

Law, Crime and Justice:
Towards an understanding of Criminal Justice in Colonial Assam, 1826-1905.

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Abstract

This dissertation has explored the social and administrative life of the *Rule of Law* in colonial Assam in the nineteenth-century. The dissertation aims to provide a micro-history of the imperial *Rule of Law* in Assam. It examines the actual operation of the *Rule of Law* in a classic colonial space like British Assam. Some key questions that this dissertation addresses through its chapters are: What were the processes and moments through which colonial criminal law and its institutional and official components evolved in Assam during our period of study? How did the textual codifications of criminal law, and institutional mechanisms to administer criminal justice in a frontier region of the empire actually work out at the ground level? Did it carry the essence of impersonality and equality in its day to day operation? How did the administration of criminal justice, and by extension, the colonial state, operate in the making and everyday functioning of the tea plantations in colonial Assam? How did the plantation labourers fare in front of the criminal justice administration given the magisterial powers attributed to the managers/planters of the tea plantations? How did the middle class in colonial Assam perceive, talk about and participate in the colonial *Rule of Law*? These questions eventually form the larger research question that this dissertation seeks to address, which is, how do we understand the administration of criminal justice

in colonial Assam within the larger ideological, legal, political, rhetorical, psychological and socio-cultural spectrums of British colonialism and the colonial empire in British India? The dissertation has sought to address these questions through an empirical study of colonial documents, other official and non-official documents, contemporary Assamese literature and oral sources.

The overarching argument that the thesis advances is that contrary to the impression given by colonial administrators and ideologues alike, and foregrounded in a host of studies within imperialist historiography, the introduction of the British legal structure in a classic colony like India was not simply an act of extension of the ideological and institutional apparatus and components of the British philosophy of *Rule of Law*. The colonial *Rule of Law* emerged as a process with imperial machinations, constant changes and adaptations at the colony. Its principal rhetoric of legality was often nothing but a façade---a tenuous and chaotic rubric, that was fraught with inner tensions, contestations, dichotomies, conflicts and resistances. This process was further riddled with imperialist calculations and a highly racist logic, not to speak of the pragmatic considerations of governing and disciplining a colony.

My thesis discusses the fissures and tensions in the domain of the administration of criminal justice. These fissures and tensions were reflected in procedural violations, manipulations and compromises that marked the everyday functioning of the operation of *Rule of Law* in the region. I argue that the anomalies and chaos, and tensions and fissures within the space of law and the inherent violence that the colonial law enabled and sustained, were symptomatic of a greater colonial anxiety and sense of vulnerability. This colonial anxiety and sense of vulnerability, in turn, made the everyday functioning of the colonial legal system more chaotic, anomalous and anxious. I also argue that the projection of a sophisticated and solidly procedural functioning of colonial justice was simultaneously a result of and a way to hush up, the fissures within the system and the colonial anxiety resulting from the imperative of subduing and disciplining a restive population. This constant tension percolated into every sphere of the colonial judicial edifice.