Chapter Three

The ‘Frontier of Settlement':
Violence and Retribution

Kabul 1879

Our North-western Frontier presents at this moment a spectacle unique in the world; at least, I know of no other spot where, after 25 years of peaceful occupation, a great civilized Power has obtained so little influence over its semi-savage neighbours, and acquired so little knowledge of them, that the country within a day’s ride of its most important garrison, is absolute terra incognita; and that there is absolutely no security for British life a mile or two beyond our border.¹

When Viceroy Lytton made this statement in 1877, little he may have imagined that he was unknowingly reflecting on the disasters that were to befall on the British army just two years later in Afghanistan. The British residency in Kabul was stormed by the mutineers of the Afghan regiment. They killed Louis Cavagnari, the British political agent at Kabul and massacred all the fifty members of the embassy in the Bala Hissar fort.² What followed was a typically British practice of ‘punishment’ on its Indian frontiers - imposition of fine on the city, public hanging of people and the dismantling

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¹ Extract from the Viceroy Lytton’s Minute on the Reorganisation of the Frontier, dated 22nd April 1877, Nainital. See Political Department, No. 243, 1878 (Maharashtra State Archives, Bombay).

² The outbreak of the mutiny and the episode of attack on the British residency is detailed in the press reports reproduced in Kally Prosono Dey edited, The Life and Career of Major Sir Louis Cavagnari, British Envoy At Cabul, Together With a Brief Outline of Second Afghan War (Calcutta, 1881), pp.121- 151.
of the historic fortress of Bala Hissar which was the principal residence of the nobles in Kabul. However, in the unfolding of these events history had merely repeated itself. I take this example as an entry point to events that succeeded the first Anglo-Afghan war (1839-41), to understand the cyclical nature of violence that was embedded and in fact was the defining feature of the act of 'punishment' on both the British and the Afghan side. This chapter engages with the question of violence, its acceptance, and its justification with respect to the idea of 'retribution', its meaning, its implementation and what eventually became of such acts during the whole process. The events in Kabul in 1879 were nothing novel in themselves, they brought back to us very strongly, the standout violence of the first Afghan war, which shall remain the focus of this chapter.

Kabul 1841

The British historians remember the First Anglo-Afghan War (1839-41) as the darkest spot in their history of presence in South Asia. In the 'inglorious retreat' of the British army which comprised of about seventeen thousand men, women and children, over a hundred survived as prisoners and only one escaped nearly killed to narrate the horrors of death and misery of those who marched from Kabul towards India to secure their lives from the ruthless assault of the Kabulees. One historian calls it the 'signal catastrophe'. Some one else wrote, "The crowning disgrace of 1842 was that a trained army of regular soldiers should have been annihilated by a few thousand hillmen, among whom there was no symptom either of good valour or of good leadership." The Kabul tragedy was remarkable for its awful completeness. On the Afghan side retribution seemed total! A 'large mosque' was built in the middle of the Kabul bazaar and named the ferengee mosque commemorating the victory over kafirs. The mob celebrated, the British had evacuated their city, retreated, and died!

The retreat was preceded by what the Foreign Department files at the National Archives of India refer to as the 'unhappy revolutions'. Just a couple of years before,

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The Murder of Alexander Burnes

Source: www.fotosearch.com
Afghanistan had been invaded by the British army in 1839, under the pretext of checking Russian influence on the north-west frontiers of Hindustan and subsequently Shah Shuja, a British puppet was placed on the throne. An army of nearly eight thousand men was placed in Afghanistan to curb possibilities of local uprisings. In a matter of months the ‘army of occupation’ was settled in the cantonments just a mile outside the city of Kabul, where general life seemed merry full with all kinds of amusements – theatre, cricket, skating, horse racing and hunting to mention few. British officers brought in their families and the sepoys were persuaded to do the same. 6 But the reverse of this happy picture was the growing discontent among the local population. Taxes were rocketing up under the administration of the new ruler. The demand for basic items and food stuff had risen many fold in the presence of a large English and Hindustani population whose settlement had acquired a threatening permanence. This seemingly permanent occupation had gradually escalated the tensions between local population and the new settlers to the extent that in early November 1841, Alexander Burnes, the ‘British resident’ house in the heart of Kabul was attacked by the disaffected chiefs from the Durrani nobles instantly killing him, his brother Charles Burnes along with an army officer William Broadfoot. 7 The gatherings of rebels then went on to burn and plunder a near by treasury. 8 This was the first violent manifestation of the outbursts in Kabul against the English settlers but there were many more to come in the next two months.

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7 There are different versions of Alexander Burnes’ murder, perhaps the most reliable of them all is written by Mohan Lal Kashmiri who at the time of the event was only a few buildings away from Burnes’ residency and witnessed from the roof top a good part of the violent developments in the street. See Mohan Lal, *Life of the Amir Dost Mohammed Khan of Kabul: With his Political Proceedings towards the English, Russian, and Persian Governments, Including the Victory and Disasters of the British Army in Afghanistan*, Volume II (London, 1846), pp.401-10.
The Killing of William Macnaghten

Source: www.fotosearch.com
William Macnaghten, the British envoy in Kabul and the representative of Great Britain in the court of Shah Shuja-ul-Mulk, was the first target in the violent order of events. He was perhaps the most hated man in Kabul, his economic reforms were chiefly responsible for reduced allowances of the nobility and a general inflation in the local economy.\(^9\) I will briefly state here the context in which Macnaghten was captured by the rebel chiefs and the spectacle of death that followed. Following a general conflagration of dis-affection among the people and the nobility in and outside Kabul by mid December 1841, there was a growing pressure on the British envoy to set up terms for evacuation of the city. The discontented tribes now blockaded the British cantonments and all supply lines to it were cut. Macnaghten realizing his depleted state of supplies and with no help coming from the nearest British residency at Jellalabad opened for negotiation.

It was during this meeting of 23\(^{rd}\) December 1841, that William Macnaghten along with Captain Trevor and two other officers- Colin Mackenzie and George Lawrence was captured. According to Mohan Lal’s version, Macnaghten was first shot by Akbar Khan (the son of the deposed ruler of Afghanistan, Dost Mohammad who had recently joined the chief rebels in Kabul), by the very pistol gifted to him by the envoy. On his fall, “Akbar Khan put the first stroke of his sword on his [Macnaghten’s] throat, and then his head was severed from his body....”\(^10\) The trunk of the British envoy was now dragged away and was hung up for public display in the most conspicuous part of the city- the great Chahar Chatta Bazaar where the exhibition of the dismembered body was made for three days. According to the Foreign Department files, the envoy’s trunk was thrown at the doors of jeerut-

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\(^9\) For a political analysis of the situation in Kabul which led to the violent uprisings among the tribes of Ghilzais, Barakzai and the nobility, see M. E. Yapp, ‘The Revolutions of 1841-2 in Afghanistan’ in *Bulletin of the School of Oriental and African Studies, University of London*, volume 27, 2 (1964), pp. 333-81. Yapp’s main concern has been to explain the chief causes of disturbances in Kabul in late 1841, which spread to Kohistan, Ghazni and Kandhar becoming a general uprising. These were to do with the British envoy who was under pressure from Calcutta to be economical in the maintenance of British state in Kabul. As a result he consistently reduced the nobles’ allowances paid in lieu of their supply of troops, and for keeping the passes open for communication. He adds that British interference in Shuja’s administration, growing inflation together with British involvement with local women fomented into a serious outburst. Contrast to Yapp’s work is Mahmoud Hanifi’s book: *Connecting Histories in Afghanistan: Market Relations and State Formation on a Colonial Frontier* (New York, 2008). Hanifi offers a vigorous economic explanation and shows that inflation was ‘created’ by the Company’s introduction of its own currency in Kabul and by the fiscal reforms introduced by Burnes and Macnaghten.

place of worship at Bala Choke "to be spit upon by all 'true believers'." The mystery over Macnaghten’s head did not shroud for long. The head of the envoy was first taken to the house of Nawab Zaman Khan where it was "triumphantly exhibited" to British hostage Captain Conolly who had been kept in the rebel chief's house as a part of a previous negotiation. The head of the envoy was then carried about in the city in triumph, it was first paraded in the court yard and then in Char Choke of the main bazaar. As far as other captured officers were concerned, Colin Mackenzie and George Lawrence were made prisoners but Captain Trevor met the fate of the envoy though his body was not mangled like that of his senior officer but it was hung up in Chahar Chatta and displayed to the public eye.

This powerful spectacle of death which revealed itself in public killings of the British representatives and exhibition of their bodies in triumph, proved to be just a prologue to a more hideous tragedy.

The Retreat

The murder of the envoy put to rest all hopes of British stay in Kabul. In the beginning of January 1842, a hasty negotiation was carried out with the tribes by General Elphinstone for evacuation of the city and thus began the mass exodus of seventeen thousand men, women and children from Kabul. We will not discuss here the developments of 'the retreat' as it has been done before instead I will paraphrase

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11 See Chief Engineer Captain Abbott's Report on the Destruction of the Chuttee or Covered Bazaar at Cabool in Foreign Department, Secret Consultation (hence forth FDSC), 28th December 1842, no. 689-96, A, National Archives of India (hereafter NAI).
12 Nawab Muhammad Zaman Khan became the nominal ruler in Kabul after Shah Shuja was alienated by the rebelling tribes. Khan was the senior member of the Barakazai family, according to Yapp, he did not take part in the planning of the rebellion in fact offered help in its suppression. Khan remained as one of the chief leaders on the rebel side who was involved in negotiations with the British, and most British hostages were kept with him.
14 Ibid.
here this important event and make some general comments for the sake of building a background to the main course of this essay.

The distance between Kabul and Jellalabad was a journey of about eight to ten days and the route passed through the difficult passes of Khurd Kabul, Tezin and Jugdulluck which were guarded by the local tribes, majority of whom were now 'hostile' to the British presence especially after the uprisings in Kabul. The army began its retreat from Kabul; snow had covered the ground, officers and soldiers were depressed, half-starved, ill-clothed and badly supplied with ammunition; the Afghans, the Ghazees, the Morrunds, the Ghilzies accompanied them into the passes. As per the negotiations, the retreating army was offered a safe passage through the passes, but when the march began, thousands of Afghans who had assembled on the heights of the passes poured down in a 'deadly fusillade' upon British troops and civilians. The passage of the retreating army was blockaded by bodies of furious horsemen who charged them in defiles; a highly disorganized condition of the staggering number of people on the march, bad leadership, the snow were against them. The Afghans were unremitting in their attack for "nothing could slake their thirst...for blood of the infidels." This contest continued for three days and only ended with the massacre of some 17,000 sepoys, officers and camp-followers. Around 150 were made prisoners including several women and children. The only one to survive the retreat was a doctor in the army by the name of Brydon, who miraculously escaped thirst, hunger, snow and assaults and reached Jellalabad on his dying pony to retell the disasters of a 'piteous tale'.

The melancholy account of an army officer sums up the retreat in a long written poem 'Ziela', few passages from which I reproduce here:

With hope and honour gone and lost!...

Long ere that signal-gun bestirr'd

17 Ibid.
18 Ibid.
Confusion, turmoil, and dismay
Had heralded the approach of day,
Full many a warning tale had told,
How winter's scaith might more defeat
The planning of their dread retreat,
The might, or vengeful ire and sword,
Or prowess of sad Ghilzye horde!

Men, women, children, - all, alas!
Thus early, an incongruous mass
Of moving life, prepare to face
Their march of horror and disgrace,
Thus onward, reckless all, they rush,
Each seeking foremost to attain
The readiest path across the plain

Still, still the head pours forth amain,
Its rabble, and unceasing train-
Affrighting e'en the very skies
With objurgations, curses, cries
Vociferous-hideous, godless noises,
A Babel of itinerant voices.

Like scene ne'er mortal saw,
A dense, huge horde of men and beast
From order and control releas'd,
For discipline hath to wholly ceas'd,
Nor may restrain or awe!

In vain the ravening groups demand
Slight succour from some generous hand,
Till lash'd to wildest frenzy, they
Not for its heaps of precious ore-
Nor treasures as their ampest store.
The scattered baggage they explore,
Of value tenfold greater view'd
The smallest particle of food-
Yet nothing yields that baggage scant
To appease the frenzy of their want;
And hopeless, full of misery,
They lay them down to sleep and die!19

Kabul tragedy led to further reverses for the British elsewhere in Afghanistan. Early in 1842, the British army surrendered Ghuznee, while Khelat-i-Ghilzye - the only post between eastern and western Afghanistan, Jellalabad and Kandhar was precariously held by the English troops.20

‘Proclamation of Gates’

The news of the Kabul disasters was received at length by the governor general Lord Auckland on the 30th January 1842, and in a ‘spasmodic fit of energy’, Auckland issued a notification on the following day, stating that he regarded this “partial reverses only as a new occasion for displaying the stability and vigour of the British power, and the admirable spirit and valour of the British Indian army.”21

But the immediate show of willingness to send an army for ‘show of strength’ proved short lived. The governor general was slowly realizing the full impact of the catastrophe in Afghanistan, which was reflected in his instructions to George Pollock. Pollock was sent to lead the ‘army of retribution’ in early February 1843. This army was about 7,500 men strong and it had support of General Sale’s brigade at Jellalabad while a second brigade had already been ordered three days before to proceed to Peshawar comprising of about three thousand combatants.

Pollock was clearly instructed to take a more cautious approach, first of all to secure release of the British officers, soldiers, and their families, private servants and followers who were in captivity and their safe return. Secondly, to keep a watchful

20 Rathbone, The Life and Correspondence, p. 207.
21 Ibid, p. 208.
eye on the political events on the frontier especially keeping communications open with factions, which may acquire power in Afghanistan.\textsuperscript{22}

While Pollock was on his way to Jellalabad, he received the news of the arrival of the new governor general Lord Ellenborough on 28\textsuperscript{th} February, 1842 in India. Ellenborough immediately reversed the order of priorities in his instructions given to Pollock, by his predecessor Auckland. Pollock was asked first of all to direct his attention to the safety and withdrawal of the British garrisons beyond the Peshawar frontier at Kandhar, Jellalabad and Khelat-Ghilzai, and in so doing, 'subject to military considerations', he was to secure the release of the British and Indian prisoners from captivity. Throughout his correspondence to the two commanding officers in Afghanistan, George Pollock and William Nott, Ellenborough showed a marked hesitancy to order his troops to advance to Kabul where the British army disasters began, and he was greatly disparaged by the English press for not showing any urgency towards the release of about 130 odd prisoners.\textsuperscript{23}

As a matter of fact, in late April, when the British army carrying supply and provisions for Kandahar, suffered few reverses (under General England), in the Khojuk pass, an anxious governor general asked his troops at all frontier posts including Jellalabad, Kandhar and elsewhere to return to Hindustan.\textsuperscript{24}

Nott and Pollock at this time were contemplating marching towards Kabul. The latter expressed his inability to withdraw till October, for a serious want of provisions and supplies and the failing health of his troops.\textsuperscript{25} Some how the 'astonishing' orders of withdrawal meant to be kept secret, leaked out to the press which grew unanimous in "its reprobation of the policy enunciated" and Ellenborough was now put to embarrassment.\textsuperscript{26} In a face saving measure, Ellenborough issued orders to his army officers, Nott and Pollock on 4\textsuperscript{th} July, which "neither peremptorily required

\textsuperscript{22} Ibid, p. 284.
\textsuperscript{23} See Afghan War- Vote of Thanks, Hansard, House of Lord Debates (henceforth HHLD), 20 February 1843, volume 66, pp. 901-24.
\textsuperscript{24} Ibid, pp. 898-91.
\textsuperscript{25} Ibid, pp. 901-21.
\textsuperscript{26} Rathbone, The Life and Correspondence, pp. 300-1.
withdrawal nor advance but left the entire responsibility of the steps taken on the shoulders of the two generals."  

I reproduced here the relevant portions of this letter:

if you determine upon moving upon Ghuznee, Cabul and Jellalabad, you will require for the transport of provisions a much larger amount of carriage,...whether you will be able to obtain provisions for your troops during the whole march, and forage for your animals, may be a matter of reasonable doubt...it is an object of just ambition...but I see that failure in the attempt is certain and irretrievable...the risk is great...you will recollect that what you will have to make is a successful march; that march must not be delayed by any hazardous operations against Ghuznee or Cabul...if you should be enabled by a coup de main to get possession of Ghuznee and Cabul, you will act as you see fit, and leave decisive proof of the power of the British army, without impeaching its humanity. You will bring away from the tomb of Mahmood of Ghuznee, his club, which hangs over it; and the temple of Somnauth. These will be the just trophies of your successful march.  

This proclamation also came to be known as the 'proclamation of gates' issued to the 'army of retribution' and became the butt of ridicule in the London parliament for the governor general's attempt 'to appease Hindus'. However, it gave the army an almost free hand to decide the nature of 'punishment' against the 'tribes' on the frontier.

'Just Retribution?'

Let me assert once again that Major General George Pollock was sent with an army beyond the Peshawar frontier to 'rescue' the British army in Jellalabad which was

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27 FDSC, 12th October 1842, no. 159-167, A (NAI).
28 Ibid.
29 See 'General Order by the Governor General of India, Agra, 10th March 1843' in Foreign Department, Political Consultation (henceforth FDPC), 5 April 1843, No. 1, A (NAI). The gates of the temple of Somnath were deposited by Major Leech in the Divane-Aam of the fort of Agra. On the governor general's instructions, the sandal wood gates of Gujrat temple which were removed by Mahmud of Ghuznee in 1043 AD, were brought by general Nott on carriages of the 'heavy battering guns', despite an acute shortage of carriage even for sick and wounded. Mid way, the carriage guns broke down and the gates were then dragged by about 40 bullocks yoked to the gun at the speed of about half a mile an hour. These sandal wood gates were later discovered to be a replica of the original. They can now be seen in the store room of the Agra fort. For the 'journey of the gates' see Rathbone, The Life and Correspondence, pp. 328-9, 389-90, 433 and 457.
under siege in the Afghan city for six months and in danger of meeting the fate of the 'retreating army'. It was not certain that the main objective of army was a violent retribution. Its entry into Kabul and Ghuznee was subject to various considerations of logistics and provisions. On reaching Jellalabad, Pollock found that the siege of Jellalabad had already been broken. Therefore he wanted to march towards Kabul as soon as possible but was left stranded for few months due to non-availability of carriage and supplies. The army from Jellalabad eventually reached Kabul on the 16th of September 1842, where they were joined the next day by army from Kandhar under William Nott. English and Hindustani prisoners were rescued in a short time from the rebel chiefs, after which it was left to Pollock to decide the nature of 'punitive measures' to be taken against the Kabulis. The issue was: how to leave a decisive proof of British power without impeaching its humanity? Technically this meant that which ever course of action may be taken for punishment, it should not violate or put to trial certain basic ideas such as mercy and kindness that constituted 'humanity' in the English dictionary. This also meant that retribution had to be just, with emphasis on the word just. And if we take this idea further and relate it to the contemporary debate going on in England between the Utilitarians and Retributionists, one may further ask, would retribution be not just but will it be morally just? Will it be proportionate? Will it follow certain definitions of 'innocence' and 'guilt', in other words will it distinguish between participants and non-participants in the Kabul tragedy? We will see that all these questions will come in to play when we re-narrate the episodes resulting from British army's march into Kabul.

At Kabul, the question of punishment turned out to be moot one. A difference of opinion prevailed in the army, but main players in this debate were Pollock and William Nott, the general heading the Kandhar army. The latter was in a hurry to leave Kabul as the winters were approaching and ice could be seen on the peaks of the mountains already. He therefore thought that the destruction of the 'lasting mark of just retribution of an outraged nation' would be to dismantle the great Bala Hissar

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30 Pollock and Nott were at logger-heads over the issue of sending an expedition to rescue the prisoners, the latter complained to his senior officer that his troops were in ill-health and animals were giving up. Finally, when Pollock took the responsibility over him self, he was relieved to see that Mohan Lal's negotiations had already carried into effect the release of prisoners. See, Rathbone, The Life and Correspondence, pp. 388-418 and Lal, Life of the Amir, pp. 478-85.

Kabul Bazar

Source: www.fotosearch.com
fort, an extensive citadel standing up hill to the south west of city, and residency to
the nobility. In two letters to his daughters on 7th October, Nott wrote:

had I not been superseded, I would have blown up the Cabool Bala Hissar, asserted
our national honour, and the reputation of the British arms, and at this moment
should have been five marches on my road to Jellalabad...this horrid delay is truly
annoying.

Pollock on the other hand chose to leave Bala Hissar as it was. The local chiefs
pleaded for the city and the citadel to be left alone with out destruction on two
grounds: one, the royalty and the pomp of the newly placed prince had to be
maintained and second, the razing of the city and the fort would destroy chiefly those
who were least deserving of the punishment. Bala Hissar was the home to the nobility,
the Hindustanees, and the Arabs who had been faithful to the pro-British
government. Pollock was convinced of these pleas and eventually spared the
‘ramparts of the chiefs’ and chose to destroy ‘the marts of working population’- the
great Chahar Chutta bazaar of Kabul. We shall now see how the “lasting proof of the
British power, consistent with British humanity” was left on Kabul.

Destruction of Chahar Chutta, the Great Kabul Bazaar

The Chahar Chutta also called the Char Chutter or the Char Choke was a
constellation of four bazaars. It was built in the reign of the Mughal Emperor
Aurangzeb by his wazir, the “celebrated Ali Mardan Khan”. This market place was
the pride of the Asiatic Bazaars and was also referred to as the “grand emporium of
this part of central Asia.” The four bazaars were actually four streets covered from
the top, that’s why they were synonymous with the word chutteree. The chief

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35 Copy of a letter from Major General Pollock Commanding Afghanistan to Major General Lumley, camp Khoord Cabul, 13th October 1842. See FDSC, 28th December, No. 624-25, A (NAI).
36 Ibid.
engineer responsible for the destruction of the Bazaar attested in his report that all four streets were “precisely alike”, with a length of 160 feet. Each street contained eleven shops on either side and each shop had a public counter, a masonary in the rear and two chambers in the upper story. The walls were of pukka masonary and ‘very substantial’ . The two stories were 21 feet high and the street itself was as wide as 23 feet. Augustus Abbott, the chief engineer further reported:

The openings of the streets were composed of ornamented arches. The roof was double as in our old cathedrals. The only example of the kind I have seen in the east. The lower beams being of enormous timbers the ceiling was exquisitely worked in mosaic of wood, having the appearance from below, of a finely executed fresco. 37

*Chahar Chutta* was unique in its lay out and had five open *chokes* or market places which connected the four *chutterees*. In the centre of these chokes were square fountains of marble assimilating to the form of the choke, either square or octagonal. 38 Together with *Shor Bazaar*, *Chahar Chutta* was the principal bazaar of the Kabul city. But the latter was the most frequented part of the city and the finest bazaar of Kabul. 39 We have already noted that it exhibited a considerable architectural beauty and contained fountains and wells in its open chokes. But its construction had the added advantage of being highly conducive to the sultry climate of Kabul in summers, the *chutterees* protected from the scorching heat of the sun while the open spaces in between allowed a free circulation of air. 40 William Barr writing his journal of march from Peshawar to Kabul in 1839, states:

I... was very much struck with the handsome appearance of the chief bazaar, called the “char-chattur,” from its being enclosed or covered in. Here and there, however, octagonal areas which formerly possessed reservoirs of water, now choked up, broke the line of roof, and not only admitted light, but caused a free circulation of air to pass underneath the arcades, which without them must otherwise have been confined and unhealthy. Of all the shops, the most attractive are the fruitereres’, and they arrange with taste the numberless luscious edibles that they offer for sale. Grapes of every variety and size, water and musk melons, (the pride of the Cabulies) apples,
pears, quinces, pomegranates, &c., are piled up in front of their "dokans," and are in such profusion that it seems astonishing there should be found customers numerous enough to purchase the hills of fruit that everywhere catch the eye.\(^{41}\)

Nearly seven years before William Barr's visit to Kabul, James Gerard, a military physician had traveled to the city with Alexander Burnes and he describes the Kabul bazaar as:

a scene which, for luxury and real comfort, activity of business, variety of objects, and foreign physiognomy, has no living model in India. The fruits which we had seen out of season at Peshawar loaded every shop. The masses of snow for sale threw out a refreshing chill, and sparkled by the sun's heat. The many strange faces and strange figures, each speaking in the dialect of this nation, made a confusion more confounded than that of any Babel, but with this difference, that here the mass of human being were intelligible to each other, and the work of communication and commerce went on...in these stately corridors the rise in benches above each other; the various articles, with their buyers and sellers regularly in tiers, represent so many living strata. The effect of the whole was highly imposing, and I feel at a loss adequately to describe the scene presented to our eyes.\(^{42}\)

During the peaceful occupation of Kabul by the British, Chahar Chutta remained greatly crowded. All shops had their counters, on which sat the money lenders with heaps of coins before them, and a variety of tradesmen displaying their wares for sale, these were: jewelers, goldsmiths, shoe makers, cap makers, silk mercers, armourers, book binders, furriers, saddlers, braziers and iron mongers among many others. There were very many cook shops, where apart from 'substantial indulgencies', ice and sherbet could be had, "all at very moderate rates".\(^{43}\)

In addition to the local goods, the Kabul bazaar offered a rich variety of products from India, Russia, Great Britain and China and was well connected with an ever flowing

\(^{41}\) William Barr, *Journal of March from Delhi to Peshawar and from thence to Cabul with the mission of Lieut-Colonel Sir C.M. Wade including travels in the Punjab, a visit to the city of Lahore, and a Narrative of operations in the Khyber Pass, undertaken in 1839*, reprint of 1844 (Delhi, 2003), pp. 212-3.

\(^{42}\) Thornton, *A Gazetteer of the Countries etc...*, p. 309.

\(^{43}\) Ibid, pp. 309-10.
trade with central Asia and Russia. Kabul was sitting pretty at the cross road of trade routes from the east and the west. For instance, opium came from as far as Turkey but also from India, while Persia sent abundant of white sugar. Before the destruction of the bazaar, the Russian products were seen in the largest proportion in form of tea, paper, needles, pins, trinkets, cutlery and locks, glass, porcelain, cottons, chintzes, broad cloths, velvets, dye-stuffs, kirmis, iron wares, cooking utensils, brass and iron wire. Kabul received gold from Russia in form of ducats or venetian. Turkestan exported “raw silk of excellent quality,” but it also sent gold in form of tillas. Another source of gold in Kabul was gold dust from Hindustan, but silver was, again, sent from Russia and China. The British sought greater control of the bubbling Kabul economy while in occupation of the city and benefited greatly from the multiplicity of currency circulation from east and west in gold and silver apart from the very lucrative trade. This economy suffered a great set back with the destruction of the bazaar.

The destruction of the Bazaar went beyond the engineer work of building demolition. The announcement of the dismantling of the bazaar in reality turned out to be a license for the army to plunder the city. Throughout there were ‘outrages committed’-murder, rape and looting. I will address both issues. George Pollock ordered his engineers to begin demolition of Chahar Chutta on 9th of October 1842, with a cautionary note of abstaining from the use of fire and gun powder to the buildings. The engineers led by Augustus Abbott with their strong working parties and guarded by four companies along with a detachment of a native regiment began the work in the morning itself. Several buildings were previously marked for destruction, but eventually the whole bazaar was brought to ruins. Among such buildings were also two mosques and a sayeedoob tomb in the old cantonment. One of the mosques had been constructed by the Kabulis to commemorate their victory over the British following the British retreat from the city and was named the feringhee mosque. However, it

45 Hanifi, Connecting Histories in Afghanistan
46 Rathbone, The Life and Correspondence, p.414.
48 FDSC, 28th December 1842, No. 624-25, A (NAI).
seems that the other two structures were just blown up in the pervading mania of destruction.\textsuperscript{49}

But first and foremost, the working parties were sent towards to the Jearut (place of worship) - “a very handsome building of masonary and ornamental woodwork of a very massive nature.”\textsuperscript{50} The Jearut formed the longest side of the first open choke connecting the chutterees. It was at the doors of this building, the British envoy William Macnaghten’s trunk was thrown “to be spit upon by all true believers.”\textsuperscript{51} The foundations of the building were attacked but the stout masonary did not give up. Abbott reported that with in the reasonable space of time the destruction of the extensive bazaar could not have been accomplished and therefore, “we determined to use gunpowder in masses- our working parties were employed in breaking up the marble fountains whilst we prepared the mines.”\textsuperscript{52} The whole fabric of the jearut was thus razed to the ground in one explosion.

After shattering the jearut, the working parties turned towards chutterees or the bazaar streets. By this time, there was a general feeling in the army that Kabul was given up to plunder. The sepoys in marches, thousands of camp-followers and many European soldiers found it rather easy to enter the badly walled town. The troops that were sent as a protection to the engineers were placed only at the market place or at few gateways and Abbott later claimed that they knew nothing of the violent developments that were taking place around them.\textsuperscript{53} There were many Hindu quarters in the Kabul bazaar, where the army entered. According to Abbott’s own testimony, the “houses were broken open, women violated, property taken by force and the owners were shot like dogs if they resisted.”\textsuperscript{54} But the chief engineer’s claim that the guarding parties not knowing of the violence being committed around them is in contradiction with his reports on the destruction of the Chahar Chutta bazaar. For

\textsuperscript{49} Report on the Destruction, FDSC, 28\textsuperscript{th} December 1842, no. 689-96, A (NAI). Reporting the destruction of the sayeed mosque, Abbott writes that he found it impossible to destroy the whole of this “beautiful edifice” in a short space of time, its walls were of enormous thickness, but the roofs were very light. Therefore the roof was blown off first and then the chambers were exploded to demolish the whole of the entrance range.
\textsuperscript{50} Ibid.
\textsuperscript{51} Ibid.
\textsuperscript{52} Ibid.
\textsuperscript{53} Major A. Abbott’s letter to Lord Ellenborough, governor general of India, Futtyghur, 29\textsuperscript{th} March 1843, FDSC, 3 May, 1843, no. 20, A (NAI).
\textsuperscript{54} Ibid.
when his working parties commenced the work of destroying the *chutterees*, he himself admits, "much time had been lost in securing the approaches, clearing the street of plunderers..." To save time, mine explosions were extensively made to blow away the arched entrances and the adjacent shops in the *chutterees*. On the first day itself, three out of the four bazaar streets were razed to the ground. In fact, the ruin of the second street resulted from "some mischievous persons" setting fire to the shawl merchant's house in the second choke. The timber used in the houses burnt with aplomb, reducing them to heap of ruins. With the destruction of the fourth *chutteree* on the second day, the demolition of the great bazaar was "most complete." The following day i.e. on the 11th October, the work of destruction was carried beyond the bazaar, in these instances two mosques and a tomb of *sayeed* were blown up.

While, the bazaar was being reduced to ashes, the city of Kabul was plundered. John William Kaye, the official historian of the war, notes that many excesses were committed. "Guilty and innocent alike fell under the heavy hand of lawless retribution...in the mad excitement of the hour friend and foe were stricken down by the same unsparing hand." On Pollock's advance upon Kabul, a good part of the population had fled the city with the exception of *kuzzilbash* and their followers, but around four to five thousands had returned after a new prince was placed in the government. Pollock had made promises of protection to those returning to the town. As a result many had re-opened their shops. Out of these there were about five hundred "Hindoo families" who had supposedly sheltered and fed the remaining members of Elphinstone's army, who had managed to escape the massacre. All these people were reduced to utter ruin, with their houses burnt and goods plundered from their shops.

Except the Gholam Khana and Bala Hissar, the destruction of the town was total. The 'marks' left by Pollock's army on Kabul were indeed ever lasting, for they reduced to

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56 Ibid.
58 Rathbone, *The Life and Correspondence*, p. 386.
ruins, two hundred years of living history of the Kabul city and the life of the city itself in just two days.

Kabul bazaar represented a constant in and out flow of various people and their varied cultures, who traded in the items of need and luxury, specific and banal, keeping intact the economic exuberance and vivacity of the magnificent Chahar Chutta. Perhaps, Pollock did not see a connection between the human side of the material life in Kabul, or may be he saw it too well, we cannot conjecture with exactness. Just a few days, after the demolition of the great bazaar, Pollock wrote that the British envoy’s body was subjected to public insult in this bazaar and therefore, he destroyed the bazaar “to impress upon the Afghans that their atrocious conduct towards a British functionary has not been suffered to pass with impunity.”

Kabul now stood devastated and its aftermath produced a series of conflicting assertions both within the army and outside it. Some of the officers in Pollock’s camp were furious with the general because he did not openly decree the carrying out of loot and plunder, when in reality the sacking and pillaging of the city went on and the troops on duty for preventing any violence actually aided and abetted the plunder by European soldiers, sepoys and camp-followers. The soldiers of the 13th Light Infantry were supposed to have alone looted a treasure amounting to three lacks of rupees. The ‘mischief’ had continued even after the orders for evacuation of the city had been issued. All officers who had encouraged and assisted the sacking and pillaging now directed the destroyers themselves, “often at no small risk, rushing through the burning streets...and spread the conflagration to quarters which had hitherto escaped.”

One of the officers writes: “catching the pervading mania, I acknowledge to having lent a pistol to ignite straw, wherewith to burn a mosque, and bore part in firing the Lahore gate, by which I retired,” and still, “many were the fierce regrets expressed that the Bala Hissar was not exposed to the vengeance wreaking the city, when columns of flame and smoke ascended all night.” By not allowing an official declaration of sacking and plundering, which in ordinary

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60 FDSC, 28th December 1842, No. 624-25, A (NAI).
62 Ibid.
63 Ibid.
circumstances would have given the army the right to booty and a more equitable
distribution of the treasure, perhaps was the only attempt Pollock made to maintain
army's reputation for humanity. But even this, as we have seen, was a grand failure.
The camp of the Kandhar army under William Nott which encamped itself outside the
city and was non-participatory in the events of ninth and tenth October leading to the
complete destruction of the bazaar, severely lamented Pollock’s actions on the marts.
For instance, one officer wrote:

As a last memento of the British invasion, the arched bazaars of the city of Cabul were
destroyed, and buried in a confused mass of blackened twins. This has always appeared
to me rather a wanton mode of exciting the hostility of the harmless Bunnists [probably
Bania] against us, for the insurrection and its concomitant disasters arose not amongst
the mercantile community of Kabul, but amongst the warlike mountain tribes. To
punish the unfortunate house owners of the bazaars was not dignified retaliation for our
losses. 64

The lamentation of the violence in Kabul soon became a general euphoria, as the
news of army's actions reached the English press. The court of directors in London
complainingly addressed the governor general their “deep regret” that order were
issued to destroy places in Afghanistan which were not fortified and those which were
never used for warlike purposes; and that they “read with pain, the official
proceedings of the deliberate destruction of the bazaar, and mosques, at Cabool.” 65
For now, the connection between assertion of British power and forbearance and
humanity was visibly lost.

We have to keep in mind here that once Pollock’s and Nott’s march to Kabul had
been ascertained, the whole event that was to follow was seen singularly as the
campaign against Kabul, a place where the British nation was ‘outraged’ by the
killings of its representative and the massacre of its army. But if we shift our focus
from Kabul and look elsewhere, especially the regions covered by Pollock’s army en
route to Kabul, we may realize that Kabul was just the climax of the violent activities

64 Cited from Captain Mc. Kinnaon’s narrative in Stocqueler, Memoirs and Correspondence... volume
II, p. 162.
65 Secret Despatch from Court of Directors to the governor general of India in council, Foreign
Department Consultation (hereafter FDC), 31st January 1843, no. 916 (NAI).
which were undertaken by the marching army over several villages and towns. We will now turn to this important subject.

**Destruction of Villages**

Let us go back once more to the point of Pollock’s arrival in Jallalabad on 16\(^{th}\) April 1842. If his army was to march to Kabul, they would have to walk through the principal villages in the shinwari valley which in serial order were Ali Boghan, Goulai and Bolak Pesh followed by villages of Mamu Khail, Koochli Khail, Gundamak, Soorkaub, Jugdullah, Jugdullak pass, Kuttur Sung, Seh Baba, Tezeen, Tezeen pass, Huft Kothul, Khoord Kabul, and the last village before Kabul- Boodhak. But the army did not have enough provisions and supplies to take on this march which in ordinary circumstances could be accomplished in about ten days. It was only after a month that supplies began to pour in.\(^66\) Technically speaking, the army could have commenced its march in mid-June and clearing any opposition facing en-route could have reached Kabul, maximum in two weeks. Instead, what we discover is that the whole entourage of the army began its march from Jellalabad only on the 20\(^{th}\) of August, reaching Kabul on 16\(^{th}\) of September. Of course, here we cannot discount the limitations imposed on Pollock’s movements by the governor-general and the difficulties encountered in coordinating with Nott’s army which was also to march toward Kabul from Kandhar. The question then to be asked is: all this while, what was Pollock’s army up to?

In answer to this question, we find that from mid June onwards, Pollock was sending columns from his army to the villages in the valleys around Jellalabad ostensibly to ‘punish’ the ‘offending tribes’. For full three months the army sacked, pillaged and burnt the villages, destroyed crops and pursued fleeing people writing them off as ‘enemies’ in their accounts.

The village of Ali Boghan in the shinwari valley was the first to bear the assault of Pollock’s army, where about two thousand armed men were sent under Brigadier

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\(^{66}\) Rathbone, *The Life and Correspondence*, p. 305.
Monteith to “punish the tribes who had possessed themselves of property, including a gun, belonging to General Elphinstone’s army.” As soon as they reached the village, plundering began and the whole village was set on fire. Although, Pollock later claimed that the plundered property was ‘restored’ and the money taken was returned to the inhabitants, but there was a lot left to be explained. One point needs to be noted. Almost the entire retreating army perished after the last major assault was made on them at Gandamak which is some distance from Ali Boghan. The lone survivor to have passed through the village must have been Dr. Brydon before reaching Jellalabad. For sure, he did not carry property and gun on his arrival to Ali Boghan. It is not visible then how the villagers of Ali Boghan acquired the property and gun of Elphinstone’s army. The ‘punishment’ to the tribe did not result in its production either. Attempting to put forward an explanation to the burning of Ali Boghan, the army officers referred to the ‘extenuating circumstances’ arising out of “the discovery of the dress of the massacred soldiers.” But again, what caused the dress of the soldiers to be dumped at Ali Boghan many miles away from the site of the massacre? These incidents need further inquiry.

The assault on Ali Boghan caused people throughout the shinwari valley to remove their property and flee in every direction from their houses, as they thought that the British troops were about to fire all the villages. Later Abbott wrote: “Although indiscriminate plunder and destruction were not the objects of the expedition, the brigade had been sent out to do certain work...it could not be accomplished without inflicting some injury upon the people.”

After Ali Boghan, Monteith’s column moved towards the village of Goulai where, allegedly, two of its chiefs were in possession of a portion of the treasure that had fallen into their hands from the retreating army. When the troops reached this village, they saw that the summer harvest had just been collected and was stocked outside the forts. The political officer observed that “it was a flourishing little settlement.” Several of its forts were in good condition and extensive and were shaded by clusters

67 Ibid, p. 313.
70 Ibid, p. 316.
71 Ibid.
of mulberry and willow trees. The land did not produce sufficient corn for consumption, and the inhabitants relied largely on dried mulberries. However, in its neighborhood were the fields of rice, jowar and cotton which had flowing water irrigation. When the news of the approaching army reached Goulai, the "inhabitants had only time to escape with their portable property." This "timely" arrival enabled the army to carry off their grain.

Monteith who camped with the troops close to the village, now demanded from the villagers the return of the 'plundered treasure' of about 18-20 thousand rupees. But negotiations broke down very quickly and the British troops soon began what they had been sent for. Forts and houses were destroyed, walls were blown up and "their beautiful trees were injured and left to perish." For retribution to be thorough and enduring in its effects, every morning and evening two companies from each regiment were sent out to cut them down. Here a new method was devised to destroy trees, instead of cutting them down, a hole in the middle of the trunk was cut out and "it was effectually destroyed as if cut down." Defending the measure to destroy trees, Macgregor, the political officer stated in his report:

All injury we could do to their forts and houses, could, with facility, in a short time be repaired by them. From their proximity to the hills they could always obtain timber in abundance; and where is plentiful they could rebuild easily the bastions we might blow up, and therefore a greater degree of punishment than this seemed to be necessary, and was completely within our power if we destroyed their trees- a measure which seems barbarous to a civilized mind; but in no other way can the Afghans be made to feel equally the weight of our power, for they delight in the shade of their trees. They are to be seen under them in groups during summer, all day long, talking, reading, weaving, and sleeping. Even women and children seek the shade of their trees. The Afghan mountaineer is not tangible to us in any other way. He removes his herds, flocks, and property to the hills on the shortest notice- and flies before our troops to places where he is in accessible to them.

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72 Lieutenant Greenwood, *Narrative of the Late Victorious Campaign in Afghanistan; Under General Pollock; With Recollection of Seven Years's Service in India* (London, 1844), pp. 178-80.
73 Low, *The Afghan War*, p. 316.
74 Ibid.
75 Ibid, p. 317.
76 Greenwood, *Narrative of the Late Victorious Campaign*, pp. 179-80.
The work of destruction at Goulai went on for few days and neither fort, house, tree, grain, nor bhoosa was spared. A reading of the letters written by Mackeson, the British political agent at Peshawar to Pollock suggests that the assault on the villages was not Pollock’s decision alone, nor was it put to practice in haste. The assault on villages was planned from early June itself, especially when the governor general was contemplating the return of all British armies from Afghanistan to Hindustan. See for instance, Mackeson’s letter to Pollock, where the former clarifies his stand on ‘punishment’:

Should it not be a good punishment to the villages of Hazar Nao and Basawul Bishlinlay and Gulai and Dhaka to disarm them without any reference to our retreat- the same with Fatteahabad if we advanced to Gandamak- another plan of retreating would be to destroy everything before us as we go beginning with Barroa Sharshahi and having our troops so placed that Hazar Nao and Basawal would suffer at the same time. The villages should be destroyed and the people made prisoners or released after being deprived of their arms.\(^{78}\)

Mackeson saw a clear link between punishment and tranquility, though till now it had brought about exactly the opposite, and asserted that their not advancing to Kabul will “increase the boldness of their opponents.” He further insisted that even at the cost of indiscriminate severity an example had to be made so that upon advance to Kabul, the “country behind...may remain tranquil.\(^{79}\)

After the village of Goulai was brought down, an expedition was planned to enter the green shinwari valley which was bound by low ridge of rocky heights with a clear river running down the centre of the valley watering rice fields and covered by
numerous orchards, gardens and chenar trees. Here the forts and villages stood on high ground above the cultivation and the ascent was impracticable for the movement of draught cattle, camels and elephants, nor could heavy guns pass through it. The valley was now flooded for it was the season for cultivation of rice. An extensive survey was conducted to find the right entrance to this valley. The British troops entered the valley on the 23rd July and entered the village of Mazeena with seven companies of the 31st regiment and two companies of native infantry. The sappers and miners were now asked to fire all the forts, which were found to be deserted, while the habitations and stores were set to fire and destroyed by the khalasies (tent-pitchers) and the bildars. Thirty five forts were blazed at one time. The inhabitants, who had pre-meditatively moved to the heights fearing attack, were pursued by the infantry and shrapnel fire was opened on them. Though some resistance was put by the tribes defending themselves by musket fire behind their sangar (derived from the Persian word sunga- meaning stone, here it means a breast work of stone). Through out this expedition, both men and cattle lived off the valley and the cattle especially were found to have been greatly improved their condition. There is no account of how many shinwaris lost their lives during the period of British raid, though the official claim were that the losses were heavy. Consequently, the tribe sent their deputies for negotiation and “offered to send hostages to Jellalabad for their good behaviour.” Pollock for his march to Kabul relied a great deal on the shinwaries. In the month of August we find the zukhatheil tribes of the shinwari valley carrying grains on their mules from Jalalabad and Peshawar to Gandamak for a large body of British troops, in fact, general Pollock was asked by Mackeson “not to hesitate to pay a high price for hire to secure their service.”

Two weeks after the expeditions in the shinwari valley were over; Pollock left Jelalabad towards Kabul on 20th of August 1842. Two days later, the army camped at Neemlah near the celebrated garden planted by the Mughal Emperor Babur and the

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81 Greenwood, Narrative of the Late Victorious Campaign, p. 183.
82 Ibid.
84 Greenwood, Narrative of the Late Victorious Campaign, p. 186.
following day pushed to Gandamak. In the next two days, Pollock's brigade moved three miles to the village of Mamoo Khail to attack its inhabitants. As usual, the population fled before the army's arrival and the deserted village was occupied. But here, the local chieftains along with some twelve hundred people tried to put up some resistance. When the British cavalry and light infantry pursued them, they were stopped by covered rice fields which covered all the ground ahead of them. From here, the columns moved two miles in advance to reach the neighboring village Koochlie Khail and after a little skirmish, the village was destroyed by fire. 86

At Mamoo Khail, one of the officers of Pollock's camp writes joyfully: "we found ourselves in the midst of most luxuriant vineyards; the grapes were in perfection and profusion, so abundant that after every officer, soldier, and sepoy had feasted on them to satiety, the diminution of quantity was imperceptible." 87 While another informs regretfully, "we destroyed all the vineyards, and cut deep rings round trees of two centuries' growth. It is lamentable to see the mischief done, but the example was quite necessary." 88 Destruction and plunder was the order of the day with Pollock's army and his troops seems to have become habitual in such activities. Numerous accounts of these marches were left by the troops. See for instance the noting in the diary of one such author:

Several villages looted and fired yesterday and today, and crops carried off or destroyed, doing not interfered with by our chiefs in this part of the country, which is avowedly hostile. Then again for next day- "some villages burnt and few Afghans slain, were the events of the morning. At sun set, our General dispatched a force of about 600 men to drive the foe from their hill positions...the lovely and fertile valley of Nizdam. Fortified villages, trees, gliding the swift waters of Cabool river, sparkling under as pure and bright sky as Italy can boast. This the fair scene we found: blazing villages, crops carried off, burnt and trodden down, a sky observed by volumes of foul smoke, was its changed aspect when we departed. 89

86 Low, The Afghan War, pp. 330.
87 Rathbone, The Life and Correspondence, pp. 346-7.
After describing vividly the destruction carried out by the army, this unknown officer also hints at its justification and writes:

These ruthless deeds were not committed by order or under sanction, but being prevented, or in other words "winked at," revenge and booty prompted the soldiery and followers to do the work effectually...it should be born in mind that there is no distinction of peaceful inhabitants and military in Afghanistan. All are armed and accustomed to bloodshed, so that he whose crops you see destroyed today is the man who massacred your incautious friend and comrade yesterday, when out beyond the piquets to sketch, and shot yourself through the arm in the skirmish this morning.90

After the expeditions to the villages of Mamoo Khail and Koochlie Khail, the armed columns returned to Gandamak on 30th August. For a week, supplies and provisions were collected, the army finally commencing its march towards Kabul on the 7th September. In a week, the army moved swiftly through Jugdullak pass, Kuttur Sung, Seh Baba, Soorkaub, Tezeen, Huft Kothul, Khoord Kabul and finally through the village of Boodhak- the last village before Kabul. Only at two places – Jugdullak and Tezeen was some resistance put up by the local tribes. But these were repulsed by the heavy guns that Pollock’s engineers carried. At Tezeen where the last opposition to the British army was made by Akbar Khan and his supporters, the official accounts reported that “the locals were dispersed with great slaughter,”91 figures for which are not reported. Over all it can be surmised with safety that the violent events that resulted from Pollock’s army’s occupation of Kabul in September-October were not unprecedented in them selves, though they were exceptional to Kabul and its history, they were but a continuation of the destructive fervor which defined Pollock’s army’s conduct throughout its engagements in the shinwari valley three months previously.

Destruction of Towns

As we have mentioned above, when Pollock’s army reached Kabul, they found the whole city deserted except the quarters of the Kuzzulbaksh tribes and few Hindu

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90 Ibid.
91 Low, The Afghan War, see pp. 330-40.
trading communities. The masses of Kabul in anticipation of English assault mainly fled to the ‘maiden city’ of Istalif which lay in the Kohistan valley, the immediate neighborhood of Kabul. This town “embosomed in beautiful groves, gardens, and orchards,” was built upon the mountain slope and had large number of houses and forts, which sheltered wives and children of Kabulee but also thousands of refugees from its neighborhood. Tradition had it that this town had not been captured before, and therefore the name ‘maiden city.’ Upon reaching Kabul, Pollock sent a collective army composed of divisions from Nott’s camp and his own camp, to destroy Istalif and the town of Charekar which lay in its vicinity. Nott’s camp was clearly against this expedition as it meant more delay to return to Hindustan, with winters approaching soon. The argument put forward was that it sheltered the killers of Alexander Burnes, the British resident at Kabul, where as at Charekar, the entire Gurkha regiment had been slaughtered.

At Istalif, most women and children were collected at the rear, the upper part of the town. The approaching army led to a frantic run among the population to reach this part of the town. But ‘numbers fell’ even before they could accomplish their final run. Greenwood notes that a total of eight hundred people were killed in a single day alone. Four thousand women and children who could not escape fell into General Mc Caskill’s division. They were spared and were instead escorted to safe places in European camps. They were handed over to Afghan chiefs after negotiations surprisingly ‘without ransom of any kind.’ Though, an anonymous officer writing his journal claimed: “the sepoys were difficult to restraint, unable to comprehend why they should deny themselves full measure of vengeance for their massacred countrymen, whose women were violated, and then ripped open, according to frequent usage among these fierce barbarians.” On the day of attack on the town of Istalif, the British troops, sepoys and followers – all sacked and looted throughout the day. The captors got “rich dresses, shawls, carpets, silks, horse trappings, arms, 

96 Rathbone, *The Life and Correspondence*, p. 410.  
97 Greenwood, *Narrative of the Late Victorious Campaign*, p. 239.  
emblazoned Korans, & c., - prize of jewels and money was the lot of a lucky few."  

The city was burned and all valuable plunder which could not be taken away due to shortage of carriage was burnt too.

Increasingly, as the population in Istalif realized the inevitability of the British capture of the town, they started pouring out of the upper part of the town and started ascending to the heights seeking "safety in the flight and fastness of the hills beyond." An army officer writes poignantly of this mass exodus, as he noted:

Hundreds of women and children, enveloped in their long white boorkas, studded the side of the mountain, as they piled their rapid and dangerous way toward the summit. Every moment their numbers became more dense, until, at length, the face of the hill appeared almost as if a wide and snow-like sheet had overspread it...throughout the bitter and inclement night the shrieks and wailings of perishing thousands were borne past by every icy gust which howled amid ruins of the old castle.

Later, it was reported that more than four thousand men, women, and children, had perished from hunger and cold in the mountains. Writing mournfully, Mackenzie notes in his account, the same day:

A mighty woe had indeed fallen upon the devoted city. Its pride was quenched for ever, for, superadded to the thousands which had succumbed to the extermination of cold and famishment among the hills, the purling and slender rivulets which careered adown her precipitous streets and declivities, were deeply tinged with the blood of numbers of her defenders, whose lifeless and mutilated forms, mingled in incongruous heaps with every imaginable description of merchandise, furniture, tents, brocades, velvets, satins, and similar costly articles, choked up every avenue which led to the citadel. The sufferings of these devoted people must have been terrific.

When the British army evacuated Istalif, it left behind a scene of slaughter and devastation, the famishing population was seen in the camp ground "gathering

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99 Ibid.
100 Cited from Mackenzie’s account, in Stocqueler, Memoirs and Correspondence, volume II, p. 158
101 Ibid.
102 Ibid, p. 159.
together every rag or piece of cloth they could find, and every revolting particle of offal or bone that was likely to appease their ravenous hunger."\(^{103}\)

After evacuating Istalif, the army marched on to Charekar which like many other places was found to be deserted. As a form of resistance, the inhabitants had cut off the course of water from the top of the hill at its source. But since only personal property had been taken away by the fleeing population, a "considerable loot was obtained, and then it was set on fire and destroyed,"\(^{104}\) the army spending the whole day in the act of destruction. The army under Mc Caskill returned to Kabul from Charekar on the 7th of October only to become part of the demolition of the great bazaar.

**'Exemplary Forbearance?***

That such must have been the act of barbarians and not of the British soldiers- not of the soldiers who lived by commerce...immediately under the command of the greatest commercial company that ever existed, and that they should destroy a building, which according to the description of General Pollock, was used as the great emporium of Central Asia? Was such destruction a practice of civilized nation.\(^{105}\)

A new storm had gathered in the English parliament after the publication of the reports in the English newspapers of the conduct of the British armies in Afghanistan which had been sent to redeem the British honour and to safely bring back its besieged troops and captured prisoners. Replicating the reports published in Agra Akhbar and Bombay Times, the English press made categorical allegations against Pollock's and Nott's troops for committing 'excesses' especially at Kabul, Istalif, and Charekar. The assembly that was convened by the parliament in February 1843, to express thanks to the victorious armies returning from Afghanistan, instead witnessed

\(^{103}\) Ibid.
\(^{105}\) 'Afghan War- Vote of Thanks', Hansard, House of Lord Debates, 20 February 1843, volume 66, pp. 892-936.
a heated debate on whether the army, going by its conduct, deserved to be thanked or disparaged.\textsuperscript{106}

We have already noted above that the court of directors had written reproachfully to the governor general of India in January 1843, expressing their ‘pain’ over the destruction of the great Kabul bazaar, mosques, and the demolition of places which had never been used for war like purposes. The governor general was slow to act to these developments and it took him another two months to place an explanation order to his army generals for their ‘conduct’ in Afghanistan. These orders were placed before the generals of the two armies – George Pollock and William Nott and their immediate subordinates. The governor general put forward a series of questions regarding the events in Kabul, Istalif, Ghuznee, and Charekar. They were of the following nature:\textsuperscript{107}

First, was the town given up to plunder for a fixed number of hours or “suffered the troops to wreak vengeance upon it in their own way, and as long as they chose?” Second, to what extent was the town burnt and by whose order? Third, whether women were violated or murdered for their ornaments and were there any cases of Afghans killed in cold blood, for mere vengeance, after resistance had ceased; and if so by whose order? The officers were also asked to report on the extent of damage inflicted on the private buildings in Kabul, in the bazaar, at Istalif, Charekar and Ghuznee, and under what circumstances?

We are already aware of the details of these incidents from the discussion in the above sections, but it is interesting to note the explanation offered by Pollock and his supporters justifying and vindicating the conduct of the troops in Afghanistan. All officers categorically refuted the charge of “excesses” committed. In fact one of the engineers responsible for the destruction of the Kabul bazaar went on to state that: “excesses” was a vague and a general term which could be applied to “any unlicensed deed from the burning of a village and slaughter of its unresisting inhabitants, to the

\textsuperscript{106} Ibid.
\textsuperscript{107} FDSC, 11 November 1843, no. 62, A (NAI). See letter no. 816, 817 and 818, written from Adjutant General of the army to Major general I. McKaskill, Major general William Nott and Major general George Pollock respectively, all dated head quarters Simla, 29\textsuperscript{th} March 1843.
abstractions of a few sticks to cook soldiers’ meal.” And that the army did not commit any “depredation” of the former kind, that it did not commit gross violence nor acts “repugnant to humanity”. While Sanders seemed more vehement in his denial, Abbott, the chief engineer of Pollock’s force did confess of certain lapses. While he maintained that much violence was committed at Kabul, he blamed it on camp-followers, stating that their “eagerness for plunder renders them reckless whether the objects of their violence are friends or foes.” Pollock too, in his long letters to the Governor-General poured scorn over the camp-followers, the private servants, whom he chiefly held responsible for plundering, when there was any. Both Abbott’s and Pollock’s defense was built around the argument that the British army marched to Kabul over heaps of the skeletons of their countrymen who had “fallen victims to the richest treachery” and the “desire of the whole force was to wipe from the face of the earth the city whose inhabitants had been foremost in the work of the murder.” Pollock, for instance, reported that the army had ocular proofs of treachery at Gandamak, Jugdullak and Boodhak the roads of which were covered with the skeletons of their brethren in arms. That, under such “unprecedented aggravations” and “unparalleled provocations”, the army conducted itself with “exemplary forbearance.” The instance of British shelter to about four hundred to five hundred women and children, who had failed to escape to the upper part of Istalif on the army’s approach, was cited in all reports in an attempt to portray the humane side of the army. Closing his explanation to the governor general, Pollock reiterated once again:

I believe I may with great truth state that no Afghans were destroyed in cold blood, either before or after reaching Cabul. No women were either dishonoured or murdered that I am aware of... with the regard to the destruction of that particular part of the Cabul bazaar where the Envoy’s remains were treated with indignity, and brutally dragged through, to be dishonoured and spit upon by every Mussalman, I

108 FDSC, 3 May 1843, no. 20, A (NAI). See letter from Major A. Abbott to Lord Ellenborough, governor general of India, dated Futtyghur, 29th March 1843.
109 Ibid.
110 Ibid.
111 FDSC, 3 May 1843, no. 22, A (NAI). See letter by Major general George Pollock to the governor general of India, dated Allahahbad, 2nd April 1843.
112 Ibid.
admit that I considered it most suitable place in which to leave decided proofs of the powers of the British army without impeaching its humanity.\textsuperscript{113}

It is to be noted that the court of directors in England received the above explanations with much ‘gratification’, exonerating, ‘honorable’ the generals and the army of all the charges that were leveled against them by the press.\textsuperscript{114}

\section*{Conclusion}

The ‘unhappy revolutions’ in Kabul which commenced in November 1841, beginning in the murder of Alexander Burnes, the British resident, followed by the killings of the British State envoy, William Macnaghten, ending in the entire massacre of the British army, signally turned upside down the order of things, breaking the official monopoly of the use of violence by the British state.

We have outlined in this chapter the progression of events which resulted from this massacre. The developments which followed show that, the army sent beyond the Peshawar frontier to ‘rescue’ the besieged armies in Jellalabad and Kandhar, eventually became the ‘army of retribution’. The act of ‘retribution’ did not stick to its classical definition of ‘proportionality’, and ‘moral justness’, the commitment to violence remained the defining feature of Pollock’s army which was visible, first in the indiscriminate destruction of villages and then in the complete demolition of the Chahar chutta bazaar followed by the razing to the ground of the towns of Istalif and Charekar.

\begin{footnotes}
\item[113] Ibid.
\item[114] FDSC, 29th June 1843, no. 935 (NAI). See secret dispatches from the court of directors to the governor general of India in council.
\end{footnotes}
Chapter Four

The Punjab Frontier System and the 'Curious' Case of Mussammat Lohani

Introduction

The long drawn Punjab frontier by the latter half of the nineteenth century was a stretch of rugged mountains of about 704 mile long bordering arbitrary divisions of six districts of Punjab. Crossing this frontier for the British meant to be in the region inhabited by 'independent' Baluch and Pathan 'tribes'. The Viceroy in his minute had stated in 1876, that “the government of the frontier is not so much the internal administration of the frontier districts as the conduct of our relations with the frontier tribes and independent states beyond the border.” Due to British imperial interests in the region, the British policy was to keep these ‘tribes’ as buffers; dealing separately with each tribe and each section of tribe, and avoiding as far as possible any authority over them. Another British claim vis-à-vis Punjab was that after its ‘annexation’ in 1849, the official policy towards the frontier ‘tribes’ had been that of “absolute non-interference”; that Punjab exemplified the frontier of “masterly inactivity”. This

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1 Punjab Frontier Memorandum by Lepel Griffin, Officiating Secretary to Government of Punjab, October 1876, no. 14, see Political Department (hereafter PD), Volume I, no. 243, 1878 (Maharashtra State Archives, Bombay, henceforth MSAB).
2 Extract from the Viceroy Lytton’s Minute on the Reorganisation of the Frontier, dated Nainital, 22nd April 1877, no. 15, see PD, Volume I, no. 243, 1878 (MSAB).
3 Memorandum by Sir Bartle Frere on Sind and Punjab Frontier Systems, dated 22nd March 1876, no. 6 in Political Department, Volume I, no. 243, 1878 (MSAB).
4 Ibid.
meant that the officials were to remain unconcerned with the affairs of the inhabitants across the frontier, until their actions affected the wellbeing of British territory. This ‘wellbeing’ of the British presence was understood to be greatly dependent on ‘peace’ on the frontier. Any local dispute, a minor incident, or any small or big attempt challenging British presence was considered as a ‘disturbance’, in other words, a threat to peaceful maintenance of British administration.

The greatest irony of the frontier of ‘masterly inactivity’ was that the everyday exchanges between people living on both sides of the British line of demarcation often led to British intervention. This mainly resulted from a difference of perception among local ‘tribes’ and British administrators of what constituted law and governmentality, or to put it more simply, what constituted ‘right’ and ‘wrong’. It is indeed remarkable that military expeditions across the Punjab frontier were “extremely frequent.”5 On paper, troops could not cross the frontier without government orders and the sanction of an expedition required an accumulation of “offences” by the concerned ‘tribe’ against the British subjects.6 But if we look at the nature of “offences” that could invite punitive measures from the British, we may not be surprised at the rapidity of their accumulation. “Punitive measures” could be anything from fines, blockades, imprisonment, and expeditions.7 These could result from such varied acts as horse stealing, house-breaking, cattle theft, robbery, murder, local feuds, abduction and even “bad livelihood” which meant just “strolling about in the British territory with nothing to do.”8 For the last mentioned activity one could be jailed for six months. There were other interesting examples, for instance, abduction of children and women often resulted in lesser fines than theft of cattle.

The figures for punitive measures for the six districts of Punjab till 1876 show that as many as 365 times such ‘means of coercion’ were resorted to.9 Out of these, Dera Ghazi Khan alone accounted for 160, Kohat for 92, Peshawar 60, Dera Ismail Khan 35, Bannu 10, and Hazara 8. But in most cases, the British authorities resorted to

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5 No. 14, PD, Volume I, no. 243, 1878 (MSAB).
6 No. 15, PD, Volume I, no. 243, 1878 (MSAB).
7 No. 14, PD, Volume I, no. 243, 1878 (MSAB).
8 See Appendix D, Statement showing various occasions on which Punitive Measures by way of Blockades or Reprisals, &c. have been taken in Frontier Districts, since annexation, against Border Tribes in PD, Volume I, no. 243, 1878 (MSAB).
9 Ibid.
'blockades'. The pervasiveness of this “means of coercion” can be established by the fact that till 1876, all the sixty cases of 'reprisals' across the Peshawar frontier were in the form of blockades.\(^\text{10}\) The official definition of blockade stated that

> It can only be employed against such tribes as trade with British territory, like the Afridis, who undertake most of the carrying trade of the northern portion of frontier. During the continuance of blockade, the offending tribe is prohibited from entering British territory, and any members found there, in contravention of the order, are arrested. This means of punishment has often been found most effectual, and if effectual, it is preferable to a military expedition, which leaves behind it bitter memories in the destruction of property and loss of life.\(^\text{11}\)

Apart from blockade the British also ‘fined’ the “offending tribes”. This could mean anything from monetary payment to payment in kind in form of cattle, firewood, begar services and compensation paid for loss of lives or property. But punitive measures formed only one of the ways of relating with the frontier ‘tribes’. A great emphasis was also laid on the use of ‘tribal bonds’ in managing the tribes and emphasizing the norms of tribal responsibility for the behavior of “their men”. This chapter will attempt to show through the proceedings of a ‘local dispute’ on the Punjab frontier how such intricacies came into play, and how effective or non-effective such measures could be.

**The Case of Mussammat Lohani: The Incident**

One afternoon of early June 1895, a British working party of coolies and sepoys were constructing a road 38 miles from the Punjab frontier at Dhana Sir. Beside the road, a British bungalow was also under construction. At about 4:30 pm in the evening, six Chuhar Khel young men armed with country guns and swords appeared at the working site from a close by village of Loara of Bargha Shirani tribe. Catching the sepoys off guard, they suddenly shot them down. Following this, the armed men went to the chief engineer Lieutenant Home's tent and called out to him. Not finding him they went towards the working compound and caught and killed five workers. They also ransacked and burnt the tents of the chief engineer and his servants.

\(^{10}\) Ibid.

\(^{11}\) No. 14, PD, Volume I, no. 243, 1878 (MSAB).

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‘tribesmen’ waited for the chief engineer at the entrance of the nearby pass. Accompanied by a pathan sowar when Home reached in the vicinity of the pass, he was fired at and killed on the spot. They also caught and killed his horse. When the British officer was dead, two of the discontented men began to cut him up. On this, the sowar, who had been spared, said “he is dead, why should they hack him with their swords?” The angry attackers replied, “Some time ago, you do not know about it, these English have taken our woman.”

Two of the Chuhar Khels went back to their village in Loara and announced what they had done; the villagers did not oppose them, instead two Chuhar Khels joined them. Next day, the Chuhar Khel men reached the compound of the British bungalow on the Dhana Sir road where construction was going on. They killed five persons sleeping on the charpoys and wounded coolies and masons. The midnight after the next day, when news of the killings reached the nearest British post at fort Sandeman six miles away from Dhana Sir, the authorities sent a company of infantry to catch these men. But all their efforts came to naught, as the Chuhar Khels travelled swiftly from village to village, sheltered and fed by villagers everywhere, though reports continued to pour in of their movements. By the time they “slipped” in to the Amir’s territory of Afghanistan, their numbers had gone up from six to thirteen, which also included a woman.

It did not take much time for the murder plot to unfold. As the British inquiries began, it became blatantly clear that the cause of the violence on Dhana Sir Road was a woman; at least the official version stated so. A relative of the attackers himself

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12 Telegram, from the Political Agent Zhob to the agent to the governor-general in Biluchistan, no. 2738, dated 9th July 1895, in Foreign Department Frontier Proceedings (henceforth, FDFP), October 1895, no. 114, Punjab State Archives, Chandigarh (hereafter PSAC).
13 Statement of Abdul Karim, Lieutenant Home’s sowar made to C. Archer, Political Agent, Zhob, FDFP, October 1895, no. 102 (PSAC).
14 FDFP, October 1895, no. 114 (PSAC).
15 Ibid.
16 Translation of letter from Major-General James Browne, Agent to the Governor-General in Biluchistan, to the Governor of Kandahar, no. 35, dated 21st July 1895, FDFP, October 1895, no. 115 (PSAC).
17 The inquiries made by C. Archer, Political Agent Zhob, lasted for three months at the end of which Archer concluded that “to assert positively that no other motive than Batai’s case contributed to influence any one of the murderers would of course be to go too far,” but did not explain the other possible motives. See Telegram from H.W. Gee, Deputy Commissioner, Dera Ismail Khan to the Officiating Commissioner and Superintendent, Derajat Division, no. 76 c, dated 18th September 1895 in FDFP, October 1895, no. 99 (PSAC).
informed the political agent at Zhob, that “the offenders have committed the outrages in question on account of no redress having been made to them in the case of abduction of Mussammat Lohani, the wife of Bahawal, my cousin.” The official inquiries also revealed that what seemed like a surprise assault on the British working party was an obvious reaction of the Chuhar Khels to the delay in the settlement of the concerned case for nearly a year. But now that several people had lost their lives on the British side, would the issue be addressed? What was the issue in the first place?

The Case

Hindkai Chuhar Khel’s wife had a son named Garra Khan by previous marriage. When Garra Khan died, he left a widow Bakhto Lohani and a daughter Mussammat Lohani. Both of them now lived in Hindkai’s son Piranga Khan’s house. By virtue of being the guardian of his cousin’s wife and her daughter, he fixed her niece Mussammat Lohani’s engagement with Batai Khidderzai Shirani- a man from the same ‘tribe’ but living on the other side of the frontier in the Punjab administered territory in Largha. Batai and Mussammat Lohani were married according to the local custom. However, when Hindkai got to know of the marriage of his granddaughter without his consent, he was greatly “annoyed.” Hindkai wanted his own son i.e., Piranga Khan’s younger brother Bahawal to marry Lohani. According to the “pathan custom” being the eldest in the family, he had the right to be the chief guardian of the girl. Hindkai now assembled his relatives and with their help took away Lohani who was still living in Piranga Khan’s house and married her to his son Bahawal. On this development, Lohani’s husband Batai filed a complaint to the British Agency in Zhob. But for reason not explained in the official documents, Batai himself was detained and locked up in Zhob for a month and a half and his case was referred to the local Jirga by the British political agent. The local Jirga decided in favor of Hindkai and asked Batai to divorce Lohani. He was made to accept rupees 150 as sharm i.e. damages for losing his wife. He was also asked to sign a security bond for a promise that he would “not injure Hindkai and Bahawal pending the settlement of the case.”

18 Statement of Jan Gul, Chuhar Khel, resident of Killi Sado made to C. Archer, Political Agent, Zhob, FDFP, October 1895, no. 103 (PSAC).
19 Statement of Captain C. Archer, Political Agent of Zhob in FDFP, June 1895, no. 17 (PSAC).
The case seemed settled and for three years, Mussammat Lohani stayed with Bahawal in his house in Loara village, Bargha Shirani. Sometime in August 1894, Batai met Lohani again, 3 miles away from her house and both of them “eloped” across the Punjab frontier and took shelter in Batai’s house in the village of Anwar in Largha Shirani. Lohani’s “abduction” enraged her grand uncle Hindkai who collected sixty men from his community along with Shirani maliks in order to bring back Lohani from Largha. But not finding Lohani, the Bargha Shirani men went to Batai’s brother’s house and in absence of his relatives “carried off” Mussammat Ghanai, Batai’s brother’s wife, leaving her baby behind.\(^20\) Ghanai’s abduction immediately brought the Shiranis at war with each other. The British authorities in Punjab saw this development as a “disturbance” on the frontier and at once asked the political agent at Zhob to intervene. Following the instructions from Punjab, C. Archer the political agent through local Jirga persuaded Hindkai to surrender the “abducted woman” from Largha shirani. The Shirani malik (chief) was made to sign security bond for ‘good behaviour’ of the Chuhar Khel family.\(^21\) The British authorities at Zhob now became the new custodian of Mussammat Ghanai. They put her “under surveillance” in Fort Sandeman declaring that she was in pardah and that no one could meet her till the case was settled. Shortly afterwards, it so happened that Ghanai escaped the well-guarded British fort. We do not know how this transpired but sometime before the murders of the British officer and the working party on the Dhana Sir road, the British inquiries stated that the grand uncle of the girl Mussammat Loani,

had recently been in the habit of taunting the young men to assert their honor, and of saying that, now that the girl Ghanai whom they had carried off as a hostage, had escaped from Fort Sandeman, their claim was against the Sirkar and no longer against the Khidderzais.\(^22\)

The delay in the settlement of the case had been considerable due to dual control of a single ‘tribe’. But the British authorities did not foresee what such delay could result into. After the massacre of the British working party in early June, the British political agent at Zhob wrote to Punjab Government regretfully, “that I did not see the curious

\(^20\) Translation of the award given by Rabnawaz Khan, Rais of Musazai, and Makin Khan, Hassan Khel Shirani, in the case Hindkai, Chuhar Khel, of Bargha, versus Batai, Khidderzai, of the Largha Shirani, enclosure to no. 142, dated 6th May 1895, from Commissioner, Derajat in FDFP, June 1895, no. 16 (PSAC).

\(^21\) FDFP, October 1895, no. 114 (PSAC).

\(^22\) FDFP, October 1895, no. 114 (PSAC).
process of Pathan logic by which the resentment of the Chuhar Khel was turned from Khidderzais and directed against the government.\textsuperscript{23}

We will see later how the 'murder incident' at Dhana Sir Road affected the proceedings of the Mussammat Lohani abduction case. But as of then, the judgment of the case didn't seem to be working out for the parties in dispute, though the official files reflect a regular discussion over the case, but no concrete steps had been taken.

Before we continue here the history of the case, it may be noted that till 1887, the Bargha (or the highland) Shirani were administered by the Baluchistan Agency, whereas the Largha (lowland) Shirani was under the jurisdiction of Punjab administration thereby putting the same 'tribe' under dual administration. In 1890, by a military expedition in Zhob valley, the upper part of Baluchistan was invaded thus bringing the region of Bargha Shirani under British occupation. But a separate agency was established for administration of Zhob and therefore, a dual system of 'governance' continued to be in practice for Shiranis whose lands were divided by the Punjab frontier. An important outcome of this division was that instead of one, the Shiranis had two separate jigras or council of elders who decided not all but several local disputes. Another notable feature of this development was that a separate political agency for Zhob allowed the British more penetration in the local affairs of people. The Zhob valley expedition had opened up for the British the only direct route through the narrow Khwaniri pass to Baluchistan from Derajat on Punjab frontier. The Dhana Sir road which was under construction at the time of the killings of the working parties described above joined this pass to the Punjab frontier and the villages of the Shirani tribe were dissected by this road.\textsuperscript{24}

\textbf{Jirga Proceedings}

Continuing with their policy of the least interference in the trans-border affairs, the British authorities on both side of the Punjab frontier called upon jirgas to give their

\textsuperscript{23} Ibid.
\textsuperscript{24} Frontier and Overseas Expeditions from India Compiled in the Intelligence Branch, Army Headquarters, India: Baluchistan and the First Afghan War, volume III, reprint of 1907 (Delhi, 2004), pp. 211-39.

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opinion. In an earlier jirga in January, the members had failed to come to a consensus over the judgment. Now a bigger jirga was convened. But here, contrary to the local custom, the British authorities in Zhob and Punjab took over the right to select the members of the jirga. There was another aberration in this process, the *Raises* and the Maliks in the jirga were largely chosen not from the Shirani ‘tribe’ but from outside the ‘tribe’, “they were practically strangers” to the Shirani region and their customs. Two members were included in the jury from the Shiranis due to “want of sufficient number of outside Maliks from the Punjab side.” The other six participants were from Punjab and Zhob. The British authorities argued that such assembly of outside men would allow an impartial and a fair trial. When the jirga began, two Maliks, one of them from the Shiranis chose to differ with the nature of the proceedings. Again two groups were formed, the minority and the majority jirga. The basic issue of contention between the two groups was over the application of Shariat, the written law, in the judgment of the case.

To the Maliks of the Shiranis, ‘Shariat’ was unknown and it was “not in force among the Ustranas, Mian Khels, Babars, Gandapurs, Marwats, Katti Khels, Shiranis and Zmarrais who reside on the border.” The inhabitants along the Punjab frontier always followed the ‘tribal’ customs. After pointing out this prevalent practice among the local jirgas, the Maliks of the minority jirga went on to show the inconsistencies in the history of Hindkai versus Batai case which was judged on the basis of Shariat. The Maliks claimed that Batai had married Lohani by her own will and with the consent of her heirs, therefore their marriage was not ‘illegal’ and it had been legitimized by local custom. Later when the two eloped, Batai did not go to meet Lohani in the village, instead they met three miles away from Lohani’s house, “that proved the girl’s consent in the whole affair.” In cases of adultery if a girl was forced to return to her husband against her will, it was against the tribal custom. The jirga reiterated

25 Note on the case by H. W. Gee, on Special Duty, see FDFP, June 1895, no. 18 (PSAC).
26 Note by Captain C. Archer, Political Agent Zhob on Abduction case of Mussammat Lohani in FDFP, June 1895, no. 17 (PSAC).
27 Ibid.
28 Translation of the award given by Rabnawaz Khan, Rais of Musazai, and Makin Khan, Hassan Khel Shirani in FDFP, June 1895, no. 16 (PSAC).
29 Ibid.
that if Lohani was forced to return, “it would be impossible to ensure her safety from her husband or his relations.”

The Maliks also stated that when Batai had divorced Lohani, “he had done it under fear of imprisonment and not of his own free will.” That proved that divorce was obtained under compulsion, and according to the ‘Shariat’ a compulsory divorce was invalid and hence “Batai’s action was not legal and was not binding.” Moreover, during the divorce procedure, the customary norms were not followed, in that case if Shariat was followed it made it compulsory on both the parties in dispute to sign security bond against each other for future behavior. But in Hindkai versus Batai’s case only the latter was made to pay the security. However, having stated their opinion on the history of the case, the minority jirga went on to conclude that Shariat had been applied selectively in the case leading to several inconsistencies and therefore the judgment should not be based on Shariat. They pointed out that “all similar cases previously had been settled by the tribal custom” and reminded once again to the British officials that “the Punjab government has ruled that in jirga cases, tribal custom should always be enforced, and therefore this case ought to be settled by tribal custom.”

Judging the case by local custom, the minority jirga concluded that Batai should pay *sharm* (dishonor/shame), i.e. damages of rupees seven hundred for “elopement with a married woman.” In the same way Hindkai was liable to pay rupees four hundred as *sharm* to Batai’s family for “carrying off Mussammat Ghanai.” This left a balance of rupees three hundred against Batai of which he should pay rupees hundred in a year and rupees two hundred “after five years in the event of no daughter being born to Batai in the interval.” However, if such daughter was born he was liable to marry her in Hinkai’s family in lieu of the two hundred rupees.

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30 FDFP, June 1895, no. 17 (PSAC).
31 FDFP, June 1895, no. 16 (PSAC).
32 Ibid.
33 Ibid.
34 Ibid.
Contrary to the minority jirga’s conclusion was the judgment of the majority jirga who argued that from their personal knowledge of Shariat, Mussammat Lohani should be “restored” to her husband Bahawal, for the following reasons:\(^\text{35}\)

(i) No nikah i.e. legal marriage took place between Lohani and Batai, as the woman’s lawful guardian was not Piranga Khan but her uncle Hindkai who was not party to it.

(ii) Batai divorced Lohani of his own free will in the presence of the British officer and Shirani Maliks.

(iii) Batai accepted badal khulla i.e. compensation for divorce from Hindkai.

(iv) The nikah of Lohani and Bahawal was completed according to Shariat.

(v) Lohani and Bahawal lived as husband and wife in Hindkai’s house for three years.

The majority jirga thus concluded that contrary to the principles of Shariat, Lohani had been living with Batai for the last eight months and that Batai had “unlawfully possessed the wife of a man who was still alive.” Batai was therefore liable to pay damages to Hindkai and in the same way the latter was legally responsible to pay damages to Batai’s brother whose wife he “carried off”, even though she was kept in pardah by orders of the British authorities. The jirga added that the damages being equal would cancel out against each other but since the acts of both parties were “reprehensible” they were required to pay a fine of rupees fifty. Lastly, the jirga demanded the “immediate restoration of Mussammat Lohani to her actual husband” until which she could be kept under the protection of the British authorities and a heavy security to be taken from Batai that he will not abscond or have any further connection with Lohani.\(^\text{36}\)

Thus two separate and contradictory conclusions drawn by the jirgas again arrested the progress of Mussammat Lohani case. The two parties in dispute were called by the

\(^{35}\) Translation of the award given by Qazi Imam-ud-Din, Extra Assistant Commissioner, Mullah Akram Khan, Mando Khel, Lal Khan, Hassan Khel Shirani, Wazir Khan, Mulazai Musa Khel, Khan Bahadur Ramzan Khan and Khoidad Khan, Ustrana Chiefs, in case of Hindkai versus Batai, Khidderzai, see FDPF, June 1895, no. 15 (PSAC).

\(^{36}\) Ibid.

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British authorities and informed that the views of the jirgas were forwarded to the British government for "orders" with recommendations from the concerned British officers, thus making the British the final arbitrator in a local dispute.\(^{37}\) These concerned British officers were C. Archer, the Political Agent at Zhob and H. W. Gee, the officer sent to Zhob on special duty with regard to the case. Both of them made a strong case for acceptance of the majority jirga’s conclusions. The former for instance made plea to the government of India that this was not an ordinary case of adultery. For here was a man who had shown "the most complete contempt for law and authority of the British Government."\(^{38}\) After having settled his case by local custom through the officers, Batai had succeeded in "carrying off" another man’s wife on whom he had disclaimed all rights. The recommendations stated that the British were morally bound to restore the "injured husband’s rights."\(^{39}\) Concerning the issue of Mussammat Lohani, the officers recommended that

Mussammat Lohani should be returned as it was of utmost importance, if Largha country is not to become, what it already tends to be, an Alsatia, where women dissatisfied with their husbands, tribesmen at odds with their Maliks, and malefactors of all kinds may bid defiance to the law in security.\(^{40}\)

But the most notable part of Gee and Archer’s deliberation on the jirga award was their own recommendation of rigorous imprisonment of fifteen and nine months respectively for Batai and Mussammat Lohani. This punishment had not been part of the original jirga award. There was one more notable addition to the majority jirga’s declaration, by Gee and Archer. This was concerning the ‘damages’ paid by the parties in dispute to each other. The majority jirga had clearly stated that “it was not necessary to assess the amount” paid as damages, since both parties had committed the same crime and their actions cancelled against each other. But the British officers thought differently and proposed a fine of rupees seven hundred for Batai as a compensation to Bahawal for the loss of his wife and a fine of rupees two hundred and fifty for Hindkai to be given to Batai’s brother whose wife had been “abducted” by the former. Thus leaving a balance of rupees four hundred and fifty to be paid by

\(^{37}\) FDFP, June 1895, no. 17 (PSAC).
\(^{38}\) Ibid.
\(^{39}\) Ibid.
\(^{40}\) Ibid.
Batai. According to the new terms of punishment set by the British officers, Batai would pay this sum after his release from jail. But if he was unable to produce the fine he will have to pay for the “maintenance” of Lohani. On the other hand, Lohani on her release from jail will be placed in charge of a rais or headman in Dera Ismail Khan or Baluchistan until the settlement of the case. In a month’s time Lohani will be required to go back to her “actual husband” Bahawal, however on her refusal, Bahawal will be required to divorce her provided he wants to divorce her, for he cannot be compelled to divorce his wife according to Shariat. But in this case he will still be required to look after her “maintenance”. The officers argued that as long as Bahawal doesn’t divorce Lohani, it was certain that there will be no peace on frontier and the Shiranis will continue to be at war with each other. As the matters stood then, no amount of money could induce Bahawal to divorce Lohani. It was therefore important to imprison Lohani for nine months recommended Gee and Archer for this would lower her value in the eyes of her husband who may want to divorce her on her release realizing that she was of no use to him and at the same time he had to pay for her upkeep. He will realize that with the compensation money he can “obtain another wife.” This development will also allow Batai to marry Lohani who will only be happy to “legitimize his children through her.” But until this happens any attempt on Batai’s side to pursue Lohani will be considered as a fresh charge of adultery and punishment will follow accordingly.41

From Judgment to Practice

The awards of the two jirgas along with the “recommendations” of the two British representatives were sent to the Government of India sometime in late March for approval. Both Archer and Gee wrote separate reports of the case. We have already noted Archer’s statement in the previous section, Gee too wrote in the same spirit but he also expressed his difficulty in dealing with the Shirani Maliks stating:

We shall never get a unanimous opinion on the expediency of returning the woman, and I therefore recommend that the alternative proposed by Captain Archer and myself be accepted. This will involve the arrest of Batai and Lohani, and I very much

41 Ibid.
doubt if the Maliks will of their own accord give them up, though I have exacted an agreement from all the Maliks concerned to do so...the whole tribe is responsible for the surrender of such culprits under penalty of fine. 42

Before sending his report on the case to the Government of India, Gee had made several unsuccessful attempts to bring Batai Khidderzai and Mussammat Lohani to the British territory. At this time, the couple had taken refuge in Spina Tangi village in Khamistana which was part of the semi-independent region of Zhob. The Khidderzai and the Uba Khel Maliks were sent by Gee but they were unable to induce the couple to “come in.” 43

It took two more weeks for the majority jirga award to be formally approved by the Secretary of State who also approved of Gee and Archer’s recommendations. But the previous difficulties of the case had continued and the British authorities were increasingly finding it hard to get Lohani and Batai for trial and punishment. The question was could Lohani be peacefully “delivered”? 44 It seemed “hopeless to arrest her”, for the Punjab authorities knew that “one could only act against the tribe and not her.” Seeking the opinion of the Commissioner at Derajat, the Punjab authorities wrote: “what steps could be taken to bring Maliks to their senses?” 45

While the correspondence between British authorities in Punjab at the district level was going on over the question of how to bring the Khidderzai Shirani Maliks to submission, news was received on 7 June of the murders of Lieutenant Home and his working party employed in the construction of the Dhana Sir road. This incident which we have discussed at the very beginning proved to be a turning point in the proceedings of Mussammat Lohani case. The murders of the British officer had proved that Mussammat Lohani’s case was not just “a tribal affair involving complicated customs about women,” as the Punjab authorities had argued. 46 It was a matter of “honour” for the Shiranis who had now decided that their fight was not

42 Telegram from H. W. Gee, on Special Dury, Dera Ismail Khan, to the Commissioner and Superintendent, Derajat Division, no. 112, 24th March 1895 in PDFP, June 1895, no. 14 (PSAC).
43 Ibid.
44 Telegram from Punjab to Commissioner, Derajat, dated 3rd June 1895 in PDFP, June 1895, no. 20 (PSAC).
45 Ibid.
46 Telegram from Commissioner, Derajat to Punjab, dated 12th June 1895 in PDFP, June 1895, no. 21 (PSAC).
against their fellow ‘tribesmen’ but against the sirkar. The Dhana Sir Road incident induced urgency in the proceedings of the Lohani case.

Gee had already stopped the allowances of the Largha Shirani Maliks in April demanding the surrender of Batai and Lohani. To this was now added a threat of a fine amounting to two thousand rupees on Maliks. The Punjab authorities warned the Maliks that fine had to be paid in four months failing which the British troops would occupy the pass near Drazand and establish a ‘blockade’.\textsuperscript{47} This road led directly into the territory of Shiranis from Derajat and was the only road of communication between the two regions.\textsuperscript{48}

To add firmness to the proceedings, a local chief (Sardar Mahsud) was chosen who had been in touch with Batai and was provided with a military escort. This military escort had originally been sent to “discover” and “arrest” the murderers of the British officer at Dhana Sir Road but since that mission had failed they were now used as a protection for Sardar Mahsud against any opposition that he may face while trying to pursue Batai and Lohani.\textsuperscript{49} Perhaps it is difficult to imagine that a small army was sent to help arrest a couple in hiding but it was happening for real on the Punjab frontier.\textsuperscript{50} The British authorities made it clear to Mahsud that the terms of punishment cannot be announced formally without the presence of the “offenders” with the jirga and that if they were left at home or in the hills, they might escape before Maliks were able to lay their hands on them.\textsuperscript{51} The issue before the Maliks was how to persuade the absconding couple to attend the jirga proceedings. It was first proposed that “Sardar Mahsud should devise some pretext for inducing Batai and

\textsuperscript{47} Ibid.

\textsuperscript{48} Derajat was connected directly to Chuhar Khel Dhana by a narrow pass. This was also an old commercial route for powindahs and afghan traders. This route had been blocked by landslides till 1890, when the British opened it and constructed a small road through it. See Captain Crawford McFall, \textit{With the Zhob Field Force 1890} (London 1895), p. 3.

\textsuperscript{49} Telegram from the General officer Commanding Punjab Frontier Force to the Deputy Adjutant – General, Punjab Command, no. 425 A, dated Nathiagali, 30\textsuperscript{th} August 1895 in FDFP, October 1895, no. 68 (PSAC).

\textsuperscript{50} This military escort consisted of detachments of the 1\textsuperscript{st} Punjab Cavalry and 4\textsuperscript{th} Punjab Infantry and had left Dera Ismail Khan on 30\textsuperscript{th} of June. See telegram from the Deputy Adjutant General, Punjab Command to the Secretary to the Government, Punjab, no. 2262 B, dated Murree, 6\textsuperscript{th} September 1895 in FDFP, October 1895, no. 67 (PSAC).

\textsuperscript{51} Telegram from H.C. Fanshawe, Chief Secretary to Government, Punjab to the Commissioner and Superintendent, Derajat Division, no. 1178, dated Simla, 3\textsuperscript{rd} October 1895 in FDFP, October 1895, no. 76 (PSAC).
Lohani to come to him and remain with him so as to put it in power of jirga to arrest them."\(^{52}\)

But the authorities in Punjab questioned this proposal and stated:

> Such stratagems are admissible in ordinary police work, as there they are recognized part of game. Here it is different, as Batai and Lohani would come in fully relying on word of our officer, and probable effect of laying such trap would be that others would in future be afraid to come in on "itibar".\(^{53}\)

These instructions were sent to Sardar Mahsud who was now asked to bring Batai and Lohani not on any "pretext" but on "certain understanding". At the same time Mahsud was cautioned that "substance of Government orders should not reach them in alarming form."\(^{54}\)

It is not visible in the official documents as to what was meant by "certain understanding" but it was quite clear that the couple was not informed for obvious reason of the "arrest" that awaited them. Four days after the instructions were issued to Sardar Mahsud, Batai surrendered. However, he surrendered not in a British administered territory but at village called Moghal Kot.\(^{55}\)

The British authorities were accordingly prepared for it and had sent the Shirani jirga to be collected there. After Batai’s presence was secured by the jirga, they brought him to Draband in the British administered region.\(^{56}\)

Thus all the ‘British’ formalities for beginning the proceedings of a trial were now in place- the presence of the “offender” with the local jirga in attendance and a British administered territory to carry out the ceremony of announcing punishments. But Mussammat Lohani was still missing. The obvious understanding that Lohani would follow once Batai was arrested turned out be a rather naïve one. The Maliks would not "surrender" her unless they were promised that she will "not be restored to her husband Bahawal" and that she will not suffer "any bodily harm."\(^{57}\)

This meant a complete reversal of the majority jirga judgment which the British authorities had

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\(^{52}\) Telegram from Commissioner, Derajat to Punjab, dated 9th October 1895 in FDFP, October 1895, no. 79 (PSAC).

\(^{53}\) Ibid.

\(^{54}\) Telegram from Commissioner, Derajat to Punjab dated 13th October 1895 in FDFP, October 1895, no. 81 (PSAC).

\(^{55}\) Telegram from Commissioner, Derajat to Punjab dated 17th October 1895 in FDFP, October 1895, no. 81b (PSAC).

\(^{56}\) Ibid.

\(^{57}\) FDFP, October 1895, no. 76 (PSAC).
approved after months of deliberation with “impartial” Maliks. The Shirani Maliks also demanded that in case of imprisonment Lohani should not be sent across the Punjab frontier in Zhob to serve her punishment, instead she should be imprisoned in Derajat, the closest Punjab administrative unit to their village and after her release from jail “she should be made over to them.” As far as Batai was concerned, the Maliks demanded that he too should be imprisoned in Punjab and may be allowed to go home after his release. The Shirani jirga also agreed that the fine imposed on Batai by the British authorities was a collective responsibility of the Maliks and such fine could be deducted from their monthly allowances that they were to receive after surrendering the couple.

It is noteworthy that in early October 1895, the British authorities accepted all the demands put forward by Largha Shirani Maliks concerning Mussammat Lohani and Batai Khidderzai thus reversing though partially its earlier decision of implementing the Shariat based judgement which made it statutory for Lohani to “return” to her husband. However to this debated issue a legal condition was added by the British authorities who informed the Maliks that the custody of Lohani after her release was dependent on the divorce proceedings that the political agent at Zhob was to carry out.58 It is clearly evident that the British had not done away with the selective use of the written law till the very end. However the Maliks had succeeded in ensuring that Lohani was not to be forced to live with her husband Bahawal. This was quite remarkable because according to the Chief Secretary to the Punjab Government “it was a practice in Punjab occasionally to make over a wife ‘bodily to her husband’.”59 Perhaps the British authorities realized that an arbitrary frontier which made Largha Shiranis part of Punjab did not by itself homogenized social practices.

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58 Telegram from H. W. Gee, Deputy Commissioner, Dera Ismail Khan, to the Officiating Commissioner and Superintendent, Derajat Division, no. 409, dated 30th October 1895 in FDFP, November 1895, no. 73 (PSAC).

59 The Chief Secretary to the Punjab Government had expressed his doubts about the majority jirga award quite early in the proceedings and had written to the Foreign Department that “the government should make an exception to this case, even under the guarantee of local officers that the woman will not be ill-treated; and that if we insist on returning Lohani to her husband, this will create apprehension in the minds of Shirani tribes.” See Telegram from H. C. Fanshawe, Officiating Chief Secretary to Government, Punjab to the Secretary to the Government of India, Foreign Department, no. 667, dated Simla 18th June 1895 in FDFP, June 1895, no. 23 (PSAC).
But once the orders of not sending Lohani to her husband were placed from above, even the most ardent opponent of the Shirani Maliks, H. W. Gee concurred with the new official line. The Chief Secretary to the Punjab Government agreeing with Gee wrote:

The sentence had better be carried out in Punjab, because if Batai and Lohani are sent to Biluchistan it will, owing to the absurd notions these people entertain, be regarded as tantamount to a delivery of them into the hands of their enemies, and we may not be able to procure surrenders in other cases.60

After Shirani Maliks were ensured of the fulfillment of their demands, they sent two Maliks to bring Lohani from Namar, a village in Largha Shirani. The Maliks returned after four days bringing the woman with them. She was "formally made over" to the British officer H. Gee by the jirga. Warrants of imprisonment were then issued.61 Mussammat Lohani was to serve nine months of rigorous imprisonment and Batai a period of fifteen months. This brought to an end a sixteen month long 'local dispute' so zealously debated. The immediate result of the arrest of Batai and Lohani was that the detachment of Punjab troops sent to Shirani village to help arrest the couple was withdrawn. Secondly, the allowances of the Shirani Maliks were resumed and arrears were paid to them.

As early as 1876, Lepel Griffin, the officiating secretary to the government of Punjab had pointed out that one of the most important differences between the rule established on the frontier and the law in force in the rest of the Punjab was "the power to punish women as well as men for adultery."62 This example shows how this difference could be mitigated. But the alleviation of such difference was only a small process with in the larger ones which were mainly directed to arrest the development of cohesion among the local inhabitants, and to introduce them patronizingly to the overarching structure of the British state.

60 Telegram from R. G. Thomson, Officiating Chief Secretary to Government, Punjab to the Secretary to the Government of India, Foreign Department, no. 1413, dated Lahore 15th November 1895 in FDFP, November 1895, no. 76 (PSAC).
61 Telegram from H. W. Gee, Deputy Commissioner, Dera Ismail Khan to the Officiating Commissioner, Derajat Division, no. 409, dated 30th October 1895, FDFP, November 1895, no. 73 (PSAC).
62 PD, Volume I, no. 243, 1878 (MSAB).
The case of Mussammat Lohani shows quite strikingly how the British notion of justice and their efforts to regulate the internal affairs of the ‘tribes’ created conditions for small wars. It also shows that the British had failed to see that their intervention will be read by the ‘tribes’ through their own codes. Shiranis had to act according to the accepted code of the community, and attack those who brought dishonor to their community. If the British prevented the Shiranis from defending their honour, then the British themselves became implicated in bringing dishonor to the ‘tribe’.