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‘Not regular thieves’: shades of Bhil engagement with company criminal justice (c. 1818–1825)

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ABSTRACT

Considerable scholarship exists about the British colonial ideas of the murderous highway-robbing cult of ‘thuggee’, and the legislation passed in 1871 to curb the activities of ‘criminal tribes’ in colonial India. However, limiting research to these two themes of thuggee and criminal tribes alone occludes the informed, savvy and diverse ways that Indigenous communities like Bhils engaged with British justice prior to this time, under the East India Company. Using the under-researched unpublished archives of the Company’s Bombay Judicial Consultations between 1818 and 1825 as a sample, this article provides a survey of the dynamic, engaged and sometimes calculated ways that Bhils interacted with the Company’s system of justice. It contends that when it came to law, crime and culture, there were not black or white responses, but rather ‘shades’ of Bhil’s engagement with Company justice. This engagement was not simply a reactive measure for Bhils to adapt to Company rule. Bhils drew on longer lineages of political and legal practices which predated the Company in how they engaged with the British.

KEYWORDS

Indigenous; nineteenth century; criminal law; Bhil; East India Company; India

Introduction

The English East India Company was incorporated as a mercantile corporation through Royal Charter in 1600. By the mid-eighteenth century, the Company had begun metamorphosing into a sovereign by amassing territories through political and military manoeuvres against various Indian sovereigns. Following their military victory over the then-reigning Marathas, the Company began formalising their arrangements of control. This included establishing a new legal regime and mechanisms for dispensing criminal justice in Company territories. Formalising control also required that the Company forge new relationships with Indian groups and communities in...
their sphere of influence. This article explores interactions between the Company and Indigenous ‘Bhil’ inhabitants of western India through the lens of crime and law. As an identity, ‘Bhil’ long predated British imperialism and continues to thrive, centuries after the Company’s dissolution. Today, ‘Bhil’ remains both an important means of self-identification and a legally recognised nomenclature of a populous ‘Scheduled Tribe’ in India. Under the Company, however, the identifier ‘Bheel’ or ‘Bhil’ was used more broadly than in the present day. In the early nineteenth century, Company officials knew little about Bhils and used that classification to denote predominantly forest-dwelling peoples spread across central and western India. As this article is based on Company archives, its use of the term Bhil corresponds with colonial classification. This is due to the lack of a consistent, alternate identifier within the archive.

Within the considerable scholarship about Bhils, there are especially strong linkages between Bhils and crime. By the late nineteenth century, Bhils were considered ‘criminal tribes’ under the infamous Criminal Tribes Act created by the British Raj in 1871. Even half a century after the statute’s repeal in 1952, members of communities formerly classed as ‘criminal tribes’ continue to suffer daily ignominies. Although the idea of the congenital ‘criminal tribe’ was retooled by British colonists, Anastasia Piliavsky reminds us that it was inherited as an identifier from within Indian society, rather than something invented by the British. Communities once considered ‘robber police’ among the Indian population were reclassed as ‘criminal tribes’ by the British after 1871. Much of the literature starts from this basis: that Bhil communities were considered a criminal people by the British, en masse, even before the enactment of the 1871 act. For instance, Stewart Gordon uses Company-Bhil interactions to explain the origins of the ‘criminal tribe’ criteria under the 1871 legislation. But in trying to explain a later historical moment, he fails to look at the Company period on its own terms. Gordon’s piece is largely based upon published accounts by colonial officials and the unpublished archives of the Company’s ‘Political and Secret Department’ and therefore misses statements made by Bhils themselves. As this article will demonstrate, Bhil ideas, actions and self-fashioning can be accessed through the Company’s

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4Alf Gunvald Nilsen, Adiavasis and the State: Subalternity and Citizenship in India’s Bhil Heartland (Cambridge: Cambridge University Press, 2018), 6, and text therein at note 9; ‘Scheduled Tribe’ is the official constitutional terminology used to describe Indigenous peoples in India.
6While in several instances it appears that people referred to as ‘Bhil’ in the archive were from groups that are now recognised as distinctive ‘Scheduled Tribes’, at other times the only identifier used in these records is ‘Bhill’. Bhil identity becomes even hazier, as some people self-identified as Bhil, even though they belonged to other ethnicities. Ajay Skaria, Hybrid Histories: Forests, Frontiers and Wildness in Western India (Delhi: Oxford University Press, 2001), 151.
voluminous judicial record. And by looking at this period on its own terms, it is clear that Bhils were neither solely treated as a ‘criminal tribe’ by the Company, nor did they act as such. Complex, multifarious relationships existed between Bhils and the Company. When it came to law, crime and culture, there were not black or white responses, but rather ‘shades’ of Bhil engagement with Company justice. This engagement was not simply a reactive measure for Bhils to adapt to Company rule. Bhils drew on longer lineages of political and legal practises which predated the Company in how they engaged with the British.

Despite the significance of these alternative ways of looking at the past, there is a dearth of research on Bhils and crime during East India Company rule in western India – between the end of Maratha rule (1818), and the beginning of the British Raj (1858). While scholars like Sumit Guha and Gordon examine the role of mobile robber bands (often featuring Bhils) in the processes of state formation under the Marathas, the same literature does not exist for the period of Company rule. This is a notable absence, as the Company era was a significant transition period between Indian rule and British power that was eventually formalised under the British Raj. It is also significant considering the enmeshment of crime and understandings of Bhil culture. While there is some rich scholarship that highlights Bhil agency, and other research provides minute accounts of early nineteenth-century Bhil-Company relations from political and revenue records, this scholarship does not focus on law and crime. Although Piliavsky and Gordon make note of the Company period and crime in other publications, they do not explore its relation to Bhils. For instance, neither mentions the relationship between Bhils and thuggee, the mid-nineteenth-century bandit phenomenon. Scholars of thuggee, of which there are now many, point out how florid descriptions of murderous highway robbers created a hysteria that meant many Indians were caught in its dragnet. Given the frequent correlation between Bhils and crime before, during and after Company rule, it is remarkable that Bhils were not included in the meaning of thuggee by colonial authorities. Piliavsky hints that different systems were adopted to check Bhils than those that existed for suppressing thuggee but does not elaborate.

This article builds on existing scholarship by focusing on Bhils, crime and law under the Company. Despite assumptions to the contrary, it reveals that Bhils were not branded by the Company en masse as a criminal tribe. Using the under-researched, unpublished archives of the Company’s Bombay Judicial Consultations between 1818 and 1825 as a sample, we provide an overview of the dynamic, engaged

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11 An exception is Vasudha Dhagamwar, *Role and Image of Law in India: The Tribal Experience* (New Delhi: SAGE, 2006) which is a collection of essays about the experiences of various communities with law, including Bhils. However, this book draws mostly from legislation and courtroom observation rather than judicial archives.


13 Skaria, *Hybrid Histories*; Guha, *Environment & Ethnicity in India*.


and sometimes calculated ways that Bhils interacted with the Company’s system of justice. The two western Indian provinces in the Company’s Bombay Presidency where cases concerning Bhils chiefly arose were Khandesh and Ahmednagar. These predominantly rural provinces were notoriously difficult to govern, as they were densely forested and hilly. The Company, like sovereigns preceding it, were thus reliant on the support of a range of Indian actors – including Bhils – to establish and maintain legal order here. The Company’s reliance on Indian people to sustain their rule opened a unique space for their power to be either undercut by Indigenous people, or at least, undergirded by the demands, needs, desires and worldviews of Indian communities like the Bhils. By providing a review of the vast material contained in the Bombay Judicial Consultations, this article takes a colonial legal source intended to control a local population and uses it for ends it was never intended to serve. Following Ann Laura Stoler, the Consultations in this article are read both along, and against, their archival grain.

It is important to begin this account by understanding the logistical and administrative context in which the Consultation’s archive was made, because this context colours its content. Reading the heavy, leather-bound, handwritten volumes of the Consultations along their grain reveals a hierarchised structure of colonial criminal adjudication. While the cases recorded mostly involved homicide, they were reported from the lowest organisational unit, the village. While investigations were carried out by a range of Indian officials working for the Company – like the village headman (potail), or the Company’s Indian district official (mamlutdar) – the trial was always before the Collector, who was the British head of the province. If the Collector was unavailable, the trial would take place before the Collector’s British assistant. Next in the judicial hierarchy (above the Collectors) was the Commissioner, whose office was created in 1818 and continued until 1827. The Commissioner was a British Company official appointed to oversee the transition of power from the Maratha regime to Company rule. The highest regional judicial office belonged to the Governor-in-Council in Bombay. The Bombay Council – comprising the Governor, two other senior British Company officials and the Commander-in-Chief of the Company’s Bombay Army – exercised general oversight of the Commissioner’s decisions and was responsible for all cases involving punishments of death, life imprisonment and transportation. The Company’s judicial records were only intended for internal use within this judicial structure. As such, they were arranged chronologically and indexed by province rather than by community. This makes retrieving information about Bhils challenging, and represents one of many ways that Company perspectives, needs and agendas restrict access to Indigenous voices in their archives.

Understanding this restrictive context is important, but it is possible to push beyond it, to catch glimpses of Bhil communities in Company records. Cases mentioning Bhils appear in a variety of legal documents such as investigation reports, witness statements, confessions and opinions of Indian law officers. This material reveals

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18 This period was chosen because the Company began adjudicating cases in 1818 and by 1825 changes in the structure of judicial adjudication meant that cases were reported less frequently in the Consultations. Also, around 1825, a Company criminal judge and their British assistant took over this role from Collectors.

that Bhils actively engaged with the Company’s understandings of ‘crime’ alongside their own. They had a shifting, adaptive and complex relationship with Company criminal justice as Bhils were not only the targets, but were also users and enforcers of colonial legal order. Rather than simply documenting the Company’s rise to power in the region, the Consultations provide evidence of Bhils acting as intermediaries in an unstable system of changing regional power relations.

The first and longest part of this article examines Bhil ‘crime’ and three chief modes of ‘criminal’ action. It demonstrates that while some Bhil ‘crimes’ were deeply embedded in, or were a direct response to, Company rule, others had little, if any, relation to the Company. These crime archives reveal inter se dynamics of Bhils as well as their relations with other Indians instead of just their relationship with the British. Part two examines Bhils as enforcers, rather than targets, of Company order. Far from conflating ‘habitual’ Bhil crime with the bandit practice of thuggee, Bhils were occasionally used by the Company to combat crime. Bhils served as local protectors and guards within the Company government’s territories and also beyond them. In this way, Bhils continued their role as regional ‘robber police’ that had existed prior to British rule. The final part of this article examines how riots and prison uprisings by Bhils intersected with new penal ideas and practices developing in the United Kingdom and elsewhere in the British empire during the nineteenth century. As scholars like Catherine Hall have shown, the British empire was never simply impacted by the British metropole. Imperial ‘peripheries’ shaped Britain too. This was especially the case when it came to crime.

**Rethinking Bhil criminality**

When Bhils appeared in the Consultations, they were often in the role of the accused in criminal cases. Yet this observation requires two qualifications. First, crime is a social construct. When communities hold different social mores, they have different perceptions of what actions amount to crime. Second, a close reading of the Consultations undermines tropes of Bhils as mere perpetrators who were predisposed to crime. Colonial depictions of Bhils as primitive, child-like and isolated peoples, hereditary criminals, or plunderers driven by blind adherence to religious beliefs and the dictates of their chiefs, are undermined by the Consultations. In this material, Bhils appear as rational agents who are acting in accordance with the social, economic and political context of the region. In the face of Company rule, Bhils appear

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23 The socio-legal dynamics of other western Indian communities such as the Maungs, Ramoshis, Pardhis and Kolis inter se, with colonial governments before and during the Company remains under-examined (with the exception of Frederick B. Robinson’s unpublished thesis). Although a large body of work from other parts of India exists which focusses on the end of Company rule, and in the post-Company colonial period, it cannot be reviewed exhaustively here. Frederick Bruce Robinson, Jr., ‘Adaptation to Colonial Rule by the “Wild Tribes” of the Bombay Deccan, 1818–1880’ (PhD thesis, University of Minnesota, 1978). See Guha, *Environment & Ethnicity in India*, for the role of various communities in western India over a longer timescale. See also Sangeeta Dasgupta, *Reordering Adivasi Worlds: Representation, Resistance, Memory* (New Delhi: Oxford University Press, 2022) on some of the leading titles in this genre.
to have continued their own cultural practices, and used these to justify and explain their engagement in actions that the British labelled ‘crime’.

Bhil’s tactics of political negotiation such as raiding, robbery and ransom that pre-dated the Company (and were tolerated by previous sovereigns, and by the Company in their early days in the region), were increasingly at odds with the Company’s bureaucracy in their newly acquired regions. Nevertheless, Bhils appear to have persisted in continuing with these older methods of political negotiation – not ignorant of changes to the regional power structure – but rather, in apparent rejection of them. Through this rejection, Bhils created their own distinctive ‘counter-aesthetic’.  

Ajay Skaria’s notion of the ‘counter-aesthetic’ helps to understand the motives behind Bhil commission of crimes. In Hybrid Histories, Skaria argues that the perceived ‘wildness’ of certain Indian communities has been misread. Although it is commonly pitted against civilisation and modernity, Skaria demonstrates that they are not antonymic terms. ‘Wildness’ could be mobilised by certain groups like the Bhils for political or material gain. The ‘civilisation’ that a Bhil’s aesthetics of wildness stood against was a largely western conception, often narrowly defined in terms of European modernity. This conception of modernity included as its primary point of reference British society, and occasionally also select Indians who were either elites or dependant chiefly upon agricultural cultivation. Bhils fit squarely within Skaria’s definition, as they embraced a ‘wildness’ that signified their rejection of ‘civilisation’ as espoused by British society as well as Indian cultivators and elites.

In the Consultations, this ‘counter-aesthetic’ ranged from brazen challenges to the Company, to symbolic displays of Bhil authority. This included Bhil chiefs claiming to be ‘Kings of the Forest’, or passing symbols such as arrows traceable to specific Bhil chiefs as claims to territorial or tributary rights. These claims often predated the Company and were directed at the government of the region, other Bhil chiefs or local communities. Other claims related directly to the Company’s failure to honour agreements that it had entered into with Bhil chiefs. When these claims were not honoured, Bhils threatened or used violence, which the Company considered to be a ‘crime’. Even though these actions sometimes resulted in material gain, they were often used by Bhils to bring their grievances to the attention of the government of the day and demand redress.

Although the Consultations do not comment on the legitimacy of these claims, they point to the motivations behind Bhil’s actions that the Company deemed ‘criminal’.

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24 Skaria, Hybrid Histories, 20–24.
25 Ibid., 154–56.
26 Guha, Environment & Ethnicity in India, 119.
28 ‘Rore Naik’s Trial’, BL, IOR/P/399/39, 6 October to 17 November 1824, 6719–6931. All archival references in this article are from a series of unindexed judicial records of the East India Company in the British Library, London’s (BL) India Office Records (IOR) Collection. The archival references are as they appear on the India Office Records and Private Papers catalogue. Where a reference is referred to often we have given it a shorthand name in quotes for use in subsequent citations.
29 For instance, in ‘Cheel Naik’s case’, Bhil chief Cheel Naik wrote confrontationally to the Company stating that they had failed to honour their promises to pay him a fixed annual amount: Cheel Naik to Lieutenant Hodges, undated, BL, IOR/F/4/720/19551, fos. 553–555.
Rather than Bhils hastily adjusting to the Company’s entry into the region, the Consultations reveal that the Company’s men-on-the-ground were often the ones reacting in *ad hoc* and inconsistent ways. Both pre-Company governments and many early Company administrators had some understanding of Bhil terms of engagement.\(^{31}\) While Bhil chiefs continued to employ ‘crime’ as part of a regionally recognised system of political negotiation, it was the Collectors who were playing catch-up. Collectors were invariably young British men with little experience of life or governance in India. Their responses to Bhils varied widely, from terming Bhil’s actions criminal and using military force to suppress them, to negotiating terms with Bhil chiefs and recognising Bhil cultural practice.\(^{32}\) They looked to the Commissioner or the Bombay Council for guidance on how to treat these cases, as they could not rely on wisdom from Company officials in London. London’s distance from India made any direction from the metropole far too slow and generic to be effective. However, Collectors often failed to receive timely or consistent advice from their superiors within India too. Company responses to Bhils in court were similarly unpredictable, and ranged from summary executions and loss of privileges to pardons and open negotiation. Contrary to the Company’s self-fashioning as harbingers of civilisation and order, it was often the Bhils who acted consistently, in accordance with a pre-existing legal and cultural script, while the Company oscillated ‘wildly’ in their response.\(^{33}\)

When called upon by the Company judiciary to account for their ‘crimes’, Bhil chiefs responded on a case-to-case basis. While some Bhil chiefs attempted to justify their violent actions to enforce their claims, others offered to cooperate in tracking down other Bhil offenders.\(^{34}\) Some Bhil chiefs engaged with the Company in writing, others in person, and yet others through representatives.\(^{35}\) Their mode of engagement with the Company is likely to have varied based on the chief’s position and strength in relation to the Company’s regional power. On occasion, the Company attempted to force Bhil chiefs to surrender by capturing their families.\(^{36}\) However, some Bhil chiefs were influential enough to be able to leave their own territories and seek terms of peace with Company officials in neighbouring regions.\(^{37}\)

Far from being purely antagonistic, relations between Bhils and the Company were part of a broad-based and involved dialogue. Many Bhils appear to have believed that they could negotiate with the Company to avoid punishment for their ‘crimes’. Several Bhils surrendered readily due to this belief, while others were violently seized

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\(^{31}\) Guha, *Environment & Ethnicity in India*, 130–5.

\(^{32}\) See generally, Cunningham-Graham, *Historical Sketch of the Bheel Tribes*.


\(^{34}\) *Measures Taken to Counteract the Depredations of the Bhils in Khandesh*, vol. 2, BL, IOR/F/4/720/19551, November 1818 to April 1819, fos. 513–529.

\(^{35}\) For example, see ‘Cheel Naik’s case’. ‘Goomany Naik’s Trial’, BL, IOR/P/399/38, 29 September 1824, fos. 5562–5826 contains evidence of a Bhil chief not presenting themselves to the Company, but rather sending forward representatives on their behalf.

\(^{36}\) ‘Goomany Naik’s Trial’.

\(^{37}\) For two Bhil chiefs obtaining guarantees of safety from John Malcolm in central India when John Briggs was pursuing them in Khandesh, see: Khandesh Collector to John Malcolm (administrator in central India), 10 March 1819, BL, IOR/F/4/721/19552, fos. 723–731.
through the treachery of other Bhils and only attempted to negotiate with the Company when brought to trial. Some of the tactics Bhils used to prevent receiving severe punishment included; pleading guilty to lesser offences, adding defence evidence to explain their actions, or confessing guilt in the belief it would lead to a less severe punishment. The following subsections outline several ways that Bhils strategically used ‘crime’ to meet their economic, social and cultural aims.

**Robbery, raids and ransom as diplomacy**

In the Commissioner’s territories, Bhils most often committed three sorts of ‘crime’ to force open negotiations with the Company as well as other members of the local community. These crimes were: robberies, raids and *khandani* (ransom demands). Robberies appear to have been sporadic and opportunistic. Bhil groups attacked whoever passed through that region irrespective of caste, religion, race, gender or occupation. Although erratic and unplanned, robberies could serve as an invitation for the Company to negotiate with Bhil chiefs, or an attempt to involve the Company in settling one Bhil chief’s scores with other Bhil chiefs. Raids appear to have targeted specific villages and often had more distinct aims than robberies. These frequently involved performative signs of sovereignty, especially in villages that had recently come under Company rule. *Khandani* was the least common form of Bhil ‘crime’. Bhils were occasionally involved in groups that abducted people from villages and took them into hill encampments until they received a ransom. This subsection will examine each of these three ‘crimes’ in turn, to demonstrate how Bhil diplomacy and tactics of negotiation manifested in each.

The Consultations abound with records of Bhil robberies. Indian targets included cultivators, merchants, women, Brahmins, Muslim holy-men, nomadic communities and even Indian Company officials. While white, British Company officials often travelled under military escort, they too were not immune. The robberies were often led directly by a Bhil chief or by a Bhil lieutenant, but robbing parties were not always composed only of Bhils. The composition of the groups and their arms varied over time and region. For instance, at least one account by an Indian Muslim man reveals that Bhils in central India under the chief Nadir Singh were assisted by a party of ‘Afghans’. Robbers were most often armed with bows and arrows, swords,
axes or matchlocks (a sort of gun requiring a fuse for ignition). Despite this variation, Bhil robberies (those led by a Bhil) usually followed the following formula: a lone bullock cart, caravan or travellers on foot on a road through forests or hills would be stopped by a few robbers, then more thieves would emerge from the wayside to take things from the victims. Often the robbers’ faces were covered or the crimes were committed in low light, which meant identifying all the culprits would be difficult. If there was no resistance, then the travellers’ possessions were taken. If there was resistance, violence was often a consequence. With the region still in political tumult and facing famine, robberies often yielded only a few rupees, some metal utensils and clothing. Richer hauls included a merchant’s stock-in-trade – foodgrains, gold and silver ornaments, cattle or horses.\footnote{Bhil chiefs were key in redistributing stolen property. They kept a part of the proceeds for themselves, distributed some amongst their followers, and paid out a share to local magnates and Indian Company officials. Many robberies also had other aims than accruing wealth. Victims were occasionally told to transmit a message to the Company as to why the robbery was committed, what the perpetrators hoped it would achieve and which Bhil chief authorised the robbery. As mentioned above, Bhils occasionally used robbery to settle scores with other Bhil chiefs too. In one such case, a cloth merchant was waylaid by Bhils on a road through the forest in Ahmednagar province in 1819. The robbers clarified that although they took the merchant’s goods, they were ‘not regular thieves’. They told the merchant to report the incident to the Company and to state that the robbery had been commissioned to spite Beeja Naik Bhil (a Bhil chief who was in Company pay). Beeja Naik Bhil was accused by the robbers of having ‘devoured their profits from their wutton [estate]’. In this instance, robbery was an attempt to rectify harm done by one Bhil to others and to provoke Company involvement in securing redress for the victimised Bhils (turned robbers). Alternatively, Bhil robberies could be used to draw attention to Company’s wrongdoing. One Bhil chief’s lieutenant accused the Company’s ‘Gentlemen’ (white, British Company officials) of ‘plundering’ his chief’s settlement. In this robbery, the Bhil lieutenant was avenging Company interference in his master’s territories. This explanation by the Bhil lieutenant inverts Company ideas of who the ‘plunderer’ could be. While the Company’s records use the term ‘plundering’ exclusively to describe Bhil actions, it appears that at least some Bhils viewed Company officials as plunderers in territories they considered to be their own. Bhil raids were even more deliberate and strategic than their robberies. A majority of raids were carried out to recover the Bhil chiefs’ customary dues. In 1824, for instance, Bhil chief Rore Naik was tried for raiding villages claiming dues which ‘since the rule of the Company … has not been paid’. One of these raids involved carrying off the property of a shirestidar (locally important Indian Company official).}

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\footnote{These lists usually form several pages in the Consultations and are part of Goomany Naik’s and Rore Naik’s trials. A list of articles belonging to Major and Mrs. Brookes in 1839 in Sindwa is reproduced in Simcox, Memoir, 144–5. \footnote{BL, IOR/P/398/66, 1 November to 1 December 1819, fos. 3185–3195.} \footnote{Prosecution Witness (P.W.) 21– Noor Ali in ‘Goomany Naik’s Trial’, fos. 5669–5671.} \footnote{Rore Naik’s Trial’}.}
The *shirestidar*’s property was returned to him after he went to the Bhil settlement and agreed to deliver a message on behalf of Rore Naik to the Company’s Indian head of the district. The message was that each village should pay 1.5 rupees to the Bhils, and this verbal message was to be delivered alongside a bundle of Bhil arrows. The raiders’ choice of the Company *shirestidar* as a target appears significant, as he would have been taken seriously due to his place in the Company’s hierarchy. The arrows likely signified the violent consequences of disobedience, but as Skaria writes, arrows were also ‘inalienable markers of sovereignty’.  

*Khandani* (ransoms) have a long tradition in India and appear in material featuring Bhils from pre-Company times. In the Company period, however, they were uncommon inside Ahmednagar and Khandesh provinces. This made *khandani* an unusual practice among Bhils in the period under study, although it was not unheard of in the Consultations. For example, in 1824, a Bhil chief named Ramjee Naik from Ahmednagar was accused of leasing his Bhil and Muslim followers to a group in neighbouring Poona province for the purpose of kidnapping and ransoming wealthy villagers. This group abducted affluent targets and carried them away into nearby hills. The captives were asked to make a proposal for their own freedom by offering money or material goods. They were only released by their captors once an agreement was reached. The original abductees were then swapped with others close to them, who were detained as security and threatened with violence if the original captives did not honour their promises. Payment delays occasioned ominous messages like, ‘Do you intend to visit us, or must we go to you?’ Like Bhil robbery and raids, the purpose of *khandani* also appears to have been more than material gain as it seems to be linked to territorial influence. Despite some hints at a wider set of motives and logic behind *khandani*, their appearance in the Consultations is unfortunately too thin to elaborate on this further.

Robberies, raids and *khandani* were amongst measures employed by Bhils since pre-Company times to invite the ruler of the region to negotiate. After Company rule commenced in 1818, Bhils applied these strategies to the Company too. These tactics were met with mixed success. In the early years of Company rule, the British were largely willing to engage with Bhils on their own terms and often recognised these crimes as attempts to draw the Company into discussions about Bhil justice. As time progressed and Company rule solidified, this changed. The Company increasingly looked to Indian elites and cultivators (whose revenue kept the Company afloat) for direction in these matters. These groups’ prejudices about Bhils informed British understandings of their ‘inherent criminality’, and closed diplomacy, recognition and negotiation between the two groups. Indian elites and cultivators’ ideas alongside an increasingly rigid and bureaucratic form of Company rule eventually superseded Bhil notions of justice and ways of enforcing their customary rights.

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54 ‘Ramjee Naik’s Trial’.
55 This communication was delivered through an unnamed village messenger, ‘Ramjee Naik’s Trial’, fos. 5889.
Socioeconomics and Bhil ‘crime’

Contrary to nineteenth-century tropes of Bhils as primitive peoples living in hilly, sylvan hideouts, the Consultations reveal that Bhils were networked into markets and Indian social hierarchies more broadly. Bhils frequently engaged with the Company’s Indian village and provincial officials as well as a range of commercial actors. This engagement reached beyond the Commissioners’ territories too, and included relationships with neighbouring sovereigns and select territories where Bhil chiefs retained their sovereignty. Between 1818 and 1825, the Company rarely had a presence beyond important stations in provincial western India. As such, it only had tenuous control over the region as a whole. The Company was dependent on various local magnates, including influential Bhil chiefs, to maintain and police their rule.

Local magnates and Bhil chiefs did not simply defer to Company rule, but assisted the Company to meet their own ends. Local magnates were often interested in enlisting any available support for their position. Despite sometimes being in Company service, they were not always committed to the idea of the Company as sovereign. High-ranking Indian officials employed by the Company were even known to aid Bhil crime. In one instance from 1825, a mamlutdar (head of district) went so far as to replenish the supplies of a Bhil group just before Company troops arrived in the region to seize them. Another mamlutdar offered immunity to Bhil criminals as long as their Bhil chief, Goomany Naik, prewarned the mamlutdar about their crimes. The mamlutdar also expected the chief’s silence, as Goomany Naik knew the mamlutdar was defalcating money meant to be paid to him by the Company for employing policemen in the region. This demonstrates not only the mamlutdar’s tacit support of crime, but also his involvement in illicit activities. It further shows that as a Bhil chief, Goomany Naik was able to weave in and out of criminal activity. He could simultaneously be involved in crime, employed by the Company to police their territories and cover up the mamlutdar’s illicit activities. At the village level, potails (village headmen) were sometimes forced by Bhils to buy their plunder, while at other times they actively assisted Bhils in plundering and/or shared in their spoils. Historian Andre Wink argues that local magnates saw this as part of a process termed fitna (a breakaway, local regime) that operated under the previous rulers, the Marathas. The above cases demonstrate that this understanding continued under Company rule. The magnates’ ideas about a devolved, localised authority were at odds with those of the Company, but provided space for Bhils in the local economy.

Bhil social and economic networks went beyond local magnates too. Bhil groups included a range of people from various religions and regions. As well as hiring

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58Bombay Government’s Reply’, 10 March 1825, para 44.
59Goomany Naik’s Trial’.
Bhil leaders employed people described in sources as ‘Arabs’ and ‘Afghans’. As we saw above, there is evidence that ‘Afghans’ were active participants in Bhil robber bands. Bhil leaders also engaged some caste Hindus for more licit ends, as they served as the chiefs’ intermediaries with Company bureaucracy and the world of the written word more generally. Although outside of Company jurisdiction, the Consultations also reveal economic relationships between Bhils and officials employed by neighbouring sovereigns – *baniyas* (merchants), *sonars* (silver and goldsmiths) and scribes. These groups appear to have purchased stolen goods that Bhils obtained through their crimes. Company Collectors officially prohibited the purchase of any ‘manufactured articles, jewels, silver or gold or cattle’ from Bhils, but they could hardly control trade inside their own territories, let alone outside of them.

The Consultations reveal an intricate, underground economy in Bhil stolen goods. In 1824, a *baniya* (merchant) who was giving evidence as a prosecution witness admitted to frequently trading in goods stolen by a Bhil chief named Goomany Naik. He testified that Bhils would either sell goods to him, or to another *baniya* who had set up a shop in Goomany Naik’s settlement. The witness was often told by the Bhil sellers that the goods were stolen, but was reassured that Goomany Naik had ‘arranged the matter with the Sirkar (Company government)’ – presumably to prevent detection or punishment for the illicit trade. Bhil sellers were not only men, as in this case a female Bhil also sold silver ornaments and idols obtained from a robbery. In another case that year, goods like cooking utensils, grain and clothes were traded through a network of *baniyas* while some were retained for the Bhil robbers’ personal use. Ornaments were melted by *sonars* to prevent their identification. The Consultations note that liquor vendors accepted stolen property in lieu of monetary payments too. Cattle were a particular target of Bhil raids as they served a range of different purposes. Some cattle were killed for food, others bartered for liquor or grain and yet others were released when their owners paid a ransom to the Bhils. In territories of neighbouring sovereigns there were markets keen to trade in stolen cattle, but this illicit trade also took place in Company territories. Several Bhils were accused of crossing into Company districts to steal cattle and sell them in a neighbouring kingdom, and *vice versa*.

Although Bhils were only one node in this nefarious underground economy, the Company targeted them. While the Company made some attempt to prosecute dealers in stolen goods, charges against Bhil chiefs were harder to prove, as it was
difficult to establish their direct involvement in the theft and resale of these items. To address this difficulty, the Company occasionally overlooked dealers of stolen property and other accessories if they testified against Bhil chiefs. Although it is unclear whether those who bought stolen goods pressured Bhils to commit robbery, Bhils were clearly involved with mercantile agents who benefited from their activities. Rather than recognising or integrating these pre-existing underground economies with their rule, the Company criminalised the Bhils who worked within them. Bhils were singled out because the Company preferred to invalidate Indigenous social and economic networks rather than reconsider aspects of their own rule.

**Other motives for Bhil ‘crime’**

As well as diplomacy and socio-economic ties, the Consultations reveal that Bhils engaged in crime as a response to powerful emotions and for physical survival. Although these crimes usually appear in the pages of Consultations when they erupted into violence, drawing out the needs and motivations behind them is important. It allows us to move beyond Company prejudices to see the rich complexity of Bhil lives on their own terms. This short section extracts snapshots of Bhil life from criminal cases. It is an important reminder that although the Company was powerful, Bhil lives, and crime, were not wholly defined by it. The following are illustrations of a few cases, where otherwise private matters made their way into Company judicial proceedings.

Like all people, Bhils experienced intense emotions such as hate, love, vengeance and jealousy that could lead them to commit crimes. However, care and sensitivity need to be taken when reading these emotions in Consultations, as they could be used by the British colonial authorities to denigrate and typecast Indigenous people. In particular, the emotion of vengeance was often cited as a motive for Bhil crime, and became a trope to describe Bhils in Company narratives. One Collector equated Bhil vengeance to a ‘snake-bite’ and cited it as the reason why witnesses hesitated to come forward to report Bhil crimes. This reputation, however, appears to be overstated. Most instances of Bhil retribution were directed against Bhil informants after the Company had used their information to apprehend other Bhils or to seize or damage their property. While it is unclear from the archives whether any particular customs or code of conduct around vengeance existed amongst Bhil communities, it appears that Bhil acts of retribution were used in official Company discourse to portray them as an irrational, volatile and highly emotional peoples who could not be trusted.

Marital disputes were fertile grounds for murder, both amongst Bhils and other residents of the Commissioner’s territories. In 1820, a Bhil man from Khandesh was

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74 BL, IOR/P/399/34, 19 May to 16 June 1824, fos. 2960–3070.
75 For instance, one Hindu man named Bhowsingh is named as a purchaser of stolen goods in the ‘Joint trial of Dusrut Naik’s co-accused’. However, in Dusrut Naik’s trial which was conducted subsequently, Bhowsingh appears as a prosecution witness rather than as an accused: ‘Dusrut Naik’s trial’, fos. 2576–2578.
77 BL, IOR/P/398/72, 5 April to 31 May 1820, fos. 2040–2049; BL, IOR/P/399/1, 11 July to 15 August 1821, fos. 2489–2531.
murdered by his father-in-law as he had attempted to recover his estranged wife who had left him for another man. With her parents’ consent, the Bhil woman had started cohabiting with a Bhil man who was not her husband but provided for the family when there was ‘nothing in the house’. It was also alleged in the trial that the deceased had abused and neglected his wife. The following year, another Bhil man was murdered by three Bhil men, as one assailant wanted to ‘possess’ the deceased’s wife. While the Consultations only record a few such cases involving Bhils, there are many such cases involving other Indians. In this way, the Consultations reveal that such crimes, as well as the rationale and motives behind them, were not exclusive to Bhils. Crimes committed by Bhils were not necessarily ‘Bhil crimes’, as other Indians acted in similar ways in similar circumstances.

Bhils also engaged in criminal activity to overcome hunger and secure basic sustenance. Hunger repeatedly emerges in the Consultations as a reason that Bhils engaged in crime. From 1818 to 1825, the regions under study were prone to scarcity and famine, making hunger a motive for a range of crimes such as poaching and stealing. In several cases, Bhil men were apprehended while they were illicitly hunting or gathering grain, chilies or other forest produce like the edible, and fermentable, mahuwa flowers (*madhuca latifolia*). However, the pursuit of such thieves could have dire consequences. This is seen nowhere more clearly than the 1820 trial of Janniah Bhil from Khandesh. When stealing vegetables from a field by night, Janniah Bhil was discovered by a cultivator who proceeded to give chase once he fled. Janniah Bhil fired an arrow at the cultivator to dissuade his pursuit, but the cultivator was struck in the head by the arrow and died instantly. Although Janniah Bhil was sentenced to death at all stages of the Company’s judicial process, his sentence was commuted to transportation for life due to the spirited interventions of one member of the Bombay Council. What we see in the Consultations is likely only a fraction of all cases where crime was caused by hunger. While a paper trail exists for extreme cases, there are likely many more hunger-related cases than those that have made their way into the Company’s judicial process.

**Bhil policing**

Bhils were not only targets of the Company’s criminal justice system. In contrast to British depictions of Bhils as an inherently criminal people in the mid-to-late-nineteenth century, the Company was keen to use them as police and enforcers of their rule from the 1820s. The Consultations reveal that Bhils were often key to the Company’s establishment and function. This element of Bhil engagement with Company justice has received some scant attention. For instance, although the

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78 BL, IOR/P/398/71, 23 February to 29 March 1820, fos. 1544–1557.
79 Ibid. For this crime, the father-in-law and paramour had their death sentences commuted, and were transported for the remainder of their natural lives. The wife and her mother were directed to be ritually dishonoured by shaving off their hair and sending them out of the village on a donkey.
80 When examined as a witness, she denied this allegation: BL, IOR/P/399/1, 11 July to 15 August 1821, fos. 2489–2531.
81 Why only a handful of such cases involving Bhils form a part of the Consultations does not afford a clear explanation.
82 BL, IOR/P/398/76, 4–18 October 1820, fos. 3986–4011.
Khandesh Bhil Corps – a uniformed paramilitary unit established in 1825 – has been an object of study, works about this group uncritically repeat Company accounts and fail to uncover Bhil motivations, aims or experiences as enforcers of Company justice.\textsuperscript{83} Bhils tasked with policing under the Company used their position to their own ends, and the Company had to accommodate, or at least negotiate with, these competing needs, as they were dependent on Bhils to maintain their rule. The Consultations demonstrate that Bhils were savvy, strategic agents, who moved between their own cultural practices and Company frameworks when it suited their interests.

In the opening decades of the nineteenth century, the Company believed that political instability caused by the war between the Marathas and the Company had driven Bhil watchmen (jagliyas) of villages on the plains to join parties of plundering Bhil chiefs in the hills. The Company was keen to draw Bhils away from the hills and their associated crime, and settle them back on the plains as village jagliyas.\textsuperscript{84} To compensate Bhil chiefs in the hills for the loss of their followers, the Company formally recognised some for their policing roles, paying them a salary and allowing them to keep a small number of their followers (whose upkeep was paid for by the Company). To incentivise Bhils to return to villages on the plains to work as jagliyas, the Company offered a daily allowance in grain from the village or land on the village boundary. Although the Company negotiated with Bhils in these instances, their approach was misguided. Their division of Bhils into people of the plains and of the hills was artificial and unstable. Jagliyas on the plains often had family connections and/or other social ties to Bhils in the hills. The movement of Bhils between hills and plains remained commonplace regardless of Company interference.

Despite the shortcomings of the Company’s approach to policing, jagliyas were indispensable to their rule. They were often essential in tracking and apprehending criminals. A Collector trying a murder case in 1821 queried whether or not any Bhils were used to trace suspects.\textsuperscript{85} As no Bhil was involved in the case (as defendant, victim or witness), this suggests it was commonplace for Bhils to investigate crimes in Ahmednagar and Khandesh, and that their role as police was recognised by Company officials. The Bhil jagliya emerges time and time again in the Consultations as an expert tracker employed by the Company at crime scenes.\textsuperscript{86} Although their skill and expertise in this role were valued by the Company, they did not always put their patron first. In 1824, a jagliya was employed to track the murderer of a Company soldier, but upon finding that the culprit’s footsteps likely led to a powerful Bhil chief’s settlement, he made an excuse to leave and never returned to complete his assignment. The jagliya’s failure to return suggests that he was either apprehensive about...
implicating a powerful chief, or that he may have had social or family connections with the culprits. Although some Bhils could escape the mandate of the Company, others were not so lucky. Some Bhils were coerced into carrying out investigations. To solve a murder case in 1821, village officials seized several Bhils and threatened to hold them indefinitely, unless they agreed to apprehend the murderers within two months.

Despite their utility to the Company, Bhils were not above suspicion because they worked as investigators and police. Jagliyas were often accused of providing Bhils in the hills with material assistance and information about when to carry out raids on the plains. A case from 1821 takes this one step further, as it demonstrates that even a dutiful jagliya could be executed by the Company for participation in crime. This case concerned a group led by a Bhil chief named Dusrut Naik who was being chased by Company cavalrymen for ‘open resistance to authority of government’. Dusrut Naik was eventually acquitted for lack of evidence, but a Bhil jagliya who was his co-accused, was hanged. This was despite the executed jagliya bringing defence evidence to prove his service to the Company, and despite his claims that he was neither involved with Dusrut Naik, nor was he involved in any resistance to the Company. Just a decade later in the 1830s, a well-known source on thuggee noted how the same Dusrut Naik and his followers were involved in investigating, tracing and apprehending ‘thugs’. This demonstrates that despite the Company’s unsuccessful attempts to separate the protectors of their rule from those who opposed it, they remained reliant on Bhils.

Company officials were even more suspicious of the Bhil chiefs to whom they had assigned policing responsibilities and often accused them of duplicity. In the Consultations, several Bhil chiefs who maintained their followers and sibundies (irregular troops) at Company expense and received an allowance for policing the region were simultaneously accused of committing crimes. In 1825, one Bhil chief was tried but pardoned for overseeing raids and robberies while the previous year, one chief was tried for harbouring killers of a Company soldier and another hired out his followers to a different province for the purpose of exacting khandani. These examples were used by Company officials to demonstrate the unreliability of policing through Bhil chiefs. As the Company grew stronger in the region from the second quarter of the nineteenth century, the importance of Bhil chiefs waned. From 1824, regional policing was increasingly turned over to the Company’s newly formed paramilitary force named the Khandesh Bhil Corps. This force comprised Bhils who

87 ‘Goomany Naik’s Trial’, fos. 5591.
88 BL, IOR/P/399/3, 12 September to 3 October 1821, fos. 3378–3509. A Bhil man offered to turn approver in exchange for a pardon in ‘Rore Naik’s Trial’, fos. 6779–6780.
90 ‘Dusrut Naik’s Trial’; ‘Joint trial of Dusrut Naik’s co-accused’.
91 William Sleeman, Ramaseeana (Calcutta: G.H. Huttmann, 1836), appendix E, F.
93 ‘Rore Naik’s Trial’; Khandesh Collector to Commissioner, 26 January to 2 March 1825, BL, IOR/P/399/43, unpaginated, Item No. 8.
94 ‘Goomany Naik’s Trial’.
95 ‘Ramjee Naik’s Trial’.
97 The Khandesh Bhil Corps requires more critical study itself.
were selected from and trained by British Company officers, and eventually they were joined by Hindu and Muslim soldiers from the Bombay army. Yet until at least 1825, Bhil chiefs appear to have been important brokers of regional order. Despite evidence that these chiefs acted in accordance with their own interests and were not wholly loyal to the British, the Company relied on these Bhils to police the region in the early years of their rule.

Apart from being directly employed by the Company or in their villages for policing, Bhils were also engaged privately by other Indians as guards. Consultation documents of an 1820 trial highlight this clearly, alongside the difficulties Bhils faced in determining who or what needed guarding. When a goldsmith was pressed by his creditor to repay money he had borrowed, the goldsmith set out to collect debts owed to him. He engaged the services of two Bhil brothers to protect the amounts collected. The goldsmith, his creditor and the two Bhils travelled to a neighbouring village for this purpose, but some distance into the journey, the goldsmith demanded that the Bhils hand him the sword they were carrying between them. Although he had hired the men, the goldsmith justified taking the sword by leaning into stereotypes of Bhils as dangerous, stating: ‘you are Bheels (Bhils) and I am therefore afraid of you’. This pretext enabled the goldsmith to take the sword and then murder his creditor and escape. The Bhil brothers were eventually apprehended by Bhil jagliyas. Although the brothers confessed to stealing from the deceased and helping the goldsmith conceal the body, they denied involvement in the murder. The jagliyas demanded a share of the money for their silence, but as the Bhil brothers refused to pay, they were forwarded to trial before a Collector. Despite their claims to the contrary, both brothers were convicted of murder and sentenced to death. The goldsmith remained at large. Curiously, the jagliyas who arrested the brothers also absconded after they brought the men to the Company. The Collector believed that the jagliyas likely feared punishment for their attempted collusion with the accused, and needed to pardon them so that they would come to court and provide information about the case.98

Whether as Company employees or private contractors, policing was risky business for Bhils. Their role could adversely affect their relationships with other Bhils, antagonise other Indians, or even cause them to run afoul of the Company. Their job was poorly paid, sometimes coerced, and susceptible to unequal local power relations and prejudices pre-dating the Company. Yet Bhils variously enforced, subverted and even profited from their roles in law enforcement under Company rule. In contrast to legal binaries of victim vs perpetrator, and resistor vs collaborator, Bhils shifted between categories when it suited them, often maintaining their old roles as ‘robber police’ and adapting this tradition to the opportunities offered by the Company.

**Bhils and penal reform**

This final section of the article examines how seemingly local events by Bhils in India were connected to systemic changes in British and imperial penology. Bhil prisoners

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98BL, IOR/P/398/75, 16 August to 27 September 1820, fos. 3437–3482.
frequently burst onto the pages of the Consultations through prison revolts. Although
dramatic and significant, these revolts have received little historical attention. They
are rarely mentioned in scholarship on Company or British Raj penal orders. Similarly, work on South Asian colonial prisoners, including Indigenous prisoners
sentenced to transportation, does not feature Bhils. This is a missed opportunity.
Combined with high prison mortality rates and frequent escapes, Bhil prison riots forced the Company to re-examine their penal institutions and practices in western India. This reassessment was both influenced by and helped to shape developments in penology occurring in the United Kingdom and its empire in the early nineteenth century.

Limited prison capacity, unsanitary detention conditions and prison escape
attempts recur in the Consultations. In the early months of the Company’s seizure of
power in Khandesh in 1818, over 1,200 Bhil men, women and children were impris-
oned for alleged involvement in armed opposition to the Company. Due to ‘loud pro-
tests’ by other Indians, all but 238 Bhil men who were considered especially
dangerous were released. Without trial or any other proceedings to determine their
culpability, these men faced indefinite confinement and were marched over 200 kilo-
metres from Galna Fort in Khandesh to the western Indian city of Surat. The lack of
space to house them in prison meant that from Surat, they were sent by ship to
Bombay town. Bombay also refused to accept the prisoners due to lack of space. The
men were eventually confined on Butcher’s Island off the coast of Bombay. On
Butcher’s Island, the prisoners were confined in irons in roofless structures, provided
with meagre rations and unclean water. The medical officer whose charge included
that island sounded alarm bells about the prisoners’ ‘extremely deplorable conditions’
which involved ‘laying in an open barrack, and confined in one room on the damp
ground, without any kind of bed or covering which occasions sickness among them,
and prevents the medicines its intended effects’. These concerns were brushed
aside by the Bombay Police Magistrate who directed the prisoners be provided cum-
blies (blankets) ‘which I think will be all that is necessary to protect them against the
evil complained of by the Assistant Surgeon’.

In response to these desperate conditions, the Bhil prisoners overpowered guards
when a boat supplying water landed on the island. The boat sank due to the prisoners
overcrowding it and 27 Bhils were killed, while others were lost at sea and presumed
drowned. This incident coupled with numerous deaths caused by illness thinned

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103 Extract of letter from Sub Assistant Surgeon to Bombay Police Magistrate, undated, BL, IOR/P/398/81, 14 March to 25 April 1821, fos. 860–861.
104 Bombay Police Magistrate to Secretary of Bombay Government, 29 March 1821, BL, IOR/P/398/81, 14 March to 25 April 1821, fos. 859–860.
105 BL, IOR/P/398/83, 30 May to 4 July 1821, fos. 1799–1800, 1867–1870.
the prisoner population by a third.\textsuperscript{106} Reports of this incident reached the Company’s highest body, the Court of Directors in London. The Court of Directors criticised the Bombay government on their conduct. In response, the Bombay government declared that while they lamented the deaths, they could not release the remaining prisoners because to do so would militate against ‘every consideration of justice and policy’.\textsuperscript{107} The fate of the remaining prisoners is unknown.\textsuperscript{108} While this incident itself does not appear to have contributed to any major penal reforms, the Bombay government’s treatment of Bhils embarrassed it and earned the censure of the Company’s Directors in London.

There are more instances in the Consultations that show that even as prisoners facing dire circumstances, Bhils do not appear to have shied away from taking matters into their own hands. Bhil prisoners were key actors in an 1821 prison uprising in Ahmednagar. Overpowering guards, the prisoners seized their guns.\textsuperscript{109} Although quickly surrounded by Company forces, the prisoners resisted and Company troops only got the upper hand after blowing open the prison gate with a cannon. The Ahmednagar Collector, Henry Pottinger, ordered that any prisoners who offered resistance be put ‘to the sword’ for having ‘offended the laws of God & man’.\textsuperscript{110} Pottinger was asked to inquire into the incident by the Bombay Council and unsurprisingly found no fault with his own actions.\textsuperscript{111} During the inquiry, it emerged that the uprising was led by a Bhil convict named Kailoo who was serving a life sentence and who had escaped custody twice already, and another man from the Ramoshi community (another Indigenous Indian group). The attack was pre-planned with prisoners stockpiling throwable stones and refusing to surrender. This incident caused 29 deaths and 60 were injured, including many Bhils.\textsuperscript{112} Unlike the tragic incidents of Butcher’s Island, this ‘daring attempt’ at Ahmednagar appears to have directly influenced debates about penal design and reform in other parts of the Commissioner’s territories. It was referred to in discussions about the security and design of the jail at Poona, for instance.\textsuperscript{113}

While the Consultations do not reveal any major Bhil unrest in prisons in Khandesh, Bhil prisoners occasionally escaped. In 1821, the prison was already at capacity and officials debated whether to repurpose a fort or construct an entirely new prison to deal with overcrowding.\textsuperscript{114} The Company was discussing plans for a new prison building, which would hold 600–700 prisoners, with facilities for ‘3–500 highway robbers (commonly Bheels) [sic]’.\textsuperscript{115} While this was debated, the Collector observed that Bhil prisoners ‘particularly from the hills’ frequently escaped from

\textsuperscript{107}Ibid.
\textsuperscript{108}Archival records relating to this file are damaged by mould: Margaret Makepeace (BL), email to Nishant Gokhale, 29 October 2020.
\textsuperscript{109}Ahmednagar Collector to Commissioner, 19 August 1821, BL, IOR/P/399/2, 22 August to 12 September 1821, fos. 2772-2786.
\textsuperscript{110}Ibid.
\textsuperscript{111}BL, IOR/P/399/3, 12 September to 3 October 1821, fos. 3524–3554.
\textsuperscript{112}Ibid.
\textsuperscript{113}Chief Engineer to Poona Collector, 30 September 1821, BL, IOR/P/399/5, 3–31 October 1821, fos. 4606–4609.
\textsuperscript{114}Khandesh Collector to Commissioner, 22 November 1821, BL, IOR/P/399/9, 30 January to 20 February 1822, fos. 680–686.
\textsuperscript{115}Khandesh Collector to Commissioner, 22 August 1821, BL, IOR/P/399/9, 30 January to 20 February 1822, fos. 637–639.
Galna Fort’s thatched structures. The Bombay Governor, Mountstuart Elphinstone, was apprehensive about public scrutiny of Company prisons and planned accordingly. He contended that ‘with so much about prisons being in print, the design of these new prisons should not be left to chance’. Elphinstone also authored a minute on prison discipline for the Bombay Presidency where he declared that reformation was the ultimate goal of imprisonment. He drew on a host of contemporary British sources to support his approach, including details of Jeremy Bentham’s panopticon, prison labour arrangements in Glasgow and London’s Mill Bank Prison. He also highlighted the work of Quaker reformers in instituting prison labour regimes. In his minute, the Governor also contemplated establishing a ‘depot’ to house prisoners notorious for ‘badness of character’ and those serving long sentences. Given Elphinstone’s own documented impressions of Bhil notoriety as criminals and insurgents, it is possible that Elphinstone was thinking about them when he wrote these words.

Despite this, large-scale penal reform which required new prisons was not immediately undertaken for various reasons. The first was high construction costs. With the Company facing increasing scrutiny regarding their spending by the British parliament in the early nineteenth century, their finances were severely squeezed. The second was the existence of alternative punishments such as penal transportation. Bhils feature prominently as prisoners sentenced to transportation from India to Prince of Wales Island (Penang). While the numbers of these Bhil transportees require greater research, it appears that most of the convicts were involved in homicide cases. Lastly, another reason why these penal reforms did not take off was a change of guard in Bombay. The Commissionerate was wound up and gradually subsumed into the Bombay Government in 1826, while Elphinstone left India for good in 1827. However, it appears that similar ideas of penal reforms and experimentation to those outlined by Elphinstone reverberated through the nineteenth century.

Conclusion

Far from merely forming the backdrop in the theatre of imperial law, Indigenous peoples like Bhils were active, rational and sophisticated actors in the process of legal
change in the nineteenth century. From 1818 to 1825, Bhil involvement in Company criminal justice as police, prisoners, victims, rioters or witnesses was integral to both upholding and subverting Company criminal jurisdiction as well as Company order. Moreover, these ‘shades’ of Bhil engagement with Company justice were not just hasty adaptations to Company rule. Bhils continued political and legal practices which long predated the British in their interactions with the Company. The Consultations reveal that Bhils were intrinsically linked to regional social, scribal, political, material and economic practices – they operated in complex and multifarious local networks. The frames of ‘criminal tribes’ and ‘thuggee’ alone are clearly insufficient to accommodate the richness and diversity of Bhil engagement with the Company.

While the idea of thuggee appears to have fallen out of currency within the colonial period itself, the long shadow of the ‘criminal tribe’ continues to linger malevolently; including in contemporary scholarship. While there is no doubt that Bhil communities suffered oppressive, active and racialised criminalisation under the British, this was not uniform over space or over time. Using the later colonial category of the ‘criminal tribe’ to frame Company interactions with Bhils is dangerous. Although it repositions Bhils from primitive rebels or inherent criminals to victims, it effaces their role in shaping their own circumstances under the Company. In this way, it moves perilously close to replicating colonial narratives of Bhil passivity, isolation, inferiority and supplication; it risks relegating Indigenous peoples to ‘… the realm of the primitive, unable to negotiate with … [legal] … transformation and change’.122

In racing to position Bhil-Company relations in a longer genealogy of British imperial domination, other inheritances are also easily obscured. Local forms of Bhil politics, culture and economies that preceded Company rule are just as significant in situating this history. Contemporary research that starts and stops with a British perspective mirrors colonial practice by decentring and isolating Indigenous worldviews, while centring and explaining those of the colonisers. Even though the Consultations are records of Company legal proceedings, they contain evidence that the Company was not always central to Bhil lives, and it certainly did not determine them. This article has not depicted a neat genealogy of relations between an Indigenous group and a colonial legal power, but rather poses a challenge to one.

More research is needed on Company India, especially on how other similarly situated socio-economic groups engaged with imperial rule. This article has demonstrated that care must be taken to understand these communities on their own terms rather than by imposing anachronistic tropes onto them. New histories that ignore the complex and varied experience of historical actors, or shoehorn them into preexisting moulds, risk reinforcing the unequal power relations they often claim to be fighting against.

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