

Managing a Borderland: Eastern Duars and Bhutan relations in Colonial Northeast India

Suryasikha Pathak

The East India Company annexed the Ahom kingdom and this led to the modification of existing relations between hills and plains and frontier regions. With the EIC flexing its muscles in the region, the dissolution of earlier power structures, which used to arbitrate over disputes previously, saw the rise in conflict over the narrow space of the foothills and the Duars. This period witnessed increase in skirmishes between the hill dwellers and plains settlers over the control of these strategic paths, the Bhutan Duars and EIC interfered in this to establish their authority over the subject population and territory.

Keywords: Duars, Bhutan, Assam, Colonial law, raids, Tibet

Introduction: The Murder and the Case

On 31st July 1881 three people were attacked, two killed and one seriously injured in Simla village, under the jurisdiction of Bojali Police station, Barpeta sub-division in Assam. Bhutias were held suspect for the incident and the Sub-divisional officer, S.C Banerjee reported that the Bhutias ‘retreated’ into the hills after that. Those five Bhutias had stayed in the house of one Dhaniram with whom they conducted business regularly. Despite this information, there were doubts about the identity of the murderers, as Nepalese rubber tappers.

Local inquiries were made and the names of two alleged murderers were gathered, they were Tirpoo and Sirpoo (alias Doje), brothers of Pachang Raja, ex-chief of Noorbagan. Official inquiries made by the Chief Commissioner of Assam suggested that Tirpoo was indebted to the shopkeepers and perhaps the murder was committed to default on the demand of repayment.

Immediate communication was sent to the Deb Raja, seeking his help in apprehending the culprits and for extradition. As it happened in all official matters, letters flowed back and forth. To add a twist to the murder inquiry, in the middle of 1882, old claims resurfaced along with the demand for extradition of the murderers. In May 1882, Tongso Penlow, Governor of South-eastern Bhutan had made communication regarding the ‘supply of certain items.’ The secretary to the Chief Commissioner reported to the Government of India, Foreign Department that the Governor had renewed his communication “to make the concession of his demands on the condition of the surrender of the murderers”.¹

In January 1882, two Bhutanese, Sanje Pembar, Gaon-Rakhiya, and Chai Neru, Zincaff,² had brought down a letter, which they claimed was from the Tongso Penlow, which was followed by another letter. Both letters were sent to Jalpaiguri for translation, as there were no Bhutanese

interpreters in Gauhati. The contents of the letters, once translated appeared to be on issues related to matters of rent. The Tongso Penlow's missive indicated that the rent for the region between "lands extending from this side of Amdatolla on the east to this side of the Chirang Duar on the west" was previously claimed by him. After the peace treaty of Sinchula, the subsidy was collected from Buxa, which was outside his jurisdiction. Since then the Tongso Penlow claimed that he has not received the subsidy due for him.³ The Bhutanese Governor proposed an arrangement wherein the subsidy would be paid in Diwangiri and during that time he would hand over the murderers to the British authorities who he would apprehend by then. Given the conditions of the treaty, any matter regarding Bhutan was under the jurisdiction of the Government of Bengal and the Commissioner of Rajshahi and Cooch Behar were appointed agents of contact. It was pointed out to the Chief Commissioner of Assam that the conditional demand of the Bhutanese official was not to be complied with, as the treaty ensured the extradition of any criminals.

The Deb Raja's lack of interest in pursuing the matter was due to the probability that the murderers were not his subjects. He wrote to the British officials that the 'dacoity committed on some *kayas*' was outside his 'elaka', in a place named 'Taray am Tappa' near Assam.⁴ Hence further enquiry should be made, he insisted, by the British to confirm the location, whether it was committed by individuals within British territory or Bhutan territory.⁵ The sub-divisional officer of Alipore commented that the place might be in Tibet and that Assam officials should reconfirm the location, causing greater confusion regarding the case, not merely around the identity of the alleged murderers and the place of their residence. The Chief Commissioner's office meanwhile reiterated and recalled facts mentioned in an old communique, that there was no doubt about the identity and residence of the two suspected murderers, Tirpoo and Sirpoo, brothers of ex-chief of Nurbagaon. Nurbagaon was located deep in the hills, half a day's journey from Jhajanga, and definitely in Deb Raja's territory. Hence the confusion regarding the location was apparently cleared up.

Another Bhutanese local official, chief of Nurbagaon, in the meanwhile, wrote to the sub-divisional officer of Barpeta, informing him that two of the five Bhutias concerned with the murder, had witnessed their companions commit the act. Though the alleged murderers were absconding, the Norboo chief was attempting to capture them, but he would not be able to extradite them without the permission of the Deb Raja.

Meanwhile the Tongso Penlow's negotiations with the British expanded to matters of sovereignty, he corresponded in an attempt to "obtain the seal of the Deputy Commissioner (Henceforth DC) of Goalpara to a parwana, authorising him (the Penlow) to collect from British subjects going beyond the boundary of Bhutan the tax levied from them for collecting rubber, cutting timber etc."⁶ The DC of Goalpara, was guarded regarding the Tongso Penlow, whose real intention was doubtless something different.

The DC of Kamrup who had to address such correspondence, actually was dependent on the advice of the Chief Commissioner's office. The Chief Commissioner's office advised the DC, Kamrup to await the arrival of the translations, and inform the Tongso Penlow, that it was outside the domain of the DC's authority to decide on such matters. The Tongso Penlow was quick to

point out the need for timely intervention, since the culprits might die while waiting for British bureaucracy and legal system to work. Despite pressures on the British Government, the Tongso Penlow's machinations did not work as planned. The colonial state's penchant for the rules of hierarchy, officials wrote about the matter,

"The Lieutenant-Governor observes that Article IV of the treaty with Bhutan provides that the British Government should make an annual allowance to the Govt of Bhutan of a sum not exceeding Rs. 50,000, to be paid to officers not below the rank of Jungpen, who shall be deputed by the Govt of Bhutan to receive the same. The treaty makes no mention of the Tongso Penlow being entitled to have paid to him any portion of the amount, and the claim which he has put forward is therefore unfounded. He will be informed through Commissioner of the Rajshahye and Cooch Behar Division that his proceedings have been irregular and improper, and that if he has any representations to make regarding claims to any share of the subsidy, he should make them through the Deb Raja and the commissioner, otherwise they will not be attended to. The Lieutenant-Governor is disposed to think that the Tongso Penlow does not know anything about the persons concerned in the murder in Barpeta, and that the probability is that his assertion about their arrest is simply an endeavour to promote his own wish to obtain a share of the subsidy."⁷

Despite the reservations towards the Tongso Penlow, under the instructions of the sub-divisional officer of Barpeta, communication was renewed and extradition of the apprehended murderers pursued. Soon it was informed by the same official that the Tongso Penlow was killed in a rebellion in the frontier of Bhutan. Deb Raja too, put pressure on his officials asking for the surrender of the captured culprits, who were soon delivered to Barpeta for trial. Post prolonged discussions, one and half year later, Karma, Kotha, and Urgyan arrived from Cooch Behar via Goalpara to Barpeta, though the Debzimpen informed the British officials that the real murderers were still at large, and the surrendered three were not guilty.

The statements of the captured three were rivetingly contradictory and conflicting. One of the accused Kotha, stated that they met the absconders after the crime has been perpetrated who "confessed to having cut them down, three persons, with their swords or knives."⁸

The basis of arrest was on the testimony of a dying man, one of three causalities, who repeatedly accused the Bhutias of committing the murder. The sole survivor was not certain of identifying the murderers "not having seen the Bhutias before, who were all so alike".⁹ Letter further stated –

"The enquiry was therefore pushed into Norbagaon (in Bhutan territory) to which place the Bhutias were believed to have belonged. With the assistance of the Chief of Norbagaon, it was ascertained that the party of visitors to the shop consisted of five persons, named Boota, Nokpodoti, Theley, and Narboo of Norbagaon, and a man of another village, Choongkliorpa, who is said to have been the leader. Theley and Narboo turned up in their village after the murder, and, on being questioned

by the Narboo Chief, related how the murders had been committed by the other three. These three were arrested soon after, and were said to have confessed to the murders.”¹⁰

Names of the accused as discussed, and names of the accused as delivered, showed huge discrepancies. Karma, Kotha, and Urgyan stated before the sub-divisional officer at Alipore: “Theley and Narboo, all belonging to Norbogaon, did come down to Kaklabari (which they speak of as Kabari) for selling pepper, and that it was Theley and Narboo who committed the murders, not they.”¹¹ Further information from the prisoners, waylaid the enquiry more and created confusion, when they denied of ever having made a statement in Alipore, and also stated that they were not from Nurbagaon, but from a village in the Cooch Behar Dooars. In a stunning revelation they claimed that they were not involved in any crime and they were forcibly sent to the plains because the real murderers were not found. The British officials thought of this as a huge farce and established the construed nature of the later statements, “Their denial of having made any statement before the Magistrate of Alipore is clearly false, and the excellent Assamese in which they talked to me belied their alleged ignorance of that part of Bhutan which borders on Assam.”¹² To corroborate the stories the sub-divisional officer of Barpeta was asked to “endeavour to obtain independent evidence from Kachari villages and others, living near the base of the hills as to whether the men now in custody were even seen bartering in the plains near the locality where the murder took place.”¹³ Finally the prisoners admitted of having committed the crime, when another Bhutanese was brought down from ‘– Kota of Jhajanga, a Bhutia village near Noorbogaon,’ from where they all came from. They acknowledged their names as ‘Boota, Nakpodati and Choongkapa’ as it was originally established for the murderers. The prisoners were soon transferred to Guwahati as it was becoming unsafe to hold them any longer in Barpeta.

The History: Negotiations and Marking of Boundaries

Arrival of the East India Company marked the demise of previous held notions of spatial relations and sovereignty and power. Late 18th century was period of flux and it marked momentous period for the “complex workings of local power and hierarchy that continued to be produced in the various shared spaces that marked the region, enabled and sustained by its connections with Bhutan, Tibet, Cooch Behar, and other surrounding areas.”¹⁴ Before the cartographic anxieties of the British, and fixed spaces which emerged herein by the end of the 19th century, the interconnected histories of the plains and hills were dependent on “several circuits of trade, pilgrimage and migration routes that intersected Bhutan, Tibet, Cooch Behar, Rangpur of which Goalpara formed a part and the Duars or the foothills of the Himalayas, provided an enduring base for a connected history of the western part of north-eastern India.”¹⁵

This was period of flexible political frontiers within which trade operated. Bhutan functioned as a fulcrum of trade between Tibet and northeast India and Bengal plains. The goods/commodities of Bhutan like ‘tangan horses, blankets, walnuts, musk, Chowries or cow tails, oranges, and manjith (madder)’ were sold to Bhutanese at Rungpore and they in turn brought ‘woollen cloth, pattus, indigo, sandal, red sandal, asafoetida, nutmeg, cloves, nakhi, and course cotton cloths’¹⁶. Course

cotton cloth was partially used up in Bhutan and the rest was sent to Lhasa and tea, silver, gold and embroidered silk goods were imported from there.¹⁷ Food grains formed an important item of trade, as noted in the Kishen Kant Bose's account:

“Since no rice grows in Lhasa and little grain of any kind, on which account rice, parched rice, wheat and flour of Dhemsai are also exported from Bhutan to that country. The tea, the Bhuteas consume themselves; the greater part of the silk goods, for clothing and hangings in their temples...”¹⁸

The East India Company's (EIC) engagement with Bhutan commenced in 1772, after the Bhutanese invaded Cooch Behar, which was a dependency of the EIC. Cooch Behar was recaptured and the Bhutanese were pushed back into the hills, who then under pressure attempted to secure the assistance of the Thibetian Government. With the Teesho Lama acting as a negotiator, a peace treaty was signed on the 25th of April 1774. After that, followed a series of missions initiated under the auspices of the East India Company. In 1774 itself, Mr George Boyle accompanied by Mr Hamilton, medical officer started towards Tibet through Bhutan. They took gifts like “philosophical instruments, cloth manufacturers of Britain and India, cutlery, hardware, and firearms,” representing “specimens of the articles of western industry was capable producing for trade along with precious items like strings of pearls, corals, brocades and shawls.”¹⁹ In 1783 the Government planned a second mission to Tibet which led by Captain Turner, of the Bengal Army and he was accompanied by Lt. Davis of the Bengal Engineers, as a surveyor and Mr Robert Saunders as Surgeon. Both Boyle and Turner's mission was through Bhutan to Tibet and they were not entrusted with any diplomatic duty. In 1787 the Dharma Raja and Deb Raja sent the Jungpen of Tassishujung to Calcutta as an envoy to discuss adjustment of boundary issues. The Chinese invasion of Nepal and establishment of a chain of military posts along the southern frontier of Tibet effectively put a stop to the efforts made by EIC “to open and preserve direct intercourse with Thibet through Bhotan” during the period 1774 – 1784.²⁰ Troubles brewed again in 1792, as the Government of India got embroiled in conflict over the estate of Bijnee, which claimed British protection but also was nominally under the Bhutanese. Matters were quiet till 1815, when David Scott, deputed Babu Krishnakant Bose of Rungpore regarding matters of a boundary dispute.

After the Anglo-Burmese War, with the British occupation of the province of Assam, according to the EIC they had to “assume the very unsatisfactory relations which had for some time previously existed between the Assamese princes and their neighbours – more especially the Bhotanese.”²¹ The political instability of the Anglo Burmese war lead to the re-establishment of authority in the liminal areas. The Bhutanese committed various acts of aggression, leading to encroachments, adding to their possessions of the Dooars or plains at the foothills. This led to estranged relations since the British rule in Assam and eventually led to the Dooar wars.²² The ambiguity and fluidity of the Assam Dooars and absence in the pre-colonial period of defined authority was often seen by the British as signs of a weak polity. This understanding of political control and structure is evident here –

“Though possession of the Assam Dooars by the Bhotanese was practically

complete in theory they were not their property, as those of Bengal were. They managed however so to harass the rulers of Assam by continual acts of aggression that the latter were glad to obtain a prospect of security, by making over to them the 7 dooars, in consideration of receiving annually a tribute in the form of Yak tails, musk, gold dust, ponies, blankets, and knives, to the amount of 4,785 Narrain rupees – an arrangement, happily described by Captain Pemberton, as a mutual compromise between conscious weakness and barbarian cunning.”²³

The ensuing events reflective of Anglo-Bhutan relations, who stretched for decades, had one important idea behind it, to develop and maintain trade relations with Tibet and the region beyond it through Bhutan. Jenkins pursued Bhutan policy to that end to,

“establish a perfectly free intercourse with Tibet, the commerce with that country would become valuable as if not superior to that carried on with any neighbouring state, but although there may be little hope at present of placing the trade between the countries on a reciprocal footing as regards the permission of free entry to merchants of either from the influence of Chinese policy over these states yet some arrangements very profitable to us might probably be made for the promotion of extension of the present petty commerce...”²⁴

The Political Agent feared that the Chinese might occupy Bhutan because of the tensions with Tibet and such an exigency would be catastrophic. Possessing control of the northern Duars would strengthen British position in favourable terms by aiding and abetting the disaffected Tibetans and also the Bhutanese “whose fortunes had been linked up for centuries past not so much with the Chinese as with the inhabitants of Bengal and Assam.”²⁵ In 1837, Robert B Pemberton was sent on a mission to Bhutan by the Governor-General in Council, which eventually did not deliver the immediate objectives, – settle tribute dispute, design an effective management of the duars (foothills), and also failed in conciliation between the Bhutan and the British Government. This visit was prompted by troubles regarding the annual payment of tribute for the Assam Dooars, which led to accusations and counter charges. The officials, Sizawals, appointed in the frontier to receive the articles often substituted them for inferior objects, while on the other hand it was alleged that tribute sent by the Bhutanese, sold at an auction often failed to realize their nominal value and hence the tribute fell short each year.²⁶ The symbolic value of the tribute did not tally with the calculated financial remuneration. Pemberton strongly suggested the annexation of the Assam Duars, and also cessation of aggression on the Assam plains, which were being carried out from the Tongso Penlow’s territory. The Governor General referred the Bhutan Duars issue back to the collectors of the two districts, Darrang and Kamrup, Captain Vetch and Matthie, asking for their opinion. The decision for the districts varied, for Darrang it was suggested that status quo should be maintained, and as for Kamrup, failing the payment of tribute regularly, the duars were to be annexed one after another. The system in force in Darrang, of exercising jurisdiction for four months was considered for extension, since it provided protection against ‘dacoities and other offenders.’²⁷

In January 1839 another murder took place, a Kachari Chief of Kulling Duar was killed by

the local Bhutia chief for preventing the entry of criminals into British territory. On what appeared to be a failing administration in the foothills of the Bhutan districts, Jenkins remarked, “The Bhutan Government is actually defunct. There is no existing authority to which we can apply for redress of our grievances.”²⁸

The necessity to the secure frontier, dependent on demarcating the boundary – topographic and administrative, was challenged by the ‘porous and liminal’ duars, where law and order appear to break down continuously. Jenkins was advised to act with caution while planning the annexation of the Duars and was advised to explain the grounds of the measures adopted and soliciting the intervention for an amicable settlement of the duar in question with the local chiefs. In fact, the British had, after establishing their rule over Assam, adopted the existing relations between Assam and Bhutan and “the arrangement about the Dooars being confirmed and renewed.”²⁹ Jenkins further elaborated on the role of the Ahom Barphukan of Gauhati who “exercised his right of placing chokis within the Duars and also of regulation not only the articles to be taken out of those Duars but also the prices to be paid by the ryots in exchanging products. In cases of arrears of tribute, refusal of surrender of the fugitives or criminals or any breach in the established agreements, the Bhutias were not allowed to enter into the duars or to barter their products; and no Bhutia was allowed to move from one to another duar unaccompanied by the duar officer appointed for the purpose.”³⁰ But it was also accepted that the nature of the relationship was ‘so complicated’, and to envisage an termination of the existing arrangement would have created ‘misunderstanding’; specially in the case of the “two Dooars on the Durrung frontier were held alternatively by the British and the Bhotan governments during the year: the former having jurisdiction from July to November, and the latter for the remaining 8 months.”³¹ The imperial understanding of the frontier hinged not merely in attempting to continue the precolonial practices but also on attempts to work out different modes. The later Ahom kings and other local chieftains in the plains were understood to be weak and hence despite their never “resigning their claim to be at least paramount owners of the plains.... were in their decay unable fully to vindicate their claims” and conflicts were often settled in favour of the Bhutias.³² The flux in the foothills, negotiated during the pre-colonial times, was never accepted as a suitable system by the British.

The British were forcing the Bhutanese authority to arrive at negotiations regarding control over the bordering plains, to the benefit of the British. Jenkins wrote to the Deb Raja regarding the latter’s inability to control lawlessness in his territory and make his subordinate officer to conform to his orders, while simultaneously waiting for more troops to launch military action. By 1840s the internal strife within Bhutanese chieftains, especially over control of certain Bengal Duars led the Deb Raja to apprise the Political Agent of the developments. Though the GOI wanted an amicable treaty with Bhutan, matters soon escalated direly with many revenue officers taking refuge in the company’s territory and a party of Bhutias occupying a tract, under the occupation of the Raja of Bijni, plundering the latter’s *Kutchery* and kidnapping some of the latter’s servant into the hills.

When Jenkins proposed the idea of sending another envoy to Bhutan the Governor General in council opposed the idea and resumed with vigour the idea of annexing the remaining Duars in

Kamrup. A proclamation announcing the attachment of the Duars was issued at Tambulpur in Buxaduar by the Magistrate of Kamrup on 25th December 1841. As the ryots of the area returned, the agent to the Governor General reiterated the fact that the “Kachari inhabitants of the Duars had always looked upon themselves as the subjects of Assam Government and not of Bhutan, and as such they received protection of the former on several occasions.”³³ The Governor General in Council supported the decision and maintained: “The tenure in which these Dooars were held in by the Bhutias for a certain period of each year gave them no title to claim them as their own territory. The right of paramountcy always vested with the Government of Assam by whom the rule of the Duars for a certain months of the year was granted to the Bhutias as the price of their forbearance from plundering these and other tracts in the plains.”³⁴ Though as mentioned earlier the shared Duars were two in number and the other five Duars were under exclusive control of the Bhutanese and the British Government “neither exercised any control over them, nor was allowed to interfere in any way in their internal management, during any portion of the year.”³⁵

Political authority in Bhutan continued to be in a flux “racked by internecine troubles, the border outrages remained unchecked”³⁶, the perception of Jenkins and other officials of the East India Company (EIC) projected the Duars as an ‘unruly’ space, “resort of all robbers, runaways and criminals who with impunity kill as many as they liked or took away anything they desired.”³⁷

The British government also held that if central authority (Deb Raja or the Dharma Raja) in Bhutan could be reached, the vexed border questions could be settled and peace achieved. When Pemberton arrived in Bhutan he concluded that the central authority in Bhutan “was powerless to control the Penlows or local authorities of the outlying districts, and that it was mainly owing to the conduct of these men, and notably of the Tongso and Paro Penlows, the Governors, respectively, of East and West Bhutan, with their subordinate local officers, that the peace of the frontier had been so disturbed.”³⁸

After the annexation of the Kamrup Duars in 1841 and the consequent extension of police jurisdiction, led to some control in the plains. But the loss of Duars nettled the Bhutanese, since it supplied their necessary food items and other commodities for daily life. The ruling classes of Bhutan had relied on the Duars and “deprived of the income they received from these lands they lost at once the means of supporting their own position, and maintaining their crowds of habitual dependents.”³⁹

Though by 1843 the compensation paid by the British for the loss of the Duars rose to Rs.10,000. But as aggressions in the foothills grew so did the demand for increased compensation. In 1854, a deputation headed by the uncle of the Dharma raja and the Diwangiri Raja, came down to meet the agent at Gauhati. The British did not accede to the demands and the irate Rajas wreaked havoc on their way back, near Buxa Duar, villagers ran away to the forest on the fear of being tortured.⁴⁰ The involvement of the Diwangiri Raja in acts of violence, along with the fact that the Tongso Penlow’s knowledge of subordinates conduct, led the British immediately demanding the surrender of culprits and closure of the passes. Lord Dalhousie sent notice to the Bhutan Durbar through the subordinates that the value of property plundered by the Bhutias would be in the future deducted from the sum to be annually paid for the Assam Duars.⁴¹

Closure of passes worried the Deb Raja and the Diwangiri Raja was removed from office and Tongso Penlow heavily fined. The irate Diwangiri Raja started plans of attack and Tongso Penlow demanded half the fine from British. Meanwhile Colonel Jenkins proposed the immediate occupation of the Bengal Duars. Dalhousie advised the demand of an apology from the Agent, failing which his authority in the hills would be crippled. As officials' communication flew back and forth, further skirmishes occurred in the foothills. By July 1856, the Deb Raja, Dharma Raja and Tongso Penlow apologised over previous misconduct. Meanwhile the discussion regarding the management of the Duars continued in Calcutta and in 1857 a cantonment was established in Jalpaiguri to strengthen the western Duars, in spite of which aggressions continued and 45 persons were carried off. Jenkins now was convinced about the civil strife within Bhutan and was willing to capitalise on the situation, since central authorities in Bhutan were amenable to the British but they could not exercise effective control over the frontier sub-ordinates. Soon the Governor in Council agreed to Jenkins' stance and Grant (of Govt of Bengal) was advised for occupation of the Duars. Jenkins over-zealous in his schemes, thought that 'the absolute and permanent possession of the tract' would leave the plains districts 'unaffected by the frequent violence and large tracts as now left uncultivated and uninhabited from fear of Bhutia incursions would be reclaimed on being freed from all apprehensions of hostile attacks.'⁴² Despite the urgency of Jenkins for the annexation of the Duars there were other complaints about the foothills, the Deb Raja had written to the Agent: "The wicked and evil disposed persons of your territory enter mine and commit serious depredations. I had written to you to apprehend and send them to me whether they are Bhuteah or not or else enquire into their cases yourself."⁴³ The non-compliance of the British further escalated the tensions between the two governments. The circumstances, in the following years which experienced rise of 'outrages' forced Jenkins' hold the aggressive stance. The idea of sending another envoy was introduced and in 1862 Mukunda Singh met the Deb Raja. The suggestions of the mission included deputation of Zincaffs for official purposes, but it did not transpire. And hence another mission was planned under Ashley Eden, Secretary to Government of Bengal, who left towards to the end on 1863. Soon he was advised to halt since there was a civil war in Bhutan; the Tongso Penlow was attempting to overthrow the Deb Raja. Eden moved ahead and his party was besieged by the soldiers of the Tongso Penlow, who looted the camps, and by the time he reached Punakha, the later had seized power. The Tongso Penlow, refused to accept the terms of the treaty, and demanded full access to Assam Duars, failing which he would go into war with the British. The mission under Eden retreated, and was severely criticised for failing to play according to protocol and hence embarrassing the British government as he met with "insult and annoyance, and purchased the safe return of his escort by signing under protest a preposterous treaty..."⁴⁴

Since the internal situation in Bhutan was worsening, with Tongso Penlow in charge, it led to uneasiness in the Government of Bengal regarding the former's conduct on the agreement conditions. Towards the end of 1864 military preparations were made to occupy the Duars. The Bhutanese asked for help from Lhasa, the latter did not concur, given the disturbances in Tibet; they wanted the British to be on their side. By early 1865 the Duars and the hill forts passed under

the control of the British. Again, by February 1865 the Bhutias had regrouped and attacked Diwangiri. In a counter-offensive the lost area was regained by April. The recapture of the Duars and forts left the Bhutanese government completely at the mercy of the British government. It was followed by the Treaty of Sinchula which gave the British the Duars and the hill tracts between Teesta and Jaldhaka. It was agreed upon that Rs 25,000 would be paid annually to officers deputed by the Central authorities of Bhutan and the previous grant of Rs. 10,000 compensation for the Assam Duars merged into it.

The EIC was motivated as Vibha Arora writes “In the nineteenth and twentieth centuries, trade and politics were not inseparable and trading privileges between nations were negotiated by both subtle political diplomacy and aggressive military campaigns. Trading in commodities rooted and routed the British Empire, and commercial control over production and exchange of commodities facilitated political expansion globally.”⁴⁵ The Bhutan Duars were enticing since it was a gateway to the Forbidden kingdom, opening of links with Tibet and also organizing the petty and large trade of the foothills to satisfaction of the British. But the Duar wars could not affect the trade situation very positively though it did instil a sense of security with regards to raids and attacks, which continued in lesser alacrity than before. The economic blockade policy that the British Government regularly followed to bring Bhutanese authorities to submission adversely affected trade, since local foothills people and the Bhutanese themselves were dependent on the trade for commodities of sustenance. It led to the opening of *hats* and fairs in foothills area where annual trade was encouraged under British supervision.

The murder investigation, discussed in the first part of this essay, opened up a virtual Pandora’s Box about rights, revenue and jurisdictions. Other than delivering justice, it was also about setting the idea of British rule of law in motion, and about authority and how the powers exercise it. The long winding communications are as much about striking a bargain as it is about extricating the murderers. It brings into light the internal political dynamics of Bhutan (the Dragon kingdom) post the Anglo-Bhutan treaty and also the changing dynamics with erstwhile territories with histories of contested and shared authority. The annexation of the Duars did not lead to peace, and in absence of ‘strong central authority’ in Bhutan the power of outlying chiefs remained uncurtailed and “the feudatories who formerly shared in the distribution of the Assam stipend, or who levied their own shares therefrom as it passed their hands”⁴⁶ were left disgruntled and overlooked in the new scheme of things. The single authority system as initiated by the British ended old lines of exchanges and privileges and protection. The new framework of juridical and political rights deployed along boundary lines lead to many folds complications. Old patterns repeated itself in this particular political and judicial dialogue between Bhutanese and British authorities, the reservation still lingered, the question of securing the lives of British subjects and to make example by punishing violators was present too. Therefore, issues like extradition of people became guided by international laws. In 1876 when civil war broke out, the Punakha Jongpen and Paro Penlow took refuge in the British territory, and when extradition was demanded by the Bhutan authorities the British refused to comply. That put a stress on the ‘amicable’ relation, and the principle of international law on which the British ‘demand or refuse’ was not comprehended by the “uncivilized

highlanders unacquainted with the rudiments of international law.”⁴⁷ Hence the extradition of the murderers of British subject was embroiled in the long history of negotiations and transaction that the British instituted. It remained an uncomfortable ‘unruly’ zone for the British, despite the fact that it seemed like a ‘diminished dragon’.

Notes and References :

1. Foreign political proceeding, May, 1882. From C.J Lyall, Offg Secretary to the Chief Commissioner of Assam.
2. Zincaffs or Zinkaups as mentioned in Account of Country of Bhutan by Bose, translated by David Scott, 1825, are messengers, see p. 130. It is also mentioned that they are known as Zingarba by the Bhoteas.
3. Rs. 10,390 was the sum the Tongso Penlow mentioned was due to him.
4. Foreign Political Proceedings, No 33J, dated Rampore, 4th February 1882.
5. Ibid.
6. Ibid.
7. Foreign Political Proceedings, July, 1882. No. 1459, dated Calcutta, 28th July, 1882, From – F. B Peacock, Esq, Offg. Secy to the Govt. of Bengal, judicial, political and appointment Dept, To – the Secy to the GOI foreign Dept.
8. Foreign Political Proceedings, January 1883, No. 18 J, Alipore, 15th -17th January 1883.
9. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. Foreign Political Proceedings, March 1883, No 39 J dated Gauhati, the 1st feb 1883.
14. Sanghamitra Misra: *Becoming a Borderland: The Politics of Space and Identity in Colonial Northeast India*, Routledge, 2011, p. 11.
15. Ibid.
16. Kishen Kant Bose: *Some account of the country of Bhutan*, 1822, translated by David Scott, 1825, p. 145.
17. Ibid.
18. Ibid.
19. Surgeon Rennie: *Bhotan and the Story of the Dooar War*, John Murray, Albemarle Street, London, 1866, pp. 29-30.
20. Ibid. p. 39.
21. Ibid. p. 43.
22. The Dooars, as has already been explained, are embraced in a narrow tract of country extending along the foot of the lower range of the Himalaya mountains, and separating the British territory from Bhotan Proper. The breadth of the Dooars varies from 10 to 30 miles, and their extreme length may be estimated at a 220 miles.
23. Ibid. p.48
24. H.K. Barpujari: *Problem of the Hill Tribes: North-East Frontier*, Vol I, Lawyers Book Stall, Guwahati, 1970, p. 131.
25. Ibid. p. 132.

26. Op. cit. Rennie (1866), p. 50
27. Ibid, p.135
28. Ibid, p. 162
29. Ibid. p. 48
30. Barpujari, *op.cit.*, pp. 164-165.
31. Rennie, *op.cit.*, pp. 48-49.
32. Alexander Mackenzie, *The North-East Frontier of India*, Mittal Publications, New Delhi, 2018, pp. 9–10.
33. Barpujari, *op.cit.*, p. 169.
34. Ibid., p. 169.
35. Rennie, *op.cit.*, p.49.
36. Mackenzie, *op.cit.*, p. 12.
37. Ibid., p. 170
38. Ibid. p. 11.
39. Ibid. p. 13.
40. H.K. Barpujari: *Problem of Hill tribes: North-East Frontier*, Vol II, Lawyers Book Stall, Guwahati, 1970, p. 45.
41. Mackenzie, *op.cit.*, p.12.
42. Barpujari, *op.cit.*, p.67.
43. Ibid., p. 68.
44. Mackenzie, *op.cit.*, p. 13.
45. Vibha Arora, *Routing the Commodities of the Empire through Sikkim (1817 – 1906)*, Commodities of Empire Working Paper, No. 9, The Open University, 2008, p. 1.
46. Mackenzie, *op.cit.*, p. 14.
47. Ibid.