. 7, (1869): 148.

² For a full exposition of the exploitation thesis, see Arthur Jules Dash, *Darjeeling* (Alipore, Bengal: Bengal Government Press, 1947): 56.

and, second, Superintendent Campbell's "kidnapping" in 1849 when he was visiting Sikkimese territory. These two events provide excellent case studies of the Company's free market ideology in practice as they revolve around the relationship between states and manpower. Moreover, they are also dense archival nodes in Darjeeling's early colonial history when the Governor General's office in Calcutta became interested in the area and thus recorded a number of fragments and testimonies from which I draw below. These key moments are set within the Company's larger narrative of annexation and development of the hill station that depicts the Company administrators as the only legitimate political actors in Darjeeling's early nineteenth-century history.

The Pre-colonial Eastern Himalaya and Tarai

The Company's mythology wiped the slate clean of previous political contestations over the eastern Himalayan trade routes between India and Tibet, and the adjoining forests, pasture and cultivation below the foothills. It did so in order to re-write itself onto the landscape as the architect of history, rationality, and freedom. Here I provide a brief re-cap of the political history it attempted to brush aside in its later narratives.³ This will also highlight the sharp mismatch between the Company's rhetoric and practice, as it followed very much in the footsteps of the other states, such as Sikkim, Nepal, Tibet, Bhutan, the Sen kingdoms, and Mughal nawabs of Purneah, who had attempted to absorb part of these territories in the eighteenth and early nineteenth centuries. To do so, they too had to rely heavily on the skills, knowledge, and local hegemony of groups of shifting agriculturalists (including Lepchas, Kiratas, Meches/Rajbhansis, and Dhimals) who were viewed by regional states and the Company as tribes or frontier people

³ In Chapter One, I examine more closely the original or main branch of the Sen kingdom in Palpa in terms of its military relationships and patronage and its defeat by Gorkha prior to the Anglo-Nepal war of 1814 to 1816, in the context of state making in the border region and the use of military labor.

outside the pale of the Hindu caste system as well as the firm grasp of the state.⁴ Given their marginal yet integral position within regional state formation, James Scott's delineation of tribes as populations whom the state targeted in order to define and bring within its orbit is particularly apt.⁵ The following outline was largely available to early administrators, as Francis (Buchanan) Hamilton's *Account of the Kingdom of Nepal, and of the Territories Annexed to this Dominion by the House of Gorkha*, published in 1819, still provides one of the best English-language sources on the late pre-colonial period of the Darjeeling area.⁶ Any discussion of this history is further complicated by the paucity of historical research into this region, even though historians such as Kumar Pradhan, Baburam Acharya, and more recently (and quite innovatively) Saul Mullard have made some inroads into locating and reading original archival sources for this period.⁷

Hamilton's account, written before the Company's direct local intervention, differs from later colonial narratives because he draws a more complex, historically contingent sense of the

⁴ In this chapter, I use the term "Kirata" to refer to people of the Kirat or eastern hill region of Nepal, who were not incorporated into the Hindu caste system and were organized under local chiefs. This includes groups such as the Limbus, Rais and Sunuwars who form the subjects of modern ethnographies. (See below for more details.) Kumar Pradhan defines Kiratas as "a generic term for Mongoloids and thus was used in numerous Sanskrit and classical texts as well as some Indian epigraphs" (Pradhan, 50). In the South Asian context, "Mongoloid" is a racialized term which pertains to ethnic groups seen as speaking languages related to Tibetan and possessing histories of migration from that region, rather than purported descent from so-called Aryan or Dravidian cultures of the subcontinent. The term is used in British colonial censuses and ethnographies. Pradhan points out there are a number of disagreements over the etymology of "Kirata" which has been defined as those speaking nonsense languages or frontiersmen. He argues that "[t]he word Kirata in a broader sense is comparable to the Tibetan 'Mon' which was used generically for all the inhabitants of the south 'who had not been organized into states.'" (Pradhan, 51). Similarly, one possible derivation for the name "Lepcha" is from Tibetan and Rai/Limbu words meaning people of the frontier or border; the name "Mech" has a similar suggested etymology (Pradhan, 63). Kumar Pradhan, *The Gorkha Conquests: The Process and Consequences of the Unification of Nepal, with Particular Reference to Eastern Nepal* (Calcutta: Oxford University Press, 1991). Censuses (really tax lists "darta") were also instituted in Eastern Nepal from the 1820s as a method of Gorkha rule to ensure tax collection (Sagant, 134-5).

⁵ James C. Scott, *The Art of not being Governed: An Anarchist History of Upland Southeast Asia* (New Haven: Yale University Press, 2009), 256-7.

⁶ Kumar Pradhan writes that Hamilton's history of Eastern Nepal "remains our only source in many respects." Sikkim, however, had a tradition of court histories. (Pradhan, 66).

⁷ Baburam Acharya, "Annexation of the Sen Kingdoms," *Regmi Research Series*, 5; 5 (1973): 81-5; Saul Mullard, *Opening the Hidden Land: State Formation and the Construction of Sikkimese History* (Leiden: Brill, 2011).

multiple actors involved in reordering the people and landscapes of this region in the late eighteenth and early nineteenth centuries. In short, Hamilton described processes of state formation regionally in which shifting agriculturalists played a vital role. From Hamilton's perspective, the history of the Darjeeling, Sikkim and eastern Nepal, much of which was then under the military occupation of Nepal prior to the war between the Company and Nepal (1814 to 1816) was not obviously bounded in neat state formations.⁸ Jurisdiction between states overlapped. For example, both Sikkim and Nepal shared control of Nagri fort near a frontier trade route.⁹ Unlike later administrators who would describe Lepchas as aboriginals, Hamilton portrays them as Sikkim's active constituents in which they also formed the bulk of the armed forces. Their most influential hereditary chief (the "Hang") was a powerful second in command to the Sikkimese royal lineage of Tibetan origin. Hamilton, however, had limited access to informants and those he did were closely associated with the Vijaypur kingdom which had been conquered by the Gorkha state of Nepal in the 1770s (a generation before his research).¹⁰

Later Company officials favored diplomatic engagements with the ruling Namgyal lineage in Sikkim, ignoring the political role of the Lepcha Kajis (officials), and redefined this lineage as synonymous with the Sikkimese state.¹¹ In fact, the powerful Lepcha officials were the de facto

⁸ In the early 19th c, the EIC used the terms "Gorkha" and "Nepal" rather interchangeably. Gorkha was the region from which the conquering dynasty of Nepal had originated. In 1769, the king of Gorkha, Prithvi Narayan Shah, completed his 20-year siege of Kathmandu and took control over the valley and city that commanded the most important trans-Himalayan trade route between Tibet and India. From there, he and his successors expanded east into Sikkim and west in Garwhal and Kumaon (both in present-day India), until the EIC fought to contain their expansion in 1814 to 1816.

⁹ "Secret letter from Lord Moira, 2 Aug, 1815, Futtygurh, To the Honble the Secret Committee," in *Papers Respecting the Nepaul War, Volume I* (London: J.L. Cox, 1824), 748-9.

¹⁰ Hamilton's informant noted that Sikkim was a diverse principality, containing approximately 50% Lepchas, 30% Bhotiyas, and 20% Limbus (a group also found in Eastern Nepal) (Hamilton, 118-9).

¹¹ For example, see the treaties in Aitchison, 141-148. The term "Kaji" is a vernacularization of the Perso-Arabic word "qazi." Irfan Habib defines the term in the context of Mughal North India as "Muslim judge with jurisdiction generally synchronizing with limits of *pargana* [administrative unit]" (Irfan Habib, *The Agrarian System of Mughal India, 1556 – 1707* (New Delhi: Oxford University Press, 2009), 540). This was likely a borrowing from the Persianate world of statecraft which had spread throughout courts of all sizes and eminence in North India by the

rulers (under the Gar bdang family/'Bar phung clan) from about 1740 until 1826 at the expense of the Tibeto-Sikkimese Namgyal lineage (founded around 1642).¹² Mullard argues based on a study of Tibetan court chronicles and religious texts that the later sources, authored under colonial influence, tend to introduce a teleological re-reading of Sikkim as a nation-state founded at the first Namgyal coronation.¹³ The official Sikkimese court narrative developed in the nineteenth century, and favored by the British who had taken an increasingly interventionist stance in Sikkim, portrayed Sikkim as a product of earlier waves of migration from Tibet. These migrants promoted the extension of Buddhism through the settlement of Lamas from out-of-favor Tibetan sects. According to this narrative, as the Lamas gained influence locally they grew tired of frequent fighting amongst Lepcha and Bhotiya (or "Tibeto-Sikkimese") clans and thought a third party should be brought in to mediate whom everyone would agree to follow.¹⁴ The Lamas selected a man of Tibetan descent, Phun-tsho Namgyal, a resident of western Sikkim and consecrated him in 1642. His title Chogyal ("Chos-rGyal"), equivalent to the Indian term *dharmaraja* (ruler who protects the *dharma*), signified a political leader who also adheres to Buddhist ideals as a patron of religious institutions and follower of *dharma* (the righteous and/or religious order).¹⁵ Later, about a dozen Lepcha kazis from amongst the predominant Lepcha

eighteenth century. Clearly, the meaning has changed a bit in this context to signify an important official who was neither a religious judge nor a Muslim.

¹² This powerful Lepcha lineage acted as Prime Ministers with the Namgyals as puppets whose red seal was nevertheless necessary on all court documents. Mullard, 174-180.

¹³ Mullard, 185-7.

¹⁴ Herbert Hope Risley, *The Gazetteer of Sikkim* (Calcutta: Bengal Secretariat Press, 1894), ii-iii. *The Dorjeeling Guide: Including a Description of the Country and of its Climate, Soil and Productions with Travelling Directions* (Calcutta: Samuel Smith, 1845), 60-1. "Bhotiya" is a more pejorative term often found in British colonial sources and referring rather generically to ethnic groups of Tibetan origin. Mullard uses "Tibeto-Sikkimese" to refer to long-settled groups in Sikkim who identified with the Sikkimese state as subjects and traced their ancestry to Tibet (Mullard, 2).

¹⁵ Mullard, 27.

families as well as some the most prominent Bhotiya families received official status at court. The king, the kazis, and monasteries all headed landed estates.¹⁶

While this became the accepted narrative of state formation, Mullard's work on Tibetan sources suggests that there was no one coronation ceremony and that the process of state formation was already under way and involved the local ethnic groups much more directly. In fact, he has translated a document from 1663 known as "The Lho Mon Gtsong gsum agreement" between the three major ethnic groups of Sikkim (the Lho pa/ Tibeto-Sikkimese, the Mon/Lapcha, and the Gtsong/Limbu). This states that while the ethnic groups had previously rebelled, now they would be subject to severe punishment ranging from a fine to death if they did not follow the new laws.¹⁷ A number of chiefs or headmen of the three ethnic groups provided their signatures, agreeing that there shall no longer "be separate governments of Lho, Mon, or Gtsong." The agreement stresses the signers' intent to form a united government, and oppose outside influences who might come in and disturb the *dharma* within the kingdom.¹⁸ While Mullard does not elaborate on this point, the Namgyal lineage clearly was making an early attempt to define its territory as unique in a situation where the three identified major ethnicities of the kingdom all belonged to mobile communities, many of which have not yet adopted Buddhist practice. Further, Lepcha activist and scholar A. R. Foning has argued based on similarities between Limbus and Lepchas and their supposed common origins that in fact the

¹⁶ Risley, 15-16. Pranab Kumar Bhattacharyya, *Aspect of Cultural History of Sikkim: Studies in Coinage* (Calcutta: K.P. Bagchi., 1984), 11-2.

¹⁷ Mullard, 140-6.

¹⁸ Mullard, 142. A much later account written in the 1980s by an elderly Lapcha activist provides an interesting and idealized oral account in which Lapchas were conned out of their homeland. A. R. Foning argues that Lapcha society never took on a hierarchical structure—only seniors were accorded special rank—and that only the import of Tibetan feudalism created a distinction between elite and commoner Lapchas. While the Lapchas had indeed consented to the installation of the Namgyal dynasty in 1642 at Yoksam, this was only because a few generations previously a Lapcha senior "was coaxed into ceremoniously swearing eternal friendship of brotherhood with the Tibetans who were gradually infiltrating into our land." It was in order to honor the pact of friendship that Lapchas later agreed to accept a king. A. R. Foning, *Lepcha, My Vanishing Tribe* (London: Oriental University Press, 1987), 7-8.

state authored the “Lho Mon Gtsong gsum agreement” in order to divide and rule the two groups, which led to a political break between them in the mid- eighteenth century (see below).¹⁹

Initially the kingdom of Sikkim extended its dominion into the tarai as far as Krishnaganj [Kishanganj] in Purnia and also westwards towards present-day Ilam, Nepal, but soon ran up against its expansionary neighbors. Sikkim lost portions of the tarai to the Mughals in the late seventeenth century, then the Nawabs of Purnia, and finally and completely to Nepal in the late eighteenth century.²⁰ Despite this loss, Sikkim continued to claim continued suzerainty over the Dhimals and Mech tribes of the lower hills. Due to infighting in the royal family in the late seventeenth century, Sikkim lost significant hill territory to Bhutan, much of which it regained with Tibet’s help soon after, except for the area of present-day Kalimpong.²¹ In the early eighteenth century, the Raja conscripted a number of Limbu settlers to secure the eastern border against Bhutan; many of these settlers, however, fled to Limbuwan in the west, which was nominally under Sikkim at the time, and helped it to break free from Sikkim even before the Gorkha expansion.²² Kirata chronicles remember the uprising in Limbuwan as resulting from conflict between Tibetan Lamas and a local Limbu leader who was promoting a revival of the Kirat literature and religion (which was shamanistic rather than Buddhist).²³ This record of

¹⁹ Foning, 134-135.

²⁰ Hamilton, 119. This seems to have been a long established relationship –as late as 1850, Mech representatives petitioned Campbell that they did not want to pay taxes to Purnia or go to the courts there but preferred to be subject to Darjeeling. See the files contained in: NAI. Foreign Dept. 14 June 1850. 369-560.

²¹ Bhattacharyya, 12. The Bhutan government ruled this area through Buddhist religious institutions, Gompas, and local Lepcha representatives whom it accorded official title as “Ramzams, the nobles of the lowest cadre among the Bhutanese.” *Ramzams* usually acted as writers or clerks for the governors, *Dzongpens*, of the big forts. Young Lepcha men also were sent to Bhutan for religious training in the monasteries (Foning, 9). In this way, the Lepcha society in the Kalimpong area became more stratified, as it was inserted into the outskirts of a bureaucratic and centralizing state structure.

²² Bhattacharyya, 12. The Limbus of Sikkim may also have been unhappy because the fourth Namgyal king, had become very close to the Lepchas and some of their priests became influential advisers to him. Supposedly, the Limbus then turned out these unpopular, non-Buddhist priests. Risley, 14-15.

²³ The Lamas of the Pemayangtse Monastery were said to have put to death this local hero, Srijunga Dewangsi, and then the people of Limbuwan rebelled against the Sikkim Raja. Iman Singh Chemjong, *History and Culture of the Kirat People* (Kathmandu, Nepal: Kirat Yakthung Chumlung Central Office, 2003), 167.

Limbu discontent and the loss of territory suggests that eighteenth century Sikkim was in many ways a polity in which the corporate interests of particular groups was vital to cohesion, and religious patronage had to be handled delicately. This balance of power shifted in the mid-eighteenth century to an important Lepcha clan who backed the successful royal heir in a dispute over succession following the fourth Namgyal king's death. The Lepchas then gained control as "superintendents of cultivation" (an especially significant position in a region of mostly shifting agriculture, as it meant also controlling manpower). They levied taxes on customs and forest produce.²⁴ Sikkim's troubles with its neighbors intensified when in 1788, the *Subah* (military and civil commander) of the Nepal Morang, Tiurar Singha, led an assault on Sikkim's capital, escalating in a conflict that would extend beyond the Anglo-Nepal war. The Sikkimese Lepchas did not easily accept Nepal's authority maintained by detachments of Nepali troops; Nepal's military governor had to appoint a Lepcha collector (a nephew of the Prime Minister) to collect revenue and preside over civil government from Nagrikoth (a fortified trading post located on the frontier to the south west of Darjeeling).²⁵

Just as the "tribal" Lepchas were the strongest support for the Namgyal lineage, the Kiratas in Eastern Nepal supported the Sen rulers (collaterals of the Palpa kingdom discussed in Chapter Two). Before Nepal expanded from Kathmandu eastwards into present-day Sikkim in the late eighteenth century, the Sen rulers, a self-proclaimed Rajput lineage, were the predominant political power in the area. The Sens were only able to expand into the eastern Morang through the invitation of powerful Kirat chiefs who had been acting as king-makers for several generations. A western branch of the Koch (of whom Vijayanarayan was a later descendent) is thought to have formed a principality in the eastern tarai, known by its ancient name, the

²⁴ Risley, 15-16.

²⁵ Hamilton, 124-5.

Morang, in the sixteenth century, at times clashing with the Mughals for control of the plains.²⁶ Vijayanarayan formed an alliance with the Kirantis of the hills bordering Morang in the north, and brought Singha Raya, son of Khelang, an important Kiranti chief (or “Hang”) into his service. Pradhan speculates that this was “perhaps the first instance of a Kiranti person assuming the title of Raya.”²⁷ According to one of Hamilton’s informants and a descendent of Singha Raya, Vijayanarayan had built Vijaypur (located north of Dharan in present-day eastern Nepal) as the seat of the principality when he extended it into the foothills. This initial and unequal military alliance apparently was predicated upon a prior history of thick trade ties between the mountains and the foothills.²⁸

The Kirantis subsequently grew unhappy with the alliance and Singha Raya’s descendants turned to Lohanga of the Makwanpur branch of the Sen lineage for an alliance, bypassing Vijayanarayan’s descendants. Lohanga used the opportunity to militarily defeat a number of independent zamindars southeast of Makwanpur, in the present-day Nepal districts of Mohattari and Saptari on his way to take Vijaypur. When Lohanga’s descendant Subha Sen was kidnapped and exiled to the Mughal court at Delhi by the Nawab of the adjacent territory, Purnia, the Kirat *Chautariya* or Chief Minister’s family raised the infant Sen heirs in their hill territory.²⁹ The contemporary Kiranti *Chautariya* Bidyachandra divided up the remainder of Subha Sen’s territory amongst the two sons; a third section became portioned off as Bidyachandra played family politics to determine succession. Each of the three sections then retained a Kiranti

²⁶ Pradhan, 67.

²⁷ Pradhan, 67. His immediate descendent Vidyachandra relinquished the title of Hang, and adopted that of “Chautariya” indicating a more Hinduized identity which went along with more Hindu practices (Hamilton, 135-6).

²⁸ Hamilton, 133.

²⁹ During the conflicts between the Nawab of Purnea (Isfandar Khan) and Makwanpur, the latter also lost some territory to Purnia (Regmi, 71). Subha Sen was betrayed by his Brahmin Diwan who, in return, was given a land grant by the Nawab of Purnia. Subha Sen was packed off to Delhi around 1706, never to return, while his naib Prabodh Das took his infant sons to the Kirat territory for refuge until they should come of age. The date 1706 is given by D. R. Regmi (72).

Chautariya selected from Bidyachandra's family to oversee its affairs.³⁰ In this sense, the Kiranti minister's family could be seen as more powerful than the Sen Rajas as he controlled indirectly the entire territory which had been divided between three heirs. The relationship between the Sen Rajas and their ministers became increasingly contested especially in the eastern-most portion centered on Vijaypur. The messy battle between the Chautariya Budhkarna and the Sen Raja Kamdatt led to both parties having to flee the kingdom at different times to seek assistance from outside powers such as Tibet and the East India Company in Calcutta.³¹ Several political assassinations ensued with Sikkim and Nepal becoming directly involved in the dispute. The final result was that Nepal purportedly had all the legitimate heirs of the Mandhatta Sen lineage killed who possessed claims on the middle and eastern principalities in the Morang. One Kiranti *Chautariya*, Agam Singh, survived in exile in Company territory and narrated the political events to Hamilton.³² Since this narrative originated from a powerful and politically invested Kiranti former minister, it likely emphasizes the roles of the Kirantis in the region's history; even so, it is apparent that corporate groups in the eastern Himalayas had a stronger role in state formation in

³⁰ The territory was divided into a third portion in this way: one of the two inheritors Mandhatta's son Kamdatta fell out with his Kirat Chautariya, Bichitra Ray, assigned to him, and briefly sought refuge in Lhasa. Bichitra Ray's favored heir Jagat (a legitimate son of the western branch) brought about a reconciliation between the Chautariya and Kamdatt, brought Kamdatt back from Lhasa, and then kept a portion between the Kamala and Kosi for himself (Hamilton, 139-141).

³¹ Kamdatt had Budhkarna's brother killed, and the Chautariya then negotiated with the legitimate heir of the western branch and the Sikkimese to get Kamdatt removed from the throne (and put to death). Budhkarna then had Karna Sen placed on the throne who Nepal had recently dispossessed of the middle principality of the Morang (the one Jagat had kept for himself). Karna Sen passed away after 18 months, leaving an infant heir, who again was reared by the Chautariya assigned him, Agam Singha, also Hamilton's informant. Agam Singha claimed to be a fifth generation Chautariya descended from Bidyachandra, who he says was the contemporary of the first Rajput ruler of Vijaypur [here he must mean a Sen rather than Vijayanarayan]. Nepal seized upon the opportunity to attack Vijaypur that year and Agam Singha, the Raja's widow and infant heir, fled to EIC territory, close to Nathpur. (I think Budhakarna ranked above Agam Singha but they were part of the same family.) Prithvinarayan Shah (king of Nepal) kidnapped Budhakarna and had him put to death; shortly thereafter he succeeded in getting the young heir fatally poisoned. The widow attempted to keep the lineage afloat by adopting a son from the Raja of Palpa (a relative of her late husband), but the young man was also killed in a murky ambush probably orchestrated by Nepal. Thus, the lineage of Mandhatta Sen (rightful heirs to the middle and eastern principalities in the Morang) was finished off. Hamilton, 133-4.

³² Hamilton, 133-4.

the eastern Himalayan kingdoms than further to the west in other Sen principalities such as Palpa.

As noted above, regional states gained access to groups of shifting agriculturalists through a hierarchy of intermediaries holding important positions as chiefs or revenue collectors. These headmen or intermediaries held powerful roles that endured through a number of political changes in the region in large part because they controlled the state's access to the majority of the subjects in the region. The Chautariyas in particular were highly attuned to political negotiations. Hamilton writes:

The Chautariya signed all commissions and orders, while the raja applied his seal. The Raja might punish the Chautariya in whatever manner he pleased, and even put him to death; but he could not deprive him of his rank, nor his son of the regular succession. This power of punishment, however, must have been very much limited, as the Kirats seem to have been entirely guided by their chief; and they composed almost the whole strength of the state.³³

An agreement between Lohanga Sen (of Makwanpur) and allied Kiranti chiefs, on the other hand, stipulated that the *Diwan* (or Chief Minister) would be elected by the ten provincial chiefs, have a tenure of five years, and be someone of “*Kirata desa*” (the Kirat country).³⁴ If we compare Hamilton's account with the agreement Regmi cites, we note a discrepancy in terms of whether the Chief Minister would be elected by the corporate group or whether the office would be strictly hereditary. A Limbu oral tradition justifies the division into ten major jurisdictions under one chief. According to historian and activist Iman Singh Chemjong, the Limbus (one of the Kiranti people) claim that ten community leaders originally migrated to the region from the direction of present-day Burma and settled in the Morang, only to find that the local kings

³³ For this the Chautariya received 10% of state revenue (Hamilton, 147).

³⁴ There seems to have been some confusion between the posts of Diwan and Chautariya in the sources. These may have been more overlapping positions that became distinguished over time. In the context of the central Nepal court, Chautariyas were nobles or ministers from generally high caste or status families who had helped establish the Shah dynasty in the mid-eighteenth century.

oppressed them. They united to defeat the local kings who either died or fled. The ten leaders then decided as they had fought together that each would be the ruler of his own division or *thum* and would build his own fort. They would then make decisions about treaties with outside powers or war together. Further, they decided to admit all of the remaining members of the royal families from the previous dispensation as well as the subjects into the Limbu community with the guarantee that all would be treated alike. It was also decided that when the Limbus would attack their neighbors in the plains or the high Himalaya and captured prisoners, instead of making them into slaves, they would incorporate them into the *dash Limbu vamsha* or the ten Limbu lineages.³⁵ In this way, the idea of incorporation and group decision-making, then, implies some degree of forced consent as well as hierarchy in its conception.

Further, several key documents indicate that Kiranti social organization revolved around loosely defined obligations and rights and that group membership was determined by community acceptance or rejection rather than a strictly territorial or ethnic basis. The Lohanga Sen-Kirata agreement stipulated that migration would be regulated and noted so that “unauthorised” people would not enter the area. A census registry (or more likely a tax list) would be taken every ten years and kept in the capital city of Vijaypur.³⁶ Anthropologist Ann Forbes has noted that in the village she studied in far north-eastern Nepal, the Rai Headmen kept lists of cultivators on their communal lands without noting what lands they cultivated; documents survived from the

³⁵ Iman Singh Chemjong, *Kiratakalina Vijayapiurako Sankshipta Itihasa* (Darjeeling: Nepali Sahitya Parishad, 1975), 8-11.

³⁶ While the stipulation about a tax list or census may seem a bit farfetched, Mullard has translated one such fragment of a census of Sikkimese subjects of various ethnicities (primarily Lapcha and Limbu) contained in a Tibetan manuscript compiled from 1645 to 1676, or a few decades after start of the Namgyal lineage. This is a fragment of a list of names of clans and families falling under various leaders and locations. It is not stated in this document why these 378 individuals are named and another 1000 noted, but in one place it is noted that one family pays tax in curds and dairy products. Later documents resembling this list found in the Sikkim archive explicitly purport to be tax lists (Mullard, 154-5, 244-53). That censuses were taken by the regional states for the purposes of taxation also seems to be born out by the experience of the Census takers in Darjeeling district in 1871; a number of locals fled across the border into Nepal because they thought if they were counted they would be taxed (Jervoise Athelstane Baines, *Census of India, 1891: General Report* (Shillong: Assam Secretariat Printing Office, 1892), 66).

nineteenth century. Families registered and paid a yearly tax to the headman. As the boundaries of property were not recorded they depended upon local negotiation. If a family had a history of clearing a piece of land, and had invested their labor over generations, they were often accorded social recognition for the tract although contestation over the richest fields was common.³⁷ According to Regmi's source, the Headmen under the pre-Gorkha regime levied taxes per implement rather than on a particular piece of land (or per family, as Forbes noted in her study). Provincial headmen would try all major crimes except for the five most serious, capital offenses, known as *panchkhat*, which would remain under Vijaypur's jurisdiction, thus giving the Sens some inroads into local authority.³⁸ Rebels were to be deposed and banished. Finally, the treaty listed the ten jurisdictions and the headmen, all located in the region between the Arun and Kankayi rivers.³⁹

Chemjong's translation of a document describing the proper ritual for adoption into the community further provides a sense of the porous nature of these groups of shifting cultivators. Adoptions would take place during an assembly of representatives of the ten chiefs of the districts, and include the adopter and adoptee. This seems to have been an all (or mostly) male assembly as Chemjong has the Limbu priest address those gathered as "Gentlemen." According to his translation, the priest reminded the assembly that this was an old tradition sanctioned by

³⁷ Ann A. Forbes, "Mapping Power: Disputing Claims to Kipat Lands in Northeastern Nepal" *American Ethnologist* 26.1 (1999): 118.

³⁸ In 1835, the Nepal court issued a grant to a Tharu Chaudhari in Saptari district stipulating which taxes he could keep and which would be transmitted to Kathmandu. The Chaudhari was allowed to keep a number of local taxes and collections, including forced labor and various kinds of fines but was required to forward those collected under the category of *panchkhat* to the king. This covered any crime meriting one of the five great punishments which included death, life imprisonment, shaving of hair, loss or reduction of caste. Gisele Krauskopff, et al, *The Kings of Nepal & the Tharu of the Tarai* (Los Angeles: Rusca Press, 2000), Plate 18, 136-7.

³⁹ The Government would levy taxes at the rate of Rs 1 per plough, with 10% of the collection apportioned to the headman and collector, 45% to the militias, and the remainder to the central treasury. The Rs 1 tax per implement seems like a later addition or translation error, as Rs 1 was the same tax amount as found in 1850 amongst the Meches in an adjacent region, about 200 years after the agreement with Lohanga. D. R. Regmi, 79-80.

the wisdom of their forefathers who had promoted population growth as a collective good.⁴⁰ The priest would caution those gathered that the forefathers had stipulated: “If any member of any other nationality or race or tribe or family or cast or creed desires to join your family, let him be accepted among your children as members of the same fold.” The ceremony ended by declaring that the adoptee “no longer belong[ed] to [his] old caste or race or tribe.” The assembly would record the decision in a written agreement with all present signing as witnesses, and they would agree to pay a set fine if anyone should speak badly of the adopted person.⁴¹ Thus, group sanction ensured acceptance of new members.

The Lohanga Sen-Kirata agreement and the adoption ceremony represent cultural and political arrangements for attracting and maintaining manpower in a fluid frontier region where state power was not firmly wedded to territory. In such a situation, regional states had to compromise with those they sought to control, as flight was always a possibility. Thus, state formation was predicated upon locating intermediaries who benefitted from their proximity to state power; such intermediaries would then be made responsible for producing labor as needed. This was also an effective strategy for military organization. Under the Sen kingdom, each Rai (or head of a province) was held responsible for providing 150 male warriors if called upon. Young men were expected to spend several months in Vijaypur learning martial skills, and a large portion of revenue funds were diverted to the maintenance of such militias.⁴² The majority of soldiers comprised Kirantis organized under *Sardars* (Commanders) who were granted pieces of hill territory in return for the promise that they would provide soldiers on command. The *Sardars* did not receive a fixed share of produce from the land, but divided it amongst their officers and soldiers, and kept a portion for themselves. The men, however, gave them

⁴⁰ Chemjong, 60-61.

⁴¹ Chemjong, 62.

⁴² Regmi, 79-80.

“presents.”⁴³ Prior to Gorkha expansion in Nepal, most regional states in the Himalayas, including the Sen polities and the Malla kingdoms of the Nepal valley, had relied upon similar arrangements for levying local militias rather than retaining a sizeable standing army.⁴⁴ The difference in this case lies in the training young men received yearly at the district headquarters as well as the strong link between corporate identity and military service (all levied males presumably were expected to incorporate themselves into Kiranti lineages).

After the Sen kingdom was conquered in the east in the 1770s, the new territorial hegemon, Nepal, had to negotiate with the Kirantis in order to achieve a foothold in the region. The Nepali court recognized the communal system of landholding as a specially designated tenure, called *kipat*, for which fairly light taxes would be paid on a communal basis annually. The Nepali court also required headmen of the far northeastern Kiranti regions to present themselves once a year at the district center before a royal representative to receive *tika* (mark of yoghurt and rice placed on the forehead) to indicate their ritual submission at the Dasain festival. Otherwise, the Kiranti region was allowed to remain independently governed at the local level.⁴⁵ While Nepal granted communal landholding rights under the *kipat* system, it did not bring Kiratis into high government posts or allow them to become officers in the army. At the same time, the Nepali state encouraged outsiders to settle in Limbu territory holding tenure from the central state (on *raikar* grants) rather than as part of the local *kipat* system, and promoted settled over shifting agriculture.⁴⁶

⁴³ Hamilton, 148.

⁴⁴ Dhanvajra Vajracharya, “Mallakalma Deshrakshako Vyavastha ra tyasprati Prajako Kartavya,” *Purnima* 1:2 (1964): 20-33.

⁴⁵ *Kipat* was only formally abolished in 1994. Ann A. Forbes, “Mapping Power: Disputing Claims to Kipat Lands in Northeastern Nepal” *American Ethnologist* 26.1 (1999): 114-138.

⁴⁶ Philippe Sagant, “Nationality and Nation-state,” in *The Dozing Shaman: The Limbus of Eastern Nepal* (New Delhi: Oxford University Press, 1996), 319-335.

The First Foundational Narrative: The Ko Ta Pa Rebellion and Border Dispute

According to its own account, the East India Company first became directly involved in the region after defeating Nepal in a war over their long shared frontier in 1814 to 1816.⁴⁷ The Company had few resources to spare to the eastern front in the war and had simply encouraged Lepcha and Tibeto-Sikkimese forces at Nagrikot (near present-day Darjeeling) to rebel against the Gorkha military outpost. Following the successful rebellion and the conclusion of the rest of the war in the Company's favor, Governor General Hastings made a separate treaty with Sikkim giving it the land east of the Mechi River subject to certain conditions. For example, Sikkim was forbidden from "acts of aggression against the Goorkhas or any other state" and all "disputes or questions that may arise between [Sikkim's] subjects and those of Nepaul, or any other neighbouring State" would be arbitrated by the Company.⁴⁸ The articles of the treaty did not mention any specifics about surveying or maintaining the boundary between the states; in fact, the stipulation about disputes between subjects was interpreted later to mean disputes about the boundary, indicating that in 1817 even the Company did not conceive of a particularly fixed border between the two countries. When the Treaty of Titalya was penned, the Company administration was most concerned with strengthening Sikkim as its ally to prevent future Nepali expansion eastwards; thus, the area around Darjeeling was left under Sikkim's jurisdiction.

According to O'Malley's gazetteer, in the 1820s "disputes arose on the Sikhim [sic] and Nepal frontier, which, according to the terms of the treaty, were referred to the Governor-

⁴⁷ A general account from the colonial perspective of the annexation of Darjeeling is found in the following: William Wilson Hunter, *A Statistical Account of Bengal: Districts of Darjiling and Jalpaiguri, and State of Kuch Behar* (1876; reprint, New Delhi: DK Publishing House, 1973), 18-9; L. S. S. O'Malley, *Darjeeling* (1907; reprint, New Delhi: Logos, 1985), 19-25. Also, most importantly, see "Sikkim: From a Report by Dr. A. Campbell, Superintendent of Darjeeling, and other Documents in the Foreign Office," in *A Collection of Treaties, Engagements, and Sunnuds, Relating to India and Neighbouring Countries*, C. U. Aitchison. (Calcutta: Savielle and Cranenburgh. 1862), 135-139.

⁴⁸ Aitchison, 141.

General.”⁴⁹ Technically, as mentioned above, disputes over the border were not included in the treaty. Nevertheless, the Company’s Agent for the North-Eastern Frontier Colonel Lloyd happened upon Darjeeling when deputed to the border in 1829. Purportedly the first European visitor, he became enamored of the site, and brought it to the administration’s attention soon after.⁵⁰ Most colonial sources are less explicit about the political background: in 1826, the Lepcha Prime Minister, Chagzot Bolot was murdered by a court faction as the royal Namgyal lineage was trying to reassert itself and throw off the puppet status to which the Lepcha ‘Bar phung clan had subjugated it. The Prime Minister had taken the king’s red seal and misappropriated the revenue, both understood as treasonous acts. This was not a simple Lepcha versus Tibeto-Sikkimese power struggle as by this time the royal and ministerial families had become linked intricately through marriage--Bolot was also the uncle via marriage to the Namgyal raja. Bolot’s nephews (the sons of Kotaba Kungha named Dathup, Jerung Denon and Kazi Gorok) then fled to Ilam (Nepal), part of their patrimonial estate, taking about 800 Lepcha households from Chidan and Namthang.⁵¹ Apparently, Colonel Lloyd had encouraged the Lepcha faction to leave Sikkim as he thought it would simplify political affairs in the country.⁵²

The Lepcha refugees, protected by Nepal, were based near Ilam on a hill called Onto situated between the headwaters of the Mechi river, but they quickly indicated to Lloyd their desire to return to Darjeeling which they said was also part of their patrimony.⁵³ Moreover, they claimed that Lloyd, the Company’s intermediary with Sikkim, had encouraged their exodus from Sikkim

⁴⁹ O’Malley, 19-20.

⁵⁰ Risley, iii.

⁵¹ Sprigg, 225-236; Mullard, 180-1.

⁵² They allied with a zamindar in the Morang and seized a neighboring zamindari. The EIC intervened in favor of the Bykuntapur Estate, and the rebels retreated once more to Nepal where they were given refuge. Thus, the rebels felt they had some claim to the EIC’s favor and asked to be settled in Darjeeling, the newly settled tract. IOL. Boards Collections. F/4/1813, 1839-1840, 74755. Affairs of Nepaul. India Political Department. Extract Political Letter from Fort William, 27th Feb 1839; & Extract Political Letter to India, 20th Sept (no 23) 1837.

⁵³ O’Malley, 20.

and as such he owed them some land in compensation.⁵⁴ The border dispute remained unsettled as the Mechi River had been designated the boundary between Nepal and Sikkim in the treaty of 1817 without, however, deciding exactly where this river originated. The Company deposed deputies for Sikkim and Nepal to settle the border again in the 1830s from which a number of transcripts survive.⁵⁵ From this series of depositions and commentary, we gain a very different picture than that authored by the Company in the official historiography. The Lepchas controlled the area on the ground, but many of the men interviewed had worked in various capacities as local functionaries (even as *shikhari*, or huntsmen) for Nepal, Sikkim, and for Lepcha Kazis who were semi-independent of Sikkim at different times. The area had come into and out of cultivation as part of a circuit of shifting agriculture, and it had been in recent years connected by road made through local forced labor to Nagri and towards the Mechi river but not yet up to the Company frontier. The layout of the road indicates that local trade sustained itself trans-regionally without having to forge close links to colonial Bengal. Following the war, Sikkim had captured and relocated the shifting cultivators of the Mechi headwaters within its own border. Later, a number of them had returned to Nepal. For example, Ajuk (known to other Lepchas as *Adhikari* or “Secretary”), formerly acted as an orderly for Chatrajit, also known as Chutup,

⁵⁴ Both states claimed the Onto tract, and Sikkim also wanted the refugees handed over. Such disputes, according to treaty, came under the jurisdiction of the Agent for the North-Eastern Frontier and the Resident of Nepal to resolve. Campbell was sent from the Nepal Residency to mediate and Captain Lloyd was sent to the border to manage the conflict for Sikkim’s interests and the Commercial Agent from Malda, G.W. Grant availed himself of the opportunity to tag along for part of the way. The two men noticed the favorable landscape of Darjeeling. Having conveyed this to the Governor-General, he decided to negotiate with Sikkim for the territory whenever possible. In 1834-5, the Lepcha refugees in Nepal made incursions into the Sikkim Morung leading to fresh border disputes. Colonel Lloyd returned to the region and used this opportunity to secure the succession of Darjeeling from Sikkim, in return for repulsing the refugees. IOL. Boards Collection. F/4/1813, 1839-1840, 74755. Affairs of Nepaul. India Political Department. Draft 215_ 1840. Extract Political Letter from Fort William, 27th Feb 1839.

⁵⁵ The following depositions are all found in: IOL. Boards Collection. F/4/1813, 1839-1840, 74755. Affairs of Nepaul. India Political Department. Draft 215_ Political Department. Proceedings held by Lt. Coll. Lloyd, and A. Campbell Esqr, Respecting the hill tract named Ontoo situated between the two principal streams that form the Mechi river and the right to which tract is in dispute between the Nepal and Sikkim states; Statement of Ek Nazurri Lapcha Soobah resident at Kurphoe, of Ek Jirring Lapcha Kaji residing at Sudum. Ek Phuchuk Lapcha Kaji of Kurphoe. Gohing Lapcha Soobah and Doogi Lapcha Soobah of Kurphoe, 14 Oct 1838.

Lapcha leader of the Sikkimese forces.⁵⁶ Ajuk claims that he was taken by force from his home near Ilam by Sikkim troops and relocated to Chongtong in Sikkim after the Anglo-Nepal war of 1814 to 1816. When asked by the Company translator if he was “taken by force or with his [own] consent,” he replied that he was taken “by force.” However, when questioned how long he remained in Sikkim and whether he was free to leave, he replied that he remained for “six or seven years...of [his] own freewill.”

Another deponent, Humsbarra, a 47-year old Limbu, explains in greater detail the capture of local people by armed Lepchas from Sikkim after Jaintia Khatri the Gorkha *Subah* (commander) posted at Nagri fort had been forced to retreat to Nepal following the war. Humsbarra explains that the “Sikkim people” came and “carried away Elam Sing and Eknaggree and many Lepchas and Limboos.” Upon further questioning, he states that “They took all the Lepchas. The Limboos fled to Phakphoi westward.” When asked for names, Humsbarra states that those taken included “Aka Limboo. Eknaggree and gooling Soobeeas. Debria Jimpan. Lupchas. [sic] And others.” Clearly, there is a different understanding of ethnic or corporate identity in which Lepchas and Limbus overlapped as categories yet some distinction is understood by local people. The examiner asks Humsbarra to verify Ajuk’s story (noted above) that he was captured and taken by the Sikkimese party. Humsbarra clarified: “They carried away his Chief, he [Ajuk] hid himself at the time and followed them afterwards.” Another witness, Kookah, a 75 year-old Lepcha, reiterated that after the war “[s]ome soldiers from Sikim came and took away the Mahapuns, Jumpuns, Kripuns, and Dingpuns [all military/civil officers] and carried them across the Rumbong river to Nagree.” He said that he too was taken, as well as his Chief. Kookah remained in the area across the Rumbong river in Sikkim and cultivated for one year, after which he

⁵⁶ For Chtrajit’s (Chutup) role see Moktan, 247.

returned to his place of origin, Siddileang. His Chief Gooling Impun settled at Chongtong in Sikkim. Following Kookah's return to Siddileang (or Siddi country), he continued to pay revenue intermittently to his chief at Chongtong (although they were technically under two different states). He states that he used to go to Chongtong and take the chief things, "[s]ome as Nuzzur some as revenue". In this way, he paid revenue for two years to Gooling Impun and then he did not pay anyone for two years.⁵⁷

Sri Kishan Gharti Havildar, of Ilam *garhi* (fort) in Nepal, stated that his older brother had been deputed by Nepal to settle people in the Khoegurry ridge at the time when Jaintia Khatri was *Subah* (before the Anglo-Nepal war). The settlers did not have to pay revenue for five years, after which they were to pay their revenues to the Gorkha company stationed at Nagri. The *havildar* or low ranking officer's brother brought *raiyats* (state subjects), including 20 families of his caste, as well as his own family from [Sirubaru?] Zillah, Majh Kirat [several hundred kilometers to the west of Nagri]. They had to leave after one year, however, because the war broke out followed by "the revolt of the Lepchas." That Nepal lost control of Nagri fort because it could no longer control the local Lepcha population is corroborated by other sources. The East India Company had encouraged Sikkim to resist Gorkha control by assuring Sikkim of its support and sending arms and ammunition; in this account, the Lepcha around Nagri had carried out the armed resistance most effectively, although this is not acknowledged in most Company accounts of the war.

These examples reveal an intricate sense of service and patronage which encompassed both free and unfree forms of labor, and can continue across state boundaries. They also indicate that

⁵⁷ See Aitchison's Treaties, Vol. II, 149-152 for a brief outline of the events that the EIC felt contributed to its decision to declare war on November 1, 1814 and the outcome. Also, see *The Dorjeeling Guide*, 66, for some details on Lepcha "guerilla warfare." And for details of EIC support to Sikkim see *Papers Respecting the Nepaul War*, 748-749.

the eastern boundaries of Nepal and Sikkim overlapped with each state having promoted the settlement of certain subjects within the same territory. At the same time, Lepchas clearly held the balance of power in the area, as the Nepali subjects had to leave when the Lepchas “revolt[ed]” during the war of 1814 to 1816. State extension was made possible through personal ties of patronage in which intermediaries accepted allegiance to one of the states, but this was somewhat complicated because the majority of shifting cultivators had no such direct ties with the regional state. In other words, their status as state subjects was ambiguous. For example, while Ajuk initially hid from the Sikkimese soldiers, he later felt compelled to follow his patron. Perhaps because the Sikkimese understood this degree of obligation in the relationship, they only took the more important men, the military officers. One wonders what would have happened to Ajuk if he had not followed his chief to Sikkim. While the relationship between subject and chief seems in some ways as one of total dependency which Chatterjee and Eaton have defined as slavery in the South Asian context, it seems there was some flexibility in the relationship.⁵⁸ Kookah, for example, claimed that he only intermittently offered presents to his chief and after two years stopped altogether, despite the relationship of dependency remaining socially acknowledged.

This extension of state space through similar ties of patronage was taken up actively by the East India Company administration. Campbell, the Assistant Resident of Nepal deputed to attend to the border negotiation, writes of his initial meeting with the Lepchas in Onto:

During the investigation I marched all round the disputed tract, accompanied by many of the Lepchas, passing the whole day with them, seeking information from and putting up with them at night, in beautiful huts of green bamboo and green boughs of trees, which they constructed with extraordinary skill and rapidity at every halting place. After ten days of this pleasant

⁵⁸ Indrani Chatterjee and Richard Maxwell Eaton, *Slavery & South Asian History* (Bloomington: Indiana University Press, 2006).

intimacy we became great friends, our liking to each other was cordial, and turned out to our mutual advantage; for soon after I left the frontier I was appointed to the civil charge of Darjeeling, a leading man of the tribe came and took service with me there, and was followed by two hundred of his people, who were of the greatest help to us in starting the sanitarium.”⁵⁹

Throughout his career as Superintendent of Darjeeling, Campbell would remain an avid patron of particular Lepchas, especially Chebu Lama, whom he granted land around Darjeeling after 1850. He also ensured that other Europeans relied upon Lepchas for native labor and knowledge; for example, he facilitated Hooker’s employment of several young Lepcha men to collect botanical specimens and look after his day-to-day needs.⁶⁰ Yet, he always considered these men as servants rather than government officials in contrast to their status under Sikkim, Nepal and Bhutan. This form of patronage may have also influenced the articulation of ethnic identity. After all, Chebu Lama filled the role of a Lepcha native informant, but his mother was a Lepcha and his father a “Bhotia” (Tibeto-Sikkimese) as Campbell acknowledges.⁶¹ Where descent was often reckoned by the father’s side of the family (thus the Namgyals could marry Limbu and Lepcha wives, for example, without their children becoming Lepcha or Limbu), as Chebu Lama’s father was not a Lepcha, he probably could move between Lepcha and Tibeto-Sikkimese identities rather more than Campbell acknowledged.⁶² In fact, this pedigree may have helped Chebu Lama remain influential at the Sikkim court where Lepcha factions had so recently been expelled from favor. Yet it also allowed him to fit Campbell’s label, demonstrating in the latter’s words, the extent of “mental and moral development attainable by a Lepcha--namely, through

⁵⁹ Campbell, “On the Lepchas,” 153.

⁶⁰ Joseph Dalton Hooker, *Himalayan Journals; or, Notes of a Naturalist in Bengal, the Sikkim and Nepal Himalayas, the Khasia Mountains, &c* (London: J. Murray, 1854), 117.

⁶¹ Campbell, “On the Lepchas,” 145.

⁶² Hooker also writes: “In cases of intermarriage with foreigners, the children belong to the father’s country” (Hooker, 125). See also Risley, 12-17.

European influence and guidance.”⁶³ Whereas Chebu Lama had worked as *vakil* (diplomatic agent) for the Sikkim Raja, he had to negotiate with the Company on the basis of his indigenous status, one which ranked him well below the civilized standard of administrative capacities.⁶⁴

The Second Foundational Narrative: “Hooker! Hooker! The savages are murdering me!”

In late 1849, Superintendent Campbell journeyed into Sikkim to help an amateur botanist, Joseph Hooker, attain permission from the Raja for a scientific expedition, as well as to re-open direct diplomacy with the court which Campbell felt the Diwan, or Prime Minister, had been impeding. Since the founding of the hill station the relationship with the Sikkimese court had steadily deteriorated according to the Company because, Campbell claimed, the Diwan and major landlords resented “the increased importance of Darjeeling under free institutions,” particularly that “they lost their rights over slaves settling as British subjects” in Darjeeling.⁶⁵ Campbell journeyed into Sikkim in part to discuss repeated misunderstandings had arisen between the two states since 1838 regarding jurisdiction over subjects.⁶⁶ Further, Campbell went to lend official support to Hooker’s attempted botanical explorations into Tibet which had stalled for lack of Sikkimese cooperation. He met Hooker as he was attempting to gain access to the Chola Pass into Tibet; the men were arrested by Sikkimese soldiers, or “kidnapped” according to Company records and the British press in India.⁶⁷ Hooker writes evocatively of the arrest which occurred near the Tibet border:

⁶³ Campbell, “On the Lepchas,” 153.

⁶⁴ See also the description of Chebu Lama in Hooker, 31-32.

⁶⁵ Aitchison, 136.

⁶⁶ WBSA. Bengal Proceedings. Political Department. Fort William, 1861, General Department. No 13. Brief Report on the Political Relations between the British Government and the Sikkim State by Dr. A. Campbell, Superintendent of Darjeeling, and in charge of political relations with Sikkim. Darjeeling, October 15, 1861.

⁶⁷ For example: *The Bombay Times and Journal of Commerce* (1839-1859); Dec 15, 1849; ProQuest Historical Newspapers: The Times of India (1838-2003), 871; *The Bombay Times and Journal of Commerce* (1839-1859); Dec 27, 1848;

We went into the hut, and were resting ourselves on a log at one end of it, when, the evening being very cold, the people crowded in; on which Campbell went out, saying, that we had better leave the hut to them, and that he would see the tents pitched. He had scarcely left, when I heard him calling loudly to me, “Hooker! Hooker! The savages are murdering me!” I rushed to the door, and caught sight of him striking out with his fists, and struggling violently; being tall and powerful, he had already prostrated a few, but a host of men bore him down, and appeared to be trampling on him.”⁶⁸

Following his release, Campbell stressed in his reports to the Governor General’s office that he had run afoul of the Sikkim court because of his refusal to return “slaves” from Sikkim who took refuge in Company territory. Sikkim and Bhutan, he contended, had enacted a deal for mutual extradition of dependent subjects, but his refusal had greatly angered the Diwan.⁶⁹ Company officials were not entirely convinced, as several questioned why Campbell had tried to force his way across Sikkim’s border into Tibet.⁷⁰ Hooker also provided a different take on the conflict. He recorded in his travel memoir that one of the Sikkim officers, Dingpun Tinli, who had previously accompanied him and Campbell on a journey into Nepal in 1848, later “kidnapped, or caused to be abducted, a girl of Brahmin parents, from the Mai valley of Nepal.”⁷¹ Jung Bahadur, Prime Minister of Nepal, “was naturally furious, the more so as the Dingpun had no caste” and demanded restitution through Campbell. The Superintendent then made sure that the Dingpun gave up the girl “and her jewels” and also paid a fine of Rs. 300. Hooker further noted that the Dingpun vowed vengeance upon Campbell.⁷² Dingpun Tinli seems to have made good on this threat; he turned out to be a close associate of the Diwan and was present at the time of

ProQuest Historical Newspapers: The Times of India (1838-2003), 961.

⁶⁸ Hooker, 206.

⁶⁹ WBSA. Proceedings of Lieutenant-Governor of Bengal. Political Department. Fort William, 1861, General Department. No 13. Brief Report on the Political Relations between the British Government and the Sikkim State by Dr. A. Campbell, Superintendent of Darjeeling, and in charge of political relations with Sikkim. Darjeeling, October 15, 1861.

⁷⁰ NAI. Foreign Dept. 14 June 1850. 369-560. No 423 Minute by Major General the Honble Sir J. Littler G.C.B. 26 Jan 1850.

⁷¹ Hooker, 319.

⁷² Hooker, 319.

Campbell's "kidnapping."⁷³ By comparing these narratives of the incident, we see that Campbell's detention was not simply provoked by the Diwan's "jealousy" over the "free institutions" that Campbell purported to create. As Company officials had admitted, Campbell's political fumbling and diplomatic failures contributed a great deal to the explosion of tensions. In this context, Campbell seems to have been particularly keen to exaggerate his creation of a free labor market and an emancipated space for slave refugees to cloak his own actions in legitimacy. Following Campbell's return to Darjeeling, the East India Company sent troops from Bengal to the frontier with the intention of advancing on Tumloong, the warm-weather capital of Sikkim. These troops (under a veteran of the Anglo-Nepal war) advanced to the Great Rangit River in late January 1850 and camped for several weeks amidst constant communication with Calcutta and Darjeeling decrying the lack of labor to provide carriage and shortage of provisions. Apparently, coolies sent from Purnia refused to carry supplies into Sikkim, food rations were hard to procure, and the terrain too difficult to march over for the Indian troops. Moreover, Company officers debated the utility of advancing to annex the highlands given the problems with carriage, lack of revenue potential, and the main goal of securing the tarai so Darjeeling could be approached through Company rather than Sikkimese territory.⁷⁴

In order to gather enough manpower to carry supplies and equipment and clear roads through the jungles during the planned invasion of the Sikkim hills in 1850, Campbell and Lushington rallied all their connections, relying heavily upon *sardars* to muster the coolies. The *sardars'* names were to be registered and they would be held responsible for getting the coolies to work.⁷⁵ Campbell listed out the names of the most respectable men to enlist for different ethnic groups or

⁷³ Hooker, Vol. II, 208.

⁷⁴ NAI. Foreign Dept. 14 June 1850. 369-560. No 404. (No 59 of 1850). From Lush, to Grey, Offg Secy to GOI, 21 Jan 1850.

⁷⁵ NAI. Foreign Dept. 14 June 1850. 369-560. No 458 (No 191 of 1850). No 501 (No 57 of 1850), Lush to Cmpbl, 21 Jan 1850.

“tribes”—the Lebong Bhotias, Chin Bhotias, Lepchas, Dhangurs, and Limbus. He also noted that it would be necessary to pay the coolies more in Sikkim (Rs 5-8 rather than Rs 5 as current in British India). He also noted in Darjeeling there was a distinction in pay based on ethnicity—Lepchas were paid Rs 5 and Limbus Rs 4-8 presumably for the same work. Given Campbell and other administrator’s preference for hiring Lepchas and the limited labor supply available from Lepchas, it seems that this price differential was a function of the colonial administration’s ethnographic biases, as well as perhaps the corporate groups’ bargaining abilities. Campbell was able to martial the *sardar*’s assistance because he had allotted land to hill settlers in Darjeeling rent free but with the stipulation that they must render service to government when called upon at the current wages. This was the first time he was asking for such service, and he felt that the settlers had been happy to oblige. “The Sirdars [sic] of the different tribes have come in with their men, some with as many as 100 Men, some with as few as 5 Men. In the latter cases they had not influence over any greater number or they would have brought them.”⁷⁶ He noted that while a ratio of one *sardar* to 25 “coolies” was most economical, in fact “to ensure the services of all our own Hill people, & their Sirdars, without whom there would be danger of desertion, it will be necessary to take more Sirdars than the prescribed number.”⁷⁷ The *sardars* clearly had more invested in providing labor than the men under them as they were the ones who benefitted most from the system of settlement. Given all the impending difficulties of advancing into the Sikkim hills, the Company decided to simply annex the Sikkim tarai which had been accorded to the Sikkim Raja after the Anglo-Nepal war (and made up one of his few revenue producing territories). Hooker, rather sarcastically noted, that “[t]his was effected by four policemen taking possession of the treasury (which contained exactly twelve shillings, I believe), and announcing

⁷⁶ NAI. Foreign Dept. 14 June 1850. No 504 (No 93 of 1850) From Campbell, to Lushington, 21 Jan 1850, 418-20.

⁷⁷ No 552. From Campbell, to Grey, 28 May 1850.

to the villagers the confiscation of the territory to the British government, in which they gladly acquiesced.”⁷⁸

While Hooker interpreted the ease with which the local Mech and Dhimal shifting cultivators in particular entered into negotiations with the Company as a sign of their lack of loyalty to Sikkim and political indifference, a close examination of the record indicates otherwise. The Mech and Dhimal representatives (*Chaudris* and *Mandals*) visited Campbell while East India Company’s army was in occupation of the Sikkim Morang.⁷⁹ These shifting cultivators were concerned that their territory (around the area of Pankhabari) would be annexed to Purnia and they preferred to be subject to Darjeeling. In this series of petitions, they explained their corporate structure in some detail. The petition opens thus:⁸⁰

The following are our customs and habits.

The Chowdrys of our tribe get followers and Ryots when ever they can, they bring them from other countries to their own, and in whatever part of the country between the Mechi and the Teesta the person so brought may reside. They pay their rents to the Chowdry who first located them. The Meches recognise no territorial division among the Chowdrys. It is the Ryots that are divided, and Revenue is not levied upon land occupied by them, but from individuals at the rate of 1 Rupee per Annum for each Dhaw_ Bill hook used in clearance and cultivation. This is the only payment by the Mechis and Dhimals. The Mundils collect it and pay it to the Chowdrys who forward it to the Raja. The Mundils are rent free themselves and each of them is allowed the rent levied from 4 or 5 Ryots. Mundils are appointed by the Chowdrys in communication with their followers; who ever brings 20 or 25 Ryots is made a Mundil.

⁷⁸ Hooker, Vol. II, 247.

⁷⁹ The petition is titled: “Statement and Petition addressed to the Superintendent of Darjeeling by Beer Sing Chowdree, Kulem Sing son of Paharoo Chowdry, Birna Ram Mundil Junte Ram Mundil Jeenta Mundil, Soobdul Mundil, Sho Mundil Garoo Mundil, Battoo Mundil, Phool Sing Mundil, Madhoo Mundil, Ram Churn Mundil, Hathi Mundil, Nowram Mundil, Dullichand Mundil, Deen Joy Mundil, Cheep Mundil, Munsa Mundil, Keda Mundil, Assaroo and Loknath Mundil on behalf of all the Mechas and Dhimals residing at the foot of the Hills between the Mechi River on the West and the Teesta on the East taken at Darjeeling March 6 1850.”

⁸⁰ NAI. Foreign Dept. 14 June 1850. 369-560. No 458 (No 191 of 1850). From A. Campbell to JP Grant, d/ Dj, 1 March 1850. pp 340-2

The above portion of the petition shows that Meches and Dhimals (the tribes located at the base of the hills between mountains and plains),⁸¹ were organized as shifting agriculturalists in corporate structures similar to that of the Kirantis in the late eighteenth century, as discussed above. Again, group membership depends on patronage, with coercion and consent defining the poles of the relationship, rather than ethnicity or territory. In other words, without possessing a certain degree of local hegemony, the shifting cultivators could not have organized themselves in this way. After all, it is unclear what were the advantages to the tax payers themselves, especially given that some may have been forcibly captured from outside the territory: “The Chowdry of our tribe get followers and Ryots when ever they can, they bring them from other countries to their own.” The petition adds further details about the share of revenue collections with a portion going to the *Chaudris*, the *Patwaris* (record keepers), and the collecting peons.

The petition indicates that mobility was an important political resource for shifting agriculturalists. Their corporate structure was in part based on customary rights of “first settlers” which Caplan argues is the basis of the *kipat* or communal system of land tenure in the Limbu region of eastern Nepal.⁸² Yet, settlement in this sense does not mean residing and cultivating permanently on a plot of land, but rather a sense of belonging to a loosely designated area. In the mid-nineteenth century, local groups such as Lepchas would only cultivate a given area for three years consecutively, in part because after that the Sikkim Raja would then require a tax on

⁸¹ The petition explains this location in the following manner: “The real Mech and Dhemal locality is along the whole foot of the Hills, it is neither the Mountains nor is it the Plains. It is 8 or 10 Miles broad, and extends from the Mechi to the Teesta, in the South, it is bounded from the West by Tokriaghar, Paroogoom, goom Sathohara (sp?). Rungapani band thence to the Muhanuddi. Altho’ there there may be a few of the Kochis and other tribes within this district it is decidedly the land of the Meches and Dhimals.” NAI. Foreign Dept. 14 June 1850. 369-560. No 458 (No 191 of 1850). From A. Campbell to JP Grant, d/ Dj, 1 March 1850. pp 340-2.

⁸² Caplan, Lionel, *Land and Social change in East Nepal: a Study of Hindu-Tribal Relations* (Berkeley: University of California Press, 1970), 23.

cultivation.⁸³ Mobility, in this context, can be read as a strategy for avoiding prolonged contact with the state and payment of taxes. The Meches and Dhimals organized as small groups living in a sparsely populated area had little bargaining power vis-à-vis the colonial government; however they concluded their first petition with their most effective threat: “If we are made over to Purneah, we shall be helpless, and we see no remedy except in flight, i.e., into Nepal or Bootan.”⁸⁴ Campbell also advocated their attachment to Darjeeling, noting that revenue officials from Purnia would not enter their forested territory for about half of the year, as it was known for malarial outbreaks.⁸⁵ In 1850, in fact, as Campbell and Lushington noted the migration of a number of Meches out of Company territory, this threat was enough to tip the balance in their favor. The administration reversed its decision to annex the bulk of the Mech territory in the Sikkim Morang to Purnia in favor of attachment to Darjeeling.⁸⁶

The petition also points to recent negotiations with the state over forced labor. The *Chaudris* and *Mandals* claimed that “a long time ago” the [Sikkim] Raja extracted various types of unpaid labor, and the Meches were unhappy. This arrangement was then revised by raising the revenue per implement and removing the *begar* requirements, which allowed them to limit their visits to Darjeeling to just once annually. The petition further notes: “The Chowdries are entitled to Begaries [sic] labour for the cultivation of their fields, and for building houses, and there is no provision for limiting their demand.” This indicates that the actual cultivators or tax-paying

⁸³ Hooker, 136-37.

⁸⁴ NAI. Foreign Dept. 14 June 1850. 369-560. No 458, From A. Campbell to JP Grant, Darjeeling, 1 March 1850.

⁸⁵ NAI. Foreign Dept. 14 June 1850. 369-560. No 458, From A. Campbell to JP Grant, Darjeeling, 1 March 1850.

⁸⁶ NAI. Foreign Dept. 14 June 1850. 369-560. No 445, cont., To Lushington, From Campbell, 21 Feb. & No 452 From Lushington to Grey, 26 Feb 1850 & No. 469. From G. Plowden, the Secy to the Sudder Board of Revenue, To The Commissioner of Revenue for the Division of Bhagalpur, 19 March 1850.

NAI. Foreign Dept. 14 June 1850. 369-560 .No 468. (No 44) To ES Pearson, Magt Purneah, Garden Reach, 14 Mar 1850., From W. Dampier, Supt of Poll. The Superintendent of Police suggested that they should retain some of the Raja of Sikim’s old officers while organizing the Police and a Thanna, and “not to force on the people Strangers to their habits and Customs, who may be obnoxious to them, and cause them to desert their Villages.”

*raiya*ts had some latitude in determining their circumstances (by for example, refusing to perform frequent forced labor for Sikkim, probably because of the excessive distance to be traveled in order to do so). At the same time, the *raiya*ts appeared unable to resist providing forced labor to the *Chaudris* and from the petition it is unclear how willingly this labor was provided. Negotiating payments of cash in substitution for forced labor indicates that this labor was seen to have a particular and definable value. The *Meche*s mention several times in the petition the importance of retaining access within the same district to the markets they regularly used, the majority of which were located “within [their] jungles.”⁸⁷ In a second petition, after receiving the news that they would be annexed to Purnia (a decision which was soon overturned), the *Meche*s explained that they had always kept regular marketing relations with Darjeeling and none with Purnia, reiterating that “We have been accustomed to pass through Darjeeling on our way to the Sikkim Darbar, and for trading there.”⁸⁸ It should be noted, however, that an ongoing dispute with a local group of peasants in Purnia had soured the groups’ relationship with their southern neighbors and may have led them to downplay their ties in that direction. During the Company’s occupation of the Sikkim tarai, another local, but likely related, group of *raiya*ts of Chongtong petitioned the occupying force to reopen the roads so they could trade their agricultural produce (alcohol and rice) with Darjeeling.⁸⁹

This suggests that access to markets helped the shifting agriculturalists leverage the terms of forced labor with the distant sovereign by allowing them increased access to cash. In this way,

⁸⁷ The petitioners also claimed that they never used the markets in the tarai and only used “those of Mattegurh, Putturghatta, Raneedunga, Bagdigra, and Naksurbari which are within our jungles and are alone fit for us to visit to supply our wants. If these market places go to Purneah, we shall be reduced to distress, for, at Haths and Bazars, tumults and disturbances will occur, and we shall be liable to be taken to the Purneah Courts. In this way we shall be driven from our native land.” NAI. Foreign Dept. 14 June 1850. 369-560. No 458 (No 191 of 1850). From A. Campbell to JP Grant, d/ Dj, 1 March 1850. pp 340-2.

⁸⁸ NAI. Foreign Dept. 14 June 1850. 369-560. No 458 (No 191 of 1850). No 459. (No 225 of 1850). Petition of the Chowdrys, Ryots, and other Inhabitants of the Sikkim Morung addressed to A. Campbell. Phansedewa, 7 Feb 1850.

⁸⁹ NAI. Foreign Dept. 14 June 1850. 369-560. No 419. (No 91 of 1850).

labor could be equated with a specific value via the medium of taxes, which was recognized both by the providers of the labor and the Sikkim Raja. Interestingly, in this case it is within the system of forced labor that this value emerged, and from the experience of marketing that alternatives can be envisioned. Moreover, this seems to have been a more widespread phenomenon. For example, in the late eighteenth century the Gorkhas introduced a new tax loophole in eastern Nepal allowing the Limbus to pay a set fee for exemption from forced labor; this cash payment for exemption from labor tax then spread to the rest of Nepal by the early nineteenth century.⁹⁰ From these examples, we gain a more nuanced sense of economies of labor with which Campbell had to work—evidence which undermines his claim to have created a free labor market from scratch.

Free Market by Administration

Having presented an account of the ways in which various political actors attempted to command the labor of shifting cultivators as a mode of state formation, it is time to return to Campbell's assertion that he created a free market in labor. From 1838 until 1856 when tea plantations began to expand commercially, Campbell focused his efforts on attracting labor to build basic infrastructure for the hill station and sanitarium. Equally concerned with securing the frontier militarily and extending trade between Tibet and Bengal, Campbell served as the stereotypical “man on the spot” style colonial administrator who managed everything from post offices to prisons. The first Superintendent's role was strengthened by Darjeeling's status as a non-regulation district excluded from legislative enactments pertaining to the rest of Bengal.⁹¹ The

⁹⁰ Sagant, 133, 322. The practice of negotiating forced labor obligations, including substitution by a cash payment, may have also influenced caste and/or ethnic segmentation of a “vernacular” labor market. Brahmins, for example, were not subject to forced labor, nor were they required to pay a capitation fee in Eastern Nepal (Limbu). Also, non-Limbus were subject to different tax rates (Sagant, 133-4). Limbu headmen could still exact free labor; the capitation tax was simply a release from forced labor obligations to the Gorkha court (Sagant, 138).

⁹¹ Dash, 44. This persisted until the 1930s.

image of Campbell as architect of the market in free labor first occurs in Judge of the Sudder Court W.B. Jackson's "Report on Darjeeling" published in 1854 and subsequently quoted in the three colonial gazetteers of Darjeeling, as well as *The Journal of the Anthropological Institute of Great Britain and Ireland's* memorial tribute to Campbell in 1878. Jackson's report credits Campbell with multiple achievements.

"...[W]hatever has been done here has been done by Dr. Campbell alone. He found Darjeeling an inaccessible tract of forest, with a very scanty population; by his exertions an excellent Sanitarium has been established for troops and others; a Hill Corps has been established for the maintenance of order and improvement of communication; no less than seventy European houses have been built, with a bazaar, jail, and buildings for the accommodation of the sick in the Depot; a revenue of 50,000 rupees has been raised, and is collected punctually and without balance: a simple system of administration of justice has been introduced, well adapted to the character of the tribes with whom he had to deal; the system of forced labour formerly in use has been abolished, *and labour, with all other valuables, has been left to find its own price in an open market*; roads have been made; experimental cultivation of tea and coffee has been introduced: and various European fruits and grapes; and this has been effected at the same time that the various tribes of inhabitants have been conciliated, and their habits and prejudices treated with a caution and forbearance, which will render further progress in the same direction an easy task. The way has been shown, and those who succeed Dr. Campbell have only to follow it, as far as they are capable of doing so."⁹²

This much-quoted passage solidifies Campbell's image as paternalistic guardian of tribes who were innocent of state and market interaction; this contrasts sharply with the history I have drawn of negotiations between regional states and groups of shifting cultivators. While there were clearly both first-hand European observers (such as Hooker), regional statesmen (such as

⁹² Emphasis added. W. B. Jackson, *Report on Darjeeling (1854)*. (Calcutta: Calcutta Gazette Office, 1854), 7. See also "Life and Labours of the Late Dr. Archibald Campbell," 1878, 386-7. O'Malley dates Jackson's report to 1852, in contrast to the above article. O'Malley also substitutes the last sentence with the following: "I may, in short, say of him that to him is the Government indebted for the formation of the District of Darjeeling"—a statement which is cut and paste from a later passage in the report. In other respects, the passage quoted is the same (O'Malley, 22-3). Sir Percival Griffiths apparently quoted the passage from O'Malley (Griffiths. 86). See also A.J. Dash, 39.

Sikkim's Raja and Prime Minister), and even doubtful Company officials in London and Calcutta who questioned Campbell's basic competence as an administrator, this gallant portrait eventually emerged as definitive in colonial texts.

To understand the appeal of this ahistorical narrative, we need to consider how colonial ethnographers and Company officials came to form knowledge about and govern those whom they considered the indigenous populations of Darjeeling. According to Bernard Cohn, from the mid-nineteenth century British civil servant cum scholars increasingly turned to anthropological field studies to create classificatory systems for dividing Indian society into "a collection of discrete entities" as the basis for practical administrative knowledge.⁹³ While Cohn focuses on the way official administrator-scholars drew a picture of caste as something "concrete and measurable" with "definable characteristics—endogamy, commensality rules, fixed occupation, common ritual practices," Archibald Campbell demonstrated this intellectual tradition in his approach to Darjeeling's tribes, ethnic groups, and castes (with only implicit assumptions about what separated caste and tribe).⁹⁴ Campbell apparently also understood his career in this vein: looking back on his tenure as Superintendent of Darjeeling, Campbell explained that the ethnographic knowledge he acquired was essential for governance. Before presiding over the non-regulation district for over twenty years, Campbell had worked under the renowned Orientalist scholar and Resident in Nepal B. H. Hodgson for eight years, where he developed his personalistic style of administration combined with ethnological investigations. Throughout his career, Campbell published a number of papers on topics as varied as tribal customs, ethnic groups, natural history, indigenous industries, meteorology, botany, and linguistics, in publications such as *Journal of the Asiatic Society*, *Journal of the Anthropological Institute*, and

⁹³ Bernard Cohn, "Notes on the History of the Study of Indian Society and Culture," in *An Anthropologist Among the Historians and Other Essays* (New York: Oxford University Press, 1987), 165.

⁹⁴ Cohn, 154.

*Journal of the Agricultural and Horticultural Society of India.*⁹⁵ Like other colonial scholar-administrators, Campbell's anthropological fieldwork coincided with his official duties; in particular his experiences attracting and retaining laborers in the hill station in the 1840s and 1850s provided the raw material for his scholarly production. The ethnic typologies he created for various groups he encountered continue to inform scholarship even to the present day.⁹⁶

In 1845, Brian Hodgson settled in Darjeeling after his early dismissal from service in Kathmandu, and commenced adding to the burgeoning knowledge of the Darjeeling ethnoscape.⁹⁷ There Hodgson continued his studies of botany, zoology and ethnology, becoming a hub for the European community in the hill station. While preparing materials for *Himalayan Journals* published in 1854, Hooker drew extensively on Hodgson, with whom he stayed between expeditions to Sikkim and Eastern Nepal in 1848 and 1849. Hooker and Hodgson were both investigated the relationship between environment and the diversity of species and drew upon Baron von Humboldt's theories to develop a "biogeography of the eastern Himalayas." In this way, they hoped to use natural history methods and ethnography to correlate "racial origins and characteristics, history, material culture, language, religious beliefs and social mores."⁹⁸ This was clearly not a worldview which could accord "tribals" an integral position in state formation. Martin Gaenzsle argues that Hodgson regarded accurate ethnic classification (a preoccupation of many colonial ethnographers) as only discernible through linguistics. As of the 1840s, Hodgson

⁹⁵ "Life and Labors of the Late Dr. Archibald Campbell," *The Journal of the Anthropological Institute of Great Britain and Ireland*, Vol. 7(1878), 379-391. See pp. 387-9 for a list of his papers published in India while he was Superintendent.

⁹⁶ For a critique of persistent colonial stereotypes in ethnographies in the North East, see Prem K. Podar and Tanka Subba, "Demystifying Some Ethnographic Texts on the Himalayas," *Social Scientist* 19; 8/9 (Aug-Sep., 1991), pp. 78-84.

⁹⁷ *The Bombay Times and Journal of Commerce (1839-1859)*; Jan 10, 1853; ProQuest Historical Newspapers: The Times of India (1838-2003): 60.

⁹⁸ David Arnold, "Hodgson, Hooker and the Himalayan Frontier, 1848-1850" in *The Origins of Himalayan Studies: Brian Houghton Hodgson in Nepal and Darjeeling 1820-1858*, edited by David M. Waterhouse. (New York: Routledge, 2004), 196.

avored the idea that there was one language family, the Turanian, from which all indigenous South Asian languages developed including those now considered as Tibetan, Tibeto-Burman, Dravidian and Munda.⁹⁹ Thus, he promoted a view of indigenous South Asians as fundamentally alike. For example, in his article “On the Kiranti Tribe of the Central Himalaya” written in Darjeeling, Hodgson related physical type to language, drawing a table of measurements of various body parts ranging from breadth of chest to circumference of calf from “men long in [his] service.” Clearly the act of measuring his servants and attempting to correlate their various physical types to his theories of language indicates a large degree of racial othering.¹⁰⁰ Moreover, trying to understand community histories by measuring noses indicates an inability to appreciate mobile groups and tribes as political and historical actors; rather Hodgson was interested in the racial types and their origins in antiquity. Nevertheless, Hodgson’s classification schemes provided the basis for much colonial knowledge on Darjeeling; for example, Eden Vansittart’s recruiting manual for the Indian army employed his framework.¹⁰¹ Indeed, Campbell also learned much from Hodgson, under whom he had worked in Nepal, acknowledging him as “the best authority on Himalayan ethnology.”¹⁰² Thus, by the time Campbell became Superintendent at Darjeeling, political histories of the sort Hamilton authored, were no longer the go-to source for understanding and administering colonial groups. Ethnography, however, cannot be held to blame, as later anthropologists from the early twentieth century actually crafted works rather

⁹⁹ Gaenzsle points out the parallels between Hodgson’s ideas and that of the influential ethnologist James Cowles Prichard, who sought the origins and singularity of “mankind” and believed language to correlate with race. Martin Gaenzsle, “Brian Hodgson as Ethnographer and Ethnologist,” in *The Origins of Himalayan Studies: Brian Houghton Hodgson in Nepal and Darjeeling 1820-1858*, edited by David M. Waterhouse. (New York: Routledge, 2004), 207-208.

¹⁰⁰ Hodgson, “Kiranti Tribe of the Central Himalaya”, p 404-407.

¹⁰¹ Gaenzsle, 220-1.

¹⁰² He also indicated that they had engaged in intellectual debates on how to classify local ethnicities. “On the Lepchas,” 143.

sensitive to historical change.¹⁰³ Rather, the creation of the hill station demanded a kind of not-knowing, or flights of imagination that traversed time and space, producing theories of dead languages, mythical ancestors, and original “man” rather than histories of contemporary groups with valid rights to the territory they inhabited.¹⁰⁴

Similarly, the often-repeated yet empirically unsupported assertion that Campbell created a free market in labor rested on an ideology that bore little resemblance to reality but that appealed to far away administrators. How then did Darjeeling become populated so rapidly? Let us consider the East India Company’s search for a Lepcha named Pachoong, who might or might not have been a subject of British India, and might or might not have been murdered by the Sikkimese during Campbell’s failed journey of 1849 into that state. The Governor General’s office wondered how it could be so difficult to locate this man despite several months of inquiry. Lushington, Acting Superintendent in Campbell’s absence, explained the rather ambiguous relationship between the Company administration and local people. He wrote:

“...[F]rom the difficulty of defining boundaries in the dense jungle and with the hope of encouraging more people to flock into the country, the required details of boundaries and extent have not entered in the deeds given to the Bhootias, Lepchas, & Nipalese; and they have further been permitted, of their own accord, to allot lands in the neighbourhood of their grants to other parties, without any sufficient measures having been taken to ensure that the names of such parties should be duly reported to the superintendent’s office...The result of this practice has been that some influential men, asserting that their grants have boundaries of considerable extent, have allotted lands to fresh comers as if they were lands of their own, and have by this means accumulated around them a number of cultivators whom they look upon as their own Ryott...The greater part of these cultivators are altogether unknown to the Superintendent_ But there is a much larger body of men, who, without the knowledge even of previous lease holders, have squatted in different parts of the country, and not having expressed permission of

¹⁰³ For example, Geoffrey Gorer, *The Lepchas of Sikkim* (1939; reprint, Delhi, India: Cultural Publishing House, 1984).

¹⁰⁴ For example, Colonel Mainwaring, missionary, linguist, and later General, thought the Lepchas were descendants of the Garden of Eden and that their language was that of the Garden of Eden as well. Gorer, 39-40.

any kind, but coming and going when they please, & cultivating here & there, without paying any rent, and without its having ascertained whence they have come and what their eventual aims and intentions may be.”¹⁰⁵

In short, Lushington had no idea who the settlers were. The Company did not even know the names of the shifting agriculturalists, whereas Head Cultivators under Sikkim and the Sen Rajas had kept some tax lists as far back as the seventeenth century. Campbell had only been able to attract settlers by promising long tax-free periods and no forced labor (essentially terms which groups of shifting cultivators were already seeking from regional states). Moving to Darjeeling for many early settlers was likely understood as a way of using mobility to bargain with state patrons for better terms. Thus, at first the shifting agriculturalist’s mobility was welcomed by the Company officials and deployed as proof of a free market in labor, whereas the settlers would not have considered this sort of negotiation as a novel event. In fact, Campbell maintained connections with Headmen living in eastern Nepal near the site of the border dispute whom he had likely encountered when he was deputed to the border in 1835. He petitioned the administration in Calcutta to allow him a budget to entertain visitors from the families of *Kajis* and *Chaudharis* residing in Nepal or Sikkim. For example, he mentioned in one such petition that he had spent Rs. 36 on cash and assorted gifts given to the son of a Denshop Lepcha Kaji who visited him in November of 1841. He asserted that such gifts served to “assure [the] followers [of headmen] of the friendly terms existing between the heads of tribes and the British Government.” Campbell explained the increased number of settlers in his hill station, numbering around 2000 by 1841, as the result of authorities in eastern Nepal relaxing their restrictions on movement to Darjeeling.

¹⁰⁵ NAI. Foreign Dept. 14 June 1850. 369-560. No 483, From Lushington, to Grey, Darjeeling, 12 Mar 1850.

Formerly, the resort of Nipalese to Darjeeling for service or trade was discountenanced, if not altogether prohibited, by the authorities at Ilam. Now, however, I am glad to say that a more friendly and enlightened policy seems to direct out neighbours in that Quarter, as the people are encouraged to resort hither for the purposes of trade and servitude and the same is pointed to by their rulers as an honorable and easy method of obtaining money for the payment of their rents a mode preferred at Ilam to the usage of doing so in grain, cattle or labor as they were wont from impossibility of concerting the produce of their labor, or their labor itself into Cash.¹⁰⁶

Campbell's statement suggests that the intermediaries, the *Chaudharis* and *Kajis*, were the greatest beneficiaries in his "free market" as they sent their dependents across regimes to earn money. Campbell entered into political negotiations with the same intermediaries who had weathered multiple political changes over the last several decades, but studiously ignored the social realities of such labor. By resorting to his notion of a free market in labor, then, Campbell could keep the migrants as subjects at arms' length. Even if the migrants themselves understood ties of patronage and dependency as extending across state regimes, the Company deployed free market rhetoric to proclaim these ties no longer legitimate or legally enforceable as convenient.

While earlier political formations relied much more strongly on shifting agriculturalists as powerful junior partners in governance who were necessary for territorial control and local legitimacy, the East India Company reordered this equation. The Company, drawing upon its burgeoning store of ethnographic knowledge, saw shifting agriculturalists as primordial vestiges of a dying order (despite much evidence to the contrary), and could not conceive of a political role for these groups, even while continuing to draw upon their services. The East India Company's administration, however, set in place a process by which shifting cultivators' strongest bargaining chip, their mobility, was undermined and delegitimized. The Government of India later pursued a policy of protection for these supposedly exploited and "vanishing" groups.

¹⁰⁶ IOL. BC. F/4/1968, 1841-42, 87212. Affairs of Sikkim & Darjeeling. India Political Department.

Yet, like other states with aspirations to regional power, the Company needed to draw on local labor for its own purposes in order to build roads, transport military supplies and serve officials, and it did so within a complex and changing local economy of labor, while claiming to create a free market in labor. This claim allowed the local administration to both attract new subjects and also to keep them at arm's length.

Chapter 5: Ethnicity, Markets and Money: Migration to Darjeeling Tea Plantations from Nepal, 1860 to 1930

From the late 1850s, colonial capital rushed into Darjeeling and for the first time a viable market in land was created as tea plantations replaced forests and cultivated fields. Amidst rampant speculation and fraud amongst European buyers and sellers, many local people were dispossessed of rights in land, and either moved on to neighboring states, became tenants on more secure land holdings, or were absorbed into the plantation sector. Rapid dispossession and dislocation were justified by the colonial administration because the development of the plantation sector was considered as a public good that would bring hill people into regular wage labor. In Chapter Four, I examined how colonial administrators redefined terms of labor in theory if not practice as a way of creating a porous border around the developing hill station. In this chapter, I focus on the ways in which new migrants began to create an informal labor economy around developing colonial enterprises; earlier groups of shifting cultivators and headmen were sidelined in the process as migrants poured into the hill station who had no previous ties to the region. With the new tea plantation economy, the interests of colonial capital and governance aligned to manage society. Migrants, however, were not simply the objects of colonial governance; they actively shaped the conditions and terms of their work, drawing upon their own mobility and informal networks of information to access better working conditions. From mid-century the district was remade into areas of protected forest, peasant agriculture and tea plantation, creating a market in land which fed into ethnic categorization and labor discipline. Tens of thousands of migrants arrived in Darjeeling to work in the plantation or other sectors in the second half of the nineteenth century. As in the 1840s and early 1850s, migrants continued to use mobility as their most effective bargaining chip, despite the rapidly expanding colonial

economy. After the early administrations' most critical labor needs were met (such as forest clearance, carriage of supplies and road building), the Company began to limit the practice of shifting cultivation as well as attempt to funnel the mobility of cross-border migrants into the disciplinary spaces of the plantation or military. Yet migrants' practices of mobility and/or threat of movement generally created a slightly more economic playing field as wages evened out across types of work. In other words, migrants intentionally and skillfully subverted the rigid ethnic segmentation of the labor market favored by the colonial state and plantation sector. While workers were expected to perform particular ethnic identities to access various opportunities in the workforce, migrants also demonstrated a ready aptitude for reading and deploying the language of the colonial administration and colonial economy. The experience of border crossing shifted rapidly as migrants constituted informal networks to negotiate spaces for themselves in a colonial dispensation where their status as subjects remained uncertain. New social hierarchies were created as some migrants performed better in the new informal market or profited from previously acquired connections and cultural capital. Women, across ethnic categories, tended to become isolated by the new networks of capital and social connections, and their labor, often confined to tea plantations, went undervalued.

Making Plantations and Plantation Workers

From mid-century the colonial administration reordered the landscape and people of Darjeeling into new categories, tightening economic and military control over the colonial outpost. In 1858, following the rebellion across North India, the British Crown replaced the East India Company; however, this entailed indirect consequences for Darjeeling as it was administered as a non-regulation district, exempted from the wholesale application of the Bengal Presidency's legal codes. Further, consolidating the annexation of the Sikkim tarai (the Siliguri area) in 1850, and

the Kalimpong area taken from Bhutan in 1865, the district was reordered into three distinct zones from which resources could be extracted more efficiently.¹ The area west of the Tista river became the most concentrated area of tea plantations and contained the town of Darjeeling; Kalimpong to the east of the Teesta was in large part made into a Government Estate and reserved forest, with a significant trade hub in the Kalimpong bazaar; the Darjeeling (formerly Sikkim) tarai gave rise to mixed peasant agriculture and tea plantations (which developed slightly later than in the hills). As Sivaramakrishnan has argued, from mid-century the Bengal government began to demarcate public resources (such as reserved forests) from private agricultural lands in Bengal, for example, through forest administration.² This remaking of colonial landscapes in Darjeeling district into spaces of private peasant agriculture and public reserved forests afforded the tea plantations with greater disciplinary power over colonial subjects.

The densest zone of tea plantations developed in the area west of the Tista River, formerly a forested hilly area utilized by shifting agriculturalists. Clearances made by shifting agriculturalists had been noted in the 1840s in the areas north and west of Darjeeling town, but since they were rarely cultivated for more than three years consecutively, the forest was “very luxuriant” because upon abandonment such areas “speedily covered again with jungle.”³ As tea plantations spread west of the Tista, in some cases headmen (such as the ones with whom Campbell had originally settled the land) sold their holdings to speculators. The former tenants

¹ O'Malley, 19- 34.

² K Sivaramakrishnan, *Modern Forests: Statemaking and Environmental Change in Colonial Eastern India* (Stanford, Calif: Stanford University Press, 1999).

³ The guide locates “Lepcha clearances on Tukda, Tuqvor, Ging, Chontgong, &c.” and finds evidence of much previous cultivation to the north of the station (*Dorjeeling Guide*, 16). Chebu Lama's land grant was north west of the Little Rangit River (O'Malley, 61).

had to seek new lands to cultivate or wage-based employment.⁴ The Bengal Government favored the conversion of these lands into tea plantations by declaring all areas without settled villages or currently cultivated lands as “waste” which Government could then rightfully sell to tea interests. The Bengal administration reported in the 1870s that people “belonging to the tribes which had held those hills long before the British had come to India, had been treated as mere squatters.”⁵ Their lands, even when cultivated with commercial crops such as cardamom which represented a substantial investment of capital and labor, were declared waste and sold to tea speculators. In another case a thousand acres of the best agricultural land in Darjeeling upon which were situated several villages and numerous families were sold to another tea investor. The Lieutenant-Governor of Bengal while recognizing the “injustice” done to the local population, justified the tenants’ dispossession because they had “no definite property in particular land.” In other words, the GOI did not recognize customary rights to land that adhered in cultivators’ practices of shifting agriculture. The Lieutenant-Governor, however, stated that the former inhabitants had a “right to live somewhere” and he expressed the opinion that the employment available on tea plantation would provide fair compensation.⁶

Land speculation prepared the way for tea plantations--speculators bought up tea tracts on low prices and then sold them at exorbitant rates to tea planters in much smaller lots.⁷ The only significant area left for shifting cultivation after the spread of tea plantations was Chebu Lama’s land grant earned for services to the colonial government, which his descendants continued to hold, and preside over the tenants he had settled.⁸ Chebu Lama apparently denied “lucrative

⁴ David Field Rennie, *Bhotan and the Story of the Dooar War* (1866; reprint, New Delhi: Bibliotheca Himalayica, 1970), 369.

⁵ *Report on the Administration of Bengal, 1872-73*, 79.

⁶ *Report on the Administration of Bengal, 1872-73*, 78-79.

⁷ *Report on the Administration of Bengal, 1872-73*, p 77.

⁸ O’Malley, 61.

offers” for his land from tea speculators, “preferring going on cultivating it after the fashion of his forefathers, and getting his little tribute from his tenants”—because he had seen the “injustice” done to others dispossessed of land in the area.⁹ This arrangement, while perhaps not exceptionally profitable as compared to tea plantation, allowed Chebu Lama a unique position of influence as a mediator between colonizer and colonized and allowed him to continue to command a significant pool of laborers as needed. For example, in 1864 when Sir Ashley Eden attempted to stage a diplomatic journey from Darjeeling into Bhutan, his porters deserted at the Tista River, unwilling to cross into Bhutan. As no other laborers would carry for the expedition, Chebu Lama returned within three days leading his own tenants to provide the service. Apparently the porters had good reason to desert—the snows proved much higher than anticipated, many suffered of frost bite, some attempted to go back and were flogged as a result, and ultimately four died from exposure to the cold.¹⁰ By 1900, two-thirds of the rural population in this zone lived on tea plantations.

The tarai or plains region annexed from Sikkim in 1850 thereafter developed as a mix of tea plantations and agriculture (only about 20% of the population, many of whom were emigrants from Chota Nagpur, worked in plantations at the turn of the century). When annexed in 1850, the local population consisted largely of Mech, Dhimal and other shifting agriculturalists who cultivated crops, especially rice, and grass for thatch and other uses. They bred cattle and buffalo and also grazed cattle on the lower hills. Not fully integrated into any one state system, they intermittently paid tribute to hill states (Nepal, Bhutan, and Sikkim) and the East India Company. Interrelated groups were spread from the Nepal tarai to the lower Darjeeling slopes to Cooch Behar and into Bhutan, comprising hundreds of settlements of about

⁹ Rennie, 370.

¹⁰ Rennie, 63-64, 69, 88.

20 to as many as 400 families each. Frontier markets in this region brought the forest, plains and hill populations into regular contact.¹¹ When Hooker passed through Siliguri (a trade hub for hill and plains products on the Mahananda River) he noted that the Mech were the principal inhabitants. He noted that they “burn[ed] the jungle and cultivate[d] it in patches.”¹² By the latter half of the nineteenth century, shifting agriculture in the plains became less common, but cultivators were still known to level the land for the *bhadoi* rice crop and burn the weeds and clods.¹³ Many of the former Mech and Dhimal residents had moved east towards Jalpaiguri, while many who stayed became “absorbed...with the other tea coolies employed in the tea industry.”¹⁴

The forested Kalimpong area, an important site for Bengal-Tibet trade, subject to Bhutan since the eighteenth century, included a large Lepcha population who continued to practice shifting agriculture well into the late nineteenth century even as they were “settled” as tenants on the Government Estate. This so-called estate consisted largely of an area of fixed agriculture over which the government presided directly as landlord; about half of the estate comprised reserved forest.¹⁵ The estate was purportedly earmarked for “the protection, so far as was possible, of the Lepcha and Bhutia population, especially the former, from the consequences of their own extravagance, and to prevent them from being displaced by their more thrifty Nepali

¹¹At Nagal Bundi [Naxalbari?], on the right bank of the Mechi river—12 mi S of Mechi Gola—about 20 families reside; at Kalikajhar about 20 families; and west from there, in the thickest forest, “there are several hundred small colonies, amounting in all to about one hundred and fifty or two hundred families.” In the Darjeeling area, between the Punkabari and Besar-batti nadi, and between the Balasun and Mahanadi, about 30 families resided. In the Sikkim Morung, between the Mechi River and Mahanadi, about 400 families were settled. East of Teesta and in the Bhutan Dooars even more “and to this latter portion of their habitat, they point as the original seat of the tribe.” He further notes that other tribes maintained regular contact and mixed with Mechis, including the Koch or Rajbansi Bengalis originally from Kooch-Behar, and the Dimals, Tharus, and Garrahs. Campbell further notes that Mechis neither live above 800 or 1000 feet nor leave the forest. They cultivate rice and cotton using the hoe, and keep buffalo, and “rarely live in permanent villages.” Tharoes have similar livelihoods but have more recently taken to settled villages in the open tarai. *Darjeeling Guide*, 47-8, 106. For crops grown in the tarai see O’Malley, 62-64.

¹² Hooker, 92-93.

¹³ O’Malley, 63.

¹⁴ R. D. O’Brien, *Darjeeling, the Sanitarium of Bengal, and Its Surroundings* (Calcutta: W. Newman, 1883), 11.

¹⁵ O’Malley, 61.

neighbours.”¹⁶ It seems that the government had noticed the rapid dispossession of Lepchas from their former lands north and west of Darjeeling, and their subsequent “discontent,” as land speculation in the tea-growing areas spread in the 1860s.¹⁷ Tenants of the Government Estate in Kalimpong, however, were gradually pushed into settled agriculture through changes in land tenure. Upon annexation, Government Estate tenants paid rents directly to government, initially as a simple poll tax collected by local chiefs (*mandals*). They could only sell land to buyers of the same ethnicity, a rule which meant in practice that all “hill people” could settle there with minor restrictions. In fact, the rapid settlement of Nepalis from roughly 1865 to 1881 raised tax collection from Rs 640 annually to Rs 11,799, allowing a density of settlement which could support payment on the basis of land measurement. The first survey and settlement was effected only in 1882 (in order to convert some rents to land tax rather than head tax), but the entire Government Estate was not fully surveyed until 1901. At this time, the population of the estate was roughly 36,000.¹⁸ Until the turn of the century, gazetteer author O’Malley claimed that in a sizeable portion of the Kalimpong estate, “the cultivators were thus able to some extent to change their cultivation every year.”¹⁹ The settlement was meant to curtail this “wasteful” practice by implementing taxes based on “certain fixed pieces of land.”²⁰ Thus, the administration’s switch from poll tax to land tax was a conscious effort to replace shifting with

¹⁶ H. C. V. Philpot, *Final Report on the Survey and Settlement of Kalimpong Government Estate* (Calcutta: Bengal Secretariat Book Depot, 1925), 8. In 1865, the British colonial government fought a war with Sikkim and the Kalimpong subdivision was annexed to Darjeeling district.

¹⁷ Rennie, 370. Dispossession of rights in land in the first two decades after annexation, many shifting agriculturalists migrated to neighboring territories such as Nepal, Sikkim or Bhutan. The Darjeeling Guide, 105. In this way, some Lepchas had already relocated to the Kalimpong area under Bhutan’s sovereignty before it too was annexed and they became tenants of the GOI on the Government Estate. Rennie quotes Eden as noticing that most families in the Kalimpong area had at least one member in Darjeeling prior to annexation in 1864, so movement must have been in both directions between Darjeeling and Kalimpong. Rennie, 65.

¹⁸ Whereas the population of the Kalimpong sub-division in 1881 was 12,683, the total population had increased to 41,511 by 1901 (of which 36,164 lived on the estate). Much of the increase in population was of groups labeled “Nepali” by the colonial administration. H. C. V. Philpot, *Final Report on the Survey and Settlement of Kalimpong Government Estate* (Calcutta: Bengal Secretariat Book Depot, 1925), 7-8, 29.

¹⁹ O’Malley, 109.

²⁰ O’Malley, 109, 144.

settled agriculture and resulted in a large increase in land revenue for the colonial state; however, it is important to note that this process took almost four decades for the colonial state to complete.²¹

Ethnic Identities and the Labor Market

The process of redefining landscapes as public and private property coincided with the project of creating market actors.²² As of mid-century, the major ethnic categories devised by the colonial administration were Nepali, Lepcha and Bhotiya, groups designated respectively as peasant agriculturalists and wage workers, shifting agriculturalists, and pastoralists/traders.²³ This schema was far more useful to the colonial administration as a way of regulating which groups belonged to the new geographical spaces rather than as an accurate description and is notable for its unevenness. “Nepali” referred to people formerly, and possibly still, subject to a particular state; “Lepcha” referred to a cross-border indigenous community, and “Bhotiya” referred to many different groups of Tibetan origin throughout Nepal, Sikkim, Tibet, India, and Bhutan.²⁴ When we consider the case of the Lepchas, for example, it becomes clear that the colonial government did not simply observe and codify existing forms of livelihood. Early administrators found the local shifting agriculturalists at the time of annexation, many of whom were Lepchas, to be useful collaborators as translators, informants, informal labor contractors, camp porters,

²¹ With the last settlement of 1901-3, the amount of rent was increased to Rs 31,600 or 45 per cent more than 10 years before. O’Malley, 144.

²² As mentioned in Chapter Four, colonial knowledge created about corporate groups in Darjeeling and its neighboring states tended to naturalize labor market segmentation based on ethnic categories. Campbell wrote about the Limbus: “At the present time, the Limboos at their homes [in Nepal] are chiefly employed in agriculture, sheep grazing, and petty trading. At Darjeeling they enter readily, and in great numbers, into the service of the government and English settlers as labourers, in road making and building, wood cutting, and tea planting, in which their women and children find profitable and easy work in picking the leaf, and as cow-herds, grooms, grass cutters; and a few take more domestic service as chair-bearers and messengers” (Campbell, 150).

²³ For example, see O’Malley, 65. See also the unofficial “Resident” in Sikkim’s memoir: J.C. White, *Sikkim and Bhutan: Twenty-one Years on the North-East Frontier* (Delhi: Vivek Publishing House, 1971), 7-9.

²⁴ The colonial government took a more ambivalent attitude towards the so-called Bhotiya population whose pastoralist and mobile trading lifestyles and connections (real or purported) to Tibet made them a bit suspect in British eyes. Yet they performed a number of important functions in Darjeeling—as porters, traders with Tibet (when Indians were not allowed in), as providers of dairy products, and to a limited degree as tea plantation laborers.

supply carriers, agriculturalists and road builders; however, administrators characterized these groups as fundamentally unable to work within a market-based system. According to an early guidebook from the 1840s: "...[T]hey fly bad government rather than resist it, and prefer digging for yams in the jungle, and eating wretchedly innutritious vegetables, to enduring even the ordinary annoyances of working for wages."²⁵ Superintendent of Darjeeling, Archibald Campbell, admitted that by the 1860s, many Lepchas had taken up work on tea plantations and as *palki*-bearers, as "the necessity for money, since we introduced it into their country, has made them more steady workers." Needless to say, Lepchas had always been far more conversant in negotiating with diverse political actors and operating in market settings than Campbell or others claimed. Even so, colonial administration from mid-century began categorize Lepchas exclusively as shifting cultivators.

While Lepchas were defined out of the labor and land market, "Nepalis" became the quintessential market actors in the new hill station, in large part based on their supposed skills as peasant agriculturalists. The Lieutenant-Governor of Bengal in 1873 noted that "[t]he people of the Nepalese race (now the majority of the population of the Darjeeling hills) readily avail themselves of ...[tea plantation work] to the benefit of all parties under a system of free labour; they are the best tea coolies known."²⁶ In her ethnography *A Time for Tea*, Piya Chatterjee describes clearly how different communities became associated with different values in the colonial labor market of the Northern Bengal duars' tea plantations (of present-day Jalpaiguri district to the east of Darjeeling). The tea planters and colonial administrators developed a

²⁵ Darjeeling Guide, 66. Superintendent Campbell proclaimed: "It is the delight of a Lepcha to be idle; he abhors the labour of practising any craft." Yet he expressed surprise at their supposed exceptional curiosity for "people so completely secluded from foreign intercourse as they always have been" ("On the Lepchas," 150). Gorer suggests in his ethnography (from research conducted in the 1930s in Sikkim), that over the course of the 19th century Lepchas in Sikkim became more rather than less isolated as they were forced to settle onto specially demarcated lands and end shifting agriculture, and they lost their formerly prominent position in the trade passing through the territory (Gorer, 113-20).

²⁶ Report on the Administration of Bengal, 1872-1873, 79.

“cultural taxonomy that connected particular communities to the cultivating work they performed” which was set into place by the colonial settlement operations around the tea plantations.²⁷ In Darjeeling the same held true: for example, according to a gazetteer: “In the hills it is only the Nepali cultivators who use the plough, all the others following the nomadic system of cultivation known as *juming*...”²⁸ Administrators consistently portrayed “Nepalis” as a uniform group of peasant cultivators displaced from the kingdom of Gorkha due to population pressure; however, most migrants, typically from eastern Nepal, would have associated the term “Nepal” only with the valley around Kathmandu even though they would have admitted themselves to be subjects of the Gorkhali kingdom based there.²⁹ Moreover, the Gorkha state’s policies of agricultural colonization and settlement of mobile groups in its territory at the same time meant that many migrants displaced to the east were not peasant agriculturalists but were themselves shifting cultivators or pastoralists.³⁰

While the Gorkha state’s practice of colonizing eastern Nepal with cultivators from the west and promotion of settled agriculture may have displaced some people from eastern Nepal towards Darjeeling, this is not the same as the colonial argument (later repeated by historians) that population pressure pushed people out of Nepal.³¹ Despite the lack of demographic data for

²⁷ Chatterjee, 65.

²⁸ Hunter, 100.

²⁹ For a nuanced discussion of how the Nepali state was perceived by its subject people and constructions of territorial power see Richard Burghart, “The Formation of the Concept of Nation-State in Nepal,” *The Journal of Asian Studies* Vol. 44, No. 1 (Nov., 1984): 101-125.

³⁰ The Gorkha state was also encouraging agricultural colonization and settlement of mobile groups in its territory at the time—some pastoralists and shifting agriculturalists were potentially displaced in this process. For a discussion of the Gorkha state’s policy of extending settled agriculture in the 19th century, see Richard English, “Himalayan State Formation and the Impact of British Rule in the Nineteenth Century,” *Mountain Research and Development* Vol. 5, No. 1 (Feb., 1985): 61-78.

³¹ For example, Percival Griffiths, a historian and retired Indian Civil Service officer, in his seemingly exhaustive history of the Indian tea industry summarized migration to Darjeeling’s plantations thus: “In the Darjeeling Hills, no recruitment problem existed. Population in Nepal was rising rapidly, and economic pressure compelled it to find an outlet. Nepalis flocked to Darjeeling in considerable numbers and gardens had all the labour they wanted without

the nineteenth century, it seems unlikely that there was significant population pressure pushing peasant cultivators off their land towards Darjeeling. If the neighboring regions of Darjeeling were becoming overcrowded in the 1840s, when Superintendent Campbell was offering rent-free land to attract settlers, then the newly annexed territory would certainly have filled up much more quickly. It is only *after* colonial capital poured into the region that significant west to east migration streams developed. Ample land seems to have been available for cultivation in the Eastern areas bordering India throughout the nineteenth century, from which many tea laborers migrated. Even in the latter half of the nineteenth century, the Nepal government issued orders to village functionaries in Eastern Nepal stipulating the circumstances in which land left uncultivated by emigrants who had gone to India would have to be re-allocated to other cultivators.³² While the Nepal government's policy was meant to facilitate the re-classification of communal lands in eastern Nepal to new settlers from Nepal's central and mid-western regions who would hold rights directly from government, this situation still indicates that land was not yet in short supply in Eastern Nepal.³³

formalities and without the cost of importing it." Percival Griffiths, *The History of the Indian Tea Industry* (London: Weidenfeld and Nicolson, 1967), 274.

³² For example, in June 1850, Prime Minister Jung Bahadur Rana sent an order to Colonel Krishnadhvaj Kunwar Rana asking him to step up military recruitment of Limbus, Yakkhas and Rais in the Arun-Mechi region. He also asked the Colonel to find out why so many people were emigrating to Sikkim and Darjeeling and ordered that he "keep them satisfied so that they may be do so in the future." "Emigration from the Eastern Hill Region I From Prime Minister Jung Bahadur to Colonel Krishnadhvaj Kunwar Rana," *Regmi Research Series* 17; 9 (1985): 129. An order was then issued to the Limbus in the Arun-Mechi River area a few days later telling them that if they returned from Muglan, they would no longer be "oppressed" by money lenders and government officials. There would be an 8 to 10 year moratorium on debt repayment, they would be allowed to cultivate army land on kut or adhiyar tenure, and they would not have to pay rent on their kiptat (traditional community land) or homestead holdings. If, however, they should not return, they would lose their kiptat and homesteads. The order further asks the people to come and express their grievances to government rather than migrate, and states: "With due assurance, observe your customs and usages and remain on your kiptat lands and homesteads." "Order to Limbus in the Arun-Mechi Region," *Regmi Research Series* 17; 9 (1985): 129. Also, see petition by 15 Mijhars and 440 villagers of Solukhumbu in 1892 complaining that the Dware appointed five years previously would not allow revenue adjustments of newly created homesteads against those depopulated by people going to Darjeeling and Sikkim. "Opinion of the Sadar Dafardarkhana Office," *Regmi Research Series* 6; 8 (1974): 148-9.

³³ See for example Philippe Sagant, *The Dozing Shaman: The Limbus of Eastern Nepal* (NewDelhi: Oxford University Press, 2008), 126-132.

“Nepali-ness” was not an available category so much as an identity which could be learned and performed by people from a variety of backgrounds, including former “tribals” from Nepal who acquired skills that were valued in the borderland. It was a valuable identity because it opened up market opportunities (in land or employment) that the colonial government had created in its attempt to remake Darjeeling as a profitable colonial outpost. For example, colonial officials noted in the 1840s that Limbus (a cross-border ethnic group of eastern Nepal and Darjeeling) and Lepchas both tended to practice shifting cultivation; however, the Limbus “in some parts of Nipal have recently in imitation of the Parbuttiachs, (Brahmins and Khus), adopted the plough. Throughout the Sikim hills the plough is not in use.”³⁴ Yet according to the colonial ethnic typology Limbus would have been considered “Nepali” and Lepchas a separate group, even while they practiced similar livelihood strategies and intermarried. The Tea District Language Association’s Nepali language manual which provided convenient Nepali phrases for managers to communicate with their workforce contains a telling example in this regard. A hypothetical dialogue is provided in which a manager explains to his worker to whom he will allot land for cultivation that the new worker will have to plough it. (“*Timile jotnu pariyau.*”) Again, he asks him, “Do you know how to plough?” (“*Timi jotnu jaandaichhau?*”) To this, the hypothetical worker replies, “I know how to plough a little but my brother will teach me.” (“*Aile aile jotnu jaandaichhu tara mero bhaile man lai sikaunla.*”) This language manual, published in 1927 to help tea plantation managers communicate with their labor force, indicates that even at this time, not all Nepalis, despite the defining stereotype, practiced plough agriculture.³⁵ Similarly, much like ploughing, many “Nepalis” only learned the Nepali language after arriving in Darjeeling.

³⁴ *The Darjeeling Guide* 106. Brian Hodgson also noted that “... though the villages of the Kirantis be fixed, yet their cultivation is not so, each cultivator within his own ample limits shifting his cultivation perpetually, according as any one spot gets exhausted” (400). Brian Hodgson, “On the Kiranti Tribe of the Central Himalaya,” in *Miscellaneous Essays Relating to Indian Subjects* (London: Trubner and Co, 1880), 400.

³⁵ Tea Districts Labour Association, *Language Hand-book Nepali* (Calcutta: Catholic Orphan Press, 1927), 45.

Thus, it is clear that many of the so-called Nepali migrants whom the tea plantations stereotyped as more thrifty and knowledgeable in agricultural techniques were indeed not firmly established in patterns of fixed agriculture in their home territory either.

Some colonial officials were clearly aware that the label “Nepali” was a convenient description which worked to depoliticize the various ethnic and corporate identities it encompassed. For example, in 1873, when reassuring the visiting Sikkimese delegation that the settlement of Nepalis in Sikkim was desirable from the point of view of revenue, the local official explained the matter to the Government of Bengal thus:

The agricultural Nepalese are a quiet good and industrious people, whose settlement, both in Darjeeling and Sikkim, is in many respects desirable. It is only in difficult times that the influence of the Nepalese authorities might be undesirable; and as the settlers are mostly of tribes *who were once independent*, it is not likely that there will be any cause for apprehension so long as a British force is at Darjeeling.³⁶

These examples indicate that the various categories the British used to define people in Darjeeling were considered primarily in terms of colonial governance rather than simply an attempt to create ethnographic knowledge. Further, from mid-century, the label “Nepali” developed into a highly contingent and useful category which allowed the colonial administration to make the border population’s subject status suitably ambiguous for its own purposes. The Lieutenant-Governor made this explicit in 1873 when he contrasted the native population who had some right to land “on which they may live on independent terms” with a more dependent and insecure “Nepalese population ...the best surety that planters can have for labour in the future.”³⁷ Those labeled as Nepali occupied a space in colonial governance that

³⁶ Emphasis added. NAI. FD. Political A. Oct 1873. No 491. No 596T. From A. Mackenzie, Junior Secy to the Govt of Bengal, To the Secy to the Govt of India, d/ Dj, 14 June 1873.

³⁷ Report on the Administration of Bengal, 1872-73, 79

made them not-quite British colonial subjects, even though the label had no actual bearing upon the migrants' status vis-à-vis the state of Nepal, as will become more apparent in the next section.

Reading Rumor as a Way to Understand Migrant Networks

The structuring of colonial capital and remaking of Darjeeling's geography placed a heavy burden on local people and migrants to understand and negotiate economic and political change. In this section, I read rumors from the 1840s to 1860s to suggest how ordinary people managed mobility and information in a time of rapid change when even status as subjects of any particular state had become ambiguous and contested. Throughout the 1840s and 1850s, Superintendent Campbell corresponded at length with the Governor General's office in Calcutta about intermittent panics sparked by rumors circulating amongst migrant laborers. These rumors, concerning high politics as well as the price and availability of food grains, informed laborer's mobility and decisions about where and to whom to offer labor. Migrants needed non-local information to calculate risk in terms of managing their relationship with the state and various markets—for example, how far could they go, how would they take care of labor and tax obligations at home in their absence, would the state apparatus in Nepal continue to recognize their status as subjects or landholders? How and at what price would they procure food grains at their point of destination? The latter was an important question in mid-nineteenth century Darjeeling because markets in grain were still quite disconnected, imports were typically carried on people's backs on part of the journey from the plains (and until 1850 through Sikkimese territory), and little rice was grown locally, although production increased throughout the

nineteenth century).³⁸ Further, migrants continued to use the threat of mobility (i.e., return to Nepal or moving on to another bordering state) or the threat of withholding mobility (i.e., staying in Nepal and convincing others to do so) as an inexact form of negotiating with employers. These negotiations were couched in terms of the migrants' fear of wider political events—in particular the actions of the Nepali state—and were strategically deployed in a situation where the workers had little bargaining power. Moreover, the colonial record indicates that local administration listened carefully to such rumors as a way of predicting and controlling labor supply.

Nepal's alleged military activities and their potential effect on migrants provided a running theme to many rumors. The fear that Nepal would invade Darjeeling and the migrants would be reclaimed as absconding subjects recurred intermittently. In September 1858, the Superintendent corresponded with the Bengal governor's office and Resident in Nepal over rumors that Nepal was heavily recruiting military around Kathmandu. Dissatisfied with the British government's reward for helping to quell the Mutiny of 1857, Jang Bahadur was supposedly planning to send the army east just after the Dasain festival to annex Darjeeling, then Bhutan, and all the British territory between Nepal and the Ganga River.³⁹ Campbell reported: "[T]he message is, that all the Nipalese who do not return to their country before the end of the Doorga Pooja shall be shut from every doing so, and shall be considered in the light of British subjects, or as enemies in the approaching invasion of Darjeeling from Nipal."⁴⁰ The occasion of Durga Puja (or Dasain) is

³⁸ Dietmar Rothermund, *An Economic History of India: From Pre-Colonial Times to 1991* (New York: Routledge, 1993), 18-26. The Northern Bengal State Railway was only opened in January 1878 connecting Jalpaiguri with Bengal and Bihar. A freight line was opened connecting Siliguri to Jalpaiguri in June 1878, in large part to help export tea from the region, but it also had the effect of integrating the market in food grains and labor with wider trends. *Report on the Administration of Bengal, 1880-81*, 26.

³⁹ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 74. From Campbell, Dj, 9 Sept 1858, to Cptn Rabaw.

⁴⁰ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 80. From Cmpl, to Cptn Byers, Offg Resident, Nepal, 15 Sept 1858. pp 5616-8. Usually laborer entered Darjeeling after the Dashera festival. No 104. (No 74 of 1856), from Cmpl, to AR Young, d/ Dj, 10 Oct 1858.

significant; during the annual festival representatives of the Nepali state journeyed to district headquarters to bestow the *tika*, a mark of blessing and subordination, on the headmen or *Subbas*, the officially recognized local intermediaries and village tax collectors.⁴¹ As Sagant points out the Nepali state's recognition of such Subbas promoted the rise of a group of men who relied upon and exploited their connections to the state rather achieved power through local support. Villagers were also required to attend the Dasain celebration annually at the Subba's house to pay taxes and demonstrate their continued allegiance to his authority. The Subbas also extracted forced labor, and if there had been a military expedition, it is likely they who would have supplied the Nepali army with conscripted labor.⁴² Folded into the rumor cited above regarding the need to return to Nepal before the Durga Puja, is the threat of the headman's power. Such rumors persisted throughout the nineteenth century. In 1884, the *Times of India* reported that Nepal had supposedly lifted a ban on laborers going to Darjeeling as the threat of a military expedition with Tibet had dissipated.⁴³

In the late 1850s the colonial government began to pay more attention to such rumors out of concern for the Europeans recently settled in Darjeeling as well as general colonial anxiety following the rebellion across northern India of 1857. Thus, any time the Nepali court moved towards the frontier with a large retinue, even for shooting expeditions, rumors began to fly.⁴⁴ For example, the Deputy Commissioner in 1864 reported that emigrants from Nepal were circulating apprehensive rumors about Jang Bahadur's upcoming shooting party in the Indian tarai. It was said that he was rebuilding forts along the border and had stationed his brother with

⁴¹ Ann A. Forbes, "Mapping Power: Disputing Claims to Kipat Lands in Northeastern Nepal" *American Ethnologist* 26.1 (1999): 118.

⁴² Sagant, 37, 119-160.

⁴³ "Article 6 -- No Title," *The Times of India* (Feb 1, 1884): 3; ProQuest Historical Newspapers: The Times of India (1838-2003).

⁴⁴ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 73. From Cmpbl to Cptn Rabaw, 9 Sept 1858.

almost 2000 men in the vicinity. Nepali “coolies and others [were] reported to be selling their property at a loss and leaving in large numbers” because they said war was imminent. They also noted that recently the Government of India had given up two men upon Nepal’s requisition (as per the extradition treaty). The Deputy Commissioner sent Nepali men employed in Darjeeling’s police force to explain the situation and quell rumors wherever they were prevalent. He explained that this was necessary because “[m]any of the Nepalese Labourers and settlers are refugees, and I have no doubt that they fear Jung Bahadoor’s visit is made with a view to obtaining the extradition of such persons.”⁴⁵

A related theme of such rumors was that Nepal was promulgating new policies that would threaten migrants’ claim to subject status in some way—such as by requisitioning local labor in eastern Nepal and, in the process, taking stock of those absent from their villages and declaring them to have forfeited subject status. At times such rumors actually pushed groups towards Darjeeling, as in 1855 when about 100 Mech and Lepcha families settled in Company territory when Nepal was supposedly requisitioning forced labor, *begari*, to carry supplies for its proposed invasion of Tibet.⁴⁶ Generally, however, the colonial administration assumed that such rumors would cause migrants to leave Darjeeling and return to Nepal. Maintaining subject status was important enough for many migrants that when returning across the border, they acquiesced in paying a sort of tax, “graduated on a sliding scale, nominally to pay for the restoration of their so called caste status, which they are supposed to have lost by residing in British Territory.”⁴⁷

Campbell recorded the rumor in 1854 that,

⁴⁵ WBSA. General Proceedings. Political Department. Nov 1864. Fort William. No 27 from H.C. Wake, Deputy Commissioner of Darjeeling, to the Secretary to the Government of Bengal, No 662, 24 October 1864.

⁴⁶ NAI. FD. Political. 11 May 1855. No 33. No 223 of 1855. From A Campbell, Supt of Dj, to Cecil Beadon, Secy to the GOI, D/ Dj, 16 April 1855.

⁴⁷ O’Brien, 72.

the Durbar [had] issued Purwanahs to the effect that every house in Eastern Nipal (from which quarter our Coolies come) shall send one man to join the army as a Coolie, and have one man to stay at home until the War [with Tibet] is over. The utmost secrecy too_ it is said_ is enjoined as to the destination of the Troops: and it has been proclaimed that any one discovered giving intelligence of their movements will be punished by cutting out the tongue, and pouring boiling lead into their ears!⁴⁸

Two men would be requisitioned from every house in Eastern Nepal to provide this work. Campbell added that the threat of conscription would greatly reduce rates of migration from Eastern Nepal while the threat of war, he feared, would mean a near complete exodus of Nepalis back to their homes.⁴⁹ Campbell further stated: “In addition to all this, I have reliable intelligence that the Nipal Durbar have proclaimed that all refugees from justice who are sojourning at Darjeeling, or serving our Govt. in the local Corps, or in other capacities are now free to return to their Country, and will not be molested. The same amnesty is reported to have been proclaimed in favor of refugee slaves...”⁵⁰ Again, in 1858, for the Nepal government was allegedly planning to increase its forces stationed at Ilam fort, likely in response to disturbances in India, and would need laborers to build housing for the troops. Those who did not return were yet again threatened with permanent exile.

Rumors were spread amongst migrants in Darjeeling, apparently by word of mouth from travelers as well as occasionally by letter. For example, Campbell obtained a letter “addressed to a person here [that] noted very vaguely that something was to happen from Nipal in this direction, and that people of that Country should at once leave this one.”⁵¹ Further, a man who claimed to be the son of Ranbir Thapa but whom Campbell suspected to be an imposter came to

⁴⁸ NAI. FD. Secret. 23 Decr 1854. Nos 22/34. No 568. From Cmpbl, to GF Edmonstone. 9 Nov 1854, pp 15-8.

⁴⁹ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 80. From Cmpl, to Cptn Byers, Offg Resident, Nepal, 15 Sept 1858. pp 5616-8.

⁵⁰ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 80. From Cmpl, to Cptn Byers, Offg Resident, Nepal, 15 Sept 1858. pp 5616-8.

⁵¹ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 74. From Campbell, Dj, 9 Sept 1858, to Cptn Rabaw.

Darjeeling and met with Campbell conveying the alleged secret intelligence that Jang Bahadur intended to send the army under his brother to take Darjeeling while he would lead his troops into the tarai.⁵² The Resident in Kathmandu Byers confirmed that the letters could not have been sent through Kathmandu post because there were only two people who used the postal service to correspond with Darjeeling from the Nepali capital, and they had not sent any letters recently. Thus, the letters were conveyed by private means. Moreover, the man who had claimed to be Ranbir Thapa's son was indeed an imposter and likely part of an out-of-favor faction residing in exile in the Bettiah zamindari (in India).⁵³

An incident Campbell reported in 1858 illustrates how social solidarities amongst borderland people crossed state boundaries. Dil Khambu, a Naik of the Darjeeling corps of Sappers, had recently visited Ilam, Nepal while on leave. There he met Lieutenant Keshar Singh Thapa, Officer Commanding at Ilam, who read out to him an order from Kathmandu that called for closing the roads to Darjeeling. Dil Khambu asked him why the roads were to be closed, and the Lieutenant responded that he did not know as the government's orders contained no further information. Dil Khambu then said (as directly quoted in the report): "You have closed the Road, my Children are here and I am a servant of the English, what I am to do if any thing [sic] goes wrong as it is talked of all over the Country." The Lieutenant replied (again quoted in the report): "At present nothing is certain, but if any thing [sic] is going to take place I will send you notice." The Naik told Campbell he had to avoid the people charged with maintaining the road closure on his way back to Darjeeling.⁵⁴ This exchange offers a provocative example of shared masculine

⁵² NAI. Foreign Dept. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 74.

⁵³ NAI. Foreign Dept. Secret. 26 Nov 1858. Proceeding Nos 72-127.No 84 From Byers, Offg Res Nepal, to Cmbll, 20 Sept 1858. pp 5620-5622; No 89 From Cptn Byers, to Cmbll,, 23rd Sept 1858; No 96, From Cptn Byers, to GF Edmonstone, Secy to the GOI, D/ Nep Res, 8 Oct 1858.

⁵⁴ In general, people around the hill station still believed that Nepal would invade but there was no evidence of preparation at Ilam. "From other persons arrived from Nepal, I hear that orders have been issued to collect supplies for Troops at all Stations on our Frontier and Mr. Yule the Comr of Bhaugulpore" (5635) says that he has heard

interest amongst soldiers working for different states formed around the felt need to maintain and protect a family who was fixed in place even as migrants spent prolonged periods away from home.

Indeed, the Nepali state manipulated such fears of masculine honor and rights over families in an attempt to control labor flows. Prime Minister Jang Bahadur, in September 1858 issued a *parwana* or proclamation to headmen and revenue functionaries throughout its realm limiting the husband's right to seek revenge upon anyone who had committed adultery with his wife. This proclamation contradicts the fact that Jang Bahadur had previously codified revenge killing, if reliable evidence should be available, as a level of acceptable violence.⁵⁵ Clearly, the Prime Minister viewed masculine anxiety about losing control over gendered dependents at home as a motivating factor in limiting movements. In full, his proclamation read:

be it known that women whose husbands have left the Country for upwards of six months, are at liberty to remain faithful to them if they choose, but should they of their own accord, seek other husbands, after the lapse of that period, and their first husbands return and cut down their ("yars") violators or seducers, the murderers shall be capitally punished, and if any man cuts off the nose of his wife, he shall be imprisoned for a term of 3 years.⁵⁶

The threat soldiers or migrants felt to their families back home and their sense of masculine honor was cited in a number of cases as affecting their decisions about migration. Harka Bir asked his commanding officer to be discharged ("have his name cut") the following day because of the Proclamation. He told Murray that if he stayed in British India that his wife "will be made

from planters and natives that the Nepalis have set up chownees and are collecting rusud "at several places along the Morung from the Koosi River westwards." NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127.No 94, No 736 of 1858, From A. Campbell, to AR Young, Secy to G of Bengal, D/ Dj, 8 Oct 1858.

⁵⁵ Eden Vansittart, *Gurkhas. Handbooks for the Indian Army*. Gurkhas, Revised by Major B. U. Nicolay, (Calcutta: Supt Govt Printing, 1915), 49-50.

⁵⁶ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 117. Abstract Translation of a Proclamation issued by Maharajah Jung Bahadoor Ranagee Prime Minister and Commander in Chief of Nepal of Bhadon Budee 20th Sumbut 1915. -7th Sept 1858.

over to some [sic] else.” He explained that even though his home was right across the border, he would have to return through the jungle because the roads were blocked. His father and brother had come to fetch him and they had had to wait in their fields until after dark to surreptitiously cross the border. Similarly, Ramdas, a Havildar of the 1st Company, a “good man,” had taken leave to his home in Dhankuta. All the family land was in his name as he was the oldest, but having heard of the Proclamation he went to divide up the deeds in his brothers’ names. He was worried the authorities would otherwise take his land for joining the British service. Dharam Singh, a Jemadar went on leave to Ilam in order to bring back his children, but the roads were closed so reportedly he would not be able to return with them. Captain Murray noted that two other requests for discharge would make him nine men short (out of 200), when he usually had 30 candidates for each post.⁵⁷ Campbell observed that private servants had been leaving the station and the Executive Engineer found that “his Coolies in the Sinchul Barracks have decreased from 2500 to 700 since the issue of the Proclamation.”⁵⁸

A cycle of rumors reported in 1854 indicates the ways in which migrant laborers may have used rumors to negotiate with their employers. According to Campbell, Nepali migrants reportedly panicked when they found out that Nepal was moving its troops towards the frontier. Prime Minister Jang Bahadur claimed this was necessary because Nepal and Tibet had come into conflict over terms of trade recently and Tibet had mistreated some of Nepal’s envoys to Lhasa. Since the cold season was beginning, local people did not believe that the troop movement towards Dhankuta was really meant to threaten Tibet as the impossibility of conducting a winter campaign in the high Himalaya rendered the threat meaningless. Campbell asked the East India

⁵⁷ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 110, cont. From G. Murray, to Cmbl, 14 Oct 1858. pp 5663-4.

⁵⁸ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 111, No 759 of 1858. From Cmbl, to AR Young, Secy to G of Bengal, D/ Dj, 15 Oct 1858.

Company to send troops to assure the workers that the EIC was militarily capable of protecting the territory. He argued this step was necessary because of difficulties in securing coolies for Government works; recently the Sardars (labor leaders) fell short 500 workers and felt given the rumors and uncertainties they would not be able to produce the required number. When Lieutenant Murray, at Campbell's behest, gathered the Sardars, it was found that the men's pay was also in arrears and recently the price of rice was even higher than usual due to crop failures in the tarai.⁵⁹ Some Nepalis employed in the 73rd Regiment stationed at Jalpaiguri as well as 1000 workers building the new cantonment in Darjeeling had allegedly returned to Nepal. When asked, the men, departing in groups, said that they were going to Nepal in order to obtain supplies of rice. Recently there had been a shortage due to flooding in the tarai as well as Nepal's supposed restriction on exports; rice supply was limited in the market and that too had become expensive.⁶⁰ Campbell suggested that Murray pay up their back wages so that there was no cause for complaint left on their part, and once this was done and Campbell had assured the Sardars that the rumors were false, then the problems obtaining manual labor abated. In this instance, the use of rumors to support threats of mobility worked to the laborers' advantage in bargaining with their colonial employers.⁶¹ That the panic over departing laborers was in large part an exaggeration comes from follow-up reports from the 73rd Regiment stationed at Jalpaiguri that in fact only 20 men had deserted, probably owing to the excessive heat.⁶²

⁵⁹ Rice tended to be more expensive in Darjeeling than the plains because it had to be imported.

⁶⁰ It was typical for Nepal to supply rice to the Darjeeling bazar just before the harvest was available from the tarai but this year Jang Bahadur was said to be interfering in the normal, seasonal trade. NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127.No 79 From Cmbell, to Cptn Rabaw, Private Secy to the Lt Gov of Bengal, d/ Dj, 15 Sept 1858. No 80. From Cmpl, to Cptn Byers, Offg Resident, Nepal, 15 Sept 1858.

⁶¹ National Archives of India. FD. Secret. 23 Decr 1854. Nos 22/34. No 568. From Cmpbl, to GF Edmonstone. 9 Nov 1854.

⁶² Shering noted that at present the regiment had 714 Gorkhas and after the monsoon, the full quota of 1000 was expected. NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127.No 86 From G. M. Sherer, Jelpigori, To Beadon, 27th Sept 1858.

Rumors also became a site of negotiation for high politics, as Campbell (representing the district administration), the Resident in Kathmandu, the Nepali darbar, and the Bengal Government attempted to interpret their content in a way favorable to their own interests. Given the heightened concerns following the Indian rebellion, diplomatic correspondence over the rumors circulated for several months in 1858. The Resident in Kathmandu, Byers, denied the veracity of the reports about Nepali aggression and speculated that Nepali soldiers that had been paid extra for service in India in 1857 hoped to go back on active duty and were pressing for further engagements. Jang Bahadur's coterie of enemies constituted another obvious source, especially in the case of the man impersonating Ranbir Thapa's son. Byers also discounted the numbers alleged to be leaving Nepal, stating they were much less than Campbell averred.⁶³ Thus, the only British officials who took the rumors seriously were those actually based in Darjeeling. Campbell continued to convey news that locals brought him in Darjeeling, perhaps in the hope that the Government of India would agree to station a permanent force in the hill station, which he felt was needed. He noted that when the Darjeeling district was created, Lt. Napier had suggested it should be fortified, but the proposal was dropped due to shortage of labor. However, still nervous about British control in India following the 1857 rebellion, Campbell thought that the frontier location of the hill station and "the altered views of Europeans in India connected with the natives," merited protection of the local European residents, at the very least.⁶⁴

When the Resident in Kathmandu Byers met with Prime Minister Jang Bahadur to clarify what sort of proclamation the court had issued to cross-border migrants regarding re-entry into Nepal, the Prime Minister skillfully explained the rumors to his diplomatic advantage. He

⁶³ Shering noted that at present the regiment had 714 Gorkhas and after the monsoon, the full quota of 1000 was expected. NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 86 From G. M. Sherer, Jelpigori, To Beadon, 27th Sept 1858.

⁶⁴ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 92, No 715 of 1858, Cmb1, to AR Young, Secy to G of Bengal, D/ Dj, 3 Oct 1858.

claimed that his directive had been targeted to migrants employed in military service. Such caution was necessary, he claimed, because he had received intelligence “that a great deal of recruiting was going on throughout the whole Teraie, from Kumaon to Darjeeling_ especially in the latter neighbourhood_ not only for the British service, but also on the part of the Rebels, who were offering a higher rate of pay than is given by our Govt.” Therefore, he had issued a proclamation reminding Nepali subjects “of a law being in force, by which every one [sic] enlisting in the services of a Foreign State, loses the privileges of a subject of Nepal, and is never allowed to return openly (tho’ many do so secretly) to his home.”⁶⁵ Jang Bahadur clarified what he meant by “the privileges of a Nepali subject” (whom he clearly envisioned as male):

For instance, that if during his absence his Wife or Daughter is violated by any man, he will not be permitted to return to his home for the purpose of avenging the insult to his honor, which, according to Goorkha custom, is accomplished, by the injured husband or father, seeking out the violator and cutting him down. The Proclamation continues, that it will be better for those who have a regard for their own or the honour of their families to return to their homes. But this is not meant to affect the labourers or artisans residing in Darjeeling.⁶⁶

Clearly, Jang Bahadur did not think that the migrant laborers participated in martial notions of masculine honor. Further, while Jang Bahadur strategically emphasized his alliance with the British colonial government against the remainder of the Indian mutineers (many of whom had sought refuge in the Nepali tarai), he also took the opportunity to remind the Resident that he strongly objected to clandestine recruiting parties sent by Indian Army regiments into Nepal. Jang Bahadur, however, insisted that his proclamation did not mention fugitives or slaves or

⁶⁵ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 96, From Cptn Byers, to GF Edmonstone, Secy to the GOI, D/ Nep Res, 8 Oct 1858.

⁶⁶ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 102. To Cml, from Byers. 30 Sept 1858. p 5651-54.

relate to the export of rice or other grains.⁶⁷ Jang Bahadur followed up a few days later, conveying a message to the Resident Byers that he had seen rumors in the papers that he would attack Darjeeling. He had also received word of Campbell's direct, and improper, inquiries at Ilam (a military post in Nepal). He cautioned Byers that no one should believe the newspapers, and that such rumors would help the rebels. He further lamented that now the news would spread to the newspapers in Europe, and to the Queen, and other notables in England, and his name would be tarnished.⁶⁸ While Jang Bahadur perhaps overestimated his place within the racial politics of empire, it gives a sense of how he felt it was necessary to manage rumor and why. In other words, rumors could shape reputation and opinion even in high political circles, and managing rumor was a way of managing honor or reputation.

Mobile groups carried rumors in part as a way of negotiating movement between different political and economic regimes; at the same time these groups provided a means for negotiating between high politics and local power relations. My view thus differs from the trend in colonial historiography that finds in rumors evidence of an autonomous subaltern consciousness or popular site of resistance.⁶⁹ Ranajit Guha, however, contended that rumors acted as a "socializing process" to produce active forms of community in particular contexts—such as after a natural disaster or in the period leading up to a rebellion. Thus, while Guha also defined rumors as "[a]n autonomous type of popular discourse" which allowed the hearer/teller to shape its form and content, he leaves the door open for the very plasticity and anonymity of

⁶⁷ NAI. FD. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 96, From Cptn Byers, to GF Edmonstone, Secy to the GOI, D/ Nep Res, 8 Oct 1858.

⁶⁸ No 113, (No 72 of 1858), From Cptn Byers, to GF Edmonstone, D/ Nepal Rsdncy, 13 Oct 1858.

⁶⁹ Anand A. Yang, "A Conversation of Rumors: The Language of Popular 'Mentalités' in Late Nineteenth-Century Colonial India" *Journal of Social History* 20; 3 (Spring, 1987): 485-505. Martin Sokefeld, "Rumours and Politics on the Northern Frontier: The British, Pakhtun Wali and Yaghestan" *Modern Asian Studies*, 36; 2 (May 2002): 299-340; C. A. Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870* (Cambridge: Cambridge University Press, 2006), 18, 19; Ranajit Guha, *Elementary Aspects of Peasant Insurgency* (Delhi: Oxford University Press, 1983), 257.

the form to be necessarily unbounded and thus multi-vocalic across power structures. While different levels of political activity (or the state-society relationship in its various forms) may have been negotiated in part through rumors, this was not a mode of negotiation with which the colonial government had much patience. Campbell's engagement in rumor mongering was frowned upon. The Home Department informed the Governor of Bengal's office that Campbell had not acted prudently in transmitting all these baseless rumors to government and in the future he should be advised to exercise greater discretion.⁷⁰ Yet, a regional state, such as Nepal, could not ignore such circulating rumors. In fact, by examining this terrain of language, we get a sense of how, once again, sovereigns and subjects became mutually imbricated in informal ways. We also see that the colonial state was not engaged with society in the same way regional states (such as Nepal) were. If under colonial rule in Darjeeling, states and subjects became more reified as airtight and distinct categories, economic trends reinforced such effects. In the next section, I consider broader economic developments concomitant with the plantation economy which produced social contradictions that virtually required informal circuits of labor and credit to develop.

Cycles of Monetization, Accumulation and Dispossession: Sikkim and the Plantations

In order to understand why people migrated to Darjeeling in increasing numbers from the 1870s, Darjeeling's tea plantations must be understood within wider economic trends. Under colonial rule in this frontier area of the eastern Himalaya, land and labor became more commoditized and trade, a main source of income for both states and local people, concentrated in fewer hands. These fairly rapid changes of the second half of the nineteenth century created both need and

⁷⁰ No 105, No 367 of 1858. From C Beadon, Offg Secy to GOI, to AR Young, Secy to G of Bengal, D/ Ft Wlm, 29 Oct 1858, 5657-9.

desire, debt and speculation, which both fueled and were shaped by migration. Within the region, monetization seems to have proceeded further in Nepal than in Sikkim, as for example, demonstrated by the relatively earlier change from shifting agriculture to settled peasant cultivation in Eastern Nepal than in Sikkim and the Kalimpong area. Rhodes has argued, in an interesting study of trans-Himalayan trade and numismatics, that during the seventeenth century, the Malla kingdoms in the Kathmandu valley had forced Tibet to trade in silver or gold for currency minted in the Kathmandu valley. Silver bullion or coin could not be imported from India or Tibet and transited through the valley unless it was minted into coin in Bhatgaon or Kathmandu; hence the Malla kingdoms became quite wealthy from seigneurage. When Prithvi Narayan Shah blockaded the Kathmandu valley and disrupted trade in order to attain political control from the 1740s to 1769, lines of trade shifted west and east, and the Gorkha king failed to attain the same degree of monopoly as the Mallas had held. The minting of coins was thus an important way for relatively strong states located on trans-Himalayan trade routes to earn money from it—and also a sign of how strong a state was in relation to its trade routes. In this sense, Gorkha expansion to the east and west can be partly read as an attempt to regain control over these trade routes by using its growing military power.⁷¹

In comparison, Sikkim's economic activity was less monetized than Nepal; Sikkim did not mint coins and, in fact, Sikkim seems to have used Nepal's coinage for some trading purposes. When Campbell took over the administration of Darjeeling in the 1838, he claimed that metallic currency was not much in circulation—rather salt was used for facilitating the

⁷¹ Nicholas Rhodes, "Trade Across the Himalayas: The Numismatic Evidence," in *The Indian Trade at the Asian Frontier*, edited by S. Jayeeta Stephen (New Delhi: Gyan Publishing House: 2008): 251-280.

exchange of commodities.⁷² Cultivators and pastoralists in the hill areas of Darjeeling had been accustomed to paying taxes to Sikkim and Bhutan in kind (grain and livestock) on an ad hoc or per head basis; the British administration changed this piecemeal to collections in cash and on the basis of the actual size and type of landholding from mid-century.⁷³ The Namgyal rulers of Sikkim obtained many of their needs through barter. In the early 1840s when the EIC tried to negotiate a cash payment in return for Darjeeling, Sikkim's Raja made it clear he did not want Company Rupees. Rather, he requested "1000 Rupees worth of Gold Mohurs, 1000 Rs worth of Fuzils, with Bayonets and accoutrements, and the remainder in Cloth and Coral"—essentially items he could use for trade.⁷⁴ The "Gold Mohurs" are almost certainly those minted in Nepal, indicating that Nepal's currency carried value in Sikkim. Campbell's suggestive remark that salt, a major trade commodity in the eastern Himalaya, was used as a currency in the Darjeeling region is partially supported by a document issued from the Sikkimese court in 1882 instructing officials to obtain food provisions by trading 5 loads each composed of a weighted quantity of salt and 10 woolen blankets on the court's behalf.⁷⁵ Thus, even in the late nineteenth century, some of Sikkim's trade was still carried on through barter transactions.

In an ethnographic study of Lepcha villages in the upper Tista Valley in Sikkim published in the 1930s, Gorer recorded elder Lepchas' memories of how trade used to be conducted before cash came to circulate freely and Indian moneylender and traders set up shop nearby. Lepchas used to take valuable forest and surplus agricultural products to the Tibetan

⁷² Campbell, 147. Note also the story about the Tibetan-appointed regent of Sikkim, Rabden Sarpa, who instituted a rough count of Sikkim's population (for revenue collection purposes) in 1714 by giving everyone who came to him a plate of salt. This was effective because there was a high demand for salt (Jha, 53).

⁷³ Shifting agriculturalists in the zone west of the Teesta had been accustomed to paying taxes to Sikkim in kind—grain and livestock—and it was Campbell who forced the transition to cash payment, Rs 2 per head, on a capitation basis (Rennie, 369).

⁷⁴ IOL. BC. F/4/1963, 85874-86061, 1841-1842. 86059. Darjeeling and Sikkim. India Political Department. Collection No 17. Extract Fort William Political Consultation, 27th Sept 1841.

⁷⁵ P. K. Bhattacharyya, "Study of a Few Documents Relating to the Coinage of Sikkim," *East and West* 32 (December 1982): 95.

border to trade for salt and wool. They would take the latter to Darjeeling to trade for thread and cloth (from which they would weave their own clothing). In this way they obtained non-local but necessary products without using cash. In order to facilitate movement into and trade within foreign territories men would have a ceremony performed by a community elder to establish an *inzong* relationship. This ceremony made them fictive brothers, and also brought their families into the fictive kinship relationship for a number of generations. When a family connected in this way traveled with trade goods, the *inzong* would provide food and lodging and the visitor would bring presents. At the time Gorer recorded these accounts, this relationship was only established with Tibetans and Tibeto-Sikkimese; Nepalis were excluded due to tensions between the communities.⁷⁶

From the 1830s, Sikkim became increasingly dependent economically on the East India Company. Indian rupees were introduced in large quantity when the East India Company began paying the Raja an annual allowance from 1835. A document recording Hooker's expenses (in the Lepcha language) in December 1848 and January 1849 indicates that as he traveled through Sikkim he paid in Company Rupees for goods (grains, vegetables, milk, etc.) and services (mainly portage and information). Thus, it seems Company coins probably did circulate to some extent in the countryside in the early nineteenth century. In 1849, the British officially allowed Nepali rupees to be used legally in Sikkim, coinciding with the beginning of large-scale migration of Nepali settlers into Sikkim supported by the British government. The Sikkimese court, despite misgivings, allowed the migration because it had grown dependent on its rather small cash allowance and had little opportunity for profitable ventures after the British annexed its best agricultural land in 1850. Moreover, the Government of India invaded Sikkim in 1860 to

⁷⁶ Geoffrey Gorer, *Himalayan Village: An Account of the Lepchas of Sikkim* (1938; reprint, USA: Nelson, 1967), 118-119.

1861 allegedly because of continuing disputes over trade and jurisdiction over people. The British government cited several recent “kidnappings” of border subjects as provocation for the invasion, and in 1861 pushed all the way to the capital Tumloong. The subsequent treaty of 1861 designated Sikkim a British protectorate and forced it to open its doors to trade (by removing tariffs with India) and agree to road-building and a topological survey. Most importantly, the trade monopoly of the Prime Minister Namgay was broken, in part because he was banished from Sikkim and forbidden any political contact with the Raja’s family. Sikkim’s Raja was forced to agree to spend nine months out of the year at his capital within Sikkim as the Government of India did not approve of his prolonged residence in Tibet. The invasion and new treaty of 1861 represented the victory of pro-British forces in Sikkim and a decisive intervention in the long-standing conflict between Lepcha and Tibeto-Sikkimese elites in favor of the former (or rather against the latter).⁷⁷

An attempt by Nepali immigrants to start a mint in Sikkim in the 1880s indicates that Sikkim’s monetary system remained dependent on British India and Nepal throughout the nineteenth century. In 1853, Lakshmidas Pradhan and his uncle Keshab Narayan migrated from Nepal to Darjeeling. Sometime in the 1860s, Lakshmidas acquired land grants in southern Sikkim from the Phodong Lama and Khangsa Dewan (minister), two powerful Lepchas in Sikkim who opposed the Tibetan influence at court. Chebu Lama (who held lands from the British in Darjeeling and the Raja in Sikkim) also supported the grant. The Newari traders, Lakshdhimdas Pradhan and Chandrabir Pradhan started mining copper on contract in the 1860s, and later secured permission from Sikkim’s Raja Thutob Namgyal to mint state coins in 1882. They imported personnel to work the mints and modeled the coins closely on Nepali currency.

⁷⁷ For a good description of the precipitating events and the invasion, see *Annual Report on Administration of the Bengal Presidency, 1860-61*, 125-131. For the treaty, see Aitchison, *A Collection of Treaties, Engagements, and Sunnuds Relating to India and Neighbouring Countries: Vol I*, 144-147. See also Risley, *Gazetteer of Sikkim*, iv.

The project seems to have been relatively short-lived, as the Nepal government soon refused to accept the circulation of such currency, derailing the potential for profit. Over the latter half of the nineteenth century, however, the Lakhshmidas Pradhans became the biggest landholders in Sikkim, with rights to collect tax on land and local products (such as liquor), use the forests, and manage all judicial matters except in the case of murder. These Pradhans acted as loyal supporters of British interests, and the son Lambodar Pradhan was awarded with title Rai Sahib accordingly. Another son became Inspector of Police in Darjeeling and a grandson Chief Magistrate and Chief Executive Officer in Sikkim.⁷⁸

While it took another forty years after the signing of the 1861 treaty for the colonial government to open up trade, build roads and markets and take control of Sikkim's government, the British were able to push for large-scale migration of people from Nepal into the country right away. In 1873, for example, the Raja Sidkeong Namgyal and his family visited Darjeeling to (successfully) petition for their annual allowance to be raised from Rs 9000 to Rs 12,000. The Deputy Commissioner, noting their "poverty," used the visit as an opportunity to suggest that the Raja might obtain revenue from the Nepalis settling in his territory as well as by leasing his mines and mineral resources.⁷⁹ The Lieutenant-Governor of Bengal visited Sikkim in 1874 and stressed the importance of putting a stop to shifting agriculture because it wasted too many resources on producing "comparatively worthless crops." Moreover, the timber from the forests would provide a valuable trade good in the Darjeeling and Northern Bengal markets.⁸⁰

Dissatisfied with the Thutob Namgyal's nearly permanent residence in Chumbi, Tibet and his

⁷⁸ The Newaris who ran the copper mines and for a few years the mints imported Kamis and Magars from Nepal—Kamis in the hundreds—to work the mines. Pranab Kumar Bhattacharyya, *Aspect of Cultural History of Sikkim: Studies in Coinage* (Calcutta: K.P. Bagchi, 1984), 25-26. P. K. Bhattacharyya, "Study of a Few Documents," 93-97. The Police Inspector was Rai Sahib Haridas Pradhan and the Sikkimese office holder was Motichand Pradhan, son of Lambodar. Jha, 130-32.

⁷⁹ NAI. FD. Political A. Oct 1873. No 491. No 596T. From—A. Mackenzie, Junior Secy to the Govt of Bengal, To—the Secy to the Govt of India, d/ Dj, 14 June 1873.

⁸⁰ *Report on the Administration of Bengal, 1872-3*, 199.

close ties with Tibetans, including his wife and her family, and his failure to comply with promises to promote trade there, the Government of India unofficially and quietly deposed the Raja in 1892. J. Claude White, British Political Officer to Sikkim, trained as a public works engineer, ruled the country paternalistically from 1889 to 1908. White deputed the Raja and Rani to Kurseong, India, to live in exile during a three-year interregnum in which he remade the country with the help of a loyal council of Sikkimese whom he appointed.⁸¹ The GOI continued to promote Nepali immigration into Sikkim as a way to counter Tibetan influence and help the state to generate more revenue (for the Political Officer and the Council to pay for public works like road building). The Nepali settlers generally were organized under “thikadars” (contractors) who assessed rent from them on a fixed rate per area of land according to an estimate of how much land a unit of seed could cover. From this rent a portion would be transmitted to the state as tax revenue. The Thikadars also extracted a customary number of days of free labor from each tenant annually. This system based on a unit of land gradually replaced the customary Sikkimese tax collection system, according to which the headman or Mandal had calculated how much a household could pay according to number of adult workers versus dependents, head of cattle, and other relevant information. The Mandals also extracted forced labor for themselves as well as the Raja.⁸²

By the turn of the century, British officialdom started to worry about the Lepchas of Sikkim, who “were being ruined by the competition of new settlers.” The officer inspecting for the Rajshahi division noted apprehensively: “There has been a great want of money at Gantok [the new capital created by the British] in recent years, and the tendency is to take the tenant who

⁸¹ J. C. White, *Sikkim and Bhutan: Twenty-One Years on the North-East Frontier, 1887-1908* (Delhi: Vivek Publishing, 1971), 24-26.

⁸² Jha, 91.

pays the most.”⁸³ This often led to the displacement of older inhabitants because the new Nepali settlers typically paid revenue in cash and the Lepchas and Tibeto-Sikkimese paid in kind and labor.⁸⁴ By the latter half of the nineteenth century, White estimated the population of Sikkim hailing from Nepal at 50,000.⁸⁵ Tensions flared between pro- and anti-immigration Sikkimese officials and Buddhist Lamas, heads of landed monasteries. An armed skirmish broke out at Rhenock (near the border with Kalimpong) in 1880 between the Peminogchi Lama’s and the Phodang Lama’s men over the Newari settlement. A Lama on the Pemiongchi Lama’s side was killed and the pro-Nepali emerged victorious. Nepali settlers were often treated as pawns as elites decided where foreigners could and could not settle, and many times they were turned from their fields and houses in the Tista basin only to be allowed to settle again at a later time.⁸⁶ The large influx of migration seems to have not only intensified the most influential Lama’s power struggles with one another, but also helped prompt the conversion of communal lands into private holdings on monastic estates. In the early twentieth century, Sikkimese elders remembered that before the mid-nineteenth century the hill tops upon which monasteries were situated were held as communal land. At that time, private holdings were only demarcated at the choice land in the valley basins. By the 1850s, however, the land on the hill tops around the monasteries was also divided up for private cultivation.⁸⁷ Such changes did not go contested—for example, in the 1880s, local *raiya*s in northwest Sikkim revolted against the head of their monastery in Chongtang, refused to pay him taxes or cultivate his land and fled to the forests. The Raja and other head Lamas were forced to decide on a new Lama to send as the old one was

⁸³ IOL. P/5393, Bengal General Proceedings, Nov and Dec 1898. Annual General Administration Report, Rajshahi Division for the year 1897-98, Nos 5-6, File 5-R/7 2. No 545Rct, dated Darjeeling, the 12th July 1898. From C. J. O’Donnell. Esq, Offg. Commissioner of the Rajshahi Division, To-the Secy to the Govt of Bengal, Genrl Dept.

⁸⁴ Colman Macauley, Report of a Mission to Sikkim and the Tibetan Frontier 1884 (Kathmandu: Ratna Pustak Bhandar, 1977), 11.

⁸⁵ Risley, 27.

⁸⁶ Macauley, 3, 10-12, 55.

⁸⁷ Gorer, 70.

so reviled.⁸⁸ In order to contain some of the social upheaval attendant upon the huge influx of Nepali migrants, at a Council meeting in February of 1889 it was decided to continue to allow such migration but limit where Nepalis could settle. Migrants from Nepal would henceforth be confined to wastelands in Sikkim below the upper waters of the Great Rangeet River, and in the Tista valley south of the rivers Ranchangchu and the Rangeet, which flowed into Teesta just below Samdong bridge. Thus reserved areas included the valleys of Bokcha-chu and Dikchu where the Lepchas would be encouraged to settle.⁸⁹

The foregoing foray into the history of Nepali immigration into the British protectorate of Sikkim is intended to demonstrate several key dynamics related to the large-scale movement eastward of hill-people from Nepal. First, this migration led to greater monetization of trade and agriculture, processes which often benefitted outsiders or those already possessing political connections or access to capital. In Sikkim and Kalimpong this meant the effective end of shifting agriculture and a move towards fixed cultivation and increased growth of cash crops—such as cardamom, a crop that took several years to grow, and was entirely in the hands of moneylenders. Increases in disparity in wealth between rich and poor villagers were noted. Previously trade between Darjeeling and Tibet had been conducted, often for subsistence purposes or marginal profits, by a great many Lapchas, Tibeto-Sikkimese of Sikkim, and Tibetan pastoralists.⁹⁰ Indian traders, often belonging to the Marwari community, were encouraged by the British government to settle in Darjeeling and later Sikkim and trade and moneylending

⁸⁸ Macauley, 50-1.

⁸⁹ Jha , 58-59. Gorer's ethnography focuses on several villages within this reserved area but he does not discuss the history of its founding.

⁹⁰ For accounts of petty traders and herdsmen (often overlapping categories because sheep carried much of the trade items through Sikkim in the 19th century), see Ware, 3-5. See also R. D. O'Brien, *Darjeeling and the Sanitarium of Bengal, and Its Surroundings* (Calcutta, W. Newman, 1883), 35-37. Hamilton notes at least one important customs post in a Lapcha's official's control (with four Bengal writers under him), in the early nineteenth century, about a half day's journey downriver from the fort of Nagrikoth (Hamilton, 125-126), and Foreign Dept. Political A. Oct 1873. No 491-499. No 491. No 596T. From—A. Mackenzie, Junior Secy to the Govt of Bengal, To—the Secy to the Govt of India, d/ Dj, 14 June 1873.

became concentrated in their hands as ordinary cultivators and pastoralists were sidelined.⁹¹ As noted above, this process of monetization had great potential for disrupting social relations. Similar patterns had occurred in Eastern Nepal as the Nepali state had encouraged vast numbers of settlers to take up land tenures in the Kirat region in part to realize higher land revenues and in part to secure the semi-autonomous region. The British continued to counter Tibetan influence in Sikkim and press for open trade, until finally the Younghusband expedition was dispatched to Lhasa in 1903 to 1904 to force an armed resolution. Thereafter, Tibet formally recognized British suzerainty in Sikkim. The Raja of Sikkim was also forbidden thereafter from using state resources for his own trading purposes (a similar practice was never curtailed in Nepal). Thus, the British support (or rather enforcement) of Nepali migration into Sikkim in large part secured the northern imperial frontier which otherwise was situated uncomfortably close to the profitable tea plantations.⁹² This remaking of Sikkim's territory was an integral part of the story of Nepali migration to tea plantations and helps to illuminate the overlapping and at times congruent (yet distinctive) operations of colonial governance and capitalist formation—both of which drew upon and distorted processes of social and economic change already at work. In the next section, I will turn to how individual migrants, already vulnerable to the simultaneous monetization of the economy as well as the rapid accumulation of capital in few hands, tapped into and shaped networks of credit in order to migrate eastwards.

Money, Sardars and Family: Migration to Tea Plantations

Available evidence suggests that cash did not circulate freely in large quantities in the early nineteenth century, yet archival accounts of migration to tea plantations in Darjeeling suggests that the provision of monetary credit was crucial to ensuring a steady labor supply from Nepal.

⁹¹ Gorer, 86-87.

⁹² For a firsthand account see Francis Younghusband, *India and Tibet: A History of the Relations which have Subsisted between the Two Countries from the Time of Warren Hastings to 1910* (London: J. Murray, 1910).

While there were opportunities in land or employment awaiting migrants from Nepal (or rather specially crafted for them), such movements could only be undertaken by migrants with some available resources. Cash was essential to migration as there would inevitably be a period without earnings when the migrant was cut off from the subsistence he or she left behind. Two major paths towards financing such migrations seem to have been available. First, credit could be obtained through relatively unknown workers or unofficial contractors for the tea plantations who journeyed quietly into Nepal to find migrants and offer cash advances. Secondly, migrants who had already made the journey financed their family and friends in Nepal with their earnings from various types of labor in Darjeeling. (In practice these two avenues might overlap as the *sardars* or labor leaders would tend to recruit from their families and their villages first even when using formal lines of credit.)

Unlike in the case of mass migration to Assam tea plantations, much of which was indentured or enforced by contract to cover the cost of the journey from central and eastern India to the north east frontier, migration to Darjeeling was notably unregulated.⁹³ Nor did the colonial government collect much information or pay close attention to the majority of migrants. Darjeeling planters were notoriously recalcitrant in offering up information on their workforces and statistics are a bit hazy.⁹⁴ Nepal also did not keep track of numbers of emigrants in this period. For example, in 1889, the Resident in Nepal, Major Durand, wrote to the Government of Bengal to request that district officers should stop sending to him for character references (i.e., “statements on character and antecedents”). He explained that since 1885, Magistrates and

⁹³ For example, see Prabhu Mohapatra, “Regulated Informality: Legal Constructions of Labour Relations in Colonial India, 1814-1926,” in *Workers in the Informal Sector: Studies in Labour History, 1800-2000*, eds., Sabyasachi Bhattacharya and Jan Lucassen (Delhi: Macmillan India Ltd., 2005); Rana P Behal and Prabhu P. Mohapatra, “Tea and Money versus Human Life: The Rise and Fall of the Indenture System in the Assam Tea Plantations 1840-1908,” *The Journal of Peasant Studies* 19 (1992); Samita Sen, “‘Without His Consent?’: Marriage and Women’s Migration in Colonial India,” *International Labor and Working-Class History* 65 (2004): 77-104.

⁹⁴ *Annual Report on the Administration of the Bengal Presidency, 1865-66*, 148.

District Superintendents of Police had developed the habit of writing to him to obtain information about Nepali subjects in India who were employed in police forces and on the railways, or who were involved in a petty offence or without employment. Durand noted that before 1885 such applications were uncommon but recently had begun to amount to as many as one per day. He claimed it was a futile exercise as “the [Nepali] Durbar have not the machinery to enable them to obtain satisfactory information regarding character, antecedents, &c., of such of their subjects as may proceed to India for different purposes.” He further explained that nine out of ten cases “either the village, or the man’s house in it, or his family, or referees are said not to be traceable, or, if found, the referees disclaim all knowledge of the person regarding whom enquiry is made.” The other ten percent would be verified and they turned out to be respectable people. Durand argued that the Durbar was not neglecting its duty in attempting to track such persons, but that as there was no proper police system, and other obstacles as well, such as the inaccurate addresses provided by typically non-literate migrants, it was nearly impossible for the darbar to provide such information. Moreover, even if migrants were refugees from the law, Durand pointed out that the Nepali law was based on very different principles from British law, and former convictions in Nepal did not necessarily mean that a migrant would make a bad British subject. To clench his argument, he pointed out that the army chose men simply based on physical traits, and “no useless questions are asked about their moral antecedents.”⁹⁵

In the absence of government regulation, records of the labor force on the Darjeeling and Duars (tarai) tea plantations were not kept very accurately. A number of the first Duars plantations were off-shoots from Darjeeling enterprises; many of the first workers, recruited either from Darjeeling and Sikkim, or directly from Nepal, maintained the same sardari system

⁹⁵ WBSA. Proceedings of the Lieutenant-Governor of Bengal. Political Department. Sept 1889. No 59P/50-9-89. Nepal Residency, 15 July 1889. From Major E. L. Durand, Resident in Nepal, to the Secretary to the Government of India, Foreign Department. (NAI).

as prevalent in Darjeeling plantations. The Report of the Duars Committee (1910) states that: “In the case of Paharias [Nepalis], it is not usual for the garden to keep a separate account of individual coolie’s work. The Paharia sardar is better educated than the *madesi*, and has no difficulty in keeping his accounts correctly. It is found also that Paharia sardars and coolies prefer to settle their accounts without outside interference.”⁹⁶ The sardari system meant that the majority of Nepali workers remained off the books—a situation which must have had its advantages for the plantation management who wanted as little outside interference on their plantations as possible.

The Nepali darbar maintained frequent negotiations with the Government of India over its concerns about migration.⁹⁷ For example, the Nepali Prime Minister Chandra Shamser used the Indian Army’s reliance as on military manpower from Nepal in the early twentieth century to argue against the civil employment of what he considered the martial groups--Gurung, Magar, Limbu, Jimdar, Rai and Chhetri. The administration reassured the Nepali state that no effort was made to recruit Gurungs and Magars, and less than 1% of most tea garden labor force was composed of them. The Prime Minister complained that private recruiting parties were coming into Nepal and enticing his subjects to India. The Resident in Nepal diplomatically assured the Prime Minister that the Government of India recognized so such private recruiting parties. The Deputy Commissioner of Darjeeling further argued rather craftily that while few of the so-called martial groups worked on tea gardens, but those who did “suppl[ied] the sinews of war, in that

⁹⁶ NAI. Commerce and Industry Dept, Emigration. Sept 1911. No 3. Part B. Report of the Duars Committee, 1910. (National Archives of India).

⁹⁷ For more on the competition between military and police recruitment and tea plantations, see Chapter Three.

their earnings enable other members of their family to leave home and take military service [in the Indian Army].”⁹⁸

While the colonial government turned a blind eye to the way in which recruiters found tea labor and other workers inside Nepal (essentially illicit operations), tea planters and the administration showed far more concern over the way this process led to workers’ indebtedness once on the tea plantations. The Darjeeling Tea Planters Association brought the issue to the fore by petitioning the Lieutenant Governor of Bengal and complaining that local moneylenders were taking excessive interest on loans. The Planters Association suggested that some sort of legislative protection against exorbitant interest rates was needed. Further, the Association claimed it was not acting from its own personal interest but that people unconnected with the tea industry had appealed to them to represent their interests to government.⁹⁹ To prove this, the Association forwarded “the humble memorial of the hillmen of the Darjeeling District,” written in 1908, to indicate the trust the Association garnered from the local community. In this petition, the “poor association of the hillmen” explained that they had been living in Darjeeling for the last 50 or 60 years after immigrating, and found that local moneylenders engaged in unscrupulous practices like destroying the original documentation showing the principal sum lent, and then using the Civil Courts to take the borrower’s possessions for unpaid interest. Although this latter group of Darjeeling residents may have found some benefit in bringing their shared problem to the Darjeeling Tea Planters’ Association, the Tea Association had a vested interest in regulating moneylending. The Association was most concerned with the ways in which third parties had inserted themselves into the migration process through the extension of

⁹⁸WBSA. Political Department. Confidential. 1913. File No 46. Serial no 4. Recruitment of Gurkhas for Civil Employment. No 135G, Darjeeling, 25 March 1913. From J. Lang, Deputy Commissioner of Darjeeling, To Commissioner of Rajshahi.

⁹⁹WBSA. Bengal Proceedings, Revenue Department. July 1910. Nos 17-20. File 8-M/27 1-2. Indebtedness of tea-garden employees and other inhabitants of the Darjeeling District. Appendix I.

credit to garden sardars. Thus, for the DTPA, controlling credit networks became a way of controlling the migration process.

The Government of West Bengal on its part deputed an officer to look into the claims; the resulting report of 1910 largely agreed that debt was a significant issue on the Darjeeling tea plantations. The investigating officer, Gourlay, met with forty tea estate managers, and visited most of the gardens as well as several cinchona plantations. The report noted that the issue of debt and litigation was raised in 1892 as well, at which time Government decided it should be handled by local officers without legislation. According to the report, there were four main sources of tea garden labor: the garden itself, the *khas mahals*, Nepal, and “wandering groups.” The gardens were alleged to be the best recruiting grounds, but the laborers had a tendency not to stay in place for long. The *khas mahals* (i.e., areas where government directly collected and managed the land revenue) provided temporary labor, referred to as “basti people” who would work when there was nothing to do on their own lands. Nepal was the largest source of labor but more recently the quantity and quality of migrants supposedly had diminished. The report posited the high demand for labor as the basis for having created “a worthless class [from Nepal] who wander from garden to garden, seeking advances, which they have no intention of repaying.” The report further divided the field labor on the plantation into four types: “the sardar, the man, the woman, and the child, in some gardens there is a class between the woman and the child, which receives an intermediate rate of pay. A boy usually rises to the woman-rate before he is promoted to the men’s rate.” While the proportions varied, typically the workforce was composed of 20% men, 60% women, 20% children; however on some gardens there were many fewer men.

The report also described the division of labor organization prevalent on the plantation as constituted by groups called “sardaris.” The leader, or sardar, typically was from a “good class of Nepali”, often of the “Rai” or “Jamadar” caste.¹⁰⁰ Interestingly, if we compare this statement to the Census statistics for the Darjeeling District from 1872, we see that out of 32,338 people associated with Nepali origins ethnically (roughly 34% of the population), only 331 are recorded as of the “Jamdar” caste and 1814 of the “Rai” caste.¹⁰¹ Interestingly, at about this time in the Administrative Report of 1874 to 1875, the Bengal Government noted that about 1373 “natives” worked under the managers and assistant managers on gardens in positions of “trust or authority.”¹⁰² This indicates that sardars were not leading ethnically homogenous communities, or providing the function of traditional headmen, as sardars have often been portrayed in labor historiography in other contexts.¹⁰³ The report further explained that sardars mediated between the manager and the workers. The manager gave orders in the evening to the sardars who assigned the work to the laborers. Payments were also channeled through the sardar. Gourlay noted: “In some instances the ‘Sardari’ tends to become a property, and a son often succeeds his father: in some cases the widow has continued to be sardar, and in one case which came to my notice, the sardar had been absent in Western India for some years, while his family conducted the business.” The sardar dealt with the estate to provide a certain number of coolies and was held responsible for the advances made for the coolies. Gourlay stressed that all recruiting was under the sardars and that managers were not directly involved. Accordingly, “the whole cost of

¹⁰⁰ WBSA. Bengal Proceedings, Revenue Department. July 1910. Nos 17-20. File 8-M/27 1-2. Indebtedness of tea-garden employees and other inhabitants of the Darjeeling District.

¹⁰¹ Hunter, 44-5.

¹⁰² *The Report on the Administration of Bengal, 1874-5*, 206-7.

¹⁰³ See for example, Tirthankar Roy, “Sardars, Jobbers, and Kanganies: The Labour Contractor and Indian Economic History,” *Modern Asian Studies* 42 (2008): 971-998. Samita Sen, “Commercial Recruiting and Informal Intermediation: Debate over the Sardari System in Assam Tea Plantations, 1860-1900,” *Modern Asian Studies* 44 (2010). Dipesh Chakrabarty, *Rethinking Working Class History, Bengal 1890-1940* (Princeton, NJ: Princeton University Press, 1989), 96-115.

recruiting” was borne by the sardar, upon whom the coolie depended for informal social security and welfare needs. The plantation, however, did not provide the funds the sardar needed for recruiting or maintaining the welfare of the workers, but rather Marwari traders and moneylenders based in Darjeeling funded the sardars. For example, if the coolie was incapacitated by illness, he would receive provisions from the shop-keeper only on the sardar’s credit. For this, the sardar took a pice from the worker’s daily earnings. The report noted that “if the cooly is dissatisfied with the sardar, there is nothing to prevent him from transferring his services somewhere else, and it sometimes happens that a sardar whose credit with the money-lenders is on the wane, gradually loses all the coolies in his ‘sardari’ to the more prosperous sardars on the same estate, although such transfers within an estate are discountenanced by most Manager [sic].”

The report also noted that the rates of pay varied widely according to age and gender. The monthly average for men was from Rs 5-8 (with the range Rs 5 to 7); for women Rs. 4-8 (with a range of Rs 4 to Rs 5-8), and for a child Rs 2-8 (with a range of Rs 2 to 4). Gourlay explained that the variation is due to “the difference of the attractions for labour in the various gardens” and that the wage rate does not comprise the worker’s entire income.¹⁰⁴ Ranajit Das Gupta has characterized the features of the tea plantation labor system described here as combining elements of agricultural and industrial regimes. The plantations required agricultural skills that immigrant tribals (coming from what he labels pre-capitalist economies) would have used prior to migration but, at the same time, plantations employed an unfamiliar system of discipline, including work by clock time and surveillance even in the residential lines.¹⁰⁵ Coercion was used

¹⁰⁴ WBSA. Bengal Proceedings, Revenue Department. July 1910. Nos 17-20. File 8-M/27 1-2. Indebtedness of tea-garden employees and other inhabitants of the Darjeeling District.

¹⁰⁵ Ranajit Das Gupta, "From Peasants and Tribesmen to Plantation Workers," in *Tea Garden Labourers in North East India*, eds., Sebastian Karotemprel, SDB, and B. Dutta Roy. (Shillong: Vendrame Institute, 1990), 1-6.

to recruit and maintain a labor force at below-market wages; moreover, families did not earn enough to reproduce themselves from wage labor alone and were forced to grow food on allotted land in order to survive. As tea plantation laborers had no legal entitlement to the plots of land thus made available, the planters used this arrangement as another form of non-economic coercion. Thus, according to Das Gupta, subsistence peasant and tenant agriculture was bound tightly to the capitalist plantation economy.¹⁰⁶ A major part of the cost of reproducing labor was born by a non-capitalist economy, which according to Das Gupta entailed "a very high degree of self and familial exploitation."¹⁰⁷

While I generally agree with Das Gupta's explanation of the system, it bears remembering that these workers were also often inserted into the peasant economy and the plantation economy at the same time; in other words, they may have previously been pastoralists, shifting agriculturalists, bonded or otherwise landless laborers. Moreover, the ways in which the sardar mediated the payment of wages meant that a number of plantation workers may never have experienced the work as waged labor at all. For example, the manager of the Longview Tea Estate, reported that when he began working on the plantation in 1890, it was standard practice for the "kyah" moneylenders to attend his office on payday. In fact, there were almost as many moneylenders in his office as Nepali sardars. The manager told them to leave and make appointments with him as needed. Several of the moneylenders protested, saying that "they financed such and such a sardar" and named these sardars. Then the sardars came to the manager and begged him not to force out the kyahs because "these men were their bankers who always financed them." The manager, therefore, did not turn out the kyahs, but paid up the sardars who in most cases handed all the money over to the kyahs. The latter tied it up in handkerchiefs and

¹⁰⁶ Das Gupta, 12-23.

¹⁰⁷ Das Gupta, 26.

left.¹⁰⁸ In such a situation, it seems the workers could not have possibly been receiving regular wages, but rather something more like stipends from the sardars and provision on credit from the moneylenders.

By the early twentieth century, the “labour question” became more pressing on gardens, with plantation managers lamenting that many workers simply treated Darjeeling as a staging ground for onward migration—to Bhutan, Sikkim, the tarai, Assam, and even Thailand—rather than a final destination. Finding the cost of living in Darjeeling too high, many migrants stayed on less than six months and either returned to Nepal or proceeded to a new destination. A number of coolies, especially “the male labour” searched out higher wages for service in the town of Darjeeling, the railways, and the Public Works Department. Gourlay’s report suggested that male labor was more expensive because men were more mobile and had better options. From this observation and the tea plantation managements’ frequent complaints about labor shortage, it seems that while initially migrants often had to work within informal, highly mediated conditions, given the option they would seek better terms. Even Gourlay’s report asserted that the explanation for the “labour question” lay in the simple fact that demand for labor at the current wages was greater than the supply of labor willing to work for such wages. The only remedy would be to increase incentives for laborers; however, the Association opposed this because it feared a permanent price rise. Despite arguing that wages should be raised, and decrying the abuses of Marwari moneylenders on tea plantations—such as arresting workers and/or impounding their property—Gourlay came to the rather interesting conclusion that

¹⁰⁸ WBSA. Bengal Proceedings, Revenue Department. July 1910. Nos 17-20. File 8-M/27 1-2. Indebtedness of tea-garden employees and other inhabitants of the Darjeeling District. (West Bengal State Archives.) Appendix II. “An Exposition of the oppression by the professional money-lender of the Nepalese in the Darjeeling and Terai Districts” by John D. Gwilt, Manager, Longview Tea Company, Ltd, Darjeeling. 6 November 1896.

gardens should not provide workers with cheaper credit. Gorlay claimed that sardars and coolies would just borrow as much as possible.

The sardar's key role as an intermediary in extending lines of credit became increasingly risky as train and road connections improved. While workers became more mobile, the sardar remained caught in the midst of debt which was meant to establish control and regular profits for the moneylenders rather than eventual repayment. The opening of the Northern Bengal State Railways from 1878 had already led to increased wages in Darjeeling, presumably because this helped to broaden the labor market by connecting workers to a wider range of work options.¹⁰⁹ Moreover, the same Marwari moneylenders who lent to tea plantation sardars also financed others sardars to recruit labor from Darjeeling to Assam. There was no incentive for the moneylenders to maintain the rigid segmentation of the labor force on the plantations if they could make a profit off of sending laborers to Assam as well. For example, in 1899, the Governor of Bengal's office noted that one Ranga Lal, a Nepali residing in Guwahiti, Assam, had taken some 100 to 200 coolies from Darjeeling over the past few years. He was financed by Hantaram Kaya, a Marwari, who lived near Glenburn Tea Estate. Similarly Dhanbir Baidar, residing in Shillong, was supposed to have recruited 80 coolies from Darjeeling in 1897, financed by Samalram Kaya, resident on the Rungli Runghit Tea Garden. Similar cases were also noted.¹¹⁰

In fact, weak sardars on the gardens meant more control for the moneylenders. Gourlay explained: "Many cases were found in which a sardar had become deeply indebted during the

¹⁰⁹ *Report on the Administration of Bengal, 1878-79*, 270.

¹¹⁰ Another recruiter, Jongra Lall Lama, was supposed to be in Silchar—it was unknown who financed him or how many coolies he had taken. Supposedly, he used to live on Government land (probably on the Kalimpong Estate), between the Pashok and Tista Valley Tea Estates, IOL. P/5618, Oct to Dec 1899. Proceedings of the Lieutenant-Governor of Bengal, General Dept—Emigration, Calcutta, Nov 1899. No. 2185J, dated Darjeeling, the 7/16th February 1899. From-A. Earle, Esq, Dpty Cmsr, Dj, To-The Cmsr of the Rajshahi Dvsn.

last few years, because the pay of the coolies was insufficient to meet the monthly bills for food supplied to the family, and when such debts increased and the sardar's credit was on the wane, the coolies left the garden, and the sardar was made responsible for the debt." In these cases the sardar's property, including his cattle and crops, was usually taken by the moneylenders and if he had title to land, that too would be taken in mortgage. Thus, often the sardar's debt resulted from "the impossible risks which he ran in advancing money to *unknown* coolies for the sake of obtaining more labour for the garden."¹¹¹ Gourlay claimed coolies played on the sardar's insecure position, by demanding money of him as needed, and "if he refuse[d] they threaten[ed] to leave."¹¹² Thus, Gourlay located the sardar's difficulties precisely in his inability to know much about the workers he employed—which was precisely the reason the managers used sardars in the first place (i.e., to mediate between them and a mass of people they did not understand). From the discussion of coolies leaving sardars with debt, we might conclude that while informal lines of credit structured the tea plantation's access to somewhat illicit streams of cross-border migration, these same informal lines of credit posed problems for labor control. Laborers who could, often left for other destinations—which meant that the ones who were stuck on the plantations (such as women, children, and the elderly) bore the burdens of the system, such as repaying the sardar's debt. In the words of one plantation manager, who had fought to get his Nepali sardars out of debt, it was always the laborers themselves whose pay was squeezed to repay the debt.

This abominable interest system swells the death-rate, as it always oppresses most the weakest of the labour; for if, after these deductions for interest had been made, the pay would not go round, which was the natural consequence, it was always the old widow without

¹¹¹ Emphasis added.

¹¹² WBSA. Bengal Proceedings, Revenue Department. July 1910. Nos 17-20. File 8-M/27 1-2. Indebtedness of tea-garden employees and other inhabitants of the Darjeeling District.

friends, or the man without relations or influence whose pay was most severely docked to make up the interest due to the Kyah; hence endless discontent, bickering, and often weeping.”¹¹³

Quite understandably, then, workers kept an eye out for opportune moments to leave the plantations. Yet, this placed an unfair burden of subsidizing the system of migration on those who were fixed in place on the plantations.

Fixing Workers in Place

While on the one hand, the colonial administration attempted to promote the mobility of laborers to Darjeeling from Nepal, they also sought to limit their mobility once in place. A constant lament amongst planters and colonial administration was that the labor force was prone to “wandering” or moving back and forth between Darjeeling and neighboring territories.¹¹⁴ This was done by creating a segmented labor market and supporting tea plantations in enforcing rules that made it hard for workers to leave. In the early 1860s, as the demand for tea plantation laborers and the land market began growing rapidly, the population nearly doubled every year.¹¹⁵ The police establishment also saw its workload increase dramatically due to frequent “complaints against labourers.”¹¹⁶ The Police Superintendent located the source of such “complaints” in cases of “desertion” from plantations and noted that he had “returned the men to their employers in default of legal notice having been given.”¹¹⁷ The police continued to be used to enforce immobility on plantations; in the 1870s the number of convictions for crimes in

¹¹³ WBSA. Bengal Proceedings, Revenue Department. July 1910. Nos 17-20. File 8-M/27 1-2. Indebtedness of tea-garden employees and other inhabitants of the Darjeeling District. Appendix I.

¹¹⁴ See for example, WBSA. *Annual Report on the Administration of Bengal, 1860-61*, 83. Political Department. Confidential. 1913. File No 46. Serial no 3-4. Recruitment of Gurkhas for Civil Employment. No 32 C. Jalpaiguri, 24th-27th April 1913, From J. A. Milligan, Deputy Commissioner, Jalpaiguri, To Commissioner of Rajshahi Division.

¹¹⁵ H. C. Wake, *Report of the Police of the Darjeeling Division for the Year 1862* (Calcutta: Bengal Sect Office, 1863), 1-7.

¹¹⁶ Wake, 2. In 1862, the total number of cases was 661 versus 516 the year mostly because of complaints against laborers.

¹¹⁷ Wake, 1.

Darjeeling continued to rise in large part as “coolies” in the tea gardens were increasingly convicted under various labor laws.¹¹⁸ While employers had used breach of contract laws to enforce peasants to grow indigo in North India in the 1830s and adivasis from Bihar and Orissa to remain on tea plantations in Assam, sparking debate about the legitimacy of such contracts, in the case of Darjeeling, similar legal measures were taken to prevent labor movements in the absence of contracts.¹¹⁹ Ironically, the local administration continued to expend much energy trying to punish Sikkim for “kidnapping” its own subjects who had migrated to Darjeeling throughout the 1860s and 1870s. Yet Sikkim’s attempts to limit the movements of its subjects (and to detain them when they left in violation of understood obligations), although no more justifiable, were reflected in the police and planters’ actions. The difference is that the colonial administration reworked the terms in which mobility was read and understood (redefining movement onto plantations as freedom and movement away from them as crime).¹²⁰

The ethnic segmentation of labor markets and the separation of migration streams remained incomplete, because in practice people were migrating from the same areas of middle and eastern Nepal and were well enough informed to know how to manipulate the system. Further, neighboring states did not recognize as rigid a distinction between military and manual laborers. For example in the late 1860s, the Bengal Governor’s office became concerned over the Bhutan government’s alleged attempt to recruit as soldiers several hundred Nepali “coolies” living in British territory.¹²¹ Other colonial concerns also looked to Darjeeling as a place from which to recruit labor, thereby competing with the district administration to convince the

¹¹⁸ *Annual Report on the Administration of Bengal, 1875-76*, 85.

¹¹⁹ Dietmar Rothermund, *An Economic History of India: From Pre-Colonial Times to 1991* (New York: Routledge, 1993), 24.

¹²⁰ A. Campbell, *Report on the Police of the Darjeeling Division for 1860*, (Calcutta: Bengal Sect Office, 1861) No 284. Cmpbl, To W. S. Seton-Karr, Secy to the Govt of Bengal. Dj, 6th March 1861 (2-3).

¹²¹ NAI. FD. Political A. Feb 1869. Enlistment of Nipalese by Booteeahs. No 247. No 539, d/ 5 Feb 1869. From—A. Mackenzie, Offg Junior Secy to GOB, To—WS Seton—Karr, Secy to GOI, FD

Government of India that they should have access to migrants as well. For example, the Assam Railways and Trading Company fought a war of petitions with tea planters in the early twentieth century over rights to recruit in Darjeeling, noting that hundreds of “Nepali sawyers” had already been brought to Assam to work in various capacities. Having observed these trends, the Assam Railway Company had begun deputing sardars to pick up workers and take them by train for construction projects in Assam. Several such sardars were arrested by the Darjeeling police and the Company was informed rather tersely that it could not recruit in Darjeeling even though it admitted to having already taken about 600 men and women to Assam.¹²²

Even the Indian Army was forbidden to recruit men from Darjeeling and had to rely instead on direct migrants from Nepal or Sikkim in deference to the tea plantation interest. The Indian Army sternly warned its recruiters that “[m]any garden coolies attempt to get enlisted, but every endeavor should be made to detect them, and the recruiters who bring them in should be severely punished. They are not, as a rule, nearly such good material as the raw lads brought in direct from Nepal.”¹²³ The GOI further had insisted that “all new [military] recruits are paraded at the cutcherry [courthouse] on two Saturdays before being railed away, in order that planters may have an opportunity of identifying and claiming any of their coolies who may be amongst them.” Yet by World War I, the overwhelming pull of military recruitment seems to have further broken down distinctions between male workers based on migration status and ethnicity. For example, Lain Singh Bangdel’s novel, *Mulk Bahira*, concerning the lives of migrants in Darjeeling, depicts two protagonists who had joined the army to fight in the first World War.

¹²² IOL. P/8924, Proceedings of the Lieutenant-Governor of Bengal. General Department—Emigration. Calcutta, September 1912. Recruitment of Emigrants for Assam in the Darjeeling District. File 1-R/8 1. Dated Dj, 9 Sept, 1912. No.-5—3830, dated Margherita, the 12th September 1912. From---A.S.Burnett, Agent and Gnrl Manager, Assam Rlways and Trading Co, Ltd. To—The Secy to the Chief Cmsr of Assam

¹²³ Lieut.-Colonel Eden Vansittart, 2nd Bn. 10th Gurkha Rifles, Revised by Major B. U. Nicolay, 1st Bn. 4th Gurkha Rifles. Gurkhas, *Handbooks for the Indian Army: Gurkhas* (Calcutta: Supt Govt Printing, 1915), 157.

One of the men, Rane, tended cattle in his childhood in eastern Nepal or in his words, pahad (the mountains), before working as a sawyer in temporary labor camps in “Muglan.” He went off to war and saw fighting at the front in Baghdad, where he was injured. From there he was sent to Quetta (present-day Pakistan) to recover in a military hospital. At the end of the war, he returned to Darjeeling district and lived off of his pension. Rane’s transition from shepherd to wood cutter to soldier and then veteran pensioner was likely typical enough for Lain Singh Bangdel to offer it as a quintessential story of migrant life in Darjeeling.¹²⁴

The continued complaints voiced by tea planters nevertheless provide a sense of the ways in which opportunities for mobility often entailed subverting market segmentation by ethnicity, even as these options were only available to some workers. Tea planters continued to gripe that their male laborers were enticed away and they were only left with women and children on the plantations.¹²⁵ Their male workers used fictitious names and joined the army, or migrated for seasonal work to Sikkim, Bhutan, Chebu Lama’s estate, and Kalimpong. They continued onto the plains to work in the Duars tea plantations, found employment in the Public Works Department or the Railways, and even took up domestic service in the town of Darjeeling. In several known cases, men had left their wives on the tea estates while they migrated to Quetta for work.¹²⁶ In preparation for the Abor military campaign (against independent groups living in present-day Arunachal Pradesh in India’s far northeast) in 1911 and Abor and Mishmi campaign

¹²⁴ Lain Singh Bangdel, *Mulk Bahira* (1964; reprint, Kathmandu: Ratna Pustak Bhandar, 2008 [1964]).

¹²⁵ IOL. P/8139. Proceedings of the Lieutenant-Governor of Bengal. General Department—Emigration. Calcutta, September 1909. Recruitment in Darjeeling by Government and Military Authorities. Nos 28-29. File 10R/6 1. Dated the 16th day, Oct 1901. To—Sir Edward Baker, Lt-Gov of Bengal, “The humble petition of the Darjeeling Planters’ Association.”

¹²⁶ IOL. P/8139. Proceedings of the Lieutenant-Governor of Bengal. General Department—Emigration. Calcutta, September 1909. No 30 File 1-R/6 2. Memorandum of proceedings at the presentation of the Memorial by the Darjeeling Planters Assoctn to Lieutenant-Governor of Bengal, 16 Oct 1909. “At present although the police has attempted to prevent domestic servants from being enlisted, large numbers have managed to smuggle themselves away.” Even artisans, carpenters, painters, masons, tea workers and “dandywallas” joined the recruiters. Extract from the Darjeeling Observer, dated 15th April 1913. IOL. P/8139.

in 1913, Government recruited more than 2400 (male) coolies and more than another 2500 for other public works in Assam. Because of the promise of high wages, “[l]abourers, skilled and unskilled, deserted their employers and by giving false names and addresses got themselves enrolled for foreign service”—despite efforts of recruiters to weed out those who were “claimed by private individuals or companies as being in their employ.” The Deputy Commissioner lamented that the wages of local coolies had had to be raised and women often employed in the place of men—again an indication that opportunities to work around the segmentation of the labor market were highly gendered.¹²⁷

Conclusion

In 1901, the total plantation workforce was roughly 64,000, representing about 25% of the district population in Darjeeling. Migration to tea plantations inflected many aspects of labor relations in the district, especially as employers and colonial administrators expended much effort on trying to keep tea workers separate from the rest of the population. I began this chapter by considering how the colonial administration remade the eastern Himalayan landscape and its bordering tarai into more easily governable spaces from the mid-nineteenth century. I then traced how the circulation of cash, increased commodification of land and labor, and concentration of trade wealth into fewer hands, led to uneven monetization of the eastern Himalayan economies. This uneven monetization meant those who were economically marginalized were simultaneously pressed for cash to keep up with the changes (for instance to get out of debt or regain title to their landholdings in Eastern Nepal). Migration and labor in Darjeeling offered a route to cash earnings, but cash was also necessary to migrate. Credit and indigenous financial

¹²⁷ IOL. Proceedings of the Government of Bengal in the General Department [Emigration], Calcutta, June 1913. Recruitment of Emigrants for Assam in the Darjeeling District. Nos 1-2. File 1-R/1 7.

networks began to pull people in various directions, often congruent with colonial administration and enterprise. Sometimes, however, these credit networks, created unequally by migrants from the hills and moneylenders from the plains, were used to manipulate colonial interests in order to follow more opaque routes to accumulation and independence. In the process, identities such as “Nepali” and “Lepcha,” manual laborer and soldier were defined as mutually exclusive categories and commodified as a way of legitimating and naturalizing new economic hierarchies. Women’s labor was devalued at the same time in part because plantation owners and managers assessed them at a lower wage rate regardless of productivity. Moreover, women did not readily gain access to credit nor were they able to tap into social networks and use their cultural resources to subvert ethnic segmentation of labor markets as easily as men. In the frontier region, where the ability to convince others that you were someone else became a valuable economic resource, this strategic fluidity was a gendered skill rarely applicable to women’s circumstances.

Chapter 6: Patriarchal Dramas: The Boundaries of Sexuality, 1800 to 1950

The Nepali state consistently shaped and publicized its laws and customs surrounding adultery in the nineteenth and early twentieth centuries as a way to draw a distinctive boundary around Nepal as a political community separate from British India. In this chapter, I consider how the repeated injunctions passed by the Nepali court and recognized and upheld in varying degrees by the colonial British government inflected the subjective experience of border crossing. There were two significant areas of negotiation: first, Nepal's court insisted that British subjects within its territory, especially those attached to the Residency, abide by its judicial system, including laws regulating adultery. Second, cross-border male migrants were, at different times, and probably quite ineffectively, warned that they would not be allowed the privilege of accessing Nepal's laws on adultery if they took up military or civilian employment in India. A *bichari* (judge) in Kathmandu's highest court briefly interpreted these laws for the Assistant Resident, Hodgson, in 1832: if someone of a lower caste should have an adulterous relationship with a Brahmin woman, he would be "Capitally punished;" if a woman from the "Soldier Tribes" should commit adultery, then the husband would kill the other man and cut off the nose and turn his wife out of the house. The Bichari concluded: "The Brahman or Soldier husband must perform the purificatory rites enjoined; after which he is restored to caste. Below [in India] the sastras [sic] are a thing to talk of: here they are acted up to."¹ The bichari's explanation thus underscores how this self-proclaimed stereotype served to separate Nepal and India as legally and culturally distinct spaces. In the following chapter, I argue that the separation between the two states was worked out, in part, by staging various patriarchal dramas that nevertheless had real effects on the lives of multiple subjects who were claimed as exclusively belonging to one or

¹ NAI. FD. 29 Oct 1832. Political Consultation. At a Council, present the Honble CT Metcalfe, Honle W Blunt, Gov Genrl and CinC absent, No. 10.

the other of the states. Thus, a borderland was created in part by encouraging subjects to internalize the act of crossing from one regime to the other as an act of self-fashioning and/or transgression. This meant that even while avoiding the state, for many migrants subjectivity and the state drew closer together.

This chapter covers the major part of the nineteenth and early twentieth centuries to argue that the Nepali state's definition and defense of boundaries was a consistent, proto-nationalist project. Parallel to the anti-colonial movement in British India in the early twentieth century, Nepal began to transform from a moderately-sized imperial state into a nation-state and needed to develop a new model for linking subjects and territory. Scholars have generally agreed that diverse ethnic, caste, and non-caste groups moved from the Nepal Himalayas to various regions within India from the mid-nineteenth century and, in diaspora, discovered and shaped a more inclusive notion of Nepali identity than was available within the much more strictly policed confines of Rana Nepal. This argument is often made most directly in relation to Darjeeling where from the 1920s, an upwardly mobile migrant community fashioned a vibrant literary scene centered around the promotion and standardization of the Nepali language and employed the printing press to produce newspapers, plays, novels, dictionaries and school primers.² Pratyoush Onta has argued that during the Panchayat era of the 1960s to 1990, the Nepali state appropriated and enforced notions of nationalism, especially an emotional attachment to the Nepali language, which had been formed outside its borders in the diasporic communities in India.³ Hence, the state borrowed part of its nationalist rhetoric from former subjects who had left the kingdom--in

² Rhoderick Chalmers, *'We Nepalis': Language, Literature and the Formation of a Nepali Public Sphere in India, 1913-1940*. London: British Thesis Service, The British Library, 2003. Michael Hutt, *Himalayan Voices: An Introduction to Modern Nepali Literature* (Berkeley: University of California Press), 1991.

³ He also considered Banaras and Dehra Dun as important sites of literary production and the development of nationalist consciousness. The panchayat system consisted of state-sponsored local government as an alternative to political parties, under the monarchy, and lasted from 1962 to 1990. Onta, 37-39.

some cases, permanently. An important addendum to this periodization is Roderick Chalmers' observation that we can only understand the twentieth-century "public sphere" of Nepali literature and cultural nationalism by examining its borrowings from "the models of kinship, loyalty, and political belonging that supported the Gorkha state."⁴ Here I focus on the notion of sexual purity, and the regulation of extra-marital and cross-caste relations, as a way in which the Nepali state promoted a version of martial identity as necessary for the ideal Nepali subject and subjectivity. Whereas in the eighteenth century, fines were collected by state functionaries or tax farmers across the Himalaya for sexual transgression as a lucrative sort of moral taxation, in the nineteenth century, the Nepali state indirectly favored the propagation of a martial identity and politics of masculine authority which disfavored the system of fines, choosing identity formation over economic self-interest.⁵ Hence, the negotiation of early nationalist identities was multi-sited and multi-directional, indeed over-determined, both used to support and strengthen the Nepali state and its boundaries as well as to subvert it. Yet, it remained a consistently gendered project predicated upon the naturalization of gendered violence against women and socially marginalized men. Thus, while the first part of the chapter focuses on narratives constructed by the state and enshrined in various government archives, the second part of the chapter focuses on narratives taken up and re-worked by Nepali writers living in India in order to highlight the multiple lives of an unfolding patriarchal discourse.

⁴ See Chalmers, 29. He also makes this point in contrast to Onta's earlier article.

⁵ Traill noted that in Kumaon prior to British rule, it was the norm for in cases of adultery, fines were collected. "Where, however, the husband was of rank or caste, the adulterer was commonly put to death, and the adultress deprived of her nose. The revenge of injury was, on these occasions, left to the husband, who, by the customs of the country, and by the existing principles of honor, was authorized and required to wash off the stain on his name by the blood of the offending parties, and no lapse of time, from the commission or discovery of the crime, proved a bar to the exaction of this revenge." Robert Batten, *Official Reports on the Province of Kumaon: With a Medical Report on the Mahamurree in Gurhwal, in 1849-50* (Agra: Printed at the Secundra Orphan Press, 1851), 28-9.

State, Sexuality, Territory

A number of studies have considered the ways in which gender and sexual norms have been used, particularly in the twentieth century, by the state and civil society to culturally define and maintain the boundaries of political community, producing various notions of Self and Other, in South Asia.⁶ This body of literature can be read productively with that which has analyzed the strengthening of political borders and the territorialization of rule in the nineteenth and early twentieth centuries as a technique of British colonialism.⁷ Further, a number of scholars have considered the ways in which the imposition of territorial borders has also shaped gendered inequalities in modern South Asia.⁸ The nineteenth-century process of the spread of colonial rule as an ideal of territorial control overlapped with the proliferation of the nation-state as the political form *du jour* and the strengthening of international borders, amidst a new kind of global order developing at the turn of the twentieth century. This coincided with individual states' attempts to make borders selectively open based on factors such as racialized identities, gender and class.⁹ Thus the need to define and police the boundaries of political community, often on the basis of prescriptions for gender and sexual norms, and naturalize its claims to a particular space

⁶ These studies include Partha Chatterjee's, "Nationalist Resolution of the Women's Question," in *Recasting Women: Essays in Indian Colonial History*, eds. Kumkum Sangari and Sudesh Vaid (New Brunswick, N.J.: Rutgers University Press, 1990). Chatterjee's conceptualization leaves little agency for women. As the latter works show, Chatterjee's seminal article, while thought-provoking and a neat formulation, has neglected the actual histories by which gender and sexuality are re-formulated and contested according to a great many political and social projects and are constantly productive of new power relations. Charu Gupta, *Sexuality, Obscenity, Community: Women, Muslims, and the Hindu Public in Colonial India* (New York: Palgrave, 2002). Mrinalini Sinha, *Specters of Mother India: The Global Restructuring of an Empire* (Durham: Duke University Press, 2006).

⁷ Mridu Rai, *Hindu Rulers, Muslim Subjects: Islam, Rights, and the History of Kashmir* (Princeton, N.J.: Princeton University Press, 2004). Sameetah Agha and Elizabeth Kolsky, *Fringes of Empire: Peoples, Places, and Spaces in Colonial India* (New Delhi: Oxford University Press, 2009).

⁸ This literature remains very focused on Partition, but the territorialization of colonial rule, which preceded Partition, in Ayesha Jalal's very prescient framework, was a much broader process which affected princely states, forms of sovereignty, and the very nature of what a state was. This is sometimes glossed over in the new literature. See for example, Banerjee, Paula, and Anasua Basu Ray Chaudhury. 2011. *Women in Indian borderlands*. New Delhi: SAGE. Banerjee, Paula. 2010. *Borders, histories, existences: gender and beyond*. Los Angeles: SAGE Publications.

⁹ For example, see Adam McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press), 2008.

(for example, “Bharatvarsha,” the “Himalaya,” or “India”) was shaped even prior to Partition by competing nationalist projects within an anti-colonial framework. People of Nepali-origin, who increasingly migrated outside of Nepal in the second half of the nineteenth century to create a global diaspora, the majority of which was, however, based in India, experienced these contradictory dynamics typically as less privileged migrants. For every migrant who hoped to return to Nepal, there was likely another who had no intention to return or could not re-integrate into society upon returning, often as a result of poverty, social dislocation or personal misfortunes.¹⁰ Tanka Subba, a scholar who has studied extensively the Nepali diaspora in Eastern Nepal and Darjeeling, of which he too is a member, noted that those who never returned to Nepal, and lost contact with their kin in Nepal, were referred to as “Muglan bhasiyeko manche” or someone vanished [sunk] in Muglan.”¹¹

Thus, producing the motherland as desirable and compelling of return to migrants was an important cultural project and one which contributed to a new conception of sovereignty as linked to territory. The nineteenth-century Nepali state did this by trying to create martial identity as prestigious and honorable, allowing men from these communities alleged privileges over women which it contrasted with purportedly sexually deviant practices of non-caste based ethnic communities. However, these privileges were only extended if Nepal’s subjects adhered to the state’s shifting cultural and political boundaries. For example, in 1858, Prime Minister Jung Bahadur promulgated an order in the eastern districts of Nepal and Darjeeling that if any man remained in India for more than six months, he would lose the right to kill someone who had

¹⁰ Philippe Sagant shows how difficult it was for many migrants to return in the mid-20th century, even if they had saved up some money from Army service, in a Limbu village in Eastern Nepal. A number failed to return or did so, lost all their savings to moneylenders, village functionaries and family elders, and left never to return. Philippe Sagant, “When the Gurkha Comes Marching Home Again,” in *The Dozing Shaman: The Limbus of Eastern Nepal* (New Delhi: Oxford University Press, 2008), 278-312.

¹¹ “Bhasnu” literally means to sink in the ground, as falling into a sinkhole, or into the craters opened up after an earthquake. Tanka Subba, “Living the Nepali Diaspora in India: An Autobiographical Essay,” *Zeitschrift für Ethnologie*, 2 (2008), 219.

committed adultery with his wife who had remained at home.¹² Nepal as a homeland would only remain accessible to those who adhered to the state's injunctions. Avtar Brah has explained the centrality of the concept of home to diaspora, clarifying that "the question of home...is intrinsically linked with the way in which processes of inclusion or exclusion operate and are subjectively experienced." Home as a significant component of diaspora, therefore, is shaped by "political and social struggles over the social regulation of 'belonging.'" ¹³ Drawing upon Brah's notion of "homing desires," in her study of the Anglo-Indian diaspora's return to England after Independence, Alison Blunt has highlighted the ways in which notions of "imperial masculinity" helped link the diaspora to a "fatherland" of which many individuals may have nevertheless had ambivalent, unequal and racialized experiences.¹⁴ Commenting on his nationalist affiliations, renowned writer, editor and long-time resident of Varanasi, Kashi Bahadur Shrestha once confided to an Indian writer friend: "As a citizen of India, I have my duty towards this country. India is my motherland, but Nepal is my fatherland; therefore I have some obligation towards it also."¹⁵ Shaping the imagination of "home" was a powerful exercise and one which upwardly mobile "Nepali" writers and intellectuals in India co-opted in the early twentieth century by employing some of the well-rehearsed rhetoric about migrants and sexuality which the Nepali state itself had originally shaped.

¹² The wording of this order maintained that wives had the right to seek other husbands if theirs did not return within six months. While this might seem to support women's right to choose their partner, it was almost certainly meant to deter migration as other orders were passed in 1858 to make migrants feel insecure. For example, it was also publicized that Government would reallocate migrants' lands to other villagers if the taxes were not paid on time. These orders probably also indicate that migration was beginning to pick up around mid-century (which accords with the general scholarly consensus.) NAI. Foreign Dept. Secret. 26 Nov 1858. Proceeding Nos 72-127. No 117. Abstract Translation of a Proclamation issued by Maharajah Jung Bahadur Ranagee Prime Minister and Commander in Chief of Nepal of Bhadon Budee 20th Sumbut 1915. -7th Sept 1858.

¹³ Avtar Brah, *Cartographies of Diaspora: Contesting Identities* (London: Routledge, 1996), 189.

¹⁴ In her case study, it is the members of the diaspora themselves who wanted to migrate to Britain after Independence and claim their status as British citizens who stressed the connections of "imperial masculinity." This was largely in response to the British Nationality Act of 1948 which stipulated that individuals had to prove descent from a British male to gain such recognition. Alison Blunt, "Geographies of Diaspora and Mixed Descent: Anglo-Indians in India and Britain." *International Journal of Population Geography* 9 (2003): 281-294.

¹⁵ Durga Bahadur Shrestha, *Kashi Bahadur Shrestha* (New Delhi: Sahitya Akademi, 2003), 63.

Colonial knowledge about the “national feeling of the Nipaulese People” created through valorizing and embellishing a martial identity, did not necessarily bear a close relationship with practice.¹⁶ It oversimplified far more complex legal rights and obligations surrounding inter- and intra-caste sexual contact. The famous law code of Nepal, the extraordinarily detailed Muluki Ain, of which about one-third, Hofer estimates, is devoted to regulating sex, actually allowed lower castes to kill adulterers as well, unless the accused was from a higher caste category.¹⁷ However, when explaining the legal system and customs to the British Residents, Nepali officials tended to stress that the practice was restricted to the upper, martial castes and was especially meaningful to them. Perhaps because soldiers would be expected to join campaigns or accept postings far from home, this system allowed them some assurance of maintaining control of the patriline while away for long periods. In contrast, people of non-martial castes, were said to adjudicate cases of adultery within the community through the payment of fines. However, given that the Muluki Ain does not enforce such a distinction between martial and non-martial castes in relation to punishments for sexual offenses, it seems the state over time extended and publicized the so-called privilege of revenge killing to consciously promote feelings of martial honor and attachment to Gorkhali rule. For example, Prime Minister Chandra Shamser’s speech to send soldiers and officers to World War I at the Tundikhel Parade Ground in Kathmandu (March 1, 1915) lays out clearly the state’s long-term investment in such a discourse. On that occasion, the Prime Minister reminded the soldiers to behave well outside of Nepal’s borders and cautioned them that the “*sarkar*” was “very alert” to how their behavior would affect the country’s reputation and honor (*deshko ijat*). In return, the soldiers could rest assured that their

¹⁶ NAI. FD. 29 Oct 1832. Political Consultation. At a Council, present the Honble CT Metcalfe, Honle W Blunt, Gov Genrl and CinC absent., No. 7.

¹⁷ András Höfer, *The Caste Hierarchy and the State in Nepal: A Study of the Muluki Ain of 1854* (Innsbruck: Universitätsverlag Wagner, 1979), 19.

families and property would also be looked after well in their absence—for example, their right of “*jaar katnu*” (cutting down adulterers) would be maintained—just as if they were leaving their family and property in their father’s care (or, literally, *lap--babuko kakhma*).¹⁸ In this formulation, the state and the martial community’s honor become mutually productive and women are treated as dependents to be guarded by the state as community patriarch.

Over the long term, the colonial state, Company or Crown, accepted this formulation at face value. For example, in 1912, the Political and Secret Department of the Government of India reviewed its overall Nepal policy on the occasion of a minor boundary dispute and concluded the most important objective was to continue to secure sufficient reserves of military labor, quoting a report by the Nepal Resident of 1883 to underline this status quo:

Our relations with Nepal have, with slight exceptions, always been conducted on the assumption of her thorough independence. At best such independence should mean no more than that Nepal is free in respect of her domestic administration. Even this interpretation has had its inconveniences, when it is remembered that trial by ordeal and widow-burning have still the sanction of the law, and *that adulterers are treated as beyond the pale of the law*. But the Nepalese Government has interpreted independence in a much wider sense. It has ventured to lay down authoritatively who shall and shall not leave the country, it will not admit strangers (including natives) within its border without passports...[and] it hampers trade unnecessarily.¹⁹

As the above quote makes clear, the colonial government felt that Nepal used its control over “domestic administration,” including insistence upon a unique legal system, to strengthen its

¹⁸ *Nepalko Sainik Itihas* (Kathmandu: Sahi Nepali Jungi Adda, 1992), 289-90.

¹⁹ Girdlestone includes in his major lament also that Nepal does not allow access to its mineral resources, does not invest in medical and educational facilities for its people, and most appallingly, “alone among States which have accepted the obligation of diplomatic intercourse it treats as a prisoner, rather than as an honored guest, the representative of the power whose friend and ally it is never tired of boasting itself to be.” (In other words, Girdlestone wanted to be allowed to move about Nepal freely rather than confined to a small area in the capital city.) NAI. L/PS/ 10/222. Political and Secret Department. P5054/ 1912. Subject: Boundary Question. Note on the Possibility of Improving our Relations with Nepal by means of mutual concessions, CER Girdlestone, Rsdnt Nepal, No 2923-E, from the Foreign Secy to the Resdnt in Nepal, 15 Dec 1883.

territorial authority over its borders—a move which some administrators, especially the Residency, found unacceptable.

Jhar Katna and the Afermath of the Anglo-Nepal War

Both British India and Nepal regulated the customary practices surrounding sexual relations and marriage as a way of demarcating their sovereign prerogatives soon after the war of 1814 to 1816. In the Residency established thereafter, the Governor General's office set the precedence of "prevent[ing] the objectionable intercourse between the followers of the Residency and the Rajah's Subjects"²⁰ Following a scandal in 1820 over the alleged sexual relations between a married Nepali woman and several escort soldiers, including two Muslims, the Residency establishment decided to bar residency guard duty to Muslims from British India, who were considered as outside of caste in Nepali society, and to transfer all Muslim soldiers currently on duty there in order to avoid future conflicts.²¹ Thus, the Residency establishment early on tried to limit contact between its attachment and the surrounding society in Kathmandu. This contrasted sharply with the colonial practice in the Princely states where the Residency establishment encouraged thick ties with local society to facilitate the extension of legal jurisdiction over princely subjects, especially in criminal and contractual matters.²² Historian Michael Fisher has pointed out that the Residency system developed along a quite different trajectory in Nepal as compared to the princely states in India; rather than a first step towards indirect rule as in the latter, in Nepal the Residency co-existed with a marked, but circuitous, path towards "friendly"

²⁰ NAI. FD. 29 Oct 1832. Political Consultation. No 2. From TH Maddock, Res, to WH Macnaghten, Secy with the GG, d/ Nep Res, 9 Aug 1832.

²¹ IOL. BC. F/4/685, 1823-24, 18892. Extract BPC, 12 Aug 1820, No 15. Resident at Kathmandhoo, To C. Metcalfe, Nipaul Residency, 12 July 1820.

²² Michael Fisher, *Indirect Rule in India: Residents and the Residency System, 1764-1858* (Delhi: Oxford University Press, 1991), 199-208, 414-421.

and “independent status.”²³ Nepal was successful in avoiding the subversive effects of the Residency system, Fisher argues, because the court maintained extensive contacts with other Asian states, including those not yet conquered by the Company, as well as China, and refused to permit the Residency access to information or political contacts within Nepal. Guards were even posted to keep the Resident from violating the terms of the agreement.²⁴ While various Residents often complained to the Governor General’s office about their isolation, the political priority of maintaining Nepal as a friendly frontier state outweighed further interference.²⁵

After taking control of Kumaon (at the western extent of Gorkha rule) following the Anglo-Nepal War, the East India Company promptly set to work abrogating customary laws supporting the revenge killing of adulterers. In 1819, the local administration faced a case in which a man connected to the local battalion had killed “his wife’s adulterer,” then admitted the act, and asked for legal immunity.²⁶ Commissioner Traill informed Calcutta that this was acceptable under the previous Gorkha dispensation and sometimes the aggrieved party even obtained a *parwana* from the darbar permitting the murder. He asserted that according to local custom adultery must be avenged or the husband would experience a loss of honor; Traill then related several recent examples of this “legal murder” termed “*Jhar Katna*” which had made news in neighboring Doti, western Nepal. There a Nepali *Havildar* (low-ranking officer) had obtained a *parwana* from the court to kill “the seducer,” a *Subahdar* (a slightly higher-ranking officer), and had done so while

²³ Fisher, 415.

²⁴ A Residency was established according to the agreement of 1801, but this was short-lived and abandoned after a few years. Fisher notes the unique features of the Residency in Nepal: freedom to maintain diplomatic relations (this was however, subsequently curtailed, which Fisher omits); no treaty obligation to take the Resident’s advice, judicial jurisdiction over British subjects in its territory, no hosting of a Company force (Nepal’s own Army was sizeable), no tribute give to the EIC, no loans contracted. Fisher, 417.

²⁵ See the marginal comments in IOL. BC. F/4/1813, 1839-1840. 74755. Affairs of Nepaul. India Political Department.

²⁶ It is unclear if Beerbhan was a soldier or not, but he found the perpetrator, Luchooa, attending a wedding party at the residence of a Havildar of the 2nd Nusseree Battalion. F/4/701, 1823-4, 19008. Report relative to the Administration of Justice and the state of the Police of Kumaun and Proclamation sanctioned for prohibiting the Husbands of Adultresses from killing their Adulterers.

the latter was performing puja in a temple. Traill contrasted this current case in western Nepal (in which no punishment accrued to the killer) to the case in Kumaon, which resulted in Beerbhan's conviction for murder with a lighter punishment owing to the circumstances--just five years of imprisonment in the local jail.²⁷ In response to these events, the High Court in Calcutta issued orders for a Proclamation to be disseminated in Kumaon notifying people that henceforth killing adulterers would be treated as murder and punishable by death. In the words of the proclamation, the government announced that "such practice" would be considered "as...deliberate & malicious homicide" and "irreconcilable with Justice and Good Government, and...contrary to the Laws...established and recognized by the British Government within the Territories under their Dominion." Government also wanted men to know that they could seek redress for adultery by approaching the Commissioner. By circumventing the practice that the British found intolerable, they wanted government to adjudicate what had been handled mostly outside the purview of the state. Moreover, the Commissioner did not address the fate of the women, who were often mutilated and/or expelled from home in such cases.²⁸

What happened in Kumaon had a direct bearing on politics around the Residency for several reasons. First, the political agent in charge of operations during the Anglo-Gorkha war in Kumaon was E. Gardner; he was then appointed as the initial Commissioner of Kumaon following the cessation of war on the western front in 1815. When the Residency system was established in Kathmandu after the Treaty of Sugauli a year later, Gardner was shifted to Nepal as the first Resident there. He proceeded to adhere to a "policy of non-interference" for over a

²⁷ According to the Indian Penal Code formulated later in 1860, five years imprisonment (or fine or a combination of the two) was the maximum prescribed punishment for adultery. "Adultery," *Advocate Khoj*, accessed March 13, 2014, <http://www.advocatekhoj.com/library/bareacts/indianpenalcode/497.php?Title=Indian%20Penal%20Code,%201860&STitle=Adultery>.

²⁸ F/4/701, 1823-4, 19008. Report relative to the Administration of Justice and the state of the Police of Kumaon and Proclamation sanctioned for prohibiting the Husbands of Adulteresses from killing their Adulterers.

dozen years. At the same time, Bhim Sen Thapa, a celebrated general from the Anglo-Nepal war on Nepal's side, controlled the government in Nepal as Chief Minister. Meanwhile, Brian Hodgson, future Assistant Resident and then Resident of Nepal, got his start as Assistant to the Commissioner (Traill) who succeeded Gardner in the position in Kumaon. Thus, both Gardner and Hodgson gained their first impressions of the Gorkha legal system from a former colonial possession of the imperial state which had recently been "liberated" by the British.²⁹ Gardner's involvement in the Anglo-Gorkha War and both Gardner and Hodgson's experiences administering a former conquest territory of Gorkha before travelling to the capital city, meant that both were predisposed towards viewing Nepal's government as despotic and coercive.

Nevertheless, while individual administrators expressed ambivalent sympathy for the practice of honor killings, the East India Company developed a policy of refusing to accept the legal validity of such. Within internal correspondence, multiple administrators in different settings and at different times reiterated that the private punishment of adulterers, and the recourse to violence, was normal, understandable, and more or less universal.³⁰ As the Resident Hodgson remarked in 1832 in his correspondence with the Governor General's office, "The husband's privilege [in Nepal] is rather a licensed violation of the Law than a part of the Law; and that all nations have tolerated, and do still, some such privilege."³¹ In consonance with this broader, shared understanding of adultery as a violation against married men, according to the Indian Penal Code of 1861 and Nepal's Muluki Ain of 1854, adultery would be declared a criminal offense, with both systems recognizing the major harm as that inflicted upon the husband of a

²⁹ William Wilson Hunter, *Life of Brian Houghton Hodgson*, 36-41, 63.

³⁰ —"and in every Country allowances must be made for the feeling of an injured Husband." F/4/701, 1823-4, 19008. Report relative to the Administration of Justice and the state of the Police of Kumaun and Proclamation sanctioned for prohibiting the Husbands of Adulteresses from killing their Adulterers.

³¹ NAI. FD. 29 Oct 1832. Political Consultation. At a Council, present the Honble CT Metcalfe, Honle W Blunt, Gov Genl and CinC absent. No. 10.

woman with whom another man had had sexual relations.³² In other words, the offense was against a man's honor. The Indian Penal Code's Act 497, which dates back to 1861, and remains valid even today, states:

Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery.³³

Hence, according to the Indian Penal Code, women could not be guilty of the offense of adultery—it was a matter of male honor. In fact, in 2011, the Supreme Court of India ruled that this colonial-hangover in the IPC only defined males as adulterers and could not be used to convict a woman.³⁴ Whereas the IPC, dating back to the mid-nineteenth century, simplified the adjudication of adultery, the Muluki Ain of Nepal, codified in 1854, on the other hand, included much finer distinctions regarding the offense of adultery and the penalties thus incurred. It also allowed women to be punished for sexual transgressions. The gradation of offense depended upon the woman and the man's caste status, with the rules stacked against hypogamous unions (i.e., between higher ranking women and lower ranking men); penalties were determined by status of the woman and degree of distinction in status between the illicit sexual partners. A further set of rules severely punished men or women of so-called untouchable ranks who

³² Rachel Sturman, *The Government of Social Life in Colonial India: Liberalism, Religious Law, and Women's Rights* (New York, NY: Cambridge University Press, 2012), 159-160. The offense of adultery fell across both criminal and civil domains in British Indian law—such that it was both part of the IPC and community law. There is little research on the legal developments concerning adultery in colonial South Asia. Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (Delhi: Oxford University Press, 1998), 138-145. Pre-colonial states seem to have generally adjudicated it as a criminal offense and shared jurisdiction with communities, too—a legal overlap that remained during colonial rule.

³³ “Section 497 in The Indian Penal Code, *Indian Kanoon*, <http://indiankanoon.org/doc/1833006/>. Accessed April 30, 2014.

³⁴ “Women Can't be Prosecuted for Adultery: Supreme Court,” *The Hindu*, Dec. 4, 2011. <http://www.thehindu.com/news/national/women-cant-be-prosecuted-for-adultery-supreme-court/article2687318.ece>. Accessed April 30, 2014.

engaged in sexual relations with caste Hindus.³⁵ This was not just a paper law—Hodgson, the Resident in Kathmandu, recorded the capital punishment of a significant number of offenders who had engaged in transgressive sex at the annual jail accounting at Dashera in 1826 and 1827.³⁶ In this way, the codification of punishments for adultery which had been associated with the policing of community boundaries was appropriated by the state as a way of policing all moral behavior within the bounds of the state, both in colonial India and Nepal.

Fines and Regional Adjustments in Nepal

In Nepal, the jurisdiction over adultery was complex: the central state, the local revenue collectors (whether state functionaries or village heads), and local cultivators all negotiated, albeit unequally, to determine the amount and type of fines, known as *chak-chakui*, to be collected. A portion of the fines collected was kept by local government functionaries; indeed, the right to collect fines on sexual transgression was also sometimes farmed out.³⁷ Such a system was in no way unique to Nepal—similar arrangements were observed in other regions—such as Kumaon and present-day Maharashtra in the eighteenth century.³⁸ Regionally specific fines were regulated and recorded for many regions of Nepal. In some regions, people who were found guilty of adultery and charged with a hefty fine were subject to enslavement if they could not

³⁵ Hofer, 71-73.

³⁶ IOL. Hodgson Papers, Vol. 11. Jail delivery of Dashara 1826 & Jail delivery of Dashara 1827. (The only adulterers who were released were several Newars in the latter year—possibly because they were considered to adhere to different customs regarding sexual relations.)

³⁷ In 1816, a *thek-bandi* agreement (revenue contract) was made with Raja Pahad Shahi of Doti to collect from a series of regular revenue sources, including “all sources of revenue in Doti...land tax (mal), duties (sari), timber exports (Kathmahal) Catechu (khair), shal timber, pasturage taxes (kascherai), judicial fines and penalties (danda-kunda), escheats (maryo-aputali), fines on adultery (chak-chakui), and on the fine major crimes (Panchakhat), miscellaneous (rahata-bahata) and other customary sources.” The annual payment totaled Rs 36,001 payable “half in cash and half in commodities...in five equal installments” to the Toshkhana, or Treasury, in Kathmandu. The recipient of the grant, Raja Pahad Shahi, was most likely a member of Doti’s deposed Shahi ruling family. “Revenue Collection in Doti (Poush Badi 4, 1873),” *Regmi Research Series* 21; 12 (1989): 173.

³⁸ Sumit Guha, “An Indian Penal Regime: Maharashtra in the Eighteenth Century,” *Past & Present* 95; 147 (1995): 115.

pay; however, the Nepali court tried to limit this practice.³⁹ A number of documents indicate that local cultivators would complain to the court if the regional or village revenue functionaries collected fines that were not acceptable according to local customary practice. The court seems to have been quite responsive to such complaints—likely it formed part of an ongoing power struggle between the central court and local power holders. For example, in 1802, the court in charge of the infant King Girban Yuddha wrote in his name to *raiya*s in the Simta-Dara area of Dullu-Dailekh, apparently because they had complained of the local administration, at a time not long after the Gorkhas had overtaken the local principality. The missive declared: “A Chak (adulterer) who elopes (with the woman) shall be fined Rs 30. Half of this shall be appropriated by the Amali [subordinate judge—i.e., of the village court], and the other half by the aggrieved husband.”⁴⁰ Twenty years later, the local people again complained to the court via the chief administrator of the region. In response, the court publicized even more detailed orders, reaffirming the customary fines collected for adultery, which varied between various castes, and exempting certain cases from punishment (such as in the case of a married woman who lived at her parents’ house).⁴¹ The orders also stipulated: “If any person commits adultery with a married woman belonging to the Thakuri caste, the husband shall take his revenge himself. The local administrator (amali) shall take no action.”⁴² Such unique regulations were routinely sent out from the central court to various regions.

While the Muluki Ain does not stipulate regional variance, multiple court orders sent to important local functionaries in various parts of the country indicate that Nepali subjects (or at

³⁹ For example, an order went out to Humla (far western Nepal) in 1802 prohibited enslavement in the case of default in chak-chakui fines and reiterated some (albeit ambiguous) restrictions on chak-chakui fines in general. “Chak-Chakui Fines in Humla,” *Regmi Research Series* 20; 4 (1988): 53.

⁴⁰ “Dullu-Dailekh, 1798-1802,” *Regmi Research Series* 4; 8 (1972): 153. The amali courts were abolished in the 1960s in Nepal. Sagant, 30.

⁴¹ “Regulations for Dullu-Dailekh,” *Regmi Research Series* 12; 9 (1980): 140-141.

⁴² “Regulations for Dullu-Dailekh,” 141.

least local elites) expected to have some control over the adjudication of adultery, as well as accepted that a sizeable portion of the fines--in fact over half the total amount--would have to be handed over to the government.⁴³ This was the official view: in contrast, Sagant noted that Limbu headmen of Eastern Nepal who ruled by Government recognition in the mid-twentieth century, used to collect twenty times or more the amount stipulated by government for adultery and that, in fact, various judicial fines, of which there were many types, were a major cause of rural indebtedness in the eastern hills.⁴⁴ The tendency of revenue officials or tax farmers to take advantage of the system could result in complaints from *raiya*s. In the 1830s, Tharu *raiya*s and headmen of Dang had complained that the *ijaradar* (tax farmer) in charge of revenue collections in their area had not adhered to the agreed upon rates fixed by the government in 1809. Hence, in 1838, the Nepali court issued an order addressing the headmen and *raiya*s directly, notifying them of the exact rates for different taxes including that on adultery. As the Tharus were a non-caste, tribal group, presumably they had a greater claim on the Nepali state for having their customary practices officially recognized and protected by state officials. The fees to be collected for adultery were priced the same as for most other judicial fines (*danda-kunda*).⁴⁵

Households were ranked into the following divisions and charged accordingly: *Chaudhari*

⁴³ For example, in 1851, a court order announced that in the Far Western Hill Regions of Nepal, "In case any person commits adultery with a married woman, and the husband files a complaint, the court shall realize Rs 28 from the adulterer and hand it over to the husband." "Sex and Marriage Regulations In The Far-Western Hill Regions, 1851 (Administrative Regulations For Bheri-Mahakali Region, Kartik Sudi 8, 1908)." *Regmi Research Series* 5; 10 (1973): 181. Again, an undated order from the court to revenue officials in Doti (again Far Western Nepal) stipulated that "Fines shall be collected from persons guilty of offenses relating to water and sex according to their caste status. Appropriate 10 percent of such income and hand over the balance to the Amali." "Collection of Revenue Arrears in Doti Royal order to the Amali, Darbari, Ditta, Bichari, Ban, Rajwar, and Mukhiya of Doti." *Regmi Research Series* 20; 5 (1988): 66.

⁴⁴ The Government set the limit at Rs. 50, but Sagant records that "subbas regularly demanded between Rs. 700 and 1,000, sometimes more." The Subba (Limbu headman recognized by Nepal) would pocket more than half the fee, which was often paid in kind rather than cash—especially in cattle or the mortgage of land. Sagant, 148. Indebtedness was attributed to the payment of judicial fines in 22% of cases where money was owned to the moneylender in a study of 143 indebted peasants (mostly via land mortgage, with a total study size of 504 land plots) in the Mewa Khola Valley in 1966 (Sagant, 166-179).

⁴⁵ This excluded the fee schedule for of Panchkhat, and escheats, or communal resumption of heirless property (aputali). "Revenue Settlement in Dang, A. D., 1838," *Regmi Research Series* 19; No. 1 (1987): 10-12.

(regional headman); *Mahato* (head cultivator); *Kisan* (peasant); *Mudhjatka* (slave); *Haruwa* (ploughman).⁴⁶ These divisions were unique to the Tharu area of Dang (i.e., the former kingdom of Tulsipur), but officially recognized, and indeed, enforced by the Nepali government.

A closer look at the interaction between regional customary practice and the adjudication of adultery in Eastern Nepal is instructive. Although the Nepali court attempted to impose a system of law on the Kirantis of Eastern Nepal, albeit under the *kipat* (communal tenure) system, Sagant argues that local people bypassed Nepali law except, interestingly, in the case of adultery.⁴⁷ In 1847, *kipat* holders in Majh Kirat were assured that their customary taxes and fees would be respected:

According to the custom traditionally followed in your caste (*jat*), a fine of Rs 15 is collected from a person guilty of sexual relations with another man's wife (*chak*). Of this amount, Rs 5 shall be given to the aggrieved husband (*khaduk*), while the balance of Rs 10, along with the fine of Rs 12 collected from the woman guilty of adultery [(*chakui*)] shall accrue to the Amali... If any person (*praja*) wants to make payment for the woman (*chakui*) after he has wounded or killed the adulterer with a weapon (*jar hanyako*), the Amali shall collect a sum of Rs 35 from him.⁴⁸

This order clearly indicates that in some cases in eastern Nepal, even amongst the non-caste Hindu Kirantis, occasions of honor killing were known in the case of adultery but that payment of fines was also common. Moreover, in the hypothetical case mentioned in the order quoted above, the husband is allowed the option of killing the adulterer and then, presumably, keeping the wife who had had a sexual liaison with the deceased, if the husband should pay a fine to

⁴⁶ The Chaudharis footed the highest bill, Rs 11 for a man and Rs 9 for a woman (this was the only level at which there was a distinction based on gender), and ploughmen would pay the least at Rs. 4 ½. With the exception of panchkhat crimes, the plough hands' fines would be collected and kept by the *kisan* in case the *kisan* had purchased the plough hand with cash. The owners of villages in particular types of holdings (*birta*, *bandha* and *guthi*) would similarly be allowed to pocket all of the collections from fines in their villages. "Revenue Settlement in Dang, A. D., 1838," *Regmi Research Series* Year 19; 1 (1987): 10-12.

⁴⁷ Sagant, 152.

⁴⁸ "Rights and Privileges of Kipatowners [sic] in Majh Kirat," *Regmi Research Series*; 19; 9-10 (1987): 139.

government. Such an arrangement represents a hybrid case of paying fines for adultery (a system generally more accepting of infidelity and/or breaking and reforming alliances at will) and honor killing (where marriage was considered permanent).

Ethnographer Philippe Sagant recorded firsthand observations and oral histories of the Limbu community's judicial practices in the mid-twentieth century; he found a regional form of the adjudication of adultery, shaped by Nepali law, to have been most current in the eastern hills. According to Sagant's ethnography, within the Limbu worldview certain circumstances could cause a man to "lose face." This was the opposite of what happened to a man when he performed honorable or meritorious actions, such as successfully making a sacrifice to the warrior goddess Nahangma, which would result in the recognition that *sam phungma*, or "his soul has risen." Sagant argues that Limbus increasingly translated this concept with the Nepali term, *sir uthaunu*, or "to raise up the head."⁴⁹ If any circumstances should lead to loss of face, a man would need to restore his well-being associated with his life force, which allowed him to be a strong and effective head of a household, one who could hunt and make war—i.e., sacrifice and spill blood, a guarantor of his and his family's prosperity.⁵⁰ If a man's wife should commit adultery, a man would lose face and hence have to do something to raise his head/life force (*sir uthaunu* or *sam phungma*). If he did not do so, he would be in such danger that his very life would be considered jeopardized and, if he should nevertheless survive, he would be rejected by society.⁵¹ According to specifically Limbu (i.e., non-Gorkhali) customary practice, a form of mutual divorce was acceptable but for the husband to maintain his dignity, the wife would have to ceremoniously

⁴⁹ Sagant, 10, 16. Sagant claims, "for the Limbu, to hold one's head up high is to restore the presence of the gods in the human body" (19).

⁵⁰ Sagant, 22. "This life force resides in the crown of the head. It is none other than Nahanga herself, the warrior divinity, incarnated in the human body. Shamanistic techniques allow one to make the blood of sacrifice slow in the Other World. The head of the house's flower-soul, his external 'seat of life,' then recovers its freshness. Restored to brilliance, this flower-soul enables the life force to recapture the full extent of its power" (Sagant, 23).

⁵¹ Sagant, 23.

place the compensation money at his feet. Under the hybrid Gorkha-Limbu law, the practice of *jari uthaunu*, or the forcible extraction of the fine for adultery, became common.⁵² Sagant describes in detail a famous case of the 1930s which was still discussed some thirty years later. A raiding party of about 150 men from a wealthy headman's house of the Mewa Khola went on a raid, involving a journey of several days on foot and the capture of the headman's daughter-in-law who had eloped with her favored suitor. The woman and her suitor were brought back to the headman's village and imprisoned for six months as slaves while intermediaries from both villages arranged an acceptable payment, Rs. 3000, at which point the pair was released.⁵³ Thus, Sagant's structuralist ethnography, which sought to recover the essence of a supposedly traditional Limbu culture and, yet, had to grapple with evident historical changes, provides a nuanced sense of the mutually productive nature of Gorkhali law and communal custom around the adjudication of adultery. It is clear that the system as it evolved prior to the 1960s, when it was outlawed in Nepal, could put serious pressure on socially marginalized people.

The Residency and the Court: Mutual Exclusion

The above discussion underscores the regional and temporal contingencies involved in the adjudication of adultery—and its centrality to social boundary making in the nineteenth and early twentieth centuries across a wide variety of communities. This view contrasts sharply with the knowledge the British Residency developed. For example, Resident Maddock summarized his understanding of the principle distinction between the two legal systems while adjudicating a case (discussed below) in 1832: “The Crime of adultery is punished with great severity by the Regulations of the British Government...” but whereas in British India, the law punished the

⁵² This was abolished in 1966 (Sagant, 32).

⁵³ Sagant, 32-4.

injury “sustained by one individual the husband whose marriage has been violated,” in Nepal, especially in the case of cross-caste contact, the stipulated punishments were greater because “Commensurate with the more extensive injury supposed to accompany the Act in the pollution not only of the woman herself but of all her household and associates and it may be of the whole Community.”⁵⁴ Again, this distinction between the two systems is inexact—community or personal law was also practiced extensively in British India. Yet, this particular point of law became used as a matter of distinguishing the two legal regimes—one in which both sides equally invested. For example, in 1835, the darbar and the Resident, Hodgson, attempted to reach a treaty agreement on how to handle adherents of the Residency who faced criminal charges. The darbar hoped to reach an agreement such that the Resident would try and punish the offender under Nepali laws, but negotiations stuck on the point of “the right of private vengeance which the Nepalese laws recognize on the part of a husband.” Nepal’s court, informally controlled by the strong General and Prime Minister Bhim Sen Thapa, refused to sign a treaty to restrict this particular law from applying to Residency followers. However, Bhim Sen Thapa, agreed to ensure in practice that the laws would not be applied to the Residency’s followers. The Residency, in turn, agreed to keep its men from amorous contact with Nepali women, so as to avoid testing the legal waters.⁵⁵

In the same year, Hodgson also persuaded the Nepali darbar to agree informally to extradite accused criminals who had committed crimes in Company or Nepali territory regardless of their place of origin. This informal extradition agreement was, of course, most pertinent along the southern border, and Hodgson had to put additional pressure on the darbar to spread orders

⁵⁴ NAI. FD. 29 Oct 1832. Political Consultation. At a Council, present the Honble CT Metcalfe, Honle W Blunt, Gov Genrl and CinC absent. No 5 Translation. Proceedings held by the resident of Nepaul on the 9th August 1832.

⁵⁵ IOL. F/4/1537, 1835-1836, 61024. Political Department 12th August 1835. Governor General of India in Council.

accordingly in frontier districts. Even though the darbar agreed to do so, it registered its strong disapproval of turning over Brahmins, especially in cases that might result in capital punishment.⁵⁶ Hence, the right to take life (either of adulterers or Brahmins) was one that neither government felt the other had the moral authority to claim in most cases.

At least in principle, if not always in practice, British India and Nepal had a lot at stake in accurately ascertaining the identities of individuals and making sure they stayed in their proper place. The transgression of proper boundaries by certain individuals—for example, members of the lowest and highest castes or women—could become a fraught political issue for community and state. Even though the East India Company and the Nepali darbar attempted to limit sexual contact between British Indian subjects living and working in the Residency and Nepali subjects in the surrounding town, a number of cases of illicit sexual contact came up for discussion between the darbar and Residency. As both sides refused to budge on particular points of negotiation, a final settlement of precedent for adjudicating future cases was never reached and each case thus meant a fresh episode in an ongoing patriarchal drama.

Less than a year after the Residency was established, in 1817, Shambu Singh, an Escort soldier on duty in a village near Kathmandu, was caught overnighting in the house of an absent Nepali soldier. When the soldier received news of the unexpected visitor, he proceeded to the house along with some fellow soldiers, and barricaded the supposed adulterer inside. The group wanted to kill the man, citing the husband's customary right in such cases, but they thought best to send news first to the Nepali court because of possible complications with the Residency. In the meantime, the Prime Minister Bhim Sen Thapa had Shambu Singh placed in confinement, claiming his life was in danger. While various court functionaries continued to emphasize the

⁵⁶ F/4/1619, 1836-1837, 64974. Affairs of Nepal. India Political Department. No 43 From Hodg, to W. H. Macnaghten, Pol Secy to Govt, 19 July 1835.

severity of the situation to Resident Gardner, the latter dispatched a letter to the Raja of Nepal, asking him to pardon the man.⁵⁷ In reply, the Raja said he would make an exception in this particular case, in order to preserve friendship with the Company, but as the Resident was now aware of the laws, he was warned there would be no future exceptions. The Raja wrote: “The Chiefs of this Government cannot pass it over nor deliver the offender up, nor pardon the offence; the people of this Country will assuredly act up to their own customs and rules.” The soldier was court martialed within a few days, and given “300 Lashes on his bare back in the usual manner and to be dismissed the Escort.”⁵⁸

Three years later, in 1820, what seemed to the Resident an even more serious case of adultery occurred, but with quite different results. Two Muslim and one low-caste Sepoys of the Escort had been caught having affairs with local married women. One was even found with jewelry stolen from the woman involved. The Darbar quietly informed Gardner, reprimanding him for having allowed such a recurrence, and stipulating that the matter should be kept from the public. Thus, Gardner did not order a court martial, but had the men quietly expelled from the country. The Resident concludes from this case that it would be best to have the twenty-some Muslims in the Residency establishment transferred back to India, and Hindus acquired to replace them.⁵⁹

A dozen years later, a Muslim musician from the plains, Dildar, was not so lucky. Like other performers at the Nepali court, he had travelled through the tarai to Kathmandu during the cold season, and having found patronage there, would return the following year to the plains. In

⁵⁷ IOL. BC. F/4/685, 1823-24, 18892. Extract BPC, 15 Feb 1817, No 95, Letter from the Resident of Khatmandoo, To John Adam Esqr., Secretary to Govt in the Political Dept, Fort William, 14 Jan 1817.

⁵⁸ IOL. BC. F/4/685, 1823-24, 18892. Extract BPC, 15 Feb 1817, No 96. Substance of the Rajah’s Reply received on the 13th January 1817.

⁵⁹ IOL. BC. F/4/685, 1823-24, 18892. Extract BPC, 12 Aug 1820, No 15. Resident at Kathmandhoo, To C. Metcalfe, Nipaul Residency, 12 July 1820.

the meantime, he would perform in court on command for special functions and festivals. During his stay in Kathmandu, he was “detected in an intimacy with a Hindoo prostitute” and condemned to death—a sentence later commuted to castration. Thomas Maddock, the Resident, in a letter to the Company’s Governor General expressed regret at “the barbarity of [the] proceedings” of which he had not been informed in time to intervene. Apparently, Dildar had not thought to petition the Residency for help in the matter, which indicates the limited diplomatic scope and/or lack of awareness British subjects had about the Residency. Maddock asserted that he would like to have helped the man, with whom he clearly sympathized—dwelling at length on “the inhumanity of such proceedings, and the apparent disproportion of the penalty to the offence evinced in the present instance.” He asked the Governor General’s advice on what sort of protocol he should follow in case similar cases arose in the future.⁶⁰ The Governor General’s office concurred in declaring the case “barbarous,” but conveyed to the Resident that it was best not to interfere in such unofficial cases, laying down the principle that help should only be extended to those in government employ. The Secretary wrote: “It appears that [Dildar] voluntarily, and for his own purposes exclusively, left our Territories and took up his abode in that of Nipaul; thereby divesting himself of the protection of the British Laws and Subjecting himself to those of a Country in which he Chose to establish his residence”⁶¹ Once again, the Company’s administration had refrained from attempting to extend its legal jurisdiction via the Residency. Moreover, its reluctance to attempt to interfere on behalf of Indian subjects who were not in the official employ of the Residency indicated that it recognized the difficulties of actually distinguishing between Nepali and Indian subjects in most cases.

⁶⁰ NAI. FD. 29 Oct 1832. Political Consultation. Letter to W. H. Macnaghten, Secretary with the Governor General, from T. H. Maddock, Resident, Nepal Residency, 10th Sept 1832.

⁶¹ NAI. FD. 29 Oct 1832. No 11. To T. H. Maddock, Resident, From W. H. Macnaghten, Secretary with the Governor General, Simla, 1 Oct 1832.

Jeevun and the Fakeerni

The case of Jeevun, a man from the Mahatar caste, who worked as a sweeper in the Residency Lines, illustrates the ways in which the colonial British state, at times, became deeply involved in the intimate affair of certain subjects as a way of defining its sphere of governance vis-à-vis Nepal. In 1832, the same year as Dildar's castration, Jeevun was accused of having illicit contact with a caste-Hindu woman, a subject of Nepal. The Prime Minister emphasized to the Resident when asking for delivery of the accused that there was no worse offence in Nepal—

[T]hat the very being of a Hindoo State depended on the Suppression of such acts that the Sexual Commerce of an Outcaste with a Hindoo woman was destructive until atoned for by the blood of the offender and the penance and purification of the City and Country of the Religious and Moral Law of a Hindoo Government.⁶²

While the court wanted to have Jeevun handed over, and likely executed, instead the Resident had him court martialed and sentenced to five years rigorous imprisonment with labor on the roads in India.

The detailed deposition taken from Jeevun and witnesses cites several acts of potentially threatening transgressions of identity and affiliation. Drawing from the contradictory account of several witnesses, for example, the Resident justified sentencing Jeevun because “it is found that the Mehtur knew the law of Nepal, the danger to his life, *that he often passed himself off as someone of a higher caste*, which was how he got the woman to have relations with him.”⁶³

Reflecting the Resident's concern that Jeevun had tried to hide his identity by transforming his

⁶² NAI. FD. 29 Oct 1832. Political Consultation. No 4. Copy of a Conference held at the Residency on the 4th August with the Minister Bhim Sen accompanied by his Coadjutors Dul Bhunjun Pande and Choutra Futteh Jung Sahi

⁶³ Emphasis added. NAI. FD. 29 Oct 1832. Political Consultation. At a Council, present the Honble CT Metcalfe, Honle W Blunt, Gov Genrl and CinC absent, No 2. From TH Maddock, Res, to WH Macnaghten, Secy with the GG, d/ Nep Res, 9 Aug 1832.

appearance--and thus passing as a “Hindu” of “caste”--a number of questions in the recorded interrogation attempt to establish the veracity of such a threatening act. For example, Chedee Lohar, another worker in the Residency establishment, deposed that “[Jeevun] was wont to go there three or four times a day to the City, with fine Clothes, arranged in the fashion of a Hindoo, and so that he must have been taken for a Hindoo of good Caste.” Residency officials further questioned their employee Sahab Singh Kaath:

Q. Do you know in what guise the Mahtar has been wont to frequent the City?

A. In Clean and fine Clothes such as Mahtars seldom were [sic], but he wears such at the Residency also.

Thus, Jeevun’s clothing seems not to have been a “disguise” or deliberate obfuscation as the Resident claimed, but rather a sign of his modest prosperity and self-confidence, perhaps as a result of his government employment.⁶⁴ Yet, Jeevun also answers in the deposition in such a way that he indicates he accepts that a high-caste Hindu and a sweeper would be expected to wear different styles of clothing. The investigator asked:

Q. Saran Chedee and Saheb Singh, who stand before you, affirm that you are accustomed to frequent the City dressed like a Hindoo of High Caste: How is this?

A. It is false. I never went in other guise than that you now see me in Vizt. my own a Mahtars.

Similarly, the identity of the unnamed woman, referred to as “the Hindoo Woman of the City,” with whom Jeevun is accused of having sexual contact, features as a node of inquiry in the depositions. She is first introduced into testimony as a sister. When Saran Khan, a servant of Captain Robinson of the Escort, was asked to testify on his knowledge of the illicit relationship, he replied, “One day about a month after the Residents [sic] arrival (I forget the exact month and

⁶⁴ See Nandini Gooptu for municipal and government employment for “untouchable” workers as Sweepers (thus reifying their caste identity) as nevertheless a limited form of social mobility in late nineteenth and early twentieth-century northern India. Nandini Gooptu, *The Politics of the Urban Poor in Early Twentieth-century India* (Cambridge: Cambridge University Press, 2001).

day) I went into the City and was there accosted by the Brother of the Woman who said to me ‘My Sister went onto your Lines three days back and has not been Since seen. If she be still there, turn her out.’” Saran Khan agreed to make inquiries and found out from Rohan Bhisti, another menial worker (a water carrier), that the woman had been staying with Jeevun in the “rabbit’s house” in the Lines.⁶⁵ Saran Khan enlisted Chedee Lohar to help him investigate—they found the woman where the Bhisti had claimed she would be, and they took her away and kept her in Chedee Lohar’s house until the woman’s brother could be located. Interestingly, they did not alert the authorities within the Establishment of what had happened. In Chedee Lohar’s account, one night Saran Khan approached him with the news that:

A Hindoo Woman of the City was in the Mahtar’s House. I went with Saran to the House [and] ascertained the fact. I asked the Mahtar, why being a Mahtar, he had Cohabited with a Hindoo woman of the City. He acknowledged his fault, fell at my feet, said he would not do so again, and begged me to Conceal the Matter.⁶⁶

He also claimed that he had asked Jeevun how, despite his caste status, he had engaged in such an affair and that Jeevun had insisted the woman simply followed him back from the “grog shop” where she lived. However, Chedee allegedly then turned the same question on the woman and she answered that she had not been aware of the sweeper’s caste and begged him not to tell her brother. Chedee Lohar kept the woman at his place for the night and handed her back to her brother the next morning.

The depositions subtly hint that Chedee’s motives may have been less than altruistic and that there may have been a degree of institutional complicity as well. For example, as Saran Khan narrated, when he personally asked Jeevun why he had engaged in such a dangerous and

⁶⁵ NAI. FD. 29 Oct 1832. No 11. No 6 Translation of Persian proceedings held by the 1st Assistant to the Resident in the matter of the Mahtar on the 7th and 8th of August 1832.

⁶⁶ NAI. FD. 29 Oct 1832. No 11. No. 6.

illicit affair, “[Jeevun] answered that the Resident had Commanded him not to go into the City after women and told him he might do his will with such as came into [the] Lines.” Still, it is interesting that both Chedee and Saran Khan portray themselves during the court martial as having both warned Jeevun of the consequence of his actions as well as remained silent about the incident out of sympathy for Jeevun. Perhaps Saran Khan sums up this attitude of ambivalent tolerance best. When asked why he did not report the Mahtar’s alleged sartorial transgression to the Resident or Head Munshi, he answered, “Because all persons at the Residency could see it as well as I, and it was no more my concern than any one’s else.”⁶⁷

Within the narrative of the court martial, Jeevun who has potentially transgressed caste (and also religious) boundaries, is reminded constantly of his caste status and what it means to those around him. There is no scope for him to re-fashion his identity. In contrast, the Hindoo Woman of the City’s identity is indeterminate and, in fact, undergoes a significant transformation during the course of the proceedings. The Resident’s establishment directed the questions to underscore the woman’s alleged poor moral character, as it would help to claim the case was not really adultery. Two Residency workers admitted that they knew about the “Spirit Seller’s” shop in Asan Tol where Jeevun had visited and the woman was said to reside. The examiners then pressed the witnesses to define the woman’s familial and moral status, for example, by questioning Sahab Singh:

Q. What manner of woman may she be_ Maid wife or widow_ Chaste, or notoriously otherwise._

A. I have heard She is a Wife that her husband is a gosain_ and that he is now on Service to the Westward. I cannot positively say that the woman is Chaste or unchaste. But as She lives in a grog Shop it is probable She is a wonton.

Q. Did you ever see her laughing and talking with Strange men in the Shop?

⁶⁷ Unless otherwise noted, the quoted testimonies are all found in: NAI. FD. 29 Oct 1832. No 11. No 6 Translation of Persian proceedings held by the 1st Assistant to the Resident in the matter of the Mahtar on the 7th and 8th of August 1832.

A. I have.

Rather than out of implicit concern for the woman, it seems more likely the workers are reticent to label her a prostitute because they do not want to link themselves to such knowledge. Saran Khan stated that he did not know her name, but he had “heard She is a Gosain and has a husband. She is young and buxom” and added that “whether she be Chaste or a jade, I know not.” When the examiner asked how a “married decent woman” could live in a “grog shop,” Saran Khan at first skirts the question. Then the examiner reiterates his point, “Could a modest Hindoo woman possibly live in such a House?,” to which Saran Khan replies, “I suppose not, and I have seen her drink Spirits and laugh with the rest.” After more questions, the examiner finishes up with the query: “Did you ever hear or dream of a Parbutiah keeping his wife in such a House?” Saran Khan avers that, “The thing is, no doubt, impossible.”

Throughout the transcripts, then, the Residency’s investment in ascertaining the woman’s supposedly debased status--married but sexually available--becomes apparent. This will allow the Resident Maddock to rather bombastically argue to the Nepali court, that he did not consider it just to punish the man merely on the basis of cross-caste contact. He informed the darbar:

In the present unfortunate instance, if I am rightly informed, a married woman of decent caste but of habits so dissolute, that she had become little better than a Common prostitute among the Hindoos of the town, is found to have visited a Mehtur residing in the Residency lines, and to have remained for two or three days in his house, and according to your notions, you hold the Mehtur deserving to suffer death for having received her visit. But, if the Circumstances are as I have stated them, it is impossible that the Nipaul Government could expect me to give up this delinquent to Certain death, and I have determined not to give him up without the Special sanction and orders of my Government.⁶⁸

⁶⁸ NAI. FD. 29 Oct 1832. No 2. From TH Maddock, Res, to WH Macnaghten, Secy with the GG, d/ Nep Res, 9 Aug 1832.

Nepal's Prime Minister, Bhim Sen Thapa, at the height of his power but beginning to face serious dissent from the elite families he had hitherto sidelined at court, agreed on a conciliatory line with the Residency. In contrast, his opponents, including his younger brother, Ranbir Singh, allied with the stronger wives of the ineffectual reigning Raja and sought to use the scandal to cut the British presence in Nepal down to size.⁶⁹ As Maddock rather melodramatically characterized the opposition, in a correspondence with his superiors, the "party with Runbeer Sing at its head was unanimously of Opinion, and led the Rajah to accept the same sentiments, that they were bound in vindication of their honor and their laws to seize and execute the offender, though at the risk of a war of extermination with the British Government."⁷⁰ The Resident's refusal to recognize the Hindoo Woman of the City as a wife, then, was an attempt to defuse the politically expedient claim by some to uphold the honor of the martial communities.

Whereas the woman's identity became a pivotal point in a larger political contest, she was persuaded to protect herself, and perhaps her associates, by replacing her identity with one that is not open to multiple interpretations. Her brother decided she must turn to renunciation. Indeed, when the brother originally approached Saran Khan to ask him to find his sister, he requested that the servant of the Escort, "...turn her out, and bid her to go to Pasupati temple and turn fakeerni." A number of witnesses confirmed that about ten days later she returned to the Residency Lines after taking renunciation. While one witness implied that she continued romantic relations with Jeevun, Rohan Bhishti averred that about ten days later, "dressed as a Fakeerni," she visited the establishment and did not single out anyone in particular. Rather, "[s]he came to beg and got something from almost every body, the Mahtar, too, gave her some rice." We do not know she felt about the transformation, or whether she felt the men owed her

⁶⁹ K. L. Pradhan, *Thapa Politics in Nepal*, 147-48.

⁷⁰ NAI. FD. 29 Oct 1832. Political Consultation. No 2. From TH Maddock, Res, to WH Macnaghten, Secy with the GG, d/ Nep Res, 9 Aug 1832.

something; however, it is clear that her interpretation of events has no place in this highly charged patriarchal drama staged between various factions at the Nepali court, the Resident, and the (much less powerful) men working in the Residency Establishment.

The narratives emerging from the depositions prove contradictory. While the examiner remained consistently moralistic, the voices of the witnesses are far more ambivalent and refrain from definitively condemning the actions of anyone involved. In order to explain why he became embroiled in the affair, during cross-examination, Saran asserted that although he did not know the woman or her brother, the latter had “appealed to [his] feelings as a Brother...and a Hindoo, and I was moved by the appeal.” In this sense, a certain kind of patriarchal, and, rather intriguingly, religious affiliation is seen to offer a more sympathetic view against that of the Resident, who wanted to treat the woman as a prostitute, and as well as the opposing court faction, which treated the woman as expendable within a masculine, martial ethos. Yet, the woman’s fluid and shifting identity, shaped by the discourses around her, contrasts with Jeevun’s singularity. While the actors in the drama identified the Hindoo Woman of the City as fits their needs, Jeevun was unable to deviate even a fraction from the role ascribed to him. This depiction of Jeevun rests uneasily against the multiple discrepancies in Chedi, Saran and Rohan Bhisti’s stories concerning Jeevun’s role in the events. In particular, the stories do not match in terms of the details about how, where and when the other men had discovered Jeevun and the woman. Under examination, Jeevun contends that the stories are “all false.” In his words:

One night I left my House to go into the field to perform my evacuations and found on my return a woman in my House. I knew not what she was or whence. I asked her, and *told her I was a Mahtar*. But before she could explain, Saran and Chedee Came and took her away and kept her

with them all night. Very likely they sent the woman to my House to disguise their own practises at all events, I did not Cohabit with the woman.⁷¹

Several points emerging from the depositions raise doubts about Jeevun's case. First of all, he insists on his own innocence, in contrast to previous cases in the Residency in which the workers had admitted their liaisons. Moreover, the witnesses profess fairly extensive knowledge about the woman, yet their stories are inconsistent, and they proffered many excuses for keeping the matter quiet. Chedee even kept the woman overnight in his house with little comment from the examiners. Finally, the investigators refrained from interrogating Saran's claim that the Resident allowed women to enter the Lines so long as the soldiers did not go outside to meet women. Like the very identity of the woman, the question of responsibility remains indeterminate, and perhaps deliberately so. Jeevun's alleged transgression, an isolated case, targeted one of the weaker members of the establishment and leaves other workers, rather conveniently, astride the moral high ground—a ground raised entirely by the Resident's efforts. Indeed, while much of the case seems to revolve around determining who or what the woman is, Jeevun's identity is the unquestioned ground upon which all else rests. He is expelled from the Residency, sentenced to labor for five years on the roads in Bihar, and, this, the Resident implied was a great example of justice.

Jeevun's court martial contrasted sharply with a case half a dozen years later in 1838, involving a Brahmin, Adjudeah Tewary (probably Ayodhya Tiwari), a sepoy in the Residency Escort. The Commander of the troops wanted to dismiss the soldier for spending nights in the city, where "he is well known as a Constant frequenter at the Houses of Females."⁷² The Resident

⁷¹ Emphasis added. NAI. FD. 29 Oct 1832. No 11. No 6 Translation of Persian proceedings held by the 1st Assistant to the Resident in the matter of the Mahtar on the 7th and 8th of August 1832.

⁷² IOL. BC. F/4/1813, 1839-1840. 74755. Affairs of Nepaul. India Political Department. From Lt Gordon Commanding Escort, to Hodg, No 22, 24 June 1838.

at the time, Hodgson, thought dismissal was too severe a punishment for the young man. He asserted that generally sepoys had only been dismissed from the Escort for violating the laws of Nepal, which “would expose the dignity or safety of the Residency to be compromised.” As the man in question was a Brahmin, Hodgson argued it was unlikely that he had offended any of the laws of Nepal. Further, there was no accusation of adultery.⁷³ The Commander of the Escort was not easily convinced, retorting that disobeying orders (namely, to stay in the lines at night), as well as a related case for petty theft, was sufficient grounds for dismissal.⁷⁴ In fact, he was known to change into Parbatiah dress (“Pajamahs and Frock”), using the fowl keeper’s house to effect the transformation surreptitiously; it was on one such day that the fowl keeper and his wife discovered a purse containing Rs. 3 and a *mohur* coin to be missing from their house. Most intriguingly, Ayodhya Tiwari’s sexual indiscretions, much like Jeevun’s, involved an alleged act of disguise and potential caste transgressions. In Ayodhya’s case, he regularly exchanged items with a Nepali woman named Myan (Maya?), perhaps a Newari woman, who lived above a Tambuli’s shop (a *paan* shop)—giving her a pot to cook her rice in and leaving some of his items in her place. She saved Ayodhya from trouble when he had tried to take another mistress--after someone had made fun of him for keeping an old and unappealing mistress--by paying off the second mistress and her muscular supporters when Ayodhya, an admittedly debt-ridden young man, had failed to do so. In the end, Ayodhya’s transgressions, though no less, and likely a good deal more salacious, were not as carefully investigated as those of Jeevun. In part, the darbar had not raised any protests, and moreover, the Resident felt that Ayodhya’s high caste meant he

⁷³ IOL. BC. F/4/1813, 1839-1840. 74755. Affairs of Nepal. India Political Department. From Rsdnt Ktm, to Gordon, June 27 1838.

⁷⁴ IOL. BC. F/4/1813, 1839-1840. 74755. Affairs of Nepal. India Political Department. No 23, Gordon to Hodg, Ktm, 2nd July 1838

could not cause much offense. The young man was simply punished with three month's confinement in the Quarter Guard and the threat of dismissal if he should repeat the behavior.⁷⁵

In each of the cases of illicit contact between British subjects working for the Residency and Nepalis of Kathmandu, a number of issues were at stake—the caste or religious identity of the alleged perpetrators, the refusal of either the Company or the darbar to accept the legal system of the other, and the notion that the adjudication of adultery in Nepal was a particularly sensitive issue for both sides. Both parties favored keeping matters as quiet as possible, but the cases could become highly politicized, as with Jeevun and the earlier case of Shambu Singh. Some cases were less contentious—such as the unfortunate Dildar, a musician from the plains who, though a British subject, had no recourse to the Residency's protection, because he had travelled to the court in a private capacity. Other cases were attempted to be hushed up or mitigated before they could provoke outrage.⁷⁶ The permissive attitude of the Residency authorities towards the Establishment's dependents, as well as the politically contingent concerns of the courtly elite, suggests that what was at stake was not a fixed principle or matter of strongly held belief for all segments of society, but rather the high drama of masculine honor. Moral policing was far more about politically useful theater rather than ideology or ethics—or even a consistent delineation between Nepali and Indian subjects.

Sex and Short Stories

⁷⁵ IOL. BC. F/4/1813, 1839-1840. 74755. Affairs of Nepaul. India Political Department. No 24, From Lt Gordon, to Hodg, Ktm 7 July 1838.

⁷⁶ For example, in 1837, the Resident, Hodgson, hushed up a case of a sepoy posted at the Company godown at Segauli. Burian Pandey was accused of having an affair with a Nepali soldier's wife, but evidence was sparse. The Commander of the Escort, who had known Burian Pandey to be of excellent character before his posting in Segauli, was unable to obtain definitive evidence, so decided, despite Burian Pandey's 15 years of service, to have him transferred elsewhere. Thus, he would not be subject to excessive punishment and the Residency would avoid political contention, if he were to return to Kathmandu and the darbar find out about the case. NAI. FD. Political C. 2 Oct 1837. No 69-72.

Even though emotions might be manipulated and outrage exaggerated in such political high drama, the Nepali state operated with the idea that subjects both required and demanded rigorous adjudication of adultery. In large part this was a claim about representation—the Nepali court claimed to have to mediate the fraught relationship between the intrusive outsiders (the British Residency) and the Nepali subjects who resented them. The British Residency, in turn, claimed to represent the best interests of the Indian subjects under its care. The scripted debate over adjudicating adultery, once fixed in place, changed little over time—it was disseminated by the colonial state in official communiques and recruiting manuals, for instance. Nepali Prime Ministers included it in speeches and articles in the state-sponsored newspaper (such as when sending soldiers off to World War I). The script essentially became frozen. Nepal allowed men to guard their honor but only if they recognized the state’s boundaries. When diasporic writers began to give narrative form to their unique interests and aspirations, as upwardly mobile migrants in India from the turn of the century, hoping to promote the “progress” of their community—and in the process standardizing the modern Nepali language—they began to borrow from and change this script.⁷⁷ They, too, represented the moral worlds of common people as a way to stake their claims to mediating political space. In the process, they laid claim to themselves as sovereign subjects, no longer capable of being represented by the autocratic Nepali or colonial state.

In the following section, I focus on Nepali literature from Darjeeling, a forerunner in the standardization of Nepali language and literature in the early twentieth century, which scholars argue was quite free from state control in contrast to its contemporary sphere in Nepal. The latter was kept securely under state control and patronage with a high degree of censorship. In

⁷⁷ See Chalmers, “Chapter 3: Visions of Social Progress: Discourses of Learning, Unnati, and the Mother Tongue,” 111-170.

Darjeeling, writers were developing a new set of powerful interests, supported by Nepali-speaking retired army and police officers, contractors, businessmen, civil servants, and the growing educated professional class. Writers developed close contact with their counterparts in Varanasi, where the Nepali literary scene had first developed, albeit in a much more Sanskritic mold typically meant for private consumption. In Darjeeling, writers promoted the Nepali language in the public realm, especially education; one stalwart, Parasmani Pradhan, produced as many as thirty textbooks in Nepali by 1940, and completed some fifteen translations as well.⁷⁸ Several major politicians came out of this generation; for example, B. P. Koirala, Nepal's first elected Prime Minister in 1959, studied law in Darjeeling in the 1930s and wrote short stories (two of which are discussed below); later he would develop as a prolific and acclaimed novelist.⁷⁹ Within the next generation, some became famous writers and artists who circulated in elite circles abroad—such as artist and writer Lain Singh Bangdel (born on a tea plantation) and Indra Bahadur Rai, promoter of a distinctive literary movement, *Tesri Ayam* (Third Dimension), both of whose works are also discussed below.

These first two generations of writers in Darjeeling captured a very different view of migration and rapidly changing social and gender norms than available in the state archives. Although they hardly count as documentary evidence and are bound by the conventions of genre and literary style, still, these literary representations are curiously haunting in the way that they record a collective experience from which the state rather purposefully averted its gaze—that of cross-border migration from Nepal to Darjeeling and back. Being “Nepali” in Darjeeling in the early twentieth century meant inhabiting a subject position not easily contained within state

⁷⁸ Chalmers, 173, 181-183, 221. A major victory for the first generation of Darjeeling language activists was getting Nepali included in the curriculum of Calcutta University, as a vernacular for examinations at the Matriculation, Intermediate and B.A. levels (Chalmers, 177).

⁷⁹ Hutt, 197.

boundaries. Indeed, there was little sense that national and state identities should coincide—still the experience of large-scale migration produced a commonality of experience or a new awareness across gender, ethnic and class divides. Identities need histories. This was particularly important for the educated Nepali professionals in Darjeeling because histories of Nepal were not taught in formal educational institutions in Kathmandu and next to no domestic news was printed in the state-run newspaper, the *Gorkhapatra*. Literate Nepalis knew far more about the history of Britain and India than their “own” history—hence, perhaps, the appeal of historical fiction.⁸⁰ Educated, upwardly mobile migrants wrote the histories as fiction, in the process depicting the lives of the majority of migrants whose silent stories of loss and alienation cannot in fact be recovered. Perhaps fiction was the only sound way to record such a history of the intimate other—appropriating the representation of workers, peasants, and destitute women who could not, for lack of access to education and stable livelihoods, do it themselves.

Although Michael Hutt insists that future Prime Minister of Nepal B. P. Koirala’s short stories are devoid of political content, the anxiety about cross-border migration is nevertheless pervasive.⁸¹ In “Sipahi,” published in 1938, a student narrates in the first-person perspective an encounter with a soldier with whom he starts walking on the way west into the hills of eastern Nepal from the direction of Darjeeling as the soldier returns to find recruits for the Indian Army. The soldier flashes signs of conspicuous wealth—a gold tooth, a fountain pen, a “Queen Anne watch”—and narrates some incidents of his life. He had left his wife for whom he apparently has little affection in a village in Nepal. “She’ll have gone off with someone else by now, and my

⁸⁰ Regarding absence of Nepali history in educational institutions in Nepal, see Chalmers, 176. The observation about *Gorkhapatra* is my own from perusing the years from about 1900 to 1930 in the collection at Rashtriya Abhikhalaya.

⁸¹ Michael Hutt, *Himalayan Voices an Introduction to Modern Nepali Literature* (Berkeley: University of California Press, 1991), 197.

sons will have turned into rogues.”⁸² The soldier admits that he has taken a new wife in Quetta (present-day Pakistan) where he has been stationed for some years. Along the way, the soldier repeatedly teases and harasses young women; the young man and the *sipahi* stop for the night in a wayside inn, and the soldier continues a previously established liaison with a young woman there, but leaves before morning presumably to avoid making her any promises. He also leaves the young student, the narrator, who had been looking forward to walking and chatting with him for some time longer on their shared route. The narrator reflected: “I felt quite sorry; I had begun to grow fond of him, but he cared for no one. He strode off down his path, I stood there watching him go.”⁸³ In this simple, short story, B. P. Koirala, a future Prime Minister of Nepal and one of the most famous nationalist figures of mid-century, has drawn a clear impression of the imperial soldier as an anti-social element—someone who harasses young women, leaves his wife and sons, and “care[s] for no one.”⁸⁴ It is hard then to conclude that this story has no political content. Rather, it juxtaposes the soldier who worked in the Indian imperial army as an outsider who acts overly familiar with the simple village people (“He spoke with familiarity to everyone we met on the path, saying, “Where are *you* off to then?”) to the studious young man (“Like the serious student I was, I asked, “But what is life in the army like for you people?”).⁸⁵ Both men trace the path homewards, but the student easily blends with the people he meets, causing no disturbance—the soldier even teases him that he must be thinking of his wife; the soldier’s return journey, in particular his sexual transgression outside apparently normal, unmarked society, however, ominously threatens to disrupt the lives of those he meets on the path.⁸⁶

⁸² Hutt, 198.

⁸³ Hutt, 201.

⁸⁴ Hutt, 201.

⁸⁵ Hutt, 198-199.

⁸⁶ “Seeing me quiet, he laughed, ‘I bet you a bottle of raksi you’re thinking about your’ wife. Aren’t you now? Tell me the truth!...’” (Hutt, 199-200).

While male migrants are a threat to society upon their return, female migrants are often depicted as leaving Nepal because they are already outside of the pale of society. A rather simple, moralistic tale by B. P. Koirala, “Madheshtira” (Towards Madhesh) underscores this message in a few short pages. The central figure in the story, a widow, has left her home because her brother-in-law has been “disrespectful” and she asserts: “I couldn’t stay in that house with no husband.”⁸⁷ On the way, she fell in with a group of destitute migrants. (“When they found work, they were coolies; when they did not, they were beggars.”)⁸⁸ She shared her food with them, and confided in the youngest, most attractive of them, that she had some money and jewelry with which she could buy some land and they could set up a home together. Gore did not respond to her overtures and in the morning he had stolen away with the widow’s bundle of savings. While her fellow travelers were happy to see the green plains as a place of future possibility, she could only look upon it with dread, perhaps knowing that her fate as a female migration, now robbed of all savings, would be grim.⁸⁹

Several stories directly address the theme of honor killing, of which I discuss two below. Shivkumar Rai’s story, “The Murderer?,” (*Jyanmara*) was published in 1968. Rai, born in 1916, grew up in Kurseong in Darjeeling district, and studied for his B.A. at Calcutta University in 1941. He founded the Gorkha League in India, a social and cultural organization of the Nepali diaspora, and he was the first person of Nepali origins to hold a seat in Bengal’s Legislative Assembly.⁹⁰ *Jyanmara* narrates the story of a middle-aged veteran of World War II who had fought in Burma against the Japanese. Retired in the Darjeeling district, Ujirman is known locally for his skill in hunting and for his pretty, younger wife. One day Ujirman announced he

⁸⁷ Hutt, 202.

⁸⁸ Hutt, 202.

⁸⁹ Hutt, 204-5.

⁹⁰ Hutt, 224.

will go to hunt a bear, *bhalu*, that has been bothering the villagers and, instead, he accidentally shoots and kills a young policeman named Officer Bhalu. At his trial, Ujirman learns that his wife has been having an affair with Officer Bhalu—the prosecution and policemen try to force him to admit he really killed the man for committing adultery with his wife, but the village council backs him, believing that he really is innocent. In court, his wife admits to the affair and adds that she and Officer Bhalu were planning to elope. Ujirman, stricken, changes his plea to “guilty,” and laughing hysterically, asserts that he intentionally killed the adulterer.⁹¹ Interestingly, Rai portrays the village council as somewhat more considerate of Ujirman’s troubles, as they provide him with an advocate, while the police represent the enemy (both as the individual adulterer and supporters of the prosecution). The village council would have consisted of elders of Nepali ethnicity who were trying to build governing institutions sympathetic to the local hill people in Darjeeling—a project with which Shivkumar Rai as an important Darjeeling politician would have easily identified. The advocate sanely advises Ujirman to quiet down in court when he loudly proclaims he killed Officer Bhalu without regret, all the while shaking with laughter; perhaps Ujirman realizes that only by making a false confession can he reclaim respect in the community. Moreover, since the story takes place in Darjeeling district, by admitting to having killed an adulterer (even via a presumably false confession), Ujirman’s face-saving measure can only mean he will be convicted for murder (whereas if it had occurred in Nepal, then he may have been let off for the offence). Hence, the question mark in the title placed after “murderer” perhaps questions both Ujirman’s intention (murder or accident?) as well as the very act of killing an adulterer (murder or defense of honor?).

Another well-known short story about adultery is a piece of historical fiction set in Nepal which results in plenty of bloodshed but no death. *Jaar: Bhaekai Euta Katha* (“Adulterer: A

⁹¹ Hutt, 225-230.

Story that Really Happened”) was published in 1970, written by Indra Bahadur Rai, the Nepali language’s most famous short story writer, born in Darjeeling in 1927. Unlike Shivkumar Rai, I.B. Rai was not involved in formal politics; however, he was a prominent figure in Darjeeling’s cultural politics. Although the subtitle suggests it is a true story--if this is the case, it exhibits plenty of artistic license—nevertheless, it provides a sense of the remembered past of this patriarchal drama as the story’s protagonists engage in an epic battle over masculine honor. The story opens with the statement: “A *jaar* may be cut down straight away.”⁹² Rai explains that this “royal order” (*hukum*) was slightly modified by Prime Minister Jang Bahadur (d. 1877) who had passed away 13 years before the hero’s family moved to eastern Nepal.⁹³ The introduction methodically relates the family histories of the protagonists to the time and space of the nation. The Shivaman Ghalay family of Gurungs has recently migrated from central Nepal, settling in Amchok, a three to four day walk north west of Ilam where the son (Rudraman a lieutenant) is stationed with his company. Shivaman (the family head) himself had served in the army under Jang Bahadur in Lucknow against the Rebels of 1857 (*bidrohiharu*), a history enscripted onto his body as Rai describes: “Two fingers were missing from his right hand, on his neck the deep long scar of a sword.”⁹⁴ Shivaman located his family near some Magar Thapas who had also migrated from his home region some years back. The grandfather of the elder Jaibir Thapa had fought against the Company during the War of 1814-6 under the famed general Amar Singh Thapa.⁹⁵

⁹² This is my translation. Rai, “Jaar: Bhaekai euta katha,” *Vipana Katipaya*, 10. Rai does not mention what modification Jang Bahadur made: the Prime Minister ruled that if someone wanted to kill an adulterer, he would first have to inform the court and get written permission; otherwise if he was found to have erred in judgment, he could be tried for murder. For this reason, I have modified Dorjee T. Lepcha’s translation of the first line of the story, which Lepcha translates as “A jarr may be cut down in his tracks.” Given the context, I favor my translation. *Gorkha’s Imagined: Indra Bahadur Rai in Translation*, 43.

⁹³ I. B. Rai, *Vipana Katipaya* (Darjeeling; Shyam Brothers, 1970), 10.

⁹⁴ Rai, 44.

⁹⁵ Rai, 43-4.

These two families belonged to the Magar and Gurung ethnic communities favored as “martial tribes” in the colonial Indian Army. While it was the caste Hindus of mid and western Nepal who were associated with the original “jaar kaatnu” practice, the Nepali state seemed to have used it to incorporate other hill groups into a shared martial ethos. By the late nineteenth century, recruitment to Indian regiments had stepped up considerably, and permanent communities of former soldiers and their families were forming around places like Dehra Dun, Gorakhpur and Darjeeling. Rai’s characters identify strongly with the Gorkha state, which has provided them with avenues for upward mobility. They are fall within a late nineteenth century trend towards professionalization of military service as a lifelong career.⁹⁶ Shivaman and Jaibir’s families become close friends, especially their two youngest daughters, which they formalize through a *miteri* ceremony to produce a fictive kinship between them. Henceforth, the families could no longer intermarry—a serious problem as Jaibir’s older daughter Thuli and Shivamaan’s son Rudraman (the lieutenant) have fallen in love during one of his vacations. Thuli, on her part, had been impressed with his dashing uniform and stories of martial valor such as chasing down tribal groups in the jungles or facing the threat of transfer to the unhealthy tarai.⁹⁷ Unable to tell their parents of their feelings, Thuli is married to a Magar military officer while Rudraman is away on duty. When Rudraman next returns on leave, he confronts Thuli privately, angry that she has forsaken him. Thuli explains she willingly married Harshajit to avoid incest. Rudraman insists this is not so as the two had fallen in love before the performance of the ceremony, and he warns her that she must return to him or he will kill her husband.

Later that evening Thuli tried to connect with her husband by philosophically musing about the unplanned and unexpected nature of life. She tells him that she wishes she were dead

⁹⁶ Sagant, 278-312.

⁹⁷ Rai, 48-50.

so as to never cause him pain, but then he would grieve forever--but then what if she were to live and cause him pain? He exclaims that she is talking of very strange things. She responds:

No, today I feel like talking to you of such things. Don't be angry with me. It turns out none of us has in our grasp the life we will. From somewhere or someone or something it gets violated (*bigaridindo raichha*). From others, time and time again, it is violated, and violated over and over again, in the end, that which survives, that itself is life (*jivan*). What remains of the whole thing others have smashed and splintered, that is life.⁹⁸

Harshajit, who is proud of his martial pedigree—his family has recently upgraded its surname to Rana after members of three generations had died in the service of the Gorkha state-- defiantly pronounces that “Not to be a coward (*kaaphar*) is my idea of life.”⁹⁹ Here is a clash of world views—Thuli is asserting a new kind of subjectivity, one conscious of its singular suffering in an uncertain and discordant world, whereas Harshajit finds himself secure in his unexamined martial identity. Thuli's questioning likely comes from her knowledge that soon her comfortable social world will collapse around her and, regardless of the outcome, she will be cast out of society. Thus, she conceptualizes life not as something whole and complete (*saglo chiz*), but rather the fractured thing that has endured after suffering at the hands of others in the world.

Thuli spends the next day performing an elaborate puja and gifting personal effects to her servants; at dusk she goes to meet Rudraman in the cowshed as agreed the previous day. Finding him there in the dark, she springs upon him, slashing his shoulder twice with a khukuri. Thuli's husband discovers them after hearing the commotion and calls his servants to confine Rudraman, telling the latter, “You have brought me great dishonor (*thulo bejjati*)”¹⁰⁰ Throughout the encounter, Harshajit addresses Rudraman as “Laptan” (Lieutenant), perhaps underscoring how

⁹⁸ My translation. *Vipana Katipaya*, 17.

⁹⁹ Rai, 55.

¹⁰⁰ Rai, 58.

the lesser-ranking officer has destroyed his sense of martial order.¹⁰¹ Ironically, although Thuli had tried to defend her marriage, her husband repudiates her. The case is taken to the local court, and Rudramaan pleads guilty to charges of adultery and is also outcasted for incest. The community taunts and throws jabs at Thuli asking her who has given her the *potay*, or marriage necklace she wears. In response, she tears it from her neck and throws it in her husband Harshajit's face. The headman then asks Harshajit what he will do with his *jaar*, Rudramaan. He responds: "I do not need to answer...The law of Gorkharaj says it all (*Gorkharajko hukum chhandaichha*)"¹⁰²

Rudramaan is given a day to decide whether he will stoop between Harshajit's legs and beg for forgiveness, or take his chances on running for his life from the husband with only ten paces in between and no right of retaliation. Thuli and Rudramaan patch things up between them and she agrees to follow behind him with his *khukuri* knife. In the meantime, her parents have disowned her and she has to stay in the cowshed. The next day, the headman lines everyone up, explaining that Harshajit may run in pursuit for seven days. Announcing the start of the deadly race, the Subba cries: "In the name of Gorkha law and justice (*Gorkha niya ra insaphko hukumle*)—Cut!" and the men run off downhill towards India, where Rudraman and Thuli will find refuge. The chase proceeds for several days up and down mountains, across streams and through jungles. One afternoon, Thuli is attacked by a tiger and Rudraman jumps between the two, fighting a grisly duel in which he is injured badly but manages to kill the tiger. At that very moment, Harshajit catches up with them. Thuli and Rudraman brace for death, but Harshajit throws down his weapon and begins to perform the wedding ceremony then and there. He tells Rudraman, "If you can fling yourself in the jaws of a tiger for her, then truly, you are a man." He

¹⁰¹ *Vipana Katipaya*, 18.

¹⁰² Rai, 61.

says that now he and Rudraman are brothers and he will lead them home. With dignity, Rudraman reminds Harshajit that now he and Thuli are outcasted and that “The doors of our homes are barred to us. The road to our country is closed. In our country, one can’t survive outside one’s caste.” He tells him he and Thuli have found their path, and with these words the two turn towards “Muglan.”¹⁰³ The narrative ends by linking Thuli and Rudraman’s fate to that of many others who have made the same journey. “A fallen log served as a bridge across the torrent below. Two men and two women, with heavy loads, crossed the same bridge to Muglan. Shortly after, a gallawala, along with a file of recruits, went running the same way.”¹⁰⁴

The story highlights the ways in which “jaar katnu” became associated with the martial ethos of the Nepali state by the twentieth century. As a piece of historical fiction, then, “Jaar” actually produces a nostalgic sense of the “law of Gorkharaj”—a code of masculine honor which in the end is expansive enough to allow for the two men to resolve their differences around a mutual recognition of each other’s honorable conduct. Rather it is the “timeless” prejudices of the community—exemplified in the scene in which the old men and women spit upon and insult the pair and rip away Thuli’s ornaments—before the start of the race and the outcasting of the pair that means they cannot return home. As scholars such as Sagant and Regmi have argued, in eastern Nepal, despite the maintenance of a type of communal land tenure and the recognition of community headmen by the Gorkhali state, Kiranti society in the nineteenth century became highly stratified as intermediaries took advantage of their positions vis-à-vis the state. This co-production of community and state (for example, in the levying of overly expensive judicial fines for alleged offenses), drove a number of people to mortgage their land and migrate to India. Yet, the Gorkhali rule is remembered with sentimentality in the story, whereas the community

¹⁰³ Rai, 70-1. His comments on caste are interesting because technically Gurungs are not a Hindu and caste-based community, but in the story, the discussion of “jati” and excommunication is certainly a social reality.

¹⁰⁴ Rai, 71.

appears as rigid and needlessly cold-hearted. As Thuli explained earlier to Harshajit, “What remains of the whole thing others have smashed and splintered, that is life.”¹⁰⁵ Conscious of a new sense of self realized in dislocation, Nepali migrants are poised to cross borders into a new realm where they are no longer certain of where they belong. Remaining subjects of Nepal seems impossible but finding a place in the colonial dispensation, is also not certain.¹⁰⁶

Not Subjects, Not Citizens: Muluk Bahira

One of the most interesting literary depictions of Nepali migrants in Darjeeling is Lainsingh Bangdel’s *Muluk Bahira*, published in 1947. Bangdel was born on the Takvar Tea Estate in Darjeeling in 1924, later studied painting in Calcutta and continued his career in fine arts in Paris in the 1950s.¹⁰⁷ Around 1880, Bangdel’s grandparents had migrated from Khotang in far eastern Nepal, working in the lumber camps along the Tista River, in Darjeeling district for several years, after which his grandfather managed to secure a job as a work leader on the plantations. Lain Singh’s father, originally trained as a carpenter, learned some English, and secured a clerk position on the plantation. Bangdel grew up in the lines with the tea plantation workers and families but was forbidden from playing with the other children.¹⁰⁸ Many of the stories he relates in the book reflect tales his grandmother told him about her travels back and forth on foot from Khotang to Darjeeling and early experiences working there. While Michael Hutt refers to the action of the novel as repetitive, it seems to mirror the seasonal coming and going of migrants for whom the act of migration is the only regular or dependable event in their lives. *Muluk Bahira* begins just before World War I, and the opening sub-plot features a romance between two

¹⁰⁵ *Vipana Kaitpaya*, 17.

¹⁰⁶ Agamben.

¹⁰⁷ Abhi Subedi, 114-115.

¹⁰⁸ Narendra Raj Prasai, *The Glory of Nepal: A Biography of Lain Singh Bangdel* (Kathmandu: Ekta Prakashan, 2003).

young, migrants who have run away from the herds of cattle they tend in the pastures in the eastern hills. They stay in a camp (*dera*) near the Tista River and working cutting and hauling wood. Some of the older migrants in the camp tease young, charismatic Rane and beautiful, confident Myauchi about their liaison, implying a subtle critique of the relationship. Rane becomes defensive and resentful of such comments. He and Myauchi set up a separate hearth together in the camp yet Rane remains sensitive to the advice and what he perceives as meddling of the others; he increasingly takes his jealousy and temper out on Myauchi.¹⁰⁹ One evening they fight after dark while walking along the river. Rane accuses Myauchi of talking too much with other men in the camp, and suggests she might be having an affair, at which point she refuses to walk any further with him. He cannot leave her alone in the dark forest, but is unable to coax her into walking—his anger mounts and he threatens to push her into the river if she does not cooperate.¹¹⁰ She continues to resist, grabbing onto a tree—in a fit of passion, Rane ties her hands together and pushes her in the water. Myauchi drowns and Rane weeps beside the dark river.¹¹¹ It is like he is in a dream, he watches Myauchi’s corpse flow down the river, the white *rumal* tied around her hands bobbing up in the moonlight, the Tista washing her far away.¹¹² Here the first section of the novel ends. It is a disturbing and disruptive scene, representing an irremediable trauma that cannot be undone—the reader wonders how the author can continue with the novel after such a horrifying and seemingly final scene. The next section begins thus:

The snow came again. From the mountains, migrants to Muglan began returning. Young and old alike, carrying their homespun blankets and bamboo and leaf umbrellas, crowd after crowd,

¹⁰⁹ All translations for *Muluk Bahira* are my own. To the best of my knowledge, this novel, like the vast majority of Nepali literature, has not been translated into English. Bangdel, *Muluk Bahira*, 17-24. For running away from “gotha,” Bangdel, 53-4.

¹¹⁰ Bangdel, 26-27.

¹¹¹ Bangdel, 29-30.

¹¹² Bangdel, 30.

moved toward Muglan. Arriving in Darjeeling, some sought work sawing wood and carrying loads, some went to Assam after taking contracts to make charcoal.¹¹³

A seemingly innocuous juxtaposition: destructive emotional turmoil and unconscionable violence is set against the imagery of waves of migrants moving to or from Muglan. This contrast, repeated several times throughout the book, mirrors the cyclical form of mobility migrants faced as well as stylistically renders the recurring “marks of trauma” in Kabir’s words that would shape migrant subjectivity.¹¹⁴ Lain Singh Bangdel, the author, witnessed multiple acts of domestic violence as a child in his village which he remembered and told his biographer about half a century later; moreover, Myauchi’s plot was likely developed around the kernel of a story his grandmother narrated. In fact, prior to the novel, Lain Singh Bangdel had written another short story about Myauchi. His biographer also notes that on several of their many trips on foot from Khotang to Darjeeling, Bangdel’s grandparents were nearly robbed and one time they witnessed a murder on the trail, after which they did not return home again.¹¹⁵

The next portion of the book moves to another, collective site of trauma: it is 1914 and masses of men are enlisting. “Every brave (*bir*) Nepali was intoxicated with the war fervor. Just about everyone thought, ‘Either I will earn repute for my lineage (*kul*), or better I will die there in the fight.’”¹¹⁶ Cheerful and easy-going Ranbahadur enlists amongst the crowd of migrants from the mountains of Eastern Nepal. He tells people that he and his wife, both from Arun Khola, had worked near the Tista River, where his wife died of heart complications. Before shipping off to Afghanistan, he makes friends with a young man, Dal Bahadur, from Darjeeling, in the camp in Quetta. The latter is sent to Baghdad, where he is wounded and loses his memory;

¹¹³ Bangdel, 33.

¹¹⁴ Ananya Jahanara Kabir, “Literature of the South Asian Diaspora,” in *Routledge Handbook of the South Asian Diaspora*, eds. Joya Chatterji and David Washbrook (Hoboken: Taylor and Francis, 2014), 388-398.

¹¹⁵ Prasai, 18-36.

¹¹⁶ Bangdel, 33-34.

as the surviving troops are demobilized, Ranbahadur finds his friend in a hospital in Punjab, and helps him make the return journey by train.¹¹⁷ As the pair rides Darjeeling Rail to their destination, Ranbahadur feels “limitless happiness” but he begins thinking:

At that time, how many companions had gone off to war! But now how many had died there, how many who knows what, how many had gone somewhere! The stream of life pulls you and [who knows] where you find yourself led.... ..there is no certainty in this life, today here, tomorrow there, the next day where?

As the train reaches the station, he stares out the window blankly.¹¹⁸

The rest of the first half of the novel centers on Ranbahadur who attempts to have a normal life but is haunted by his past—although the author does not reveal that Ranbahadur is “Rane” of the first section. Dal Bahadur invites Ranbahadur to come home with him where he lives with his old mother in the hills by Ghum, on the way to Suke (in Darjeeling district). Ranbahadur spends the winter living carelessly on his pension, gambling and teasing the young women in the town.¹¹⁹ One day while roaming about, Ranbahadur meets Mahila Bhujel, a man he knew from the *dera* (camp) on the Tista river years ago. The latter is migrating to Muglan to earn some money along with a young woman whom Ranbahadur uneasily recognizes—Myauchi’s younger sister, Masini, who happens to look just like her. Ranbahadur tells the pair that Myauchi died of heart complications, after which he went off to war; he invites them to stay with him at Dal Bahadur’s house.¹²⁰ Masini and Mahila Bhujel remain for some time; one day when everyone else is away at Suke bazaar; the elderly mother also leaves to visit her neighbors, and Ranbahadur warms himself by the fire, chatting with Masini about the old village in the

¹¹⁷ Bangdel, 38-41.

¹¹⁸ I have translated, “Jivanko srotle bageer aaphulai kahaan puryaundo rahechha...” as “The stream of life pulls you and [who knows] where you find yourself led.” The English word “pulls” does not exactly approximate “bagaunu” which means “to make flow.” As Myauchi drowned, the verb “bagnu” is used repeatedly to describe the Tista’s movements. Bangdel, 41.

¹¹⁹ Bangdel, 47-52.

¹²⁰ Dal Bahadur cannot say no because he still feels indebted to Ranbahadur for saving his life. Bangdel, 57-62.

mountains, herding, and people they knew. He tells her about his experience in the war and she listens attentively. Finally, he tells her that she reminds him of her sister, that when he saw her, it was as if he was seeing her sister again for a moment.¹²¹ As he spoke, many forgotten memories returned—he tells her how he and Myauchi worked and travelled together, ate together, “But that moonlight night, my criminal heart (*apradhi man*) remembers...”¹²² Pausing, he says, “Kanchhi! Kanchhi! One day I will tell you this heart’s sorrow, this heart’s separation (*viraha*) in solitude, okay?” They both cried. Overcome by feelings of regret, sadness, affection, and confusion, Ranbahadur embraced Masini and held her forcibly. She struggled to get away, and asked him to release her.

Kanchi, my heart’s isolation (*viraha*), this sadness, this affliction, who will I make listen? Who will I tell...? I went into battle...even there, my heart wept from this *viraha*, this distress...Kanchhi, now where will I go in this world? Where will I spill this pain? Now, this heart cries, in [this] world, which way should I go?...[...]. One day, Kanchhi...this criminal heart...¹²³

Although Ranbahadur wants to tell her the full story, he cannot do it. Masini forcibly struggles free. Later when the others return, Ranbahadur takes his friend Dal Bahadur aside, and tells him that after the winter is over he intends to return to his home in Arun Khola. Dal Bahadur is very attached to his friend and asks him to consider settling in Muglan and finding work.¹²⁴

One evening, the friends are sitting around the hearth, warming themselves, and conversation drifts towards the mountains, and old times—and Myauchi’s name is mentioned. Masini innocently asks Ranbahadur for how many days her elder sister suffered from illness. Ranbahadur replies that it was only for one day. Masini recalls how her family received the news

¹²¹ Bangdel, 64-5.

¹²² Bangdel, 66.

¹²³ Bangdel, 67-8.

¹²⁴ It is worth noting that the word “Nepal” is never used in the book. Generally, the eastern hill portion of Nepal is referred to as “pahar khand” or just “pahar.” Bangdel, 68-9.

that Myauchi had run off from the cow sheds to Muglan; she brings out a long white scarf (*patuka*) that Myauchi had woven and gifted to her on her brief return home. Mahila Bhujel laughingly asks Ranbahadur where he and Myauchi had really gone that night they left the dera by the bridge over the Teesta—they had not turned up at the logging camp where they said they were going. Ranbahadur said nothing, but soon went off to sleep.¹²⁵ However, all night unwanted thoughts swam in his head—even when he had gone to war, every corpse he saw reminded him of Myauchi. He could never tell anyone of his crime; there was nowhere in the world he could go to atone for this sin. “Besides the Tista River, there was no other in the world who knew about the incident.”¹²⁶ The next morning, he told Dalbahadur that he was going for work and left without speaking to anyone else.¹²⁷

In the next chapter, the entire household anxiously waits for Ranbahadur to return. Wind flowing (*bagne*) from the west pulled in thick black clouds to cover the sky (*Paschimbata bagne hawale kalo meghlai tanera sampurkh aakaash dhakyo.*)¹²⁸ The windstorm picks up strength and destroys many shanties and blows away the tin roofs of houses. Dalbahadur’s mother says this strange weather is a bad sign—it will mean bad news, or somewhere or other something ruined.¹²⁹ It is getting late when Myauchi, while peering out the doorway, saw someone walking towards her. It looked like Ranbahadur but he was walking strangely. Masini looked closer—he was carrying Myauchi’s dead body, his clothes were torn and covered with Myauchi’s blood. Ranbahadur continued walking towards Masini with long strides and she saw that Myauchi’s hands were tied with a white rumal.¹³⁰ He gestured insistently for her to follow him; she quietly

¹²⁵ Bangdel, 68-9.

¹²⁶ Bangdel, 73.

¹²⁷ Bangdel, 74.

¹²⁸ Bangdel, 75.

¹²⁹ Bangdel, 76.

¹³⁰ Bandel, 78.

fell behind; soon he entered an old, broken down house. Masini followed him. In the house, there were three coffins (*murda halne baks*), in one of which Myauchi had been placed.¹³¹ Ranbahadur climbed in one and insistently gestured to Masini to get inside one. She tried to run outside but Ranbahadur ran after her brandishing a khukuri. As he came closer, Myauchi saw that he had turned into a skeleton. At this point, Masini screamed and woke up--she told everyone and they were surprised.¹³² The chapter is narrated in such a way that the reader only slowly comes to understand that Masini is dreaming.

The next day as people went to the jungle to gather firewood after the storm, someone noticed a man hanging from a tree. News spread around and reached the house of Dal Bahadur as well. When they rushed to the tree, they saw that Ranbahadur had hung himself from a chestnut tree. Dal Bahadur started crying seeing his friend who had saved his life and brought him so much happiness hanging there. Masini also cried and noticed that the scarf that Rana Bahadur hung himself with was the one she had shown him—the one that Myauchi had woven herself. News traveled around the village of Ranbahadur's death; everyone was saddened to hear the news. The jolly fellow who befriended everyone and played music in the bazaars until recently was no more.¹³³ Everyone remembered the song he used to sing, "*Dekhe pachhi maya lagchha, na dekheko jati...*" (At [first] sight, love/attachment forms, [then] better not to see.) "Everyone then understood that the secret of his life was hidden in the song."¹³⁴ All the villagers gathered and buried him under the tree. Dalbahadur made the scarf into a *mala* and placed it on top of the

¹³¹ Bangdel, 80.

¹³² Bangdel, 80-81.

¹³³ Bangdel, 82-84.

¹³⁴ Bangdel, 84.

grave. Snow fell for seven days but it could not cover the scarf, “because there was Myauchi and Rane’s scarf.”¹³⁵

With yet another shocking image, the second section of the book ends. Up until this point, Ranbahadur was been the central character in the narrative—the reader wonders how the book, of which only half has finished, can continue after the main character has died? The line from the song that Ranbahadur used to sing (*Dekhe pachhi maya lagchha, na dekheko jati*), also suggests that Bangdel is using Rane’s story to indicate a greater truth about life that perhaps is most poignantly felt by the migrant who passes between worlds and in the act of social dislocation realizes that the enchantment of and attachments to life also cause pain. But there is more to Rane’s story: the crime he committed means he always sees himself as other to himself. He cannot comfortably inhabit his own life, and he finds there is no refuge or redemption. Whatever joy and happiness he brought to those around him—even saving Dalbahadur’s life—meant he deepened attachments which he felt were inherently painful since he was, in a real sense, *homo sacer*. His sense of always being other to himself, his profound sense of displacement, meant that he could never be himself in the world—he was always acting out a script that he knew was not his own. This sense of alienation, while heightened to melodramatic effect in the story, is nevertheless haunting for describing a very visceral sense of dislocation and emotional exile which perhaps many other migrants experienced in various ways and yet is an experience mostly lost to history. Yet, this particular understanding of alienation and exile is also couched within a discourse of the dangerous itinerant—Rane’s story offers a more complex message, which lends itself to a variety of possible interpretations (hence its effectiveness), but all the same reinforces the image of the sexually dangerous freebooter (for example, as seen in B. P. Koirala’s story, “Sipahi” and Michael Hutt has observed in other literature. In fact, a close

¹³⁵ Bangdel, 84.

reading of the story suggests the lost history of gendered violence in the act of migration. While the contemporary reader would likely find the central character's actions completely unredeemable, the author suggests that Ranbahadur had actually atoned for his sin and been rendered complete in his love. After all, he becomes Rane again.

The latter half of the novel contains a parallel trauma—it traces the story of Mahila Bhujel and Masini after they get married and start a successful dairy business. There is a second displacement: Mahila Bhujel travels frequently for business and becomes jealous when town gossips insinuate that his wife is having an affair while he is away. He works himself up into a violent rage and beats Masini until she is nearly dead. Ashamed and embittered, he then leaves his wife and small daughter. No one knows where he went. Masini recovers and she and her daughter develop and expand the business. The novel ends with Mahila Bhujel, poor and unwell, returning to Darjeeling and meeting his daughter and wife one last time, before he dies.

Lain Singh Bangdel wrote the novel after he finished his Master's in Fine Arts in Calcutta, while he was living on a small stipend sent by his father, rooming with a friend, and unsure of what to do next. At this point in his life, he had never been to Nepal and it was actually Darjeeling that he was missing. In fact, he does not use the word "Nepal" once in *Muluk Bahira*. The migrants structure their going and coming by reference to "*pahad*" (mountain) or "*paharkhand*" (mountain region) or a more specific place such as "Arun Khola" or the "goth" (pasture encampments) and India is invariably "Muglan." The action of the narrative in which the story of Myauchi is told once and then reflected in the narrative of Mahila Bhujel and Masini indicate the productive displacement of diaspora. In Myauchi's case, Rane had become angry when she talked to other men in the camp—hence, the threat of adultery—and Rane then killed her. This meant a further displacement—he could not stay physically or emotionally at the scene

of the crime. When he returned from World War I, he was someone else, but his story continued to haunt him. Myauchi's death was mirrored in Masini's near death, but Masini and her daughter were able to put down roots in Darjeeling. Mahila Bhujel, however, was again displaced. The reproduction of home and away through the fear of sexual transgression and subsequent alienation structures an expanding diaspora which encompasses not just the eastern Himalaya, but also Assam (where Mahila Bhujel flees), Afghanistan, and the Middle East (the site of action during World War I). In this instance, anxieties about sexuality and belonging intertwine to structure a highly unsettled and shifting form of subjectivity that seems to be experienced as novel in its sense of alienation.

Conclusion

The foregoing chapter makes a case for the interpenetration of narratives scripted by the state and by migrants in re-shaping the subjective experience of border crossing during the long nineteenth century. The melodrama and patriarchal anxieties evident in the court martials produced in the Residency Establishment in Kathmandu in the middle of the nineteenth century are matched by equally dramatic narratives produced by Nepali upwardly mobile migrants living in India almost a century later. The production of historical fiction in the short stories and the novel I have examined suggest that from the early twentieth century, the diasporic "Nepali" community in India began to search for its identity in stories of migration and intimate relationships stretched across political boundaries. As the Indian nationalist movement influenced notions of political belonging in Darjeeling, Nepali diasporic intellectuals searched for their own form of rootedness outside of autocratic Nepal; the experience of mobility, for long at the heart of negotiations for limited rights and access to resources vis-à-vis the state and other power holders, represented a major site of subject formation in the burgeoning literature. Yet,

this literature produced a specifically modern subjectivity according to which mobility and border crossing were reconfigured as producing a new sense of alienation and loss, as well as possibilities for self-making free from the strictures of homes left behind.

Chapter 7: Conclusion: The End of the Road?

Following India's Independence in 1947, the borderland between India and Nepal remained open to cross-border migrants as well as contested meanings. Even after the enactment of the Treaty of Peace and Friendship in 1950 which maintained the open border between India and Nepal, Home Minister Vallabhbhai Patel urged Nehru to consider the risks of the soft borders bounding most of India's north and north east, defined by poor communications and racial other-ness, and offering "unlimited scope for infiltration" for Communism and other threats. Patel, relying upon stereotypes of "Mongloid" populations feared a Chinese invasion following upon the settlement of individual migrants.¹ In the last several decades, movements for the political rights of borderland people, typically encompassing claims for recognition by the nation-state rather than separatist impulses, have faltered under suspicions of disloyalty to the territorial nation-state. The Madheshi Andolan of 2007 in Nepal's tarai and the Gorkhaland Movement in the Darjeeling hills from the 1970s have both fueled considerable debate. Different ways of imagining political belonging as well as threats to the status quo are encompassed in the divergent rhetoric from various sides of these debates. Such politically exigent fears of the Other, quite ironically, often depict poor, laboring-class migrants as the vanguard of elite state projects.

Borderland people's movements for inclusion within the political and administrative institutions of the state as well as cultural recognition have struggled to posit migrant identities as separate from national identities in the late twentieth and early twenty-first centuries. Madheshis in the Nepal tarai have had difficulty accessing citizenship cards in Nepal because they are often pejoratively declared Indians and, thus, disloyal to Nepal; at the same time; the

¹ Vidya Bir Kansakar, "Nepal-India Open Border: Prospects, Problems and Challenges," http://www.fes.de/aktuell/focus_interkulturelles/focus_1/documents/19.pdf Appendix IV, 50-56.

Madheshi Andolan of 2007 articulated an anti-hill sentiment against Nepali-speaking migrants from the north who had shifted to the plains in high numbers since the 1950s. For some madheshi publicists, then, it was the Pahari (hill) migrants who could not be distinguished as separate from the national agenda.² In the case of the Gorkhaland Movement for a separate state in the Indian Union encompassing Darjeeling, as Romit Bagchi has argued, some Bengali nationalists inferred an insidious “Greater Nepal” agenda. According to such a view, ethnic “Nepalis” of Darjeeling uphold a patriotic vision of restoring Nepal to its furthest extent prior to the Treaty of Sugauli (1815) which would include the Darjeeling hills and the plains around Jalpaiguri.³ Such arguments are not often grounded in historical complexity. Bagchi points out that the Sikkim National Front and the Gorkha Rashtriya Congress, albeit overshadowed by the dominant Gorkhaland publicists, have made a much more historically grounded claim to merge Darjeeling with Sikkim. According to their view, in 1835, Sikkim had only ceded usufruct rights to the East India Company. Despite this, the call for Darjeeling’s attachment to Sikkim has received little enthusiasm, especially in Sikkim where the political establishment is not interested in such an acquisition.⁴ The Gorkhaland Movement has had to grapple frequently with the accusation of representing Nepal’s interests; in response, Gorkhaland leaders have called for the abrogation of the Treaty of Peace and Friendship of 1950 and the selective closing of the border to new migrants.⁵ This move attempts to underscore the claims to territorial belonging on the part

² Krishna Hachchethu, “Madheshi Nationalism and Restructuring the Nepali State,” Paper Presented at “Constitutionalism and Diversity in Nepal,” Seminar at Center for Nepal and Asian Studies, Tribhuvan University, Kathmandu, Nepal, August 22-24, 2007. Available www.uni-bielefeld.de/midea/pdf/Hachchethu.pdf.

³ Romit Bagchi, *Gorkhaland: Crisis of Statehood* (Thousand Oaks, CA: Sage, 2012), 3. See also Tanka B. Subba, *Ethnicity, State and Development: A Case Study of the Gorkhaland Movement in Darjeeling* (Delhi: Vikas Publishing, 1992): 72.

⁴ Following a precedent established by the Company and later colonial Government of India, Independent India paid an annual subsidy to Sikkim from 1950 until it absorbed Sikkim in 1975, which some activists claim suggests that Sikkim’s rights to Darjeeling continued to be recognized in some form. Bagchi, 14-17.

⁵ Bagchi, 40-51.

of Nepali-speaking people of Darjeeling who have, in many cases, been settled for generations in the hill and surrounding plains areas.

In contrast to discourses of the late twentieth century, the India-Nepal borderland developed in the long nineteenth century when mobile subjects negotiated for limited rights from various sovereign entities at a time when various borderland powers sought to attract labor. Identities were not a diagnostic for subject-status—a certain degree of political savvy and a willingness to part with labor or taxes in return for some degree of limited and qualified recognition by the state was adequate. This meant that many people in the borderland could deploy various subject statuses as needed and that the work of political intermediaries in defining obligations and rights remained crucial (see Chapters Four and Five, in particular). Working through various intermediaries, states and enterprises sought to attract and retain mobile subjects. The foregoing study, moving from an analytical focus on sovereignty to the subject to subjectivity, has highlighted how mobile people navigated the changing terrain of power in the nineteenth- and early twentieth-century borderland. Mobile subjects created this terrain as much as they were subjected to it.

Following the introduction, the second chapter, “Sovereigns in Exile, 1780 to 1820,” examines the unmaking of small, pre-colonial frontier states at the interface of the Himalaya and Gangetic plain as the East India Company and Nepal both expanded into the region in the late eighteenth century. A number of former sovereigns fled their former kingdoms and frontier politics became unsettled as kings and territories became separated from each other. This chapter focuses on a key event—Nepal’s conquest of Palpa, the last strong hill kingdom of the Himalayas in 1805, which spanned the current India-Nepal borderland, north of Gorakhpur and west of the Kathmandu valley. By considering the lingering sovereign powers of Rajas in exile,

the chapter opens up an analysis of the political and moral power that constituted a realm. Sovereignty was clearly neither territorial nor conceptualized as fixed and immobile, as the case studies of exiled Rajas suggest. Moreover, the Company's attempt to use the exiled Rajas to stake a claim to disputed territories during the Anglo-Nepal War of 1814 to 1816 suggests that the Company could not enter into war without both recognizing and disavowing the sovereign powers of small kingdoms and zamindars in the frontier area. This produced a necessary and foundational ambiguity as the basis of the new borderland fixed between India and Nepal after the conclusion of the war in the Company's favor.

The third chapter, "The Bandit Borderland, 1800 to 1840," examines how the circulation of bandits between the expanding reaches of the Bengal Presidency and the jungles at the base of the Himalayan foothills enflamed the colonial imagination from the late eighteenth century even before a border was fixed between the two states in 1815. Despite this longer history as well as having the upper hand in drafting the treaty of Sugauli ending the Anglo-Nepal War in 1815 to 1816, the East India Company did not include stipulations regarding extradition of criminals. In fact, the Company reached a non-treaty agreement with Nepal over bandits only in 1837, over two decades after the war. In this chapter, I examine the politics behind the treaty, including the anti-thuggee campaign in India and Nepal's interest in exerting its control over its own borderland zamindars. I then analyze the first major extradition case of a group of bandits led by Mangal Singh who had sought refuge in Nepal after Company troops pursued him to the limits of northern Awadh. Detailed transcripts of his negotiations with the Nepali government and his subsequent capture and extradition found in the National Archives in Nepal provide a nuanced glimpse into a non-elite perspective on the spread of Company power. I read Mangal Singh's critique of state power for what it tells us about his understanding of the sovereign domain.

Specifically, Mangal Singh questions the legitimacy of the Company in redefining politics and the terrain of sovereignty under the extension of imperial rule—a critique which is also taken up by some of the Palpa administration. His testimony thus provides a subversive text that voiced the discontent of certain factions in Nepal’s administration who also opposed Nepal’s closer relationship with the Company which, in turn, allowed the text to find a space in the state archive.

Chapter Four, “Cultivating Subjects: The East India Company in Darjeeling 1800 to 1850,” focuses on the ways in which patron-client relations between shifting agriculturalists and regional state and religious authorities in eastern Nepal, southern Sikkim and Darjeeling shaped political power and territory in the eastern Himalaya and how these relationships changed after Darjeeling’s annexation in 1835. The new border cut across existing relationships of taxation and rights to areas of shifting cultivation. The colonial state re-shaped Darjeeling as a colonial outpost by re-defining terms of labor within its new territory and making settlement fixed and contingent upon access to labor. Company administrators, especially the first Superintendent Campbell, asserted that they had created a free labor market in a backward and feudal territory; this claim portrayed Darjeeling as a unique territory, separate from all regional states’ and various power-holders’ claims over laborers and dependents. Thus, the Company used free market ideology as a way of delegitimizing multi-layered power structures and thereby redefined its singular sovereignty within theoretically fixed boundaries.

The next chapter questions how approximately 100,000 people cross the border from Nepal to India, primarily to work on the Darjeeling tea plantations, in the last several decades of the nineteenth century, without leaving a substantial archival trace? Chapter Five, “Ethnicity, Markets, and Money: Migration to Darjeeling Tea Plantations from Nepal, 1860 to 1930”

examines the ways in which migrants shaped informal networks to facilitate mobility as well as to allow continued access to multiple employment options. While neither the Nepali state nor Indian government were interested in directly regulating this cross-border migration both tried, quite unsuccessfully, to shape it according to their own interests. The colonial administration tried to maintain a distinction between Indian and Nepali subjects in the case of the highly-prioritized army recruitment, as well as tried to fix migrants into governable categories in Darjeeling. Yet, migrants deployed various strategies to resist such discipline—for example, by using rumor to negotiate the labor market and relying upon informal lines of credit offered by Indian moneylenders. Many migrants ended up clearing forests and settling as cultivators in Southern Sikkim, out of the reach of the more disciplinary regimes of the tea plantation or army. Other migrants built up intricate networks to move in and out of such colonial institutions. Male migrants were able to avail of more options for circular migration and employment than female migrants, which also coincided with a serious under-valuation of women's labor. This chapter considers the role of the "autonomous subject" in shaping the cultural contours of the informal economy within the interstices of global capital.

The final chapter, "Patriarchal Dramas: The Boundaries of Sexuality, 1800 to 1950" questions how Nepal and colonial India's attempts to regulate and discipline subjects shaped changing forms of subjectivity. Throughout the nineteenth century, the Nepali court emphasized its difference from British India in part by claiming to uphold the rights of migrant men over their wives by allowing honor killings (of the offending men) in the case of adultery. The Nepali court, on occasion, publicly revoked this so-called privilege to try to prevent men from going abroad. In the first half of the chapter, I offer a close reading of several courts-martial of Indian men who worked in the Residency establishment in Kathmandu and were accused of sexual

transgressions. In the latter half, I compare these texts to the textual representations of working-class migrants in Nepali fiction of the early to mid-twentieth century. In particular, I offer a close reading of the first Nepali novel, *Muluk Bahira*, about laboring-class migrants in the eastern borderland—written in the mid-1940s (and published in 1948) by Lain Singh Bangdel. The author had grown up in a family of lower management on a tea plantation in Darjeeling although his family shared a similar history of migration with plantation laborers and some of Bangdel's material was drawn from his grandmother's reminiscences. I argue that sexuality figures prominently in this novel, as well as several short stories of the period, in a way that both unconsciously absorbs the statist disciplinary discourses and locates the body and subjectivity of the working-class migrant as the site of potential resistance. While this early to mid-twentieth century literature creates a sense of alienation within a more self-consciously modern diaspora, it also relies upon the theme of mobility, rather than longing for a homeland, as the site of subject formation. This orientation towards movement rather than rootedness in the creation of a diasporic subjectivity builds upon the long history of mobile subjects' negotiations for rights and resources in the dynamic borderland of the long-nineteenth century.

In sum, the complex history of the formation of the India-Nepal borderland in the long nineteenth century parallels the formation of the modern states of India and Nepal—a legacy both countries retain despite major political transitions in the latter half of the twentieth and first decades of the twenty-first centuries. The key processes I have highlighted in the formation of the India-Nepal borderland pertain to the wider imperial context in South Asia; these processes include: the circulation of people and ideas, the concentration of labor networks via sometimes rather powerless intermediaries, subject status as temporary and non-exclusive, sovereign power as malleable and informed by subjects' recognition and sometimes anonymous critiques, colonial

power as negotiated, and partial subjection to the Nepali and colonial states' redefinition of politics. These dynamics created a border that was never just a territorial limit but rather was deeply implicated in the changing terrain of power in South Asia under imperial rule, including the redefinition of sovereignty, subject status, and identities. Moreover, the borderland became entangled in multiple nationalist projects by the early to mid-twentieth century. The discourses around the movements for borderland peoples, for example, indicate that the nation achieved a sticky quality by the mid-twentieth century that tenaciously holds onto people even when they have taken up other political affiliations and permanently left the borders of the nation-state.⁶

In an article on the contours of sovereignty in democratic, post-colonial India, Dipesh Chakrabarty asks, "What does it mean to say that India has a sovereign, democratic polity in which power often refuses any deep engagements with disciplinary forms?"⁷ While Chakrabarty sees post-colonial India as still riven by competing sovereignties (and quotes Foucault to describe Indian society as "perpetually traversed by relations of war"), Partha Chatterjee is even less optimistic about the ways in which the marginalized and excluded engage in politics. Chatterjee has suggested that Indian society is undergoing "a subtle process of ever increasing sections of the people, individually as well as in the mass, into a web of power relations in which they are being transformed into the subjects of power."⁸ Both Chatterjee and Chakrabarty, in these articles, attempt to explain why post-colonial India does not make sense as a singular sovereign state with ultimate authority resting in the people. Post-colonial India, and South Asia more generally, does not fit established narratives of state and subject formation. My dissertation

⁶ See Subba, 69-70.

⁷ Dipesh Chakrabarty, "'In the Name of Politics': Sovereignty, Democracy, and the Multitude in India," *Economic and Political Weekly*, 40 (2005): 3293-3301.

⁸ Chakrabarty, 3300; Partha Chatterjee, "Classes, Capital and Indian Democracy," *Economic and Political Weekly* 43 (2008): 93.

suggests that we need to begin to develop other narratives of state and subject formation that more closely match the historical experiences of the colonized world.

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