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Probing Crime and Criminality in Burdwan: 1793 -1861

Arundhuti Sen, History, Durgapur Women's College, India

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Abstract

Crime and criminality, the two synonymous terms, are most problematic issue in today's society. Crime occurs as a result of berated human behaviour and is punishable in the eyes of the law. However, the root of its origin lies within the framework of the society. From a historical perspective, crime varies from person to person. Often religious bigotry, caste structure, and social systems become the cradle of criminal atrocities. It results in invariable antagonism between the state and the citizen. This tussle is a coherent issue in historical discourse for years. Based on this theme, my article examines the growth of crime in the district of Burdwan during the late eighteenth and early nineteenth centuries. The time period taken here corresponds between the years 1793-1861. The year 1793, marks the beginning of Cornwallis Code in Bengal. The year 1861, marks the enactment of Police Code of 1861. The article focuses on the origin, nature and propensity of crime in the District. It tries to answer, the role of the government in counteracting these activities

Keywords: *Crime, Criminality, Daroga, Dacoits, Burdwan*

1. Introduction

The concept of crime and criminality is one of the most debated issues that added a new dimension to the arena of social history. Crime is a social phenomenon which berates human behaviour. The simple definition of crime is that it is an action punishable by criminal law. Crime occurs when the society is at stake. It is the reaction of the marginalised class of the society against the age old exploitation. The concept of crime remains incomplete without any legal sanctity. No behaviour or action can be judged as crime without the legal provision of punishment.

From a historical view, the concept of crime varies from person to person and place to place. Mostly, religious bigotry and superstition blindfolds people's reasoning and drives them towards heinous criminal activities. Sometimes, the faulty economic policy, indebtedness, poverty, hunger, and destitute ignites criminal psychology. Often, the armed resistance of the subjects against their ruler is perceived as a crime. Another significant feature of crime is that it is associated with violence. Therefore, the concept of crime and criminality is difficult to define. Various sublime factors result in its growth. Those factors vary from region to region and need to be adequately examined to avoid arriving at a sloppy conclusion.

2. Objective

This article dwells on origin and growth of criminal atrocities in Burdwan district. The period under review is the period of consolidation of the English East India Company. The span roughly corresponds between 1793 and 1861. The year 1793 stands as one of the most significant era. It begins with the beginning of the civil and criminal administration of British in Bengal Presidency, whereas 1861 marks a watershed period, with the promulgation of Police Act of 1861, Indian Penal Code and Criminal Procedure Code. It aimed to reorganize the police administration on the modern

line. In a nutshell, this article traces the origin, growth, types of criminal activities in the district of Burdwan. Moreover, the role of the government in suppressing the activities would also be dealt in my article

3. Methodology

The research work is based on the primary sources and secondary sources available in print form and in tract. Both of these sources are collected from Visva-Bharati Central Library, City-Centre library Durgapur, National Library, West Bengal State Archives, Burdwan District Library. The method used here is descriptive cum analytical. The citation and reference style is done in APA format. In-text citation has been used broadly in this paper, and references of all works cited in text, is added at the end of the article.

4. Historiography

Research on crime and criminality is relatively new in this arena. Historians, like Ranjan Chakraborty, Basudev Chattopadhyay, Nema Mazumdar, Arun Mukherjee, Madhurima Sen are important stalwart in this field. Most of the study done on these issues are centred around two themes, i) The origin of crime, ii) Legal measures undertaken to combat it. Nema Mazumdar in his book *Justice and Police in Bengal 1765-1793: A Study of Nizamaut in Decline* have discussed in length that how the decline of the power of Sultan boosted up Bengal's criminal activities. Arun Mukherjee in his work, *Crime and Public Disorder in Bengal 1838-1919* has drawn statistical evidence to show the extent of criminal occurrence in Bengal. Ranjan Chakraborti in his work, *Crime, Terror and Punishment, Order and Disorder in Early Colonial Bengal (1800-1860)*, attempted to construct social history of crime. He has exclusively stressed on rural crime in Bengal, and the voices of the subalterns associated with it. The dissolution of the traditional legal mechanism, for example, village council, guild, village police, led to decay in the judicial system. It transformed to social crisis; which was accompanied by rampant pauperism, local disorders and collective unrest in form of dacoity and unrest. He further mentions that how the rulers used institutions like court, guilds, police, law to counteract them. Basudev Chattopadhyay in his book, *Crime and Control in Early Colonial Bengal (1800-1860)* has dealt with the origin, evolution and reforms of police system in Bengal. Madhurima Sen in her works, *Prisons in Colonial Bengal (1838-1919)* had shown; how prison stood as symbol of ruthless exploitation for the prisoners. She had worked extensively on growth of the prison as a system of legal oppression. She showed how the inmates of Cell, inclusive of women bore its sad consequences.

Historian Rathindra Mohan Chowdhury in his book *Bankurjoner Sanskriti* undertook the district level study of Bankura. He addresses the growing indebtedness among the peasantry as a reason for the onset of crime in the District. Sirajul Islam's research on evolution of Crime and criminality in Nadia, was breakthrough study in field of History. Here, he had worked on the growth and origin of criminal activities in the District of Nadia Apart from these there are no works on regional history related to origin, proliferation of crime in the districts. My article intends to fill this gap in this field. It is an attempt to focus on the origin nature and development of criminal activities in Burdwan.

5. Discussion

5.1 Prelude

The British Land-revenue administration and its stringent laws led to the entry of the British in the remotest corners of Bengal. As different law enforcement agencies, made their presence in corners of Bengal, the persisted crime got exposed. The criminal activities in Bengal emerged in form of local upsurge, social banditry and vandalism. It decayed the socio-political structure of Bengal.

5.2 The Judicial Administration in Bengal

After the battle of Plassey and Buxar, the Company was strengthening its grip over the suburbs of Bengal. Apart from the administrative set up, "controlling crime and criminality was the principal test

for the foreign state power to evince its executive and foreign skill” (Islam. S, 2017, p. 531). The introduction of *Rule of Property* led to the greater penetration of the British capital in the remote agrarian sector. It eroded the traditional village society, and it established a system of justice and social control.

This shifting of power from the local authority to the centre led to the beginning of contest of power among the village official versus state authority. This was accompanied by the reorganization of civil and criminal courts, reforming the law and order of the country to gain access to the resources of Bengal. This jurisdictional change started with the development of the Colonial police by Cornwallis. When, Cornwallis landed in India, the criminal courts were of little use. The local judicial powers were enjoyed by the zamindars. The Magistrate had very little control on them. The entire country was infested by the horrid experiences of robberies, murders and other form of heinous crime. The Governor General in Council in view to ensure a prompt and impartial administration of the criminal law, resolved to resume the superintendence of the criminal justice throughout the province. (Gourla,1916). The regulation of 3rd December of 1793 laid to the foundation of criminal court in Bengal. The Nizamaut court was reinstated back in Calcutta. Four Court of Circuit was established at Calcutta, Dacca and Patna division. They were to be assisted by two qazis and Muftis.

A more significant reform was done by Cornwallis in the year 1792, where the entire districts was divided into police jurisdictions not exceeding 10 coss area. The regulations reduced the power of village police. They were made accountable for their work to the Darogah. The thanas were organized with Daroga, Burkandaz and Mohur. The functioning and efficiency of police system in Bengal bore severe in print in different district of Bengal of which Burdwan was one.

5.3. Origin of Crime in Burdwan

The district of Burdwan lies between 22°56' and 23°53' north latitude and 86°48' and 88°25' east longitude, with a total area of 3503 square miles, consisted of the districts of Howrah and Hooghly. (Hunter,1876). Due to its vast size, the civil and criminal jurisdiction has been subjected to the alteration from time to time. During the British possession of Burdwan in 1760 by the Company, the depredations of the Maratha gangs (Bargi) in the frontier have posed severe threat to the newly build empire of the Indies. Besides the Maratha raiders, the district had been completely overrun by the bands of dacoits. In 1789, the Magistrate of Birbhum estimated that there were about 3000 dacoits in Birbhum, Burdwan and Rajshahi who were aided and abetted by the local landlords and their aides.

The Magistrate of Burdwan was highly alarmed by the rising tides of the dacoits' in the broad daylight. Still, whenever, he tried to combat the robberies, the resilient fled immediately and committed crime elsewhere. It was also observed that the zamindars under the native government often misused their power and accented uprisings in the frontier zone.(Hunter, et,al,1876). The main constraint that stood forth in the front of Cornwallis was absence of any rigid local emporium through which justice could be administered. To put an end to the existing disorder, two vital changes were made by Lord Cornwallis. The police system was centralized, thanas were reorganized within 10 *cross* area, and the darogas were made the key custodian to preserve peace and order, they were to be assisted by Burkandaz, Mohurir in their work. Secondly, the total number of village police was significantly reduced. Their allegiance shifted to the local darogas, since they were no longer answerable for their work to the zamindars. Conversely, the zamindars were discharged from their police duty

An overall review of the Cornwallis system in the district of Burdwan., clearly confirms, that the number of crimes has increased since 1793; but a reference to the calendar and the result of the trial will evince that they have been lamentably numerous in each subsequent years. (Parliamentary-Papers; 1813). One of the reasons, behind the increase in crime was the drastic reduction in the total number of pykes, who proved to be resilient to the newly appointed darogas. These people, severed off from their daily livelihood, resorted to the path of dacoity.

To curb it, provisions were therefore made for granting a Commission to respectable Hindu and Muslim inhabitant authorizing them to act as an amin in police. (Hamilton,1820). The post of Superintendent was created; the espionage system was reorganized. However, little progress was seen in eradicating the criminal activities, which continued unhindered during the period. The statistical evidence of 1814, shows that Burdwan had a higher rate of convict confirm the judiciary system's sound functioning in the district. But the criminal activities did not reflect, any significant decline.

In 1816, deputation of Messers B. Barley, Hudgson, and Oakley as new Magistrate of Midnapore, Jessore and Burdwan respectively, led to the improvement in those districts. News of such progress could be deduced from the letters addressed to the Judiciary Department, which stated that

We have already had occasion to speak of the services rendered by the lots which have occupied former of these gentlemen in the district of Burdwan and of the most satisfactory results which have accompanied his able and unsaved labours in correcting and improving the state of its police. (Records of East India House, 1820)

5.4. The Interim Period

The introduction of Regulation VIII of 1818 and the scarcity of grains in early 1820 brought the district in the bitter teeth of inflation and dismay. (Report of the Select Committee, 1832). As a result, criminal activities, spurred up in the district of Burdwan. Hence, a study was undertaken to look at the reported crime in the district of Bengal during the period 1822 - 1828.

Table 1. Analysis of crime and Criminals in relative proportion to the population in the district of Burdwan

Year	Extent in Square miles	Population in Square miles	Total number of Crime	Offences(convicted)	Total number of case
1823	2000	1,187,500	98	2,401	2,499
1824	„	„	97	2,384	2,481
1825	2000	1,187,500	237	2073	2,310
1826			93	2,005	2,089

Source: Speede Barlow. G. T. S, 1849.

From the criminal statistics returns, Burdwan was one of the worst Zillah, only surpassing Patna and 24 Parganas. The total number of crimes was moderate in the initial years, which increased abruptly to 237 in 1825 and declined to 93 in the next year. The total number of convicts associated with petty offences was moderately high in the year 1825 and decreased subsequently in the following years. The total number of appeals received by Sudder *amin* was too high, rising to around 2, 200 in 1824, more significant than in any Zillah of Bengal. The reason for the increase in crime was that they had not been sufficiently attended for many years. (The Asiatic Journal, 1838)

6. The Reform of 1829

The police system had turned out to be the most malfunctioning unit in the Company administration, which needed to be reformed on modern lines. This period saw the popularity of the utilitarian doctrine in Britain. This ideology was to be infused in the administration, to seek popular support. Hence, Lord Bentinck was summoned in India. With Bentinck, who was a blend of practicality and intellectuality, a new dawn ushered in the Company's administration.

By the promulgation of Regulation I of 1829, Lord Bentinck, reorganized, the Mofussil's local governance. He adopted the programme, conceived by Lord Mackenzie in his administration and

abolished the post of Superintendent. The Bengal Presidency was divided into Commissioner of Revenue and Circuit; the Magistrate and Collector offices were unified. *Amin* was entrusted with the criminal jurisdiction in the districts. The era of Bentinck became noteworthy for two of his significant reforms to eradicate the prevalent crimes in religious disguise: Sati and female infanticide.

6.1 Growth of Crime in Burdwan; (1829-1836)

Hence, it is significant to take a note whether the Bentham ideology was able to skip off the criminal offence in Burdwan? William Adam undertook an attempt in the year 1834 to condense down the total number of crimes in the district of Bengal and Bihar. An average statement of crime was taken from the half yearly reports of the Judicial Department ranging on an average from 1829 to 1834.

Table 2. Statement of Average Number of Crimes Recorded from 1829 -1834 in the Three Districts of Bengal

District	Dacoity	Highway robbery	Burglary	Cattle stealing	Thefts	Affray
Burdwan	49	2	230	48	162	106
Birbhoom	108	1	657	215	234	20
Murshidabad	190	11	467	63	222	12

Source: (Adam W., 1836, pp- 126)

The abstract of the average made from the half yearly reports shows that dacoity had reduced considerably in the six years in comparison to the districts of Birbhoom and Murshidabad. Offences, such as burglary, cattle stealing, petty thefts, and skirmishes in form of affray were relatively high during the period.

The incidence of minor offences was relatively low, other than incidence of wilful murder and arson. This apparent improvement in the crime scenario confirms the efficiency of judiciary. It also postulates the question whether the rate of convictions was high or moderate? To answer, an analysis of crime was undertaken from the year 1833-1836, in the district of Burdwan.

Table 3. Analysis of Crime and Criminals from 1833 - 36, with the Relative Proportion of the Population in Burdwan

Year	District	Sq. Mile	Population/ sq mile	Crimes, Offences & Cases		Proportion of Offenders of population Being one
				Parties Concerned	Convicted	
1833	Burdwan	3776	1673460	2531	611	661
1834				1517	1031	1077
1835				3490	965	478
1836				3442	1197	486

Source: (Speede Barlow, G. T. S, 1849, pp110-112)

Burdwan witnessed a drastic increase in the number of heinous crimes that steadily increased from its average in 131 to 268 in 1836. The total number of cases showed a rapid growth with an average conviction. The total number of petty offences declined, giving rise to petty cases. It implies that cases were brought under the notice of the Magistrate. In 1837, the total number of crimes recorded in the district was 603, out of which, dacoity had rose to 245 in the district (Peterson, 1910). However, the reports received stated that out of 80 murders, most were committed in a group. The increase in the total number of dacoits was due to government's ineptness regarding the occurrence of crime in the district. There was a huge communication gap between the zamindars and their subordinates. Taking opportunity of this situation, the offender was aided and abetted by the local zamindars to fulfil their narrow interest. Therefore, the information of the groups was subdued for long time.

7. Nature of Crime

From the days of British inception, Burdwan had shown diverse ranges of crime ranging from dacoity to petty offences. The introduction of patni system in the district, and the rise of absentee landlords wrecked havoc on the peasantry. The burden of taxation, and exploitation from the moneylenders, turned them into paupers. These paupers mostly resorted to criminal activities, Apart from them, there were tribals in the hinterland who were over-burdened with the rate of taxation. These tribals had restored the Wasteland of the district that laid under-utilized for decline in population after 1776 (Khatun.S & Debnath.G.C , 2017). When a series of taxation was imposed in this land, the Tribals broke out into severe form of protest, which increased crime in the district. The crime most prevalent was dacoity or gang robbery, accompanied by murders. The district was the cradle of the notorious thugees. Raina Thana was formerly a haunt of the Thugs in the Bengal, and they were first found there in 1802 (Parliamentary Papers, 1813). Dacoity was hereditary, and the notorious gang concealed themselves among the heterogeneous class of Asansol subdivision. It was impossible for the police to trace them out. Most of the suspect, could easily escape away to neighbouring State. The civil disputes relating to crops and personal vendetta led to affray. Henry Strachey, the Judge and Magistrate of Burdwan lamented, that not only tangible crime increased in the districts, but the morality of the people also went on a stake. (Mill,1819). Murder also rose due to personal disputes and fraud. Murder of the children for the sake of ornaments was a widespread crime in the district.

Religious bigotry also intensified criminal activities in the suburbs of Burdwan. The district recorded the highest toll of *Sati* rising to 40 in the year 1820. Another form of crime was the practise of human sacrifice by the Raja of Burdwan. It was done when serious indisposition occurred in the family (Ward, 1872). A similar form of sacrifice was reported from a village called Ksheeru where human sacrifices "are still offered to the goddess Yoogadya, a form of Durga. (Report of the State of Police, 1840). Crime related to property, skirmishes due to civil dispute, forgery, wilful murder out of suspicion remained high during this period. This system victimized even women. There have been lot of instances where women were abused for minor offences. Even children were not spared, instances of killing of infant for the sake of ornaments, murder of infant in name of religion, was quite common crime in the district.

8. Towards Reforms

Such harrowing condition of the district depicts the inefficiency of the working of the judiciary. Basudev Chattopadhyay opines that one of the significant defects seen in the rural police was lack of unity and co-ordination among the Commissioner of Circuit and Revenue. It led to the intensification of criminal activities in the frontier region of Bengal. It was in the year 1836, when the inefficiency of the judiciary came to limelight.

In Bengal, the controversial speech of Dwarkanath Tagore at the annual meet of Land-Holder's society created a stir among the European officers. Most of them contemplated the view, Mr Dick, Magistrate of Midnapur was pioneer. It created scope of enquiry for the issue. The official enquiry revealed two important problems: i) The fusion of the office of the Magistrate and the Collector, resulted in the neglect of Magisterial duty over revenue. The police system was loosely organized in

the interior. As a result, the instance of corruption and crime reigned supreme in the interior. Poor payment, bleak chances of promotion, lack of appreciation for their hard work, was primary reason of negligence towards their duty. Therefore, recommendations rose from the Byrd Committee and Halliday Committee to revise the existing system. The clarion call for the reforms got its practical shape in 1838, where the grade pays of *Darogas* and their subordinates were revised, and a superintendent of police was appointed in each district. It is noteworthy to see, the impact of these reforms on Burdwan.

8.1 Overview of crime in Burdwan, 1839-1860

The reports and the statistical evidences, taken in the district clearly show that despite of rigorous reforms, the district of Burdwan remained in a deplorable state. The condition of dacoity has been on a steady increase from 5 dacoities in 1839 to 11 in 1840 (Reports on the Suppression of Dacoity, 1840). The district exhibited the case of 3 murders in 1839 which increased to six in the year 1840. The total number of offences reached its peak in 1845. There has been successive case of murders, concerned with illegal cesses, which were directed against Mahajan (The murder related to mahajan and atrocities committed against zamindars are ample in judicial records). Apart from these, there has been growth of gang robbery in the district which rose to 615 in the district

Such recurring incidences of crime in the District, indicate the inefficiency of the Magistrate. The police officers had no moral bindings and they never considered it as their duty to adopt direct measures to combat crime. The emergence of crime was directed at the reaction of disgruntled peasantry whose land when seized after Permanent Settlement, reverted to crime. A similar instance could be seen in the resistance offered by the matchlock men whose land when resumed, took resort to crime to meet their ends. The criminals were continuously aided by the local zamindars and were employed as *lathials* in their own premises.

The personal enterprise of Henry Sleeman in combating thugees in North West Frontier became iconic for the government. Therefore, the government appointed a particular agency for setting of The Dacoity Commission in districts of Bengal, to execute the warrant, and order the assistance of police whenever necessary in 1856. It bore fruitful result in Burdwan. Dacoity decreased considerably from 65 cases in 1852 to 1 case in 1856. There is a marked decrease in dacoity in the thana gangoorah (General report on Administration, 1860). The dacoity was staged by the small taluqdars and landholders to recover their stolen property from the common people. The Success of the Commissioner raised the question of the inefficiency of the police. This was felt by Dalhousie.

The Corruption in the police system had spread in Judiciature, magistrate Court. It needs to be eradicated, and a single unified police system was to be established. With this view in mind, the Government of India amended the proposal on August 17, 1860. Mr Warchoppe was 1st commissioner in Bengal the police reforms of 1861 were introduced on European model. A proper gradation and good-pay scale were provided to the officer.

However, despite this attempt to counteract the crime in the district, criminal activities in the district tremendously increased during the successive years. The reason for this increase was the presence of loopholes in the administration, political instability, tropical cyclone, and the ravages of the tropical fever in form of malaria affected adversely the suburbs of Burdwan. The ecological crisis and the famine declined the agricultural productivity. It accelerated the criminal activities in the district throughout the nineteenth century.

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