SYSTEM OF DISCIPLINE

Discipline is the principal factor that ensures a distinctive and unquestioned leadership, and implicit subordination, which facilitates the tasks that an army is expected to perform. Mainly on account of discipline, acts or omissions which in civil life do not constitute an offence, in the army do. A Military Code therefore is always severer than a Civil Code, and applies to all soldiers in addition to the Civil Code. That is so because a soldier does not cease to be a citizen.

In the army of the East India Company its code emanated from tradition and customs of war. The rules that operate in actual state of war are called customs of war, and cannot be defined for they vary in their application with the circumstances. Tradition acts as rules in times when there is no war. Kicking and abusing one's wife in those days was considered a military crime. Contracting venereal diseases, excessive gambling, going under debt, dwelling, drunkenness and numerous other acts, which even though personal, constituted military offence. The Military Court of request, a special Court tried army officers in most cases of personal nature. Soldiers were required to respect the sacredness of the places of worship of all religions and a disrespect thereof was a military offence.

1. Cornduff, C.W.W. Military and Cantonment Law in India, Calcutta, 1904, P.122XV.
3. Letter from Principal Chaplain to the Forces relative to the performance of Ecclesiastical duties vide Military Letter from Court dated 17 October 1833.
Absence from daily prayers too was an offence. In the early days of the Company, there were no codes to define offence and a great latitude was given to the Commanding Officers, who relied on their own judgment with regard to offence and made laws according to circumstances.  

Offences of military nature were first time classified vide "Rules for Mutiny and Desertion" in 25th Year of the reign of King George II (1752) and these were revised from time to time. During the Company's rules they were enlarged and revised on 07 May, 1823, and the following were considered offenders.  

"... any person who shall begin, excite, cause or join in any mutiny or sedition, in the land forces, ... or shall not use his utmost endeavour to suppress the same, or coming to the knowledge of any mutiny or intended mutiny, shall not without delay give information to his Commanding Officer, or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post or guard, committed to his charge, or which he shall be commanded to defend or shall compel the Governor or Commanding Officer of any garrison, fortress or fort to deliver unto the enemy, or to abandon the same, or shall speak or use any other means to induce such Governor or Commanding Officers or others to others to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post or guard committed to the respective charge, of which he or they may be commanded to defend or shall leave his

1. Reply of Major General Birch, Secretary to Government Bengal Army vide Replies connected with Reorganisation of the Armies of India.  
2. PP(microfilm) Vol.1, P.309, Commons 332 of 1832.
post before relieved, or shall be found sleeping on his post, or shall hold correspondence with or give advice or intelligence to any rebel or enemy of His Majesty, or the said Company, either by letters, messages, signs or tokens in any manner or way whatever, or shall treat or enter upon any terms with such rebel or enemy, without the licence of the said United Company ... at any of the Residencies, or without the licence of the Governor or Chief Commander, or shall strike or use violence against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer, or shall desert the said Company's service, all and every person or persons so offended in any of the matters ...”

Soldiers who mutinied, or deserted the Company's service, or were guilty of crimes and offences to the prejudice of good order and military discipline, were brought to exemplary and speedy punishments.¹ For these severe offences, General or other Officer Commanding of forces in India, and also Commanders-in-Chief of respective Residencies, were authorised to convene court martials, and this power was allowed to be delegated to Majors and above by the authorities concerned.

Among some of the miscellaneous offences were mustering on giving false certificates, false or untrue mustering of men and horse and mustering by wrong names.² Paymasters, Officers Commissariat Department, who were required to deal with finances, provisions, forage or storage who if misappropriated them, were

² PP(microfilm) Vol.1, p.303, Commons 392 of 1823.
considered big offenders and were punishable by General Court Martial.\textsuperscript{1} For similar offences, officers were dealt more severely than non-commissioned officers and soldiers.

Discipline of a Corps mainly depended upon the influence of Commanding Officer and the officers of the Companies.\textsuperscript{2} The Commanding Officers were assisted by adjutants, through whose medium they enforced orders, and among native troops a great assistance was provided by native officers in that respect. So long as the Commanding Officer and the Company Officers had direct influence on troops, the discipline was good, but as soon as this personal influence was lost, the discipline was impaired.

We can study the Company's Army discipline under two phases; the first from 1796 to 1824 when the influence of Commanding Officer and Company Officers was paramount; and the second from 1825 to the Mutiny when fresh rules and regulations had reduced a Commanding Officer, the main channel of discipline, to impotence.

The Commanding Officer in the earlier phase was the law and he could do anything according to his judgment. He could make new laws or break them according to the circumstances. Many of the offences could be punished by him and only the offences of a serious nature had to be sent for court martial.

\textsuperscript{1} Loc\_Cit.

\textsuperscript{2} Reply of Lord Clyde, Sir Somerset and Sir P. Grant Commanders-in-Chief of Bengal, Bombay and Madras Armies respectively, vide Replies.
In the court martial itself, when the Commanding Officer used to preside, he had a good deal of power. However no sentence of a court martial in which the Commanding officer of a regiment presided, could be executed till the garrison Commander or the Governor had confirmed it; in actual practice this confirmation was seldom withheld. But in the year 1818, forms of procedure were rendered more exact and general officers commanding divisions were authorised to set aside the sentence of a court martial confirmed by Garrison Commander. This surely was a measure which indirectly weakened the Commanding Officer's powers.

By an order of 1824, the powers of Commanding Officer in the Artillery of Bombay were greatly reduced. By a warrant of His Majesty King George the Second, dated 22nd April, 1736, the Commanding Officers had been authorised to appoint Subalterns as they wanted but after the orders of 1824 all subalterns were included in the general list for promotion. This took away from the Commanding Officer the power to appoint officers as he pleased.

Upto 1823, before there were regulations compiled for the guidance of officers, the Commanding Officer often exercised such powers as dismissing native soldiers and reducing Non-Commissioned Officers, awarding Corporal punishments,

1. Reply of Major General Birch, Secretary to Government, Bengal Army, vide Replies.
2. Loc. Cit.
awarding extra drill and duty, refusing furloughs for offences committed by their men. These powers were considerably curtailed.

The year 1824 brought a great change in the organisation of the Company's army. Every regiment of two battalions became two separate regiments and the officers with original corps were appointed alternately to its two parts. By the new arrangements, a large number of Company Officers were detached from their men with whom they had served for years. The bad effects of the new arrangements were revealed by the mutiny at Barrackpore, for the officers who were responsible for discipline were not with their men. In the particular corps in which the mutiny occurred, there was only one officer present who had been sometime with his Company, and it was only that officer's Company which refused to join the mutineers.

With the new organisation of 1824, there started in the Company's Army a new phase. The officers responsible for discipline were taken away from their corps; and their powers were curtailed. On 1st September, 1828, standing orders for the Bengal Native Infantry were compiled by orders of Lord Cambermere, the Commander-in-Chief, which took away such powers from Commanding Officers as dismissing native officers and reducing Non-Commissioned Officers, and limited their powers to discharge the sepoys who, from bodily defects, sickness or accident, might become incapable of performing the duties.

1. Reply of Major General Birch, Secretary to Government, Bengal Army, vide Replies.
of soldiers, and who were not entitled to the benefits of invalid pensions. Such recruits who from awkwardness at the drill were unlikely to become smart soldiers, were also liable to dismissal by Commanding Officers. But in all other cases of unfitness for service, the Commanding Officers had to apply to the Commander-in-Chief for discharging the sepoys. This implied that the Commanding Officers could not dismiss men as a punishment for some offences committed.

The Governor General, Lord William Bentinck, ordered on 25 February, 1835, against the use of 'ratten' in the sepoy army, as he considered a sepoy's character unsuited to corporal punishment. This gave a rude shock to the powers granted to the Commanding Officers in November, 1832, by Sir Edward Barnes, the Commander-in-Chief, of carrying into effect all sentences, including corporal punishments without referring them to the General-Commanding the division previous to execution. Another order of the government, dated 30th August, 1845, limited the infliction of corporal punishments for mutiny, insubordination, violence or using or offering violence to superiors, drunkenness on duty. By another circular, of 1846, the maximum number of lashes awardable by any court martial was restricted to 50, regardless of seriousness of the offence.

The Articles of War of 1845 sanctified a practice by which no Commanding Officer, except by a sentence of a court

1. Reply of Major General Birch, Secretary to Government, Bengal Army, vide Replies.
martial, could discharge as punishment a Non-Commissioned Officer or a soldier. The Articles of 1847 enacted further that "no Non-Commissioned Officer shall be reduced to the ranks by the sentence of a Court Martial, or by order of the Commander-in-Chief of the Presidency to which the offender shall belong".

The revised Code of regulation, published in 1835, took away from the Commanding Officer even the power to discharge men physically unfit for service, which the regulation of 1824 had granted. All cases even of physical disability subsequently were required to be referred to the Commander-in-Chief for orders.

Thus, a Commanding Officer was made ineffective between the years 1824 and 1857. The state of things had so deteriorated that the Commanding Officers did not really 'command' their regiments, because they had no power to punish. A senior officer of the Company's army once narrated his experience as a Commanding Officer: "if a Commanding Officer were to say to a sepoy, 'you have committed a fault, you will go for drill for seven days', the man would have power to turn round and say, 'I do not go to drill for seven days. I will be brought to a Court Martial', the Commanding Officer has not the power to prevent it, I say with system like this it is impossible to command a regiment." The only way a man could be punished was by a Court Martial and even in that case the Commanding Officer,

1. Reply of Major General Birch vide Replies.
2. Loc Cit.
3. loc Cit.
4. Minute by Major General Mansfield vide Inquiry.
if a Presiding Officer could use very little discretion as he was bound by numerous formalities. Many a times, on account of defects in the forms of procedure, individuals could avoid sentences recommended by Court Martials. General Pullock ordered a Court Martial against one individual for 17 charges of serious nature, but owing to some informality in proceedings the confirming authority at the division pardoned him. The General then on his own authority discharged the individual, but the individual again came into army service after making a petition to the Adjutant General's office. Defects of Court Martial procedure coupled with the right to make a petition direct to the highest military authority, by passing all military channels, contributed to further weakening of a Commanding Officer's powers. It was also by regulations that returns were required to be filled up by inspecting officers on inspection of Corps and the inspecting officer was supposed to ask the troops whether they had any complaint to make; this concession was abused by soldiers. By way of direct petition and inspection report of Corps, the lowest ranks had an access to the highest military authority, and though the grant of these privileges was excellent in intention, they led to weakening of the authority of the Commanding Officers.

Incompetence of the Commanding Officers themselves had often been considered to be the reason for reduction of their power, which resulted in withdrawal of authority from the

1. Loc. Cit.
2. Evidence of Lieutenant Colonel Wyllie vide Report of Commissioners, p. 600.
Commanding Officers. By rules the men who succeeded to lieutenant colonelcy, were placed in command of corps, unless something very serious prevented it. An officer, even if incompetent, was thus placed in responsible position; therefore his authority was curtailed. The Commander-in-Chief Fane wrote to C.T. Metcalfe in 1837 that 'in the event of war with the Punjab, our great difficulty would be in the want of young active, capable Commanding Officers'.

Towards the close of our period, it appears that the Commanding Officers of the Company's army were old men with little authority. A Commanding Officer's authority, on whom the whole fabric of discipline depended, whether with or without a Court Martial, was very feeble. It is evident that constant reduction of authority and power of Commanding Officers resulted in bad discipline in the Company's army. This became a potent underlying cause of the Sepoy Mutiny of 1857.

Trial of offenders in the Company's army was guided mainly by 'Rules of Mutiny and Desertion' issued in the 25th year of the reign of George II (A.D. 1752) and revised and enlarged in 1823. Besides that there were no written rules of conduct for the army of the Company. Each Presidency had from time to time given out circulars, orders and regulations for

1. Evidence of Sir George Clarke, Governor of Bombay vide Report of Commissioners, p.1235 to 1241.
3. Evidence of Sir George Clarke, Governor of Bombay vide Report of Commissioners, p.1235 to 1241.
the guidance of officers conducting trials. In 1835, for the first time, it was determined that one code should be established for the whole of India. Before the enforcement of the code, great latitude was given to Commanding Officers to rely on their own judgment in trial of offenders. A combined Code for His Majesty's troops as well as the Company's troops was made in 1840, entitled 'Rules and Articles for the better government of the officers and soldiers in the service of the East India Company from the 1st day of January 1841'. The provisions of this document were quite comprehensive.

Among the natives, some times 'Panchayat System' was very favourably employed for trial. The system had unwritten official sanction and the natives employed a certain number of judges among themselves; no native officer under the rank of Subedar could be president, and no one under the rank of Jamadar could be a member of any Native Court Martial.

2. Military Department Consultation dated 3 February 1841, vide Military Letter from Court dated 4 November 1840, No.11. This had seven Sections and 126 articles. Section I contained articles of Divine worship numbering 1 to 3; Section II consisted of Crimes and Punishments with articles 4 to 65; Section III contained rules for Court Martial and had articles 66 to 92; Section IV had articles 93 to 107 containing miscellaneous duties and obligations; Section V consisting of articles 108 to 113 related to rules for Returns and Accounts; Section VI had only one article which related to rank, and the last section of articles 115 to 126 gave guidance on application of articles.
4. By Europeans, it was popularly styled as 'Native Court Martial' Wilson, History of Madras, Vol.2, Madras 1882, p.182.
The Panchayat System was in force in contingent forces and the Irregular Corps of Cavalry even up to the Mutiny, but the system was never ordered for regular service. Indeed in Irregular Corps, all matters of debt were tried by a Panchayat of five members. The Court, though formed and convened by orders, was merely a private court among the natives and it was not tacitly admitted, yet the decision was usually binding on both parties. The members of the Panchayat courts were selected by the Commanding Officer from a regular roster of Junior Commissioned Officers; but there were no rules guiding a Panchayat officer other than the rules of common sense. The Panchayat recorded their findings and recommended sentence to the Commanding Officer, but the recommendation did not include Corporal Punishments, which could however be awarded in addition by the Commanding Officer in case of disgraceful crimes committed.

Sometimes officers were brought to trial before a special court called the 'Court of Reouest', which tried cases like debt and gambling. These courts assembled monthly at big military stations, and the offenders had to appear before them periodically.

For trial of soldiers, a Commanding Officer had certain summary power which varied from time to time. For trial of certain offences, a Commanding Officer was 'as a rule' forced to convene a Court Martial after about 1824. For example, if in the judgment of a Commanding Officer, the punishment deserved

1. Evidence of Major General Lowe vide Report of Commissioners, c.399 to 404.
by a native officer was dismissal from service, after 1828 he had no alternative but to order a trial by a Court Martial, for the power of dismissing native officers was taken away from the Commanding Officer.

Before bringing an accused for trial before a Court Martial an inquiry was made by the senior officer on the spot by order of the Commander-in-Chief, for the purpose of investigating the grounds of the complaint, the results of which were forwarded to the General Officer Commanding of the Division, who directed further investigation to be made, if he considered the information defective or inadequate; and, when in possession of the circumstances of the case, he exercised his discretion in forwarding the charges and the result of the inquiry to the headquarters of the army. The accused was released, if he was considered not guilty after the inquiry.

A General Court Martial was the highest Court Martial and consisted of not less than thirteen Commissioned Officers, except when it was convened in any place out of the Company's territories. This court had the power to sentence any officer or soldier to suffer death, transportation, penal servitude, or any other punishment allowable by army regulations.

2. PP(microfilm) Vol.1, P.309, Commons 392 of 1823.
3. PP(microfilm) Vol.6, P.1 Lords 184 of 1849; also PP(microfilm) Vol.5, P.268, Lords 301 of 1857; Also PP(microfilm) Vol.4, P.293 Commons 332 of 1849.

All witnesses were required to take an oath. And each member of the Court also took an oath. "I will duly administer justice according to the rules and articles for the better government of the officers and soldiers in the service of the Company, and according to an act of the Parliament inforce for the punishment of offences, without partiality, favour and affection, and if any doubt shall arise, which was not covered by the Articles of Parliament, according to conscience, the best of understanding and the custom of war in like cases;"
A District or a Garrison Court Martial, which came next in priority, consisted of not less than five Commissioned Officers and such a Court Martial had the same power as a General Court Martial to sentence any soldier; however, it could not try a Commissioned Officer, nor could pass any sentence of death, nor transportation nor penal servitude. The lowest form of a Court Martial was a Regimental or Detachment Court Martial which consisted of not less than five officers, unless it was found impracticable to assemble that number, in which case three were accepted. This Court Martial had the power to sentence any soldier to Corporal Punishment, or to imprisonment or to forfeiture of pay. For offences committed on line of march or on board a ship, a Regimental or Detachment Court Martial's sentence could not be confirmed because of the absence of confirming authority. In such situations, in cases of mutiny and gross insubordination, the officer in immediate command of troops was authorised to confirm and carry into execution the sentence, provided it did not exceed that which the Regimental Court Martial was competent to award.

The President of a Court Martial was appointed by the convening authority, but he was not to be the officer who was to confirm the sentence, nor his rank below that of a Field Officer (Major). The convening authority also appointed

Contd.

... and they further swore that, "I will not divulge the sentence of the Court until it shall be approved by the General or Commander-in-Chief, or the person or persons by whose warrant or authority the Court Martial is held."

1. Loc Cit.
2. Loc Cit.
3. Loc Cit.
representative of the Judge Advocate who assisted the President with legal advice.¹ For the trial of Europeans, the King's and the Company's officers sat in conjunction, but for the trial of Sepoys the Court Martial was composed of native officers, directed by a European Officer who acted as Judge Advocate.² No one below a Field Officer was empowered to convene a Court Martial and no one could be tried a second time for the same offence, unless in case of appeal and no sentence by a Court Martial was liable to be revised more than once.³ Any person accused of capital crime or violence and offence against the property of either Presidency was delivered to the Civil Magistrate for trial; and in such cases, the person or persons concerned were usually cashiered by a Court Martial. Offenders, while in custody, received no pay.

As soon as a Court Martial was assembled, the names of all the members of the court were read out in the hearing of the accused. The accused was then asked if he had any objection in being tried either by the President or by any of the members. If the accused objected to the President, the objection was referred to the decision of the authority by whom the President was appointed; but if the objection was to an officer; the President decided the objection. If objection, in either case was accepted, a new President or member was appointed to

1. Loc. Cit.
2. Evidence of Sir T. Pritzler, Minutes of Evidence.
3. PP(microfilm) Vol.1, p.309; Commons 302 of 1823.
whom the accused had no objection. If the objection of the accused was overruled, he was required to accept the court. 1

The proceedings of General and District Court Martial were transferred to the Judge Advocate General of the concerned Presidency, within 3 months of the Court Martial in India, and within 6 months if beyond the seas. No officer or soldier who had been acquitted or convicted of any offence was liable to be tried/second time by the same or any other Court Martial for the same offence. 2 No judgment of death, by a Court Martial was passed unless at least two-thirds of the officers at the court concerned consented to award the punishment. Judgment of death could be commuted for transportation for life or other punishment. 3

All the servants of the Company, civil or military, were liable to dismissal. 4 The Government of India Act of 1833 (Section 74) laid down: "It shall be lawful for His Majesty, by any writing under his signed manual, to remove or dismiss any person holding any office, employment or Commission, civil or military under the said Company in India, and to vacate any appointment or Commission of any person to such office or employment." But before the removal of any one from an office, 5

1. PP(microfilm) Vol.4, P.293; Commons 382 of 1842.
2. Loc.Cit.
3. PP(microfilm) Vol.6, P.1, Lords 184 of 1849 also vide 'The Statutes of the United Kingdom of Great Britain and Ireland with notes and references by N. Simons, Vol. XIII (London 1835), P.442.
5. Loc.Cit.
he was acquainted in writing with the charge preferred against him, so that he could prepare his defence. The proceedings of dismissal were conveyed to the Court of Directors.

A General, Garrison or District Court Martial could sentence any soldier to imprisonment, with or without hard labour, and could also direct that such offenders shall be kept in solitary confinement for any portion of imprisonment, in no case exceeding fourteen days at a time. Any Court Martial could sentence any soldier to Corporal punishment, for disgraceful conduct, misbehaviour, or neglect of duty to the extent of fifteen lashes. No Court Martial could easily demote a Havildar or Non-Commissioned Officer. Non-Commissioned Officers could be demoted only by the officer specially appointed by the Governor in Council to command the corps (i.e. the Divisional Commander), but on every such occasion a report was made to the Commander-in-Chief, setting forth the reasons for the proceeding. Until about 1830, a Commanding Officer could demote a Havildar; he was deprived of that power subsequently.

Corporal punishments were indiscriminately awarded to the soldiers till 1832. In that year, the Commander-in-Chief, Sir Edward Barnes, took away from the general or other officers commanding the division, the power of sanctioning corporal punish-

2. Loc. Cit.
4. Evidence of Colonel Greenhill, Minutes of Evidence, Q.1538.
ment, and instructed the officers convening the Court Martial
to award Corporal punishments according to the nature of the
case. A Committee sat at the three Presidencies to discuss
whether or not Corporal punishment should be entirely abolished.
The Committee in Bengal was not in favour of a total abolition
of Corporal punishment; the Madras Committee shared the apopre-
ensions of the Bengal Officers, respecting the total abolition
of Corporal punishment, but evinced a strong desire to restrict
its infliction, on account of its 'moral influence' on the
soldier. 1 The Governor General, Lord W. C. Bentinck, added to
the report of the Committees that 'though Corporal punishment
had diminished a hundred, perhaps a thousand fold, discipline
has decidedly been improved and soldier treated like a rational
being, and not as a mere brute; that my own prejudice and that
of the others, have given way ... Upon full conviction of the
expediency, safety and true policy of the measure, I recommend
to Council the immediate total abolition of Corporal punishment
in the Native Armies of India. 2

Corporal punishments were considerably curtailed, as a
result of strong recommendations of the Committee, supported
by the Governor General. Corporal punishment was considered
unsuitable to the docile character of the natives; the soldiers
who underwent this punishment were in fact obliged to leave the
army. An Act of 1839 empowered the Court Martials to sentence
Native soldiers to imprisonment with hard labour, and provided

2. Loc. Cit.
that all men so sentenced for any period or sentenced to
ordinary imprisonment, exceeding six months, should be dis-
missed from service, provided all such sentences received the
sanction of the General Officer commanding the Division. There
was a resolution of the Government under Lord Hardinge, dated
30th of August, 1845, framed in connection with the articles
made in that year, which laid down rules for corporal punish-
ment for offences such as mutiny, insubordination, violence or
using or offering violence to superior officer or drunkenness
on duty. In due course, it was realised that natives required
no corporal punishment, but rules were allowed to remain as
previously and a circular was issued in Adjutant General's
office in 1847 which read that: "Officers and men of the Native
Army require neither austerity of manner nor severity of treat-
ment; but at the same time it is indispensable to the maintenance
of discipline that authority should be exercised with a firm
though gentle hand."

Among minor punishments awarded by a Court Martial was;
forfeiture of pay when prisoner of war until inquiries were made,
when convicted of desertion or of absence without leave and for
drunkenness. Stoppages could be made from the pay of men as
a punishment for loss or destruction, or damage, or injury to
any government property by wilful or negligent misconduct. False

1. Reply of Major General Birch, Replies.
2. Loc Cit.
3. Evidence of Major General Birch vide Replies.
4. PP(microfilm) Vol.4, P.233, Commons 382 of 1849.
mustered of men and beasts was punishable by a General Court
Martial and punishment awardable was cashiering. Punishment
for inducing or assisting in desertion was fine or imprisonment,
or both. All offences relating to the army authorities, even
if apprehension of offenders was effected by the civil, were
tried by the army.

There are conflicting opinions on the discipline of the
Company's army. Colonel Salmond, who had served the Indian Army
for over a quarter of a century, had the best possible opinion
in that respect. He described the discipline of the Indian
Armies as 'perfectly good'. Another experienced officer, General
Sir Robert Scot, was of the opinion that the spirit of the army
had in general been everything that was desirable, but affected
in small degree at different times by particular circumstances;
it's efficiency was equal to calls made on it; its discipline was
very good, though it varied from particular circumstances. Sir
Charles Napier, the Commander-in-Chief during the time of Dal-
housie, remarked that he had seen many armies of the world,
but he had not seen an army better disciplined and better paid
than the Indian Army.

Nevertheless, the history of the Indian Army between
1796 and 1858 is marked by numerous mutinies, mostly among the
native troops. This is likely to give the impression that the
army of the Company could not be called disciplined. The real

1. loc Cit.
2. Evidence of Colonel Salmond; Minutes of Evidence.
3. Evidence of Major General Sir Robert Scot; Minutes of Evidence.
standard of discipline in the Company's army would be difficult to establish without going into the causes of those mutinies.

In the Bombay army, there never occurred a mutiny and even in 1857 that Presidency remained unaffected. The Bombay army, however, in 1769, was on the verge of a mutiny when the Muslim sepoys objected on religious grounds to wear boots, which were supposedly made of the abominable pig leather. A petition was submitted that the new Christian clothes and boots which they were ordered to wear were contrary to the injunctions of Islam. In fact they were afraid that they would be excluded from their caste and from their relations, wives and children; and they appealed that the orders be withdrawn. The petition was entertained, the opinions of the pazi and other principle persons of the faith were collected; and the Commanding Officers were allowed to make small alteration in the boots. A timely inquiry and a politic attitude averted the mutiny.

On the other hand, there are several instances of mutinies occurring because of particular circumstances. For instance, in 1764, the 9th Battalion of the Bengal army mutinied because, after the battle of Patna, they were kept idle; the Tellicherry Mutiny of 1780 was attributed to the violation of repeated promises of 'relief'; the Vizagapatnam Mutiny of 1780 occurred because the troops were forced to cross the sea, which outraged their religion feeling. Mutinies in Madras during 1781-86 were owing to the continuous non-payment to troops in that

1. Bombay Government Consultation 15 August 1769; Public Diary 54 of 1769, P.621.

2. Loc Cit.
Presidency, when the troops had not been paid for more than half a year. Lord Cornwallis connected the fact of mutinies with the non-payment of arrears and took steps to remedy this volatile situation.\textsuperscript{1}

In 1806 occurred a mutiny at Vellore on a considerably larger scale than ever before in the army of India. The immediate cause of this mutiny was the orders to troops to wear a new turban.\textsuperscript{2} The order for the turban had been notified to the troops in garrison in May that year and one of the native Infantry battalions resented the new turban as it was objectionable, firstly because its shape resembled the European hat and secondly because it contained a leather cockade, which was objectionable to both Hindus and Muslims. The grounds for mutiny had thus been prepared previously and dissatisfaction increased when certain alterations in dress were introduced in sepoy corps by an order of the Commander-in-Chief, dated the 13th March, 1806, which entailed that a soldier shall not mark his face to denote his caste, or wear earrings when dressed in uniform and that on all parades, and on all duties, every sepoy of the battalion shall be clean shaven on the chin. The order also entailed that uniformity shall be preserved in regard to the quantity and shape of the hair upon the upper lip, as far as practicable.\textsuperscript{3}

\textsuperscript{1} Weberzene, R, De 'The English in India', London 1883, P.7.
\textsuperscript{2} PP Vol.42, P.68S; Commons 284 of 1861.
\textsuperscript{3} Loc Cit.
In making these alterations, there is no doubt that much consideration was paid to the pipe-clay traditions of the European armies and very little to the prejudices and sentiments of the soldiers. The dissatisfaction of the Madras sepoys was not long concealed. When the orders regarding wearing the new turban came, the battalion of Native Infantry, which was dissatisfied, refused to wear the new turban sent for their use. An open act of mutiny occurred. The ill considered action of the authorities was the cause of the insubordination of the hitherto well conducted and distinguished Corps. The men of the battalion were severely punished, which increased the trouble still further. Many more native battalions revolted.

It came to be believed that the Mutiny was the outcome of instigation of the late Tipoo Sultan's sons, who were residing at that time in the fortress of Vellore; but the Committee which reported on the mutiny, highlighted the late changes in dress and appearance of the sepoys as the principal cause of the mutiny. The Committee's considered view was set forth in the following words:

'The article of dress is both with the Hindoos and Mohammedans an indication of their castes, and a badge of their respective distinctions and place of society and when it is recalled how abstinately the Indians of all descriptions adhere to their customs, and with what difficulty the natives were brought to adopt many parts of their present military dress, it

2. Loc Cit.
3. PP Vol.42, P.689; Commons 284 of 1861.
will not appear surprising that some of the late innovations in that respect were offensive to their feelings'.

"The sepoys appear to have felt that the wearing of the new turban would make them come to be considered Europeans, and would have removed them from their society and intercourse of their own caste;"

"In this country the prejudices of the conquered have always triumphed over the arms of the conqueror and have subsisted amidst all the revolutions and shocks to which the empire has been subjected. Any innovation, therefore in that respect, must be calculated to call forth their feelings, and the more trial the object required to be sacrificed, the stronger, in our opinion, would the reluctance be to make it. Nothing could appear more trivial to the public interests than the length of the hair on the upper lip of sepoys, yet to the individual himself the shape and fashion of the whiskers is a badge of his caste, and the article of religion/"

From the Committee's report we conclude that the Vellore Mutiny occurred because the religious sentiments of the native soldiers were disregarded. It is obvious that officers on the spot were poor judges of their men's sentiments who in turn lost confidence in them. No politics could have changed the loyalty of sepoys, if religious prejudices had not come in their way. The following comments in connection with this mutiny will show that the officers managed their men poorly: "there are officers in our service, who never trouble themselves about their men,

never go near them, and never allow them to come and detail their complaints. The sepoys are keen observers and excellent judges of their officers; and when they are kind and just to them, the sepoys love and are proud of them.¹ But in the case of Vellore the officers had not understood their men, which caused disaffection.

In 1815 a small mutiny occurred at Java and the native battalions murdered their European Officers.² The men responsible for the mutiny were severely punished. An inquiry into the causes revealed that by a General Order of the Commander-in-Chief, dated 12th December, 1810, it was stated that after an expiry of three years the volunteers will be permitted to return to India. The soldiers had been volunteers since 1810, and had been absent from India for four and a half years. No intimation had been given to these men that they would be required to serve for more than three years. Thus the failure of the government to keep its promise to recall volunteers from foreign service in Java after 3 years service in that land became the cause of a mutiny.

The year 1824 saw a major mutiny on the eve of the Burmese war.³ The Bengal sepoys from terms of enlistment did not bind themselves to undertake a journey by sea. But when the Bengal sepoys were ordered to march to Chittagong, they refused

to march owing to the belief that from there the regiments would have to embark. This feeling was aggravated by the fact that the government Commissariat, having failed to supply bullocks for baggage, ordered that all sepoys would provide their own bullocks.¹ This order was felt to be unjustified because there was a scarcity of bullocks which had been purchased already by the government and the prices had risen very high. In any case, it was the government's responsibility to provide conveyance for baggage. The native soldiers thus came to have a strong grievance and they expressed it quite respectfully; but the officers refused to give redress, or even to enquire into their grievances.²

Under the circumstances, when orders were given to the 62nd Regiment of the Native Infantry at Barrackpore, they refused to march to Chittagong. This was an open act of mutiny. The mutinous troops were ordered to ground their arms which they refused to do. They were thereupon blown by cannons on the parade ground.

The mutiny of Barrackpore may be attributed in its origin to the officers not understanding their men. In the particular corps in which the mutiny occurred, there was only one officer present who had been sometime with them, and it was only that officer's Company that refused to join the mutineers.³ The newly appointed officers did not understand their men and it

¹. PP Vol.62, P.271, Commons C1668 of 1877.
was these officers who were to command the men in war in Burma. It was known several days before, that dissatisfaction was prevalent among the men; and these officers took no notice of that, even when petitioned. When the troops explained their difficulty of procuring bullocks for baggage, the officers did not care even to listen to their difficulties. The lack of understanding on the part of the officers triggered off the mutinous sentiments of the men, who from the beginning had not liked the overseas voyage and resented the failure of supply system.

Mutinies could be avoided by a politic action, or non-action. In 1852, war was declared against Burma for the second time and once again the sepoys were required to go overseas. One battalion of the Native Infantry refused to undertake the sea voyage and Lord Dalhousie very wisely refrained from taking any strong action. There was no mutiny.

"There is nothing," said an experienced officer after the Mutiny, "but our own mismanagement to prevent natives of India being as good soldiers, and as loyal to us, to their foreign masters, as they have ever been. It depended upon army officers what native troops became. With good officers, who understood and managed them well, they produced the most exemplary results". Captain Macan, who was one of the two officers who conducted the blowing up of the mutinous troops at Barrackpore in 1824 with cannons, thought that "we shall always have good troops if we can command their affection and fidelity". The same officer

2. Evidence of Captain Macan, Minute of Evidence, Q.2176.
believed that, though the system of discipline was rather against the habits of the sepoys, they had assimilated it. A system of discipline formulated to cater for the habits of Europeans could not succeed with the natives, and the yard stick formulated for Europeans was sure to bring about mismanagement. Non-payment of arrears of pay, ordering troops to undertake sea voyage, when the terms of enlistments did not bind them to do so; officers not understanding their men and playing with their religious and personal sentiments; mismanagement and failure of supply system in times of war—these were some of the patent causes of the various mutinies.

The principal cause of several mutinies appears to have been the British officers' disregard of the religious sentiments of their men. Whenever they failed to regard religious sentiments, they paid a heavy penalty. There was no uniformity or consistency in the attitude of British officers in these matters. In Java, for instance, some soldiers of low caste died and the officer commanding argued that his men being of high caste, could not bury the dead because the dead belonged to low castes. On the other hand, a mutiny was invited over the question of the size of whiskers and the type of turban to be worn by the troops. On the one hand it was accepted on religious grounds that the sepoys of Bengal were not obliged to cross the season; on the other, their resentment was often repressed ruthlessly. This sort of religious policy a sepoy

1. Ibid, q. 2186 to 2183.
From even a cursory analysis of mutinies in the army of the East India Company, it is evident that they did not arise from any basic or major defect in the organisation. The general spirit of the army was good. It was only under a particular set of circumstances that mutinies occurred. If there is one general statement that can be safely made about these mutinies, it is this that the inevitable conflict between certain requirements of discipline and certain religious sentiments of sepoys sparked off a tense situation into a mutiny.