Chapter 7

Courts Martial in the Indian Army

Crime is very rare. Indians are one of the best conducted soldiers of the world. There are fewer acts of insubordination, disobedience compared with the best disciplined British troops.

Major General H.W. Norman

The Indians were not only willing to join the Sepoy Army, but the sepoys and the sowars were also generally well behaved. Not overapplication of violence, but rather the lack of it, was the characteristic of the disciplinary infrastructure of the army. How and why was the colonial army able to maintain ‘order’ among its personnel? Disintegration of discipline was rampant in the pre colonial forces. The soldiers of the Indian princely armies were indisciplined, which resulted in their frequent defeats during the 18th century. Desertions were common, and the troops frequently changed sides. They were often unwilling to engage in pitched battles. Such a state of affairs resulted mainly from the lack of a good machinery for implementing discipline. The Indian potentates’ forces were semi-permanent organizations, which were raised by military entrepreneurs during emergencies, and disbanded when the crises were over. The warlords who recruited the troops were responsible for their behaviour.2

One of the principal secrets of British success was the introduction of the court martial mechanism. The welfare mechanism attracted Indian manpower towards the army. The imperial genesis of the soldierly ethos of the ‘martial’ communities, and

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1 Confidential memorandum on the Indian Army, 13 Jan.1875, Norman minutes, N.A.I.

their identification with their regiments, enabled the British to condition the peasants into loyal and disciplined soldiers. Finally the courts martial apparatus promptly nipped indiscipline in the bud, before it could spread among the rank and file. The evolution of a bureaucratic penal system, pivoted around the court martial apparatus, and geared towards moderation, enabled the imperialists to maintain discipline in the colonial forces. David Omissi’s monograph focuses on the mutinies which occurred, especially from the First World War onwards. This chapter concentrates on the individual crimes of the soldiers till 1913.

The regimental commandants favoured the summary courts martial, as they themselves presided over such bodies. However after 1857, the Adjutant General’s department concluded that the regimental officers were abusing their power. The army headquarters’ view was that the arbitrary despotism of the regimental officers was responsible for the disintegration of loyalty on a large scale in 1857. To prevent another mutiny, rather than depending on the personalized sahib-sepoy relationship, the army went for an impersonal apparatus. Hence the army headquarters discouraged the regimental colonels from calling summary courts martial. Instead, the army favoured the general courts martial. The argument was that since 5 officers sat over each general court martial, the bias and prejudice of the commanding officers would not influence the sentences of these bodies. The higher military bureaucracy rejected the regimental officers’ view that the summary courts martial were necessary for prompt punishment, as assembling a general court martial took time. 

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4 Minute on the organization of the Indian Army, Ch. 5, pension system, para 21, 38, 11Oct. 1875, Norman minutes; Confidential circular to officers regarding courts martial, Circular no. 85/ N, 25 Aug. 1863, vol. 3, Circular to officers as regards summary trials, Circular no. 26/N, 15 March 1864, Circular
The regimental officers rarely called summary courts martial and they were ordered to enter them into the regimental records. The 3rd Brahmin Regiment can be seen as representative of the other infantry regiments. Between 1861 and 1913, this unit experienced no summary courts martial. Between 1872 and 1874, the Madras Army experienced 714 trials, out of which only 10 were summary trials. For the same period, the Punjab Frontier Force witnessed 245 trials, out of which only 8 were summary trials. In these 3 years, the Bengal Army saw 847 trials, out of which 108 were summary trials. Summary trials were more frequent in this force because the experience of Mutiny haunted the Bengal Army. So the military hierarchy was unwilling to take any chances. Traditional historiography has emphasized the officer-soldier relationship to explain the functioning of the Indian Army. But because of the decline in the incidence of the summary courts martial, the crux of maintaining discipline lay with the general courts martial, that is to say with the higher officers rather than with the regimental officers. Hence this chapter focuses on the general courts martial.

as regards discipline, Circular no. 129/N, 29 Sept. 1864, vol. 4, Confidential circulars to officers, 16 May 1865, vol. 5, Adjutant General’s circulars, N.A.I.

5 Digest of services of the 3rd Brahmin, 1861-1914, N.A.I.

6 Minute on the organization of the Indian Army, Ch. 3, Madras Army, para 37, Norman minutes.


8 Douglas M. Peers in ‘Sepoys, Soldiers and the Lash: Race, Caste and Army Discipline in India, 1820-1850’, *JCH*, vol. 23, no. 2 (1995), p. 221 writes that summary courts martial was the most common method of disciplining the sepoys. This was not the case for the post 1859 era.

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This chapter is divided into 3 sections. Section I charts the imperial policy of making punishments less brutal. The next section brings into focus the various components of the courts martial, which influenced the moderation of punishment. The final section attempts to assess the quantum of criminal activities by the soldiers.

I

Compared with another non-national multiracial forces like the Austro-Hungarian Army, the Indian Army’s penal system was much less severe. This was partly because, unlike the former force, the Indian Army relied on volunteers. In the late Victorian Army punishment became less harsh. Towards the end of the 19th century, a shift occurred in the attitude of the British Army towards its personnel. Instead of being viewed as the ‘scum of the earth’, the British soldiers were perceived as working men with special skills. And the British in India were probably influenced by this trend. Further, the Indian Army’s penal system was influenced by a sort of ‘reformist’ philosophy. The underlying assumption was that infliction of excessive violence on the soldiers was inimical to discipline in the long run, because the fear of draconian punishment frequently forced the soldiers towards seditious activities. One of the reasons for Stalin’s soldiers being crime-prone was because of the inhuman

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punishment system of the Red Army. So the British technique of not awarding harsh sentences kept the soldiers on the right track. In early 19th century, the British legal system in India was influenced by ‘Liberalism’ and Benthamite Utilitarianism. ‘Enlightened’ legislation was designed to discourage mutilation and corporal punishment. The imperial understanding of indigenous society, and the British perception of the various communities’ role in the colonial war machine, moderated the imperial response.

So the 19th century witnessed a gradual humanization of punishment in the Indian Army, even in cases of heinous crimes like combat refusal. Leaving the regimental colours, which represented the unit’s pride, was considered a serious crime in the Indian Army. Subadar H. Birjee of the 9th Bombay Infantry Regiment was in charge of carrying the regimental flag. During an action fought by this unit on 7th January 1797, the Subadar threw away the colour and abandoned the field of battle. The general court martial sentenced him to death on August 1797.

With the passage of time, punishment for the same type of crime became moderate, as is evident from another case. On 5 March 1836, a detachment of 2 British officers, 4 Indian officers, and 28 privates from the 14th Madras Infantry


13 9th Bombay Regiment, N.A.I. (This document is unpaginated and the information is organized under different years), 1775, 1797.
Regiment advanced from Oudagerry to Durgepersad pass. When the party was crossing the pass, some Khond tribals attacked. The atmosphere was highly charged. The sepoys immediately opened fire with their muskets. Since the hills were covered with trees, the attacking Khonds did not offer clear targets. They rushed forward with hatchets and engaged in close quarter combat, in which the muskets were useless. Many soldiers fell before the muskets could be reloaded. The British officers died on the spot. The Jemadar in charge of the rearguard then lost heart, and his party melted away. For this dismal performance, the Jemadar was sentenced to transportation for life by the general court martial, and the rest of the rearguard, which consisted of 5 privates, was discharged. Officers were supposed to lead the men in the actions. So the Jemadar’s punishment was harsher than the punishment of the privates. It is to be noted that the court martial of 1836, unlike the court assembled in 1797, did not pass any death sentence. Discharge was a serious enough punishment for the Indians, even if it was not so for the British soldiers. The latter were forced to serve in the army and they would have happily accepted dismissal, not as a punishment but as a boon, to escape from the drudgery of military life. But for the ‘martial races’, dismissal meant social humiliation. The British officers did not look upon the Indian soldiers as the ‘scum of the earth’. Many recruits came from families which had provided soldiers generation after generation. Further, army service was a lucrative job for them and their families depended on their wages. Pension was a great attraction, in encouraging the Indians to remain in the army for a long period. Hence dismissal was an attempt by the army to prevent disintegration of the unit during combat. This had a commensurate effect. In 1840, the same 14th Madras Infantry Regiment volunteered for service in China to wipe out its disgrace.  

14 Lord W.C. Bentinck was the foremost proponent of the view that dismissal was a social and
The 1857 Mutiny had no effect on the trend of increasing leniency in the awards of the courts martial. When the 23rd Punjab Infantry Regiment was deployed at the northwest frontier post of Chubotra in 1867, the unit expected a night attack by the tribals. On 4th March, sepoy Gulab Singh refused to occupy his position on the rampart. A general court martial sentenced him to 3 months imprisonment. This sentence appears very lenient when compared with the court martial in 1836, which sentenced the soldiers of the 14th Madras Infantry to discharge for the charge of combat refusal. Discharge was considered harsher than temporary imprisonment in the Indian context. Gulab Singh suffered temporary imprisonment, possibly because the British did not find combat refusal by an individual as menacing as collective combat refusal. The authorities knew that it took time and money to train a peasant into a soldier. If soldiers were discharged, the rural society would be full of free-floating armed personnel, who might become a threat to the Raj in the long run. So imprisonment was favoured rather than discharge. Sending soldiers to the prisons for punishment was common in the post Napoleonic French Army. This trend became widespread in the Indian Army probably because the British were influenced by the disciplinary infrastructure of the French military.

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15 Simla, 2 July 1867, G.O. N.A.I., pp. 251-52.

16 Hancock report, p. 30.

One dimension of combat refusal was malingering, and the army’s response was imprisonment of the malingerers. There were many old serving soldiers in the Bombay and the Madras armies. They had no incentive to serve beyond 15 years, because their pension remained same for serving between 15 to 40 years. Hence many senior soldiers malingered and feigned disability in the hospital at times of active service. This demoralized even the young soldiers, and had an adverse effect on the army’s combat capacity. The summary courts martial sentenced such soldiers to imprisonment upto 12 months.  

In pre colonial warfare, large-scale collective desertions were common. This was because the pre British armies were friable. They were conglomerates of local leaders and their retainers. Such leaders and their troops often left the service of a prince, and at times were later reemployed by the same prince. But the introduction of a Western style-army by the British ended desertions by whole units. Nevertheless, individual desertions and collective desertions by small bands of soldiers remained. During the first half of the 19th century branding and flogging for desertion in the British Army units deployed in Canada, was replaced by imprisonment. Similarly, punishment for desertion also became less severe in the Indian Army. On 5th January 1880, sepoy Sharin of the 20th Punjab Infantry Regiment deserted when his unit was

18 Minute on the organization of the Indian Army, Ch. 5, Pension system, para 21, 38, 11 Oct. 1875, Norman minutes.


20 Peter Burroughs, ‘Tackling Army Desertion in British North America’, Canadian Historical Review, vol. LXI (1980), pp.28-68. Burroughs seems to imply that rotting in the prisons was as inhuman as being caned.
deployed in the Kurram valley. He was subsequently caught, and a general court martial at Peshawar sentenced him to transportation for 10 years.  

In 1887, 2 sepoys were caught while trying to desert from the 8th Bombay Infantry Regiment and were sentenced to imprisonment for a month. Though collective desertion was more dangerous than individual desertion, the penal apparatus acted leniently. The British accepted that it was impolitic to keep the Indians in the war machine against their wishes. The demand for manpower in the Indian Army was very low compared with the huge populace of the subcontinent. There was no shortage of recruits. Hence the Indian Army, unlike the British Army, could afford to introduce the scheme of free discharge. However, voluntary discharge remained rare because, unlike in the British Army, service in the Indian Army was popular. Between 1870 to 1875, only 2.5% of the troops of the Bengal Army and 1.5% of the personnel of the Punjab Frontier Force left of their own accord. In the case of Sharin the army overreacted, possibly because the Afghan War was going on and deserters supplied arms to the frontier tribals.  

In cases of drunkenness, the punishments also became less harsh. In the 19th century, the common form of punishment for being drunk was dismissal. But in the 20th century the general courts martials’ sentences became more lenient. Subadar Devi  

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22 8th Bombay Infantry, N.A.I. (This manuscript is unpagedinated and the information is organized under various dates), 2 March 1887.

23 Minute on the organization of the Indian Army, Ch. Bengal Army, para 64, 66, 11 Oct. 1875, Norman minutes.

Singh of the 1st Gurkha Light Infantry Regiment was dismissed from service by a general court martial assembled at Buxa in Bhutan on 29th October 1866. This was because he was so drunk that he failed to attend the inspection parade by the British officers on 2nd August 1866. When, on 3rd February 1901, Jemadar Beejia of the Malwa Bheel Corps was intoxicated during parade, a general court martial merely suspended him for only a month.

Abdul Azim Khan, Subadar of the 24th Madras Infantry Regiment at Secunderabad on 22nd May 1899 was so drunk that he failed to attend the commanding officer's inspection parade. The general court martial, instead of dismissing him, merely ordered him to be demoted. The imperial belief was the Madrassis were by nature addicted to drink. This probably explains the fact that the relaxation of punishment for drunkenness occurred earlier in the Madras units than in the Bombay and the Bengal regiments. Thus discipline became lax in the Madras regiments compared with the Bombay and Bengal regiments, and this contributed significantly to the military ineffectiveness of the Madras forces during the second half of the 19th century.

Douglas M. Peers writes about the early 19th century Madras Army, that the Indian officers were reduced to cyphers by British policy. So, to relieve their...
boredom, they took to drink. According to Peers, drunkenness was absent among the privates.\textsuperscript{29} This view holds water for all the regional armies in the post Mutiny era. The Subadars were charged with drunkenness much more often than the privates. For example, Subadar Boota Singh of the 32\textsuperscript{nd} Punjab Infantry Regiment in 1866 and Subadar Baji Rao of the 28\textsuperscript{th} Bombay Infantry Regiment in 1905 were both charged with drunkenness.\textsuperscript{30} Possibly rabid drunkenness among the Indian officer corps was an example of the 'weapons of the weak'.\textsuperscript{31} The Indian officers were angry because they were denied adequate amounts of power and status in the British controlled Sepoy Army. They realized that if they went for violent rebellion, then they would lose their jobs and probably their lives also. Hence they sabotaged the day to day working of the imperial war machine by not performing their duties properly and getting drunk instead.

Drunkenness was not only inimical to professional efficiency, but was also related to rowdyism. The British officers noted that the Indian officers were exceptionally addicted to liquor and frequently got drunk, which then led to trouble with the European troops. The authorities possibly understood that sheer boredom encouraged the Indian officers to take to drink. Hence, instead of cruelty towards the


\textsuperscript{30} 28\textsuperscript{th} Bombay Regiment, N.A.I. (This manuscript is unpaginated and the information is organized under various year) Aug. 1905; Simla, 22 May 1866, G.O. p. 145.

\textsuperscript{31} For this concept, I am indebted to James C. Scott’s, \textit{Weapons of the Weak: Everyday Forms of Peasant Resistance} (New Haven, 1985), pp. 29, 31, 33, 36. Of course, Scott confines himself to the peasant stealing the agricultural surplus. Why only peasants? Minor workers in any bureaucratic organization could adopt this form of resistance.
Indian officers who drank, the high command's response was to station guards at the rum godowns to prevent their looting by the brown officers.\(^{32}\)

The British officers represented the principal mechanism of control for harnessing the Indian soldiers who constituted the imperial muscle power. Challenges to the authority of the white officer corps by the brown personnel constituted a serious worry for the imperialists. There were some instances when the Indian privates challenged the British officers, as well as those Indian officers who were in league with the white officers. In the pre 1857 era, the soldiers were allowed to petition the higher authorities if they had trouble with their regimental officers. But after the 1857 catastrophe, the imperialists concluded that the petition system, by weakening the regimental commandants' authority, aided in the disintegration of the command structure. So the petition system was discouraged after 1859.\(^{33}\)

Ram Singh, a Resaldar of the Awadh Military Police, submitted a petition in February 1860, which started: 'Most respectfully sahib, your poor memorialist submits few lines with the hope that his case may be considered and he begs to be pardoned for interrupting your valuable time and patience'. This sort of language was designed not to offend the British sense of superiority. Ram Singh asserted that he was dismissed from service by the British commandant. Ram Singh claimed that just before his dismissal when the Purbiyas of the 1\textsuperscript{st} Punjab Irregular Cavalry were unwilling to serve in China, he was ready to serve overseas. Ram Singh continued that he was in dire straits, as he had no other means to support himself. The military

\(^{32}\)Fraser to the officer commanding Awadh division, Simla, 6 May 1862, M.D.P. Aug. 1862.

\(^{33}\)Supplementary report, pp. 30, 61, 65.
bureaucrats did not punish him for challenging his regimental commandant’s order of dismissal.34

At Peshawar in March 1866, a quasi-rebellion occurred. The Major General W.O.G. Haly, commanding the Peshawar division, received an anonymous petition, which contained serious complaints against the regimental commandant of the 24th Punjab Infantry Regiment. The petition was handed over to Haly by the sepoys Lena Singh and Wazir Singh of the same regiment. When they were interrogated, they confessed that Havildar Natha Singh and Naik Gulab Singh were the masterminds behind this affair. A general court martial was held on August 1866 at Peshawar. The Naik was dismissed from service. Why was the Naik punished, unlike Ram Singh? Ram Singh’s petition was clothed in humble language, and it was not generated collectively but centered round personal grievances. So it did not constitute a threat to the military hierarchy. Hence the British took no punitive action. Especially just after 1857, when the imperialists were in the process of reestablishing their rule, the British dared not antagonize the petitioners by punishing them. Again, the British were afraid of antagonizing the Indian officer corps as a body. Hence Havildar Natha Singh was allowed to go free.35

Though the Mutiny receded in time, the image of a crucial linkage between rebellion and religion never dimmed in British memory. The imperialists probably remembered that their evangelical policy had turned the Hindus and the Muslims against them in 1857. The British refused to punish the soldiers heavily, on occasions


when religion acted as an adhesive for collective grievances. Instead of applying overt pressure, the regimental officers practiced ‘divide and rule’ on religious lines. Hence a communal split surfaced in the regiments, which prevented the possibility of the Indian troops rising in a combined way against the British. At Hingoli on 4th March 1895 Kote Dufadar Bachan Singh and Dufadar Harnam Singh of the 4th Lancers Hyderabad Contingent instigated 18 sowars of their unit for the release of some of their colleagues who were imprisoned on grounds of indiscipline. The Kote Dufadar and the Dufadar, along with the 18 sowars who had taken an oath to act unitedly, were Hindus, while the Muslim personnel rallied around the Muslim Resaldar Majid Khan, who sided with the British. Still, the British must have suffered from an acute sense of powerlessness. This was clear from the sentence passed by the general court martial. The 18 sowars were not punished at all. The 2 ringleaders got away with light punishment—1 year imprisonment with hard labour.36

The punishment for attempted murder was transportation for life. But in the last decade of the 19th century, the period of transportation was reduced. When sepoy Hira Singh of the 31st Punjab Infantry Regiment tried to shoot dead sepoy Pakar Singh at Malakand on August 1896, Hira Singh was transported for life. Naik Jalal Khan of the 24th Bombay Infantry Regiment tried to kill private Mohaiden and Muhamad Rafiq on 20th January 1899 at Gwadar. The general court martial sentenced Jalal Khan to suffer transportation, not for life, but only for 10 years. Jalal Khan suffered transportation for a lesser period even though his crime was more serious than Hira Singh’s was, because while the latter tried to kill only 1 of his colleagues, Jalal Khan

tried to kill 2 privates. Whatever little fighting occurred between the Indian privates and the brown officers was due to the transfer of village, caste and clan rivalries to the regiments. Since these did not constitute direct threats to the army, the authorities could afford to relax the punishment system.

II

If troops are punished before their loyalty is secured, they will be disobedient. If not obedient, it is difficult to employ them....Thus command them with civility....and it may be said that victory is certain.

Sun Tzu

The imperialists' perceived that overdeployment of force would result in the disintegration of the fragile 'mask of command'. The British drive for the moderation of punishment was accelerated by a mechanism inbuilt in the army's disciplinary system. The Indian officers were occasionally members and even presidents of the general courts martial. This was probably done to prevent the notion gaining ground among the Indian soldiers that the punishment apparatus was purely a white men's organization. Then the British, by allowing the Indian officers to enjoy some power over the Indian privates, tried to drive a wedge between the brown privates and the brown officers. Nevertheless, while manning the court martial mechanism, the Indian officers were very sympathetic to their brethren. However the British had two trump cards. First, in sensitive cases when the Indian officers'

37 Simla, para 760, 4 Nov. 1896, pp. 668-69, para 371, 1899, pp. 218-19 G.O.

38 Sun Tzu, The Art of War, tr. by Yuan Shibing (Hertfordshire, 1993), p.121.

sympathies were suspect, British officers were inducted in the courts martial. Secondly, the Commander-in-Chief could order the courts martial to revise their findings. However the Commanders-in-Chief did not always pressurize courts martial for harsher punishments. They occasionally ordered the courts to award lenient punishments, as they themselves were concerned to prevent the slipping of the ever slippery mask of leadership.

There was a case of combat refusal by private Gulab Singh in March 1867. Nevertheless Subadar Mungul Singh who presided over the general court martial was very lenient with Gulab Singh. The latter was merely imprisoned for 3 months. As Mungul Singh and Gulab Singh were from different regiments, this indicates that the Indian officers' sympathy for the brown privates cut across the regimental boundaries. General W.R. Mansfield, the Commander-in-Chief of the Indian Army (1870-75), asserted that if such guilty soldiers were not punished severely then combat refusal and decomposition of the command structure would become rampant. He continued by saying that Gulab Singh ought to have been awarded capital punishment for his crime. Mansfield did not reject the court martial sentence passed by an Indian officer, probably to avoid running roughshod over Indian opinion.

Misbehaviour by the Indian officers towards their superior British officers occurred occasionally. Resaldar Rahim Bux Khan of the 19th Bengal Cavalry at Shahdera on 1st February 1870 lost his temper with his British commandant. In front of other Indian officers, Bux Khan behaved insolently with his commandant. Bux continued to shout after being repeatedly ordered by his superiors to remain silent. A general court martial presided over by Resaldar Major Man Singh from the same

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regiment merely suspended Bux for 4 months. One wonders whether, if the president was British, Bux Khan would have been in more serious trouble. Mansfield caustically commented that Bux Khan’s punishment was unnecessarily lenient but he did not ask the court martial to revise the sentence. This was probably because the specter of Hindu–Muslim unity haunted the British—Bux Khan and Man Singh belonged to different religions.

But the top-most military figure did not always tolerate such leniency on the part of the courts martial if the cases involved direct challenges to the British officers by the brown soldiers. The British officers in charge of the Indian regiments were cowed down if the religious sentiments of the soldiers were involved. They dilly-dallied, especially when Islam was involved. This was probably due to the ‘Mutiny mania’ which worked at the back of the imperial mind. The officers held the opinion that Islam provided fuel during the 1857 rising. Even among the Raj’s civilian officers, the general belief was that the Muslims at best nurtured passive hostility towards the white men’s regime and at worse were actively hostile. This was because, ran the British conviction, due to the inherent hostility of Islam towards Christianity. The British were conscious that the growth of their empire in India had displaced the Muslims from the high government posts which they had occupied in the 18th century. Further, the British were nervous because in the second half of the 19th century, the Muslims constituted about 45% of the Indian Army. A tense situation developed at

41 Calcutta, 22 March 1870, G.O. p. 96.

Buxa on 5th November 1865 as the Indian officers and the privates combined to defy the white men’s power, and the incident acquired a religious tinge. On that day, a Muslim private of the 31st Infantry Regiment (which was composed of Punjabi Muslims and Sikhs) left his post, while on duty, in order to pray. Captain T.G. Ross ordered the Subadar Major Bhuggah Khan to discipline the private. Bhuggah Khan knew well that the men in that regiment were never supposed to leave their posts for religious purpose during duty. But Bhuggah Khan arrogantly refused to comply with Ross’ order. When Ross reported the Subadar Major’s behaviour to the regimental commandant Lieutenant Colonel S. Richards, the latter ordered an enquiry. Events reached a breaking point when, during the investigation, Bhuggah Khan shouted repeatedly and obstructed the proceedings of the investigations. So a general court martial was assembled on 30th January 1866. However the British officers moved with trepidation. As the Subadar Major and the private were both Muslims, the imperialists were afraid of antagonizing the regiment’s Muslim soldiers’ religious sensibilities. The British officers understood that if the private, who was the real culprit, was punished, then the Muslim soldiers of the unit would interpret the British move as an undue interference in matters of faith. Predisposed to believe the worst, the British officers believed that such a move might snowball into a mutiny. So the private was left alone and the Subadar Major was brought under the ambit of the ‘secular’ charge of showing ‘disrespect’ to his higher officer. Even then, the court’s sentence lacked the killer instinct. Instead of dismissal or imprisonment, Bhuggah Khan was merely suspended for 6 months.43

43 Lieutenant F.G. Cardew, *A Sketch of the Services of the Bengal Native Army to the Year 1895* (1903, reprint, New Delhi, 1973), p. 331; Calcutta, 14 March 1866, G.O.
The ‘men on the spot’ felt immediate pressure, so the general court martial was lenient to the culprits. But the top echelon of the military bureaucracy which functioned from Calcutta and Simla, far away from the context of local pressure, was unwilling to allow the miscreants to escape so lightly. The president of the court martial, Sibratan Ram, was of the same rank as Bhuggah Khan. Because the president did not outrank the culprit, he probably lacked the moral courage to punish him heavily. Mansfield sensed that though Sibratan Ram was from another unit, he was colluding with Bhuggah Khan. Mansfield argued that the court’s sentence was not commensurate with the serious crime committed by Bhuggah Khan, who held the highest rank that could be attained by any Indian. He further commented that if Khan was not seriously punished, then it would set a fatal example and would send shock waves throughout the army. To bring order out of chaos, Mansfield demanded a far more serious punishment. However, to prevent any reaction from the co-religionist Muslim privates of the regiment, Mansfield decided to leave the private alone. Mansfield deliberately retained Sibratan Ram as the president of the court martial, and used him as a shield to absorb direct heat from the Indian privates away from the white officer corps. Under pressure from the highest authority, Sibratan Ram complied and passed a revised sentence on 20th February 1866, stating that Bhuggah Khan was to be dismissed. This was a typical example of Indian officers being used as stooges to award heavy punishment to Indian soldiers. Mansfield tried to use this punishment as a deterrent. To deter further defiance by the Indians, Mansfield converted this punishment into a public spectacle. In March 1866 he ordered that Bhuggah Khan’s sentence should be read publicly to every Indian regiment.44

44 14 March 1866, G.O.
Conflict also occurred between the regional and the central army commands. A Subadar of the Bombay Army, with 20 years service behind him, was dismissed from service in 1867, for intoxication during duty. However, due to consideration of his past service, the Subadar was granted a pension of Rs 12 per month. The army head quarter was against showing such leniency, and warned the regional commands that in future such unnecessary leniency need not be shown to the 'guilty' soldiers.  

Occasionally, lack of unanimity within the general court martial allowed the higher authorities to award heavy punishment. One Resaldar Kunhiya Singh of the 17th Bengal Cavalry was drunk at Barrackpur during the evening parade on 6th February 1868. The president of the court, Subadar Major Munnalal Tiwari, pointed out that the Resaldar deserved pardon, because due to heavy duty he could not get any rest for the previous 3 days. The bonhomie between the Indian officers cut across service rivalry. Tiwari, who belonged to the infantry, sympathized with Kunhiya Singh of the cavalry. However the other members of the court martial did not agree with Tiwari. Since no consensus emerged, and the president was unwilling to accept the majority's decision, Tiwari appealed to the Commander-in-Chief, who took the final decision. Due to the split within the members of the court martial, Mansfield could afford to turn down Tiwari's request, and Kunhiya Singh was discharged.  

At times, the Indian personnel attacked British officers physically. The British policy, in such cases of gross indiscipline within a regiment, was to appoint a British officer from another unit, in the hope that he would be free from the pressure generated by the regimental personnel who were facing charges, and their friends

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45 Statement of cases recorded in the proceedings in which there have been differences in opinion between the supreme government and the Bombay government, 15 Oct. 1867, Norman minutes.

within the unit. The grievances of the soldiers were frequently directed against both the British, and those Indian officers who were considered lackeys of the sahibs. A sepoy, Bichai Singh of the 4th Bengal Infantry Regiment, hit Major John Swinton Melville and Jemadar Ramadin Singh of the same unit with his rifle in Calcutta on 6th March 1899. The Major was seriously wounded. A court martial was assembled at Fort William on 29th May 1899. The army considered the case to be too serious to be left in the hands of the Indian officers. So Lieutenant Colonel G.G. Monk Mason of the Royal Artillery, instead of an Indian officer, was appointed to preside over the court martial, and he sentenced Bichai Singh to suffer transportation for 7 years. Monk Mason could afford to award a harsh sentence because there was no unified opposition to the white officer corps by the Indians. In fact the Jemadar had tried to save Melville. 47

There were several cases when a private attacked more than a single Indian officer of the same regiment. This reflected that the privates were angry with those elements of the brown officer's corps, which colluded with the sahibs. On 22nd July 1895, Rifleman Bharajman Rai of the 2nd Battalion 4th Gurkha Rifles at Bakloh shot at Subadar Indarbir Kunwar and Havildar Dalbir Shahi of the same unit with his rifle. The Subadar was seriously wounded and the Havildar died. Then Jhanda Singh of the 10th Bengal Infantry shot dead Subadar Mehtab Singh of his unit on 27th February 1899. The general courts martial hanged Rai and Singh 48 to prevent the collapse of the imperial auxiliary shield.


The Indian officers frequently misbehaved with the privates. Though such affrays were not direct challenges to the white men’s authority, the high command still intervened to prevent the discontent of the privates from taking an anti-establishment colour. In such cases an Indian officer was generally appointed as president of the court martial, to project an image showing that the white men were not overinterested in poking their noses into the internal problems of the Indians. On 29th January 1870, Subadar Shaikh Ali Bux of the Hyderabad Contingent’s 5th Infantry Regiment was drunk and assaulted the recruit Peer Bux. Lord Napier, the Commander-in-Chief of the Indian Army (1870-76), in order to project the view that whenever possible an Indian should judge another ‘guilty’ Indian, appointed Subadar Major Baderuddin as the president of the general court martial. The court martial suspended Ali Bux for 6 months.\(^{49}\)

In many cases the Commander-in-Chief played the role of a benevolent angel, especially if the courts martial overstepped their limits. The bottomline was that, except with those Indians who had challenged the British officers, the military hierarchy was ready to be lenient. The high command went out of its way to reduce the punishment of those Indian officers who were charged with neglect of duty, though it adversely affected the military effectiveness of the force. One Jemadar Jenab Shah of the 2nd Punjab Infantry at Bahadurgarh made a false report to his commander on 15th October 1869. He stated in his report that all the regimental camels, which were used for carrying baggage and munitions, were present. The Jemadar knew very well that 2 camels were missing. A general court martial, which was presided over by Subadar Major Habib Khan, suspended Jenab Shah for 6

months. Though Jenab Shah's crime was less serious than that of Resaldar Rahim Bux, who misbehaved with his British officer in February 1870, Bux got away with lighter punishment. While Bux was served an order of suspension for 4 months by Resaldar Major Man Singh's court, Jenab Shah was suspended for 6 months. This was despite the fact that Jenab Shah's service record was much better than Rahim Bux. Why did this happen? Perhaps either Man Singh shared with his colleague Rahim Bux, a sort of disaffection against the British who had monopolized most of the power and privileges for themselves, or Habib Khan had a personal vendetta against Jenab Shah. Anyway, Mansfield noticed this contradiction. So he revoked the suspension order.50

A case of a senior officer, who was above the officer presiding over a court martial, but acquiesced to the soldiers' pressure, occurred even when the army was in the midst of a war. When the Second Afghan War was going on, a Punjabi Muslim sepoy named Sharin of the 20th Punjab Regiment deployed in the Kurram valley deserted on 5th January 1880. The crime was doubly serious because the soldier deserted, with his rifle, when the army was engaged in battle. The man was caught and brought to trial before a general court martial. He was sentenced to suffer transportation for 10 years. The Punjabi Muslims constituted a sizeable chunk of the Raj's force. By 1885, they constituted about 6.7% of the Indian Army. They numbered 8799 men. Major General C.J. Morsoon commanding the Punjab forces reduced the term to 8 years,51 probably in a goodwill gesture, not to alienate the Punjabi Muslim community.

50 Calcutta, 22 March 1870, 26 March 1870, G.O. pp. 96, 115-16.

Even during peace, the Raj’s punishment apparatus buckled due to pressure from below. The army gave way to the troops’ demand for redressal, especially just after 1857, when the British were still suffering from the ‘Mutiny shock’. In 1857, when the Bengal Army mutinied, about 100,000 soldiers rebelled. Only a few fought for the Raj. Some soldiers were disarmed and the rest deserted or just went to their villages and sat tight waiting and watching. Among this group of fence-sitters, a considerable number were dismissed and discharged from various regiments by their commandants, on grounds of their dubious loyalty. After the imperial victory many such characters turned up claiming ‘justice’. The Raj lacked the will to turn everybody down as the rebellion was just over. And in such cases, the higher authorities overrode the decisions of the summary courts martial.

One Mohais Singh, an ex-soldier of the 29th Bengal Infantry Regiment, which rebelled in 1857, turned up in 1860 to challenge his dismissal. He claimed that during 1857 he was at Ambala depot, and when ordered by the British commandant to prove his loyalty by firing the greased cartridges, he fired from his Enfield rifle. This news reached his unit, then stationed at Moradabad. When Mohais Singh joined his unit, his Purbiya colleagues raised a hue and cry, saying that Mohais had become an outcaste as he had handled the impure cartridges, and was hence unacceptable to the regiment. In an attempt to defuse tension, Captain Hoeist of his regiment ordered Mohais Singh to take leave from 20th May till 31st July 1857. As the temper of the Purbiyas rose and the Mutiny spread, Hoeist renewed Mohais’ leave for another 4 months. But Mohais claimed that when he presented himself at Benares in 1858, the Brigadier in charge there dismissed him. Mohais recounted that he had served the Raj with loyalty for 19

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years but was unduly punished for others' guilt. He demanded to be reinducted in the army. The soldiers joined with a sense of contract of continuous service. Breach of this contract would have resulted in the loss of faith of thousands of the Raj's soldiers, resulting in the weakening of the loyalty bonds. This the army could not afford. Moreover Singh had been thrown out by a summary order. The higher authorities regretted that British officers often behaved as despots, which in turn angered the soldiers. So they reopened this case. Captain L. Fraddy, the late commandant of Mohais Singh, acknowledged that, though a Brahmin, he behaved properly at Ambala and he remained in his village when his regiment mutinied in June 1857. Major E. Crompton, who was at Benares, ascertained that Mohais was in his village Moorlichpura in Ballia parganah of Ghazipur province during the Mutiny. Satisfied with the enquiry, the Commander-in-Chief ordered the restoration of Mohais Singh in the army without forfeiture of his former period of service. 53

Occasionally the 'guilty' soldiers enjoyed the benefit of doubt. Naib Ressaldar Sadat Ali Khan of the 18th Irregular Cavalry was on sick leave when the 'devil's wind' blew. He rejoined his unit only on 23rd January 1859. What raised the eyebrows of his commandant, Major W.H. Ryves, was that the duration of the Ressaldar's sick leave extended from 8th April 1857 to 7th November of the same year. What was Khan doing after that date till January 1859? Khan claimed that he was at his home at Rampur and during the Mutiny he had tried to contact the British. Khan demanded his arrears of pay- Rs 361. Ryves deduced that Khan was at best a passive, and not an

53 This case shows that the feedback apparatus of the Raj reached to the lower levels of the Indian society. So the Raj was anything but a Night Watchman State. Petition of Mohais Singh, sepoy of the 3rd Company of 29th Bengal Infantry Regiment, to the Commander-in-Chief, Calcutta, Progs. no. 113, 18 Nov. 1859, Major H.K.Burne, offg. Deputy Secy. to the India Govt. Military department, to the offg. Assistant Adjutant General, Fort William, Progs. no. 114, 3 March 1860, M.D.P. March 1860.
active supporter of the Raj. Instead of coming forward and risking life and limb to aid the white men in a time of trouble, Khan spent his time comfortably with his family. At this critical juncture, Ryves' superior, the Adjutant General Lieutenant Colonel W. Mayhew, came to Khan's rescue. The Adjutant General was afraid that the arbitrary behaviour of the regimental commandants would alienate the Indian personnel. Mayhew asserted that Khan's argument that he tried to contact Ryves several times could not be disproved. The Adjutant General ultimately restored Khan to his former position in his old unit and released his arrears. 54

III

The trend towards moderation was further intensified by the British success in limiting the quantum of crime. The British policy of awarding moderate punishment prevented the discontent of the Indian soldiers from reaching a certain threshold and thus the army experienced a low level of crime. This becomes evident when one takes a micro and the macro view of the crime graph.

The 14th Madras Infantry Regiment can be taken as a microcosm of the infantry regiments. In its long history of more than a century, there was only a single case of desertion, and this occurred in 1893. 55 From table 11 it is clear that on a macro perspective, desertion remained very low in the Indian Army. Compared with other


55 14th Madras Infantry, p.36.
armies, like the American forces during the Civil War, and the Red Army during the Bolshevik takeover, desertions in the Indian Army remained very low.

Desertions were miniscule in the Madras infantry regiments, because the privates were allowed to keep their wives with the regiments. The regimental lines became their homes and they had no other place to go. Moreover, many of the Madrassi and Gurkha soldiers sons' got jobs in their fathers' units. The Victorian British Army believed that if the soldiers were allowed to keep their families with the regiments, then they would not get drunk and undisciplined. This strand of thought probably influenced the military authorities of British India also. Further, the Indian soldiers' families in the regimental lines functioned as imperial hostages; a security for the 'proper' behaviour on part of the soldiers. In the Bengal Army and in the Punjab Frontier Force, north Indians, Punjabis and the frontier tribes were inducted. In 1875, these two forces had around 9,000 Gurkhas, 22,000 north Indians, 19,000 Punjabis, and 5,000 frontier tribals. In the British perception the last two groups were 'wild' natured. How were the authorities still able to check desertions? Military service was an honourable profession. Generally, small peasant families owning 4 bullocks and 60 acres of land supplied personnel to the Raj’s military. The small peasants from Punjab and the Ganga-Yamuna doab generally joined the army to tide

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56 This analogy is partly true because the Civil War American armies were a sort of militia while the Indian Army was composed of long-service volunteers. Further, the American armies suffered from logistical breakdown and high rate of casualties. These two factors encouraged desertion. On the other hand it could be argued that while the Americans were motivated by nationalism, the Indian Army personnel were quasi-mercenaries. Brian Holden Reid and John White, "A Mob of Stragglers and Cowards": Desertion from the Union and Confederate Armies', JSS, vol. 8 (1985), pp.64-66, 75; Theodore Ayrault Dodge, Alexander (1890, reprint, New York, 1996), pp. 246-48, 680.

over unfavourable harvests. During harvest times, when the troops’ farms needed extra hands, they demanded to go to their villages. So the army introduced the scheme of furlough. Each soldier got furlough of about 3 months every year, when they visited their families in the villages. For the frontier tribals’, pay and pension was a vital source of tribal income, especially in the context of a rising population and diminishing economic base. Their population reached 1.6 million by 1911. Between 1879 and 1915, the number of tribals in the Indian Army increased from 2,000 to 7,500. Since the Gurkhas had left Nepal along with their families because there were no jobs, there could not be any question of their leaving the army. ⁵⁸

Desertion was minute in the cavalry regiments, because the landed gentry used to join these units along with their retainers, for social prestige. They bought their own horses and, for security, they had to deposit money with the government. If they misbehaved, or were discharged, then they lost their security money. ⁵⁹


⁵⁹ Scinde Horse, Brigadier Park’s report, Bairseah, 11 Oct. 1859, M.D.P. March 1860.
Table 11: Desertions of the Indian Army Personnel stationed within India (1870-75)

<table>
<thead>
<tr>
<th>Army</th>
<th>Number of Deserters</th>
<th>Number of Deserters % of Strength per Regiment per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bengal Army</td>
<td></td>
<td>3.5 Men (Infantry and Cavalry 5 Regiments taken together) ; 2 Men in Cavalry Regiment</td>
</tr>
<tr>
<td>Punjab Frontier Force</td>
<td>286</td>
<td>.25</td>
</tr>
<tr>
<td>Madras Army</td>
<td>3 Men in Infantry Regiment</td>
<td>.5</td>
</tr>
<tr>
<td>Bombay Army</td>
<td>532</td>
<td>3 Men (Average of the Infantry and the Cavalry Regiments)</td>
</tr>
</tbody>
</table>

Source: Minute on the organization of the army in India, Ch. 2, Bengal Army, general conditions, para 60, 63, Ch. 3, Madras Army, para 36-38, Ch. 4, Bombay Army, general remarks on the organization, para 19-20, 11 Oct 1875, Norman minutes, N.A.I.
Fragging meant killing or maiming officers by the privates. It was common in the American Army in Vietnam. This phenomenon was present in the Indian Army, but the quantum of fragging was miniscule. In the 3rd Cavalry Regiment of the Hyderabad Contingent in 1828, a group of soldiers murdered Captain Tucker of that unit during parade. The culprits were never caught. This instance occurred probably because the officer had a personal problem with the men. The murder did not reflect an anti-British attitude on part of the sowars, because they remained loyal during 1857, and fought doggedly against the rebels. No other case of fragging was reported from this unit. In the 125 years of 8th Bombay Infantry Regiment’s history, there was only a single case, which occurred in 1885, of serious misbehaviour with a British officer. Occasionally the Indian soldiers misbehaved with the sahibs, and some of the cases were discussed above in section II. The relationship between the white officers and the brown soldiers represented a crucial interface between the colonizers and the colonized. The above cases should force us to revise the picture of a romanticized father-son relationship between the sahibs and the sepoys, as drawn by Philip Mason.

Some discontent was inbuilt between the white officers and the brown privates. But from table 12 it is clear that on the whole, the number of men tried by

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61 Digest of Services 3rd Regiment Hyderabad Contingent Cavalry, N.A.I. (This manuscript is unpaginated and the information is organized under the heading of various years), 4 Nov. 1888.

62 8th Bombay Infantry.

the courts martial remained marginal compared with the size of the army. How were the British able to prevent the escalation of any sahib-sepoy antagonism? The higher level of the military hierarchy understood that, at times, the fault for starting such affrays lay with the British officers. So when any sahibs misbehaved with any brown privates, even without the latter complaining about it, the high command took action. One Lieutenant Colonel Stanley of the Bombay Army in 1867 misbehaved with a soldier during parade. For 'lack of self control', the officer was immediately removed from his position.64

Regimental commandants were occasionally allowed to resort to summary courts martial for dismissing Indians who had defied the white officers' authority. However, table 13 shows that the number of soldiers discharged by both the general and summary courts martial, remained small. Moreover, when Indian officers were discharged by the summary courts martial, then other brown officers were promoted, which cooled discontent. Subadar Moraree Satun of the 8th Bombay Infantry Regiment was dismissed from service for 'misconduct' on 30th January 1885. In this case the Indian officers' anger did not coalesce, probably because their chances of promotion brightened. Generally, few soldiers aspired to become Naiks after 20 years of service. Very few soldiers became Havildars after 24 years of service if not already invalided. To assuage the feelings of the Indian officer corps, the commandant immediately promoted Jemadar Parasarum Jadow into Saturn's slot and Havildar M. Landay became Jemadar in Jadow's place.65

64 Statement of cases recorded in the proceedings, case no. 6, 5 Oct. 1867, Norman minutes.

65 8th Bombay Infantry, 30 Jan. 1885; Lieutenant Colonel H.W.Norman, Deputy Adjutant General, to the Secy. to the India Govt., Military department, Calcutta, Progs. no. 103, 26 July 1861, M.D.P. Oct. 1861.
It is observed that the soldiers’ respect for their officers increased if the latter happened to be the formers’ social superiors.\textsuperscript{66} For this reason, the British tried to utilize the clan leaders’ natural leadership over their followers, while building the cavalry regiments. This policy probably reduced the quantum of misbehaviour by the sowars towards their Indian officers. The clan leaders were encouraged to join the units with their relatives. When the 1\textsuperscript{st} Punjab Cavalry was raised at Peshawar in 1849, Jai Singh, Nihal Singh and Mehtul Singh from Lahore joined with 30 of their Pathan followers. The British, by the technique of commissioning the clan leaders as officers over their retainers, attempted to continue the patron-client relationship between the Indian elite and the indigenous recruits. This was vital because this was a mixed regiment consisting of 150 Pathans (organized in 2 troops), 100 Sikhs and 280 Hindustanis. The clan leaders were men of property and influence in their own localities. The imperial assumption was that the retainers were eager to obey because they already knew their ‘natural’ leaders and were confident that their chiefs, as officers, would look after their interests within the regiments. So, for controlling the Pathan sowars, the British made 5 of their clan leaders into commissioned officers, and another 6 were inducted as non-commissioned officers.\textsuperscript{67}


\textsuperscript{67} Anon, \textit{History of the 1st Punjab Cavalry} (Lahore, 1887), pp.1-3.
Table 12
Trials by Courts Martial of the Indian Army Personnel stationed within India (1870-75)

<table>
<thead>
<tr>
<th>Army</th>
<th>Numbers of Men tried by Courts**</th>
<th>Number of Men tried per Regiment per Year</th>
<th>% of Strength</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bengal Army</td>
<td>1313</td>
<td>4</td>
<td>0.6</td>
<td>The Bengal Army's size was the biggest.*</td>
</tr>
<tr>
<td>Punjab Frontier Force</td>
<td>318</td>
<td>3.5</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Madras Army</td>
<td>1168</td>
<td>5</td>
<td>0.75</td>
<td>30,000</td>
</tr>
<tr>
<td>Bombay Army</td>
<td>1557</td>
<td>8</td>
<td>1.25</td>
<td>22,000</td>
</tr>
</tbody>
</table>

Source: Confidential memorandum on the army, Minute on the organization of the army in India, Ch.2, Bengal Army, Ch. 3, Madras Army, Ch. 4, Bombay Army, Norman minutes, N.A.I.

*The combined size of the Bengal Army and the Punjab Frontier Force was 56,000.

**Includes Summary, Regimental and General Courts Martial.
Table 13

Volume of Dismissal of the Indian Army personnel Stationed within India (1870-75)

<table>
<thead>
<tr>
<th>Army</th>
<th>Number of Men Dismissed</th>
<th>Dismissed by General and Regiment</th>
<th>Summary (Average of Courts Martial Infantry and Cavalry Regiments)/ Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bengal Army</td>
<td>1313</td>
<td>4</td>
<td>.6</td>
</tr>
<tr>
<td>Punjab Frontier Force</td>
<td>318</td>
<td>4.5</td>
<td>.5</td>
</tr>
<tr>
<td>Madras Army</td>
<td>482</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Bombay Army</td>
<td>730</td>
<td>4</td>
<td>.58</td>
</tr>
</tbody>
</table>

Source: Minute on the organization of the Indian Army, Ch. 2, Bengal Army, General conditions, para 60, 63, Ch. 4, Bombay Army, General remarks, para 19, Norman minutes, N.A.I.
Affrays between the sepoys and the Indian officers were more common than between the sepoys and their British officers. This was due to the imperial attempt to use the Indian officers as a human shield to punish the privates. Further, the British officers, compared with the Indian officers, had more power and status, and could offer the privates far more career incentives and punishment. So the Indian privates had reasons to keep the British officers in good humour. The Indian officers’ interaction with the brown privates was also far more frequent. So the former got more opportunity to exercise petty power over the privates. In general, the privates flouted the Indian officers’ authority frequently, because most of the officers were promoted from the ranks. As they were not superior to the common soldier either socially or educationally, the latter failed to give respect to the brown officers. The occasional purchase of the privates' wives by the Indian officers heightened the tension between them and the privates. One such case occurred in the 11th Punjab Infantry Regiment, when Subadar Pritam Singh bought Rukmini, wife of sepoy Ramdas, in January 1860. To prevent the escalation of tension, Lord Clyde, the Commander-in-Chief of the Indian Army (1857-1860), had the Subadar arrested. Finally, the Indian privates remained a more or less cohesive body due to the absence

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68 Army Regulations, pp. 2-3, 10, 89, 119; 1st Punjab Cavalry, Appendix no. 3, V, p. 41.

69 Minute on the organization of the Indian Army, Ch. 3, Madras Army, para 25, 28, 11 Oct. 1875, Norman minutes.

70 Menezes, Fidelity and Honour, p. 534; From Fraser, Simla, Progs. no. 37, 25 Jan. 1860, M.D.P. March 1860.
of negative practices like *dyedovschina* (ill-treatment of new soldiers by the veterans). This cohesiveness enabled them to act unitedly against the brown officers.

In general, the extent of disobedience in the Indian Army remained low because of absence of mass battle casualties, and the absence of mass conscription. Political motives were absent in the ‘crimes’ committed by the troops. This was because the vernacular media and the Congress were not interested in spreading sedition among the troops. The soldiers’ dissent was shaped by their service considerations, and circumscribed by the regimental institution. Even in the pre 1857 era, the mutinies aimed at the improvement of service conditions. Only in 1857 did the soldiers’ grievances snowball into political dissent. This reflects the military institution’s success in separating its personnel from their society. So the traditional interpretation, that the sepoys were merely peasants in uniform, needs to be revised.

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72 Conscription in Europe created a distaste for military service among the Europeans. As a result mostly the economically marginal groups were forced to join the armies. Nuria Sales De Bohigas, ‘Some Opinions on Exemption from Military Service in Nineteenth Century Europe’, *Comparative Studies in Society and History*, vol. 10 (1967-68), pp. 261-89.


75 For the sepoy-peasant continuum see Rudrangshu Mukherjee, ‘The Sepoy Mutinies Revisited’, in Hasan and Gupta (eds), *India’s Colonial Encounter*, p. 130. S.P. Rosen states that the British attempt to
Conclusion

Between the pre colonial and the colonial period, the whole logic of constructing military organizations changed. The types of crimes committed by the soldiers, and the punishment meted out to them, were transformed. The princely militaries were clannish and the clan leaders were responsible for the discipline of their followers. Military families enjoying taxation rights had the responsibility of raising troops and administering them. They changed sides, along with their retainers, in accordance with the demands of local politics. But the colonial army was run mostly on an impersonal basis. The military jobbers were eliminated. So the system of chiefs standing as guarantors was done away with. If the troops were indisciplined, then the army punished them directly. Not the local warlords, but only the military bureaucracy, had the legitimacy to punish the armed personnel. So, in the British period, the state monopolized its hold over the army’s penal system. The central government’s control over the management of violence increased.

If one takes a long durée view of South Asian history, then the changes in the nature of crime committed by the soldiers become clear. To realize their arrears of pay, Maratha troops held dharnas in front of their chiefs, and denied them food and drink. In the British-Indian Army, this sort of action was unnecessary, because pay separate the sepoys from the agrarian society resulted in the 1857 Mutiny. So, in the post Mutiny period, the imperial attempt was to integrate the army with India’s social structure, and this explains absence of mutinies in that period. idem, Societies and Military Power: India and its Armies (New Delhi, 1996).


became regular. To a certain extent, the British period was not only a break with the pre colonial period, but also represented some sort of 'modernity'. In the Khalsa Army, the punishments were generally amputation of limbs etc. Then, in the Mughal and the Ahom forces, the punishment for desertion was impalement or beheading. Such barbarism was on its way out in the colonial army, where the common forms of punishment were suspensions, imprisonments and dismissals. This trend was consonant with the movement in the Western societies toward greater leniency in military punishment.

As the British response towards the indisciplinary acts of their colonial soldiers became bureaucratic and moderate, the Indian Army could be categorized as a professional institution. The colonial Indian Army and the metropolitan armies did not represent two opposite poles. While the Indian Army had some colonial specificity (like the use of the Indian officer corps as an imperial shield), it also shared certain similarities with the British Army, especially as regards the gradual moderation of punishment. Nor can all the colonial armies bracketed together because, compared with the other British colonial armies like their African forces, the penal system of the Indian Army was much more humane.

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79 J.N. Sarkar, *The Art of War in Medieval India* (New Delhi, 1984), pp. 76, 89.


The penal tradition of the Indian Army was characterized neither by Foucaultian nor by Wagnerian drama.\textsuperscript{82} Rudrangshu Mukherjee's argument, that the sahib-sepoy relationship was characterized by overt violence,\textsuperscript{83} applies only for the period between 1857 to 1859. The Mutiny was an aberration. Otherwise crimes were related with mundane, day to day activities, and punishment remained a low-key affair. The Mutiny probably taught the British that the best way to manage the colonial army was not to overreact. In her monograph, Seema Alavi writes that the tightening of the Company's control over the Bengal Army resulted in the 1857 uprising.\textsuperscript{84} The pendulum swung in the opposite direction in the latter half of the 19th century. In the final analysis, the British Indian Army, the chief component of colonialism, operated not so much on the basis of coercion but substantially on the basis of consensus.

\textsuperscript{82} For the horrifying penal system of the *Wehrmacht* see Manfred Messerchmidt, 'German Military Law in the Second World War', in Wilhelm Deist (ed), *The German Military in the Age of Total War* (Leamington Spa, 1985), pp.323-35.

\textsuperscript{83} Rudrangshu Mukherjee, "Satan Let Loose Upon Earth": The Kanpur Massacres in India in the Revolt of 1857', *Past and Present*, no.128 (1990), pp.92-117.