

RESEARCH ARTICLE

Insurgent law: Bengal Regulation III and the Chin-Lushai expeditions (1872–1898)

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Abstract

This article studies the adjudicatory practices deployed by colonial military and police forces during a series of punitive British expeditions in the eastern frontiers of British India and the northern reaches of British Burma, specifically the Lushai and Chin Hills in the late nineteenth century. It magnifies the lives, deaths, and afterlives of two ‘tribal’ chiefs of Lushai Hills. Among others, these figures were held responsible for a series of raids carried out in the settled British territories of the northeastern frontiers in the 1890s. After a few inconclusive skirmishes with the British expeditionary force, they were apprehended and imprisoned in a jail in Hazaribagh under the preventive detention act of Bengal Regulation III of 1818, which was reserved and designed to arrest political dissidents of the empire. After a few months, two of them, Liengpunga and Khalkam, were found hanging from the windows of their prison latrine. The British administration labelled these deaths as suicides and closed the cases. The article opens them up. In doing so, it narrates an oblique history of the Scheduled District Act of 1874 which removed hill districts from the jurisdictions of regular courts. By focusing on the historical imbrication of Bengal Regulation III of 1818 in the Scheduled District Act, the article highlights the punitive techniques embedded in the seeming protectionist impulse of the colonial state, something that persists in India’s administration of the Northeast region. Closer to the concerns of this issue, it reflects on a legal genealogy of tribal subjects in South Asia.

Keywords: Frontiers; legal history; military expeditions; British empire; Northeast India; states of exception

Introduction

This article studies the adjudicatory practices deployed by colonial military and police forces *during* a series of punitive British expeditions in the eastern

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frontiers of British India and northern reaches of British Burma, specifically the Lushai and Chin Hills in the late nineteenth century.¹ It tracks the lives and deaths of three insurgent Lushai chiefs—Khalkam, Liengpunga, and Thangula—arrested under an emergency law called Bengal Regulation III of 1818, a provision used widely in the course of these expeditions.² The lives (and deaths) of these individuals and this law are narrated in tandem to probe the blueprint behind the legal incorporation of these hills into the British empire. The article contributes to a field of scholarship exploring the connected histories of colonial law and violence in the empire.³

Closer to the concerns of this issue, the article reflects on a legal genealogy of tribal subjects in the northeastern frontiers of colonial India. It is not interested in recovering a heroic or tragic Adivasi/indigenous figure from the archive. Instead, I foreground a set of practices through which the legal discourse of tribal subjects is inaugurated at a particular historical moment. These practices produced an ambivalence around the nature of law and the subjects harvested by law. This does lead me to some deliberations regarding indigenous agency—often portrayed as indubitably opposed or forlorn victims of state law—but I will keep them for the conclusion.

The late nineteenth century witnessed global empires clashing in this part of the world. The French were pushing their frontiers from Southeast Asia; the Burmese kingdom—once an empire—finally collapsed after the Third Anglo-Burmese War of 1885; the Chinese/Manchu empire advanced in Yunnan towards the Burmese border; and the British moved east across

¹ Contemporarily located in the Mizoram state in the Indian Union and North-Western Burma respectively.

² Lushai and Chin are categories used by the colonial administration. The people denoted by these categories did not address themselves by these terms. ‘Zo’ is the more affirmative category used by people across the India-Burma border. See Bianca Son, ‘The Role of Informants in the Construction of the Zo as Chin, Lushai and Kuku of India and Burma’, in *Geographies of Difference: Explorations in North East Indian Studies*, (eds) Mélanie Vandenhelsken, Meenaxi Barkataki-Ruscheweyh and Bengt G. Karlsson (London and New York: Routledge, Taylor and Francis Group, 2017), pp. 31–52; Joy L. K. Pachau, *Being Mizo: Identity and Belonging in North East India* (New Delhi: Oxford University Press, 2014). Note the spelling of Liengpunga differs widely across the records. This was observed by colonial administrators and even in the 1940s. In his book *History of Frontier Areas Bordering Assam* published in 1942, Robert Reid, governor of Assam, wrote, ‘Spelling of names in Lushai is a matter of considerable difficulty. In (Alexander) Mackenzie’s book, for instance, many of the names are quite beyond identification, even by well informed Lushais. I have therefore, wherever possible, added after a name when it first occurs, the modern spelling in square brackets.’ Robert Reid, *History of Frontier Areas Bordering Assam* (Shillong: The Assam Government Press 1942), p. i. Unless indicated otherwise, I will be using this version: Liengpunga.

³ Elizabeth Kolsky, *Colonial Justice in British India* (Cambridge: Cambridge University Press, 2010), particularly Chapter 4 ‘One Scale of Justice for the Planter and Another for the Coolie: Law and Violence on the Assam Tea Plantations’, pp. 142–184; Nasser Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (Ann Arbor: University of Michigan Press, 2003); Adam Sitze, *The Impossible Machine: A Genealogy of South Africa’s Truth and Reconciliation Commission* (Ann Arbor: University of Michigan Press, 2013); Frederick Schauer, *The Force of Law* (Cambridge, MA: Harvard University Press, 2015), particularly Chapter 2 ‘Bentham’s law’ and Chapter 3 ‘The possibility and probability of non-coercive law’; Robert M. Cover, ‘Violence and the Word’, *Yale Law Journal*, Vol. 95, No. 8, July 1986, pp. 1601–1629.

Burma and into the Shan, Kachin, and Chin states.⁴ The administrative control of Chin and Lushai Hills acquired a particular significance amid this jousting.

British expeditions in these hills were not a new phenomenon. In 1871–72 the British Government of India (GoI) sent a major expedition into Lushai Hills. An expanding tea economy had been increasingly encroaching into the Lushai territories, prompting raids that scythed through the British districts of Cachar and Chittagong. The tea gardens were particular targets.⁵ Numerous ‘coolies’ working in these gardens were taken captive.⁶ In one of these attacks, a six-year-old child, Mary Winchester, daughter of British planter James Winchester, was carried away.⁷ This allowed the colonial administration to dress the expedition up as an urgent rescue mission and not as a predatory exercise undertaken at the behest of an emerging tea capital.⁸ The news of

⁴ The Chinese movement towards the Burmese border was particularly concerning for the colonial state. Minute by the Chief Commissioner of Burma, Alexander Mackenzie on the Operations to be undertaken in the open season 31st August 1891, ‘Minutes by the Chief Commissioner of Burma, Alexander Mackenzie on the Policy to be pursued in the Kachin Hills East of Irrawaddy’, 5th September 1891, Foreign Secret E Proceedings (henceforth Pros.) March 1892, Nos. 1–51, National Archives of India, New Delhi (henceforth NAI); Letter from C. J. Lyall Sec. to the Government of India (henceforth GoI), Home Department, to Chief Commissioner of Burma, 23rd March 1893, Foreign External A Proceedings (henceforth Pros.) October 1893, Nos. 33–47, NAI. For an general overview of the region, see Hans Derkx, *History of the Opium Problem: The Assault on the East 1600–1900* (Leiden: Brill, 2012), pp. 395–416; Thant Myint-U, *The Making of Modern Burma* (Cambridge: Cambridge University Press 2001); Michael Aung-Thwin, ‘The British “Pacification” of Burma: Order Without Meaning’, *Journal of Southeast Asian Studies*, Vol. 16, No. 2, September 1985, pp. 245–261; Carl A. Trocki, ‘Political Structures in the Nineteenth and Early Twentieth Centuries’, in *The Cambridge History of Southeast Asia*, Volume II, (ed.) Nicholas Tarling (Cambridge: Cambridge University Press, 1993), pp. 119–120; Bérénice-Guyot Réchard, *Shadow States: India, China and the Himalaya* (Cambridge: Cambridge University Press, 2018).

⁵ Alexander Mackenzie, *History of the Relations of the Government with the Hill Tribes of the North-East Frontier of Bengal* (Calcutta: Home Department Press, 1884), pp. 305–306.

⁶ Bringing these captives back served as one of the justifications for the launch the 1872 expedition. *Ibid.*, p. 310. For the history of the indentured labour population, see Rana P. Behal and Prabhu Mahapatra, ‘Tea and Money versus Human Life’: The Rise and Fall of the Indenture System in Assam Tea Plantations 1840–1908’, *Journal of Peasant Studies*, Vol. 19, No. 3–4, 1992, pp. 142–172. For non-indentured tribal labour used in expeditions, see Lipokmar Dzüvichü, ‘The Arteries of Empire: Routes, People and Mobility in Colonial Naga Hills (1850s–1920s)’, in *Modern Practices in North East India: History, Culture, Representation*, (eds) Lipokmar Dzüvichü and Manjeet Baruah (London and New York: Routledge, 2018), pp. 89–116; L. Dzüvichü, ‘Empire on their Back: Coolies in the Eastern Borderlands of the British Raj’, *International Review of Social History*, Vol. 59, 2014, pp. 89–112.

⁷ ‘Humble memorial of George Grant Sellar, Tea-Planter, Alexandrapur garden to His Excellency the Right Hon’ble Thomas George Baring, Baron Northbrook of Stratton, Viceroy and Governor General of India’, 20th February 1873, Home Public May 1873, Nos. 108–109, NAI.

⁸ ‘It seems clear that large numbers of British subjects have been massacred on many occasions, and that much larger numbers have been carried off into captivity and still are in captivity in the villages of the Looshai chiefs. The injury to the rising tea interest is not confined to the actual raids. It seems undoubted that such a terror is established in all the tea estates within the reach of the Looshais, that no coolies will willingly remain on them; and though those who are bound by their contracts may be forced to stay for the time, they will never renew their contracts or work as free-labourers under the present circumstances. Tea planting in Cachar seems to have been more successful and the system has been put on a better footing than anywhere else, and it

the expedition was closely followed in the pages of an English newspaper, *The Pioneer*, a publication founded by George Allen, who had made 'big money' from tea in the northeastern frontier.⁹

The 'success' of the 1871–72 expedition ushered in a lull in raiding. Extensive damage had been inflicted on different Lushai groups as retaliation.¹⁰ With the gradual withdrawal of the expeditionary force, specific deterrent policies were put in place: a strategic line of police outposts was set up, the deputy commissioner of Cachar conducted annual meetings or *durbars* with friendly chiefs, and three markets were established on the banks of the three principal rivers in the region. It was hoped that increased parley with the deputy commissioner and trade with the British districts would discourage violent raids. By the next decade or so—thanks to the monograph published by Alexander Mackenzie (a senior official of the Bengal government and later chief commissioner of Burma) in 1884—a powerful image defining this frontier had been established. Belligerent, 'savage' 'headhunters' seasonally cascading from the top of the hills into the British districts, murdering and capturing British subjects to which British 'punitive' expeditions would have to react to restore order.¹¹ In such renditions, British expeditions were portrayed as bulwarks of civilization, property, and law.¹²

will be a subject of very great regret if this enterprise is seriously checked'; 'Minutes by G. Campbell Lieutenant Governor of Bengal', 18th May 1871, Looshai Expeditions Military Proceedings 1871–72, NAI; A planter, Mr Bullen Smith, on behalf of the Cachar tea plantation capital had been strongly urging the government to provide security from Lushai raids. Letter From Steuart Colvin Bayley Chief Commissioner of Assam, to the GoI, Foreign Political Proceedings (henceforth Pros.) A June 1871, Nos. 520–521, NAI.

⁹ Uma Dasgupta, 'The Indian Press: A Small World of Journalism', *Modern Asian Studies*, Vol. 11, No. 2, 1977, pp. 213–235, p. 233; Mackenzie, *History of the Relations of the Government with the Hill Tribes*, Appendix K, pp. 568–584. For a history of tea in the Northeast, see Amalendu Guha, *Planter Raj to Swaraj* (New Delhi: Indian Council of Historical Research, 1977) and A. Guha, 'A Big Push without a Take-off: A Case-Study of Assam, 1871–1901', *The Indian Economic and Social History Review*, Vol. 5, No. 3, 1968, pp. 199–221; Jayeeta Sharma, *Empire's Garden: Assam and the Making of India* (Durham: Duke University Press, 2011); Arnab Dey, *Tea Environments and Plantation Culture: Imperial Disarray in Eastern India* (Cambridge: Cambridge University Press, 2018).

¹⁰ *Friend of India*, 4 January 1872, cited in Indrani Chatterjee, *Forgotten Friends: Monks, Marriages, and Memories of Northeast India* (New Delhi: Oxford University Press, 2013) p. 264.

¹¹ The meaning of headhunting worked on different registers. The spectrum of meaning associated with headhunting stretched from indexical primitive practices connected to conceptions of Lushai afterlives, notions of valour, and adventure that could be appropriated by white British officers during and after expeditions. Bodhisattva Kar, 'Heads in the Naga Hills', in *New Cultural Histories of India: Materiality and Practices*, (eds) Partha Chatterjee, Tapati Guhathukarta and Bodhisattva Kar (New Delhi: Oxford University Press, 2014), pp. 335–370; David Vumlallian Zou, 'Raiding the Dreaded Past: Representations of Headhunting and Human Sacrifice in Northeast India', *Contributions to Indian Sociology*, Vol. 39, No. 1, pp. 75–105. For a fascinating account of the meaning of headhunting at the junction of histories of psychoanalysis and anthropology in the empire, see Akshi Singh 'The Talking Cure in the "Tropics"', PhD thesis, Queen Mary University of London, 2017, particularly Chapter 4 'Heads and Dreams', pp. 137–174.

¹² One can trace this in discussions around the 1872 expedition. 'A great government cannot undertake petty expeditions in the way which small powers might attempt them and if it moves it must do so in such a scale as will ensure its most complete superiority in every point.' Letter

Nevertheless, as early as 1884, there were calls from officers on the ground to annex the hills to the British administration;¹³ these outlier suggestions found a different volume after the conquest of Upper Burma in 1885. The independent groups in what was known as the Chin Hills in Upper Burma became a part of the problem. These were seen as hostile populations providing support to anti-British elements like the ex-Shwemyobu prince while raiding and taking captives from the plains of Burma.¹⁴ In these changed circumstances post-1885, with China as an adversary on the frontier, Lushai and Chin raids assumed an unprecedented potency.¹⁵ Given this volatile context, a couple of particularly severe Lushai raids in Chittagong Hill Tracts (CHT), combined with the death of two white British officers, was deemed critical enough to launch the Chin-Lushai expedition of 1889–90. In fact, in this expedition, the three governments of Bengal, Assam, and Burma combined and led missions from different sides. In the immediate years following the 1889–90 expedition, the Lushai Hills were split between Assam and Bengal administration; the North Lushai Hill district, with Aizawl as its base of operations, was left under the chief commissionership of Assam, while the South Lushai district was administered from the Bengal presidency and the Chin Hills was managed by the chief commissioner of Burma. In September 1892, a major conference was held in Calcutta where representatives of all three governments met to discuss the administrative fate of the newly occupied tracts.¹⁶ The thrust of this congregation was to do away with the tripartite division of governance. Yet, after much lengthy deliberation, no final resolution was reached. By the end of this decade, the Lushai Hills were amalgamated into one unit under

from Steuart Colvin Bayley Chief Commissioner of Assam, to the GoI, Foreign Political A Pros. June 1871, Nos. 520–521, NAI.

¹³ ‘The fact is that time has come when we must form more intimate relations with the Lushais. We must be prepared shortly to Nagahillise them. We must assume dominion over them of some sort of or other; we must open their country; we must provide for a thorough communication between this and the Chittagong Hill Tracts; we must be in a position to know what is going on beyond our borders; we must throw forward our present stockades, and not leave miles and miles of valuable reserve (the Inner Line) to become “happy-hunting grounds” of Lushais.’ Letter from J. Knox White Deputy Commissioner of Cachar to Secretary to the Chief Commissioner of Assam, 28th June 1884, Foreign External A Pros. October 1884, Nos. 376–382, NAI.

¹⁴ Foreign Secret E Pros. June 1888, Nos. 165–187, NAI; Foreign Secret E Pros. July 1888, Nos. 162–167, NAI. In 1888 the Tashons, the most important tribe in the hills gave asylum to the so called Shwemyobu prince and to ex-Sawbwa of Kale, and at the instigation of these persons made a succession of raids into our valleys, in one of which the Sawbwa Kale himself was carried into captivity.’ Chief Secretary to the Chief Commissioner of Burma to the Secretary to the GoI, Foreign Department, 28th July 1893, Foreign External A Pros. July 1895, Nos. 122–45, NAI.

¹⁵ From 1888 there is interest in finding out the resources the hills have to offer. For instance, speculation in the Yaw country included exploring potential coal, gold, crystals, and steatite reserves. Foreign Secret E Pros. June 1888, Nos. 165–187, NAI.

¹⁶ ‘Desirability of bringing the Chin-Lushai Hill Tracts under one administration. Proceedings of a Conference which assembled in Calcutta to discuss the question. Resolution of the Government of India on the proposals of the conference’, Foreign External A Pros. September 1892, Nos. 9–62, NAI; Pum Khan Pau, ‘Administrative Rivalries on a Frontier: Problem of the Chin Lushai Hills’, *Indian Historical Review*, Vol. 34, No. 1, 2007, pp. 187–209.

the Scheduled District Act of 1874, bringing it in alignment with other hill districts of Assam, while a similar arrangement was made for the Chin Hills, now included in British Burma.¹⁷ What potentially gets lost in this bureaucratic history is the ongoing resistance to the British occupation of these hills. While their future was being deliberated in Calcutta conferences, smaller expeditionary forces were sent out into the hills to quell a series of Lushai and Chin uprisings. The article pays attention to the duration of this violence.¹⁸

In doing so, it narrates an oblique history of the Scheduled District Act of 1874 that removed hill districts from the jurisdictions of regular courts. By focusing on an imbrication of Bengal Regulation III of 1818 in the Scheduled District Act, the article highlights the punitive techniques embedded in the colonial state's seeming protectionist/paternalistic impulse.¹⁹ In a sense, the Scheduled District Act of 1874 acts as a preface to the Sixth Schedule of the Indian Constitution that seeks to affirm tribal autonomy in Northeast India.²⁰ Yet, just as the Sixth Schedule is beset by the Armed Forces Special

¹⁷ Applying the Scheduled District Act of 1874 meant rendering the region outside the confines of the normal Regulations of British India. The act allowed the local government to decide what law could be in force and what could not. Following this, in the Chin Hills a set of regulations called the Chin Hills Regulation of 1896 was brought into force from 1897. For a genealogy of how the Scheduled District Act of 1874 connects with the Government of India Act of 1919, with its designation of backward tracts, and 1935 Government of India Act, with its excluded and partially excluded areas in the Northeast, see David R. Syiemleih (ed.), *On the Edge of Empire: Four British Plans for North East India, 1941–1947* (New Delhi: Sage 2014), pp. 1–41.

¹⁸ For an insightful account that pays attention to practices of violence and networks of political economy undergirding it in the region, albeit in an earlier period, see Sanghamitra Misra, 'Peasants, Colonialism and Sovereignty: The Garo Rebellions in Eastern India', *Modern Asian Studies*, Vol. 55, No. 5, 2021, pp. 1681–1717. <http://sci-hub.tw/10.1017/S0026749X20000426>

¹⁹ David Zhou tracks an interesting history of British nostalgia in the Lushai Hills. He maps a shift in the late nineteenth-century Lushai imagination where the more antagonistic attitude of looking at the British as *vai*, or outsider, changes to a more conciliatory and deferring/yielding approach encapsulated in the category 'saheb' where the British occupation is viewed in a much more positive light. In this dynamic, the post-colonial Indian state is seen as the more intrusive presence, while a nostalgia is produced around the colonial period. David Vumlallian Zhou, 'Vai Phobia to Raj Nostalgia: Sahibs, Chiefs and Commoners in Lushai Hills', in *Modern Practices in North East India: History, Culture, Representation*, (eds) Lipokmar Dzüvichu and Manjeet Baruah (Abingdon, Oxon: Routledge, Taylor and Francis, 2018), pp. 119–142. In 2017 the traditional Mizo Chiefs Council, a body of 309 chiefs, filed a petition in the Supreme Court of India 'demanding the restoration of hereditary absolute administrative control over ancestrally demarcated territories in Lushai Hills or a compensation of 500 crores from the Centre for occupying their land since 1954'. This is an interesting moment, as the British annexation of the late nineteenth century, which significantly restructured the institutions of Lushai chiefdoms, or the later introduction of Christian missionaries does not feature in this demand. <https://timesofindia.indiatimes.com/india/mizo-chiefs-restore-power-or-give-rs-500-crore-in-damages/articleshow/62274616.cms>, [accessed 8 June 2022].

²⁰ For the post-independent institutional mechanism of governance of hill districts developed through the Sixth Schedule of the Indian Constitution, see Bengt G. Karlsson, 'Sovereignty through Indigenous Governance: Reviving "Traditional Political Institutions" in North East India', in *The Politics of Belonging in India: Becoming Adivasi*, (eds) Daniel J. Rycroft and Sangeeta Dasgupta (London and New York: Routledge, 2011), pp. 141–153.

Powers Act (AFSPA)²¹ which allows the Indian Army suspension of habeas corpus, similarly the Scheduled District Act carried within it exceptional legal provisions, like the Bengal Regulation III. This immanent history of the punitive in the protective can be read through the lives of Khalkam, Liengpunga, and Thangula.

This article is a step in a direction. In reading the expeditionary violence in relation to exceptional legal structures, it forwards an argument that the temporary infrastructures and violence of the expeditions created the more persistent legal infrastructures of exceptionality in this region. These British punitive expeditions, always transitory in their temporal and seasonal structure, were central to the generation of the exceptional legal apparatus. The historical mutability of violence in these frontiers is key to the persistent immutability of its exceptional structure.

There are three sections. The first is built around the alleged suicides of Khalkam and Liengpunga in a Hazaribagh prison. It looks at the bureaucratic rendering of the event, itself a passing crease in the vast fabric of military records, to first locate the details of the incident. Here I read the administrative reaction to these deaths carefully. This can be considered the first stage of questioning the form and manner in which the record appears to us, the cardinal step of what Ranajit Guha calls a violation of the archival intention.

The following section, titled 'Life', expands on the period immediately before the capture of Khalkam and Liengpunga. What punishments were these two subjected to before being taken to the Hazaribagh prison? To answer this question, I probe the regime of punishment available to and employed by the expeditionary forces. I outline a problem of precarious mutual (mis)understanding between the expeditionary forces and renegade hill populations that troubled this system of punishment. This fragility of comprehension often forced the expeditionary forces to invest in pedagogical exercises and ensure that insurgents understood their actions' consequences. As an illustration, I focus on techniques of collecting depositions from guilty chiefs and explore some of the ramifications these confessions had for insurgent Lushai and Chin chiefs.

The final part looks at the afterlives of the suicides. I begin with a general discussion of the Bengal Regulation III and then go on to show how Khalkam and Liengpunga's cases, after their deaths, played a crucial role in shaping some of the debates around the applicability of this enactment in these hills. Could exceptional laws like the Bengal Regulation III of 1818 be used in the Lushai and Chin Hills, still nominally outside British territory? Khalkam and Liengpunga's cases helped answer this conundrum. In the ensuing process, particular definitions of what constituted political action in a landscape ostensibly marked by irrational primitive violence were culled.²² In this exercise of

²¹ Dolly Kikon, 'The Predicament of Justice: Fifty Years of Armed Forces Special Powers Act in India', *Contemporary South Asia*, Vol. 17, No. 3, pp. 271–282. For a summary of the history of AFSPA, see Sanjib Baruah, *In the Name of the Nation: India and its North East* (Stanford, CA: Stanford University Press, 2020), Chapter 6, 'The Strange Career of the Armed Forces Special Powers Act'.

²² Chin and Lushai violence was typically described in these terms. An example: 'Calculations cannot be based upon the confidence that such savages as the Chins will act reasonably.' From Colonel A. B. Morgan, Assistant Adjutant and Quartermaster General, Upper Burma Field Force

legal accounting, the article locates the afterlives of Khalkam, Liengpunga, and Thangula.

Death

On 12 September 1891, the foreign secretary to the Government of India received a telegram from the Government of Bengal: 'Information just received of the suicide of two of the Lushai Chiefs captured by McCabe at Hazaribagh, where they were confined'.²³ The two chiefs were Khalkam and Liengpunga. A year prior, they, along with Thangula, a brother of Khalkam, were arrested under the preventive detention act Bengal Regulation III of 1818. The trio was identified as the primary suspects behind an explosion of recent violence in this frontier, a phenomenon described in the British archives as the 'Western Lushai uprising'.²⁴ In January 1889, a devastating raid had taken place across Chengri Valley in the neighbouring Chittagong Hill Tracts (CHT), killing more than a hundred British subjects.²⁵ A year earlier, villages under Pakuma Rani, a Chakma chief in the CHT, had been destroyed.²⁶ Pakuma Rani was slain, along with 21 others. In the same year, a white British officer, Lieutenant Stewart, who had made some progress in negotiations with the tribes of these hills, was ambushed and murdered while out on survey in the Chittagong Hill Tracts.²⁷

As a response to this series of events, the colonial state decided to launch the Chin-Lushai expedition.²⁸ The expedition achieved a moderate degree of success,

to the Secretary to the Chief commissioner, Burma, 8th March 1888, Foreign Secret E Pros. June 1888, Nos. 165–187, NAI.

²³ Telegram from the Chief Secretary to the Government of Bengal (GoB) to GoI, 12th September 1891, Foreign Secret E Pros. October 1891, Nos. 223–232, NAI.

²⁴ '...the whole of the Western Chiefs have combined. I am nearly certain that Khalkam has been the prime mover throughout.' Letter from Lieutenant H. W. G. Cole Commandant, Surma Valley Military Police Battalion, Cachar to Inspector General of Police, Assam, Camp Silchar, 12th September 1890, Foreign External A Pros. December 1890, Nos. 55–84, NAI.

²⁵ In words of J. Ware Edgar, a veteran in these parts, 'the outrages in the Chengri Valley raid were horrible...on the 8th and 10th of January (1889) and between that 24 villages containing 545 houses were burnt, killing 101 people and carrying off 91 prisoners'. John Edgar Chief Secretary to Government of Bengal to the Sec. to the GoI, 3rd June 1889, No. 39, NAI; Foreign External A Pros. October 1889, No. 27–66, NAI; Foreign External A Pros. March 1889, Nos. 407–431, NAI.

²⁶ Letter from W. J. Cunningham Under Sec. to the GoI to Chief Secretary GoB, 19th December 1888; Telegram from Foreign Under Secretary to the Chief Commissioner Assam, 16th December 1888, No. 1–37 A, Proceedings of the Government of India, Military Department, Looshai 1889, NAI. The tribes of Chittagong Hill Tracts, like the Chakmas, were positioned by the colonial state as sentries of the frontier encouraged and armed to repel the Lushai raids.

²⁷ Foreign External A Pros. October 1889, Nos. 27–66, NAI; A. S. Reid, *Chin-Lushai Lands: A Description of the Various Expeditions into the Chin-Lushai Hills and the Final Annexation of the Country* (Calcutta: Thacker, Spink and Company, 1893), pp. 38–48.

²⁸ 'As regards the general policy to be carried out in connection with the expedition, I am to say that its ultimate object is the domination and eventual pacification of the country between British Indian and British Burma.' Letter from the Secretary to the GoB from Secretary of GoI Military Department, 14th December 1889, Foreign External A January 1890, Nos. 20–28, NAI; The Bengal government was quick to underline the connection between this expedition and the safety of the tea gardens in south Cachar. 'In fact in my opinion it is even more important (to occupy a

but traces of resistance to the British occupation lingered. In one of these acts of insurgency Henry R. Browne, assistant to the chief commissioner of Assam, a member of the expedition and an important interlocutor of colonial governance in these hills, was killed. Browne's death, so close to Stewart's, added to the sense of outrage felt by the colonial administration. In response, Roger McCabe, who had previously made his name in the Naga Hills, followed Khalkam and Liengpunga to the depths of the hills, leaving a trail of burning villages and *jhum*s (fields of swidden cultivation) in his wake. Driven to desperation, they surrendered. After their capture, a trial conducted by the same officer found them guilty of, among other things, the murder of Browne.²⁹ Subsequently, they were sent to a prison in Hazaribagh. A year later, two of them were found dead in the latrine of their prison. This section will trace the frontier government's response to these deaths, the nature of the investigations instituted, and the concerns and contours these inquiries followed. Before I move on to those details, I want to dwell on something else: the location of their imprisonment.

After the arrest of the three chiefs under the Bengal Regulation III of 1818, the first decision the government had to make was where to keep them: should they be detained within Assam or without? The chief commissioner of Assam, James Wallace Quinton, wanted them out of Assam. In a letter to the secretary of the Foreign Department of the Government of India, he suggested,

They are men of turbulent character and of great influence among their countrymen, and their past career shows that such influence is not likely to be used for any good purpose. Khalkam, by their own admission, was the head of the confederacy, and Thangula was his stepbrother and right-hand man. The Chief Commissioner doubts whether Regulation III of 1818 authorizes a sentence of imprisonment for a definite term on any person confined under its provisions, but he has no doubts that a long term must elapse before these three Chiefs can safely be allowed to return to Lushai land, and have the opportunity of exciting to violence against their peaceful neighbours the restless tribes whom we are now endeavouring to bring under control...suggest that the place of their deportation be changed from this Province, where they are in dangerous proximity to their own country, to the Andaman Islands, or some other place in British India where they may be under no temptation to escape custody, and may gradually acquire habits of peacefulness and industry.³⁰

On the other hand, Roger McCabe, the political officer who had arrested Khalkam, was inclined to keep the chiefs at Silchar in Assam. Faced with

post permanently or at least for a few years), as the safety of the southern tea gardens of Cachar depends on this.' [Confidential] Letter from the Commissioner of Chittagong to Chief Sec. GoB, 13th November 1889, Foreign External A Pros. January 1890, Nos. 20–28, NAI.

²⁹ The immediate responsibility for the death of Browne was pinned on Lengkhunga but Khalkam was identified as the key leader. Foreign External A Pros. January 1891, Nos. 121–134, NAI.

³⁰ Letter from F. C. Daukes Secretary to the Chief Commissioner of Assam to the Secretary to the Government of India, Foreign Department, 7th March 1891, Foreign Secret E Pros. June 1891, Nos. 80–100, NAI.

this difference of opinion, the Foreign Department desisted from making an immediate decision. It sought further information regarding the ‘individual complicity in the rising and the effect produced on the political situation by (their) deportation’.³¹ As an interim measure, three chiefs were imprisoned at Tezpur (in Assam) under the chief commissioner of Assam’s orders while the Foreign Department, encouraged by the suggestion of the chief commissioner, began to explore the option of sending the prisoners to the Andaman Islands.³²

Deportation to Andaman was not uncommon. W. J. Cunningham, secretary to the Government of India, was quite enthusiastic about this plan. However, Bengal Regulation III of 1818, the provision under which these prisoners were arrested, proved to be an obstacle. There were two primary concerns. First was a lack of precedent: there were hardly any political prisoners detained under Bengal Regulation III in the Andaman prisons at this time. The only prisoner who perhaps might have fallen within the category was one Jhunda Sein arrested in connection with Lord Mayo’s (the viceroy of India) murder in the islands in 1872. Could the lack of precedent signal procedural impropriety? Could Bengal Regulation III adequately legitimize deportation to Andaman if such questions were ever asked? Second, what effect would removal to Andaman, which was far away from the familiar habitat of the prisoners, have on them?

The repercussions of the potential isolation on the prisoners and lack of clear precedent procedures were not insurmountable problems for Cunningham. In semi-official correspondence with his office, he wrote, ‘I do not remember any instance in which a prisoner under Regulation III of 1818 has been detained in the Andamans; but if the Home Department entertain no objection, we can send these Lushais there.’³³ In other words, the question of treating Khalkam and the others as political prisoners, and following the procedures and precedents this status entailed, was secondary. As far as Cunningham was concerned, the prisoners were ‘practically condemned criminals, *only their trials have not been conducted in a regular fashion and jurisdiction has not been actually assumed and provided for in their country*’ (emphasis mine).³⁴ In the following sections, I argue that the irregularity of trials and indistinction of an ‘actual’ jurisdiction in these hills were the precise reasons for invoking the exceptionality of Bengal Regulation III. Yet for the practical purposes of incarceration, the political core of the exceptional law, it appeared, could be bypassed. In the next few years, this cavalier attitude regarding the practical

³¹ ‘Hazaribagh is the ultimate destination of most Assam detenus and these men will probably go there. I should doubt, however, whether there need be any violent hurry about this unspecified number of Lushai chief.’ Telegram from the Secretary to Gol, Foreign Department to the Chief Commissioner in Assam, 26th December 1890, Foreign Secret E Pros. June 1891, Nos. 80–100, NAI.

³² From H. S. Barnes Deputy Secretary Foreign Department Gol to Chief Commissioner of Assam, 2nd February 1891; Telegram to Secretary of Gol, Foreign Department from Chief Commissioner of Assam to keep prisoners at Tezpur incarceration, 27th January 1891, June 1891, Nos. 80–100, NAI.

³³ Memo from W. J. Cunningham Secretary to the Gol, Foreign Department to Chief Commissioner of Assam, 17th March, June 1891, Nos. 80–100, NAI.

³⁴ Ibid.

legality (by this, I mean how the Regulation worked in practice) of Bengal Regulation III would be questioned at different levels of governance. Creative legal and bureaucratic arguments would be then arrayed to defend its use. The underlying question animating this discussion would pivot around the category of ‘political presumed’ in Bengal Regulation III: was any act of Lushai and Chin individuals, mired as they were in their ‘savage’, ‘primitive’ provenance, political enough to require the summoning of an exceptional law? Khalkam’s case played a significant role in shaping this debate. We will come to that.

Notwithstanding Cunningham’s interest in sending the prisoners to Andaman, the plan was shelved. The deputy secretary in the Foreign Department, responding to Cunningham’s proposal, wrote,

I am inclined to doubt if the Andamans are suitable place to which to deport these savages from the Lushai Hills. *'They are very likely to die there;* at least this is our experience in Assam in the case of convicts from the Hill districts transported to Port Blair. Unless they are treated like other convicts and put to labour which is hardly consistent with their position as political prisoners under Regulation III of 1818, I hardly see how they are to acquire habits of peacefulness and industry (emphasis mine).³⁵

If imprisoned too close to the hills, the chiefs could foment trouble, thereby nullifying the practical effects of their arrest under an exceptional law. On the other hand, following the route of deportation to Andaman would, if one went by past experiences, lead these ‘hill men inevitably to their death’. Moreover, if they were treated as ordinary prisoners on the island ‘and put to labour’, their status as political prisoners would be belied. Thus, from the very moment of their arrest, the exceptionality of Bengal Regulation III, and the political field it denoted, determined the frame of future actions, which in this case was the location of their imprisonment. Furthermore, the relationship between the site of captivity of these chiefs and their subsequent deaths was, unwittingly, prefigured in these early conversations. The alternative station where they were finally sent—Hazaribagh—did not block the seeming inevitability of their deaths. Let us then now turn to that detail.

The short title of the file in the National Archives of India dealing with Khalkam and Liengpunga’s deaths in 1890 is ‘Suicide of Khalkam and Liengpunga, two chiefs who were detained under warrant at Hazaribagh’. It is a part of the Foreign Secret Proceedings and not the usual Foreign Political Proceedings, the category in which most other files on the expeditions are archived.³⁶ The focus of the document is a report prepared by C. J. S.

³⁵ Memo, 22nd March 1891, June 1891, Nos. 80–100, NAI.

³⁶ Originally, under the East India Company and Board of Control, the Secret Department was reserved for highly important and sensitive correspondence involving war and peace, and diplomacy, whereas the Political Department dealt with more routine and/or less confidential questions regarding relations between the Indian states and foreign governments. Under the India Office (post-1858), the distinction between Secret and Political tended to become territorial, with the Secret Department being employed for external and frontier policy, and the Political

Faulder, the deputy commissioner of Hazaribagh, the immediate authority responsible for managing the Hazaribagh prison. To compile the dossier, Faulder collected testimonies from the different prison wardens on (and off) duty during the incident. He created a timeline and sequence of events from these depositions, adding his notes at the end. The enquiry was instituted by the Government of Bengal (as Hazaribagh was within the Bengal jurisdiction) under directives from the Foreign Department of the Government of India. A few key questions lay at the heart of the investigation: who was responsible for the breach in prison discipline that led to these suicides? Was it the immediate prison administration at Hazaribagh? If so, who was individually culpable for the mishap? Could the suicide attempt have been averted in any way?

The report represented a form of accounting. It sought to identify a disequilibrium in governance that, once recognized, could be addressed in the future. As Adam Sitze, in a different context, writes, it was a 'problem to be solved within the existing dispensation of the colonial state...with new and improved techniques of management'.³⁷ In other words, in the report's structure, the event was less about the death of two insurgent political prisoners and more about the failure of the prison management. The violence of the colonial expedition, specifically of Bengal Regulation III which produced Khalkam, Liengpunga, and Thangula as prisoners, and the politics of conquest, which framed the British presence in these hills at this point, were recast in the report as unfortunate administrative glitches. The conclusion the probe arrived at underlined this.

At the end of proceedings, Faulder expressed an amount of 'regret', but he insisted that no one was really at fault for these deaths.³⁸ John Ware Edgar, a key figure in the British expeditions of both 1872 and 1889–90 (then chief secretary to the Bengal government, Political Department), in the summary of Faulder's report sent to the Government of India wrote, 'The prisoners had made no complaints about anything connected with the way which they were treated and had done nothing to create any suspicion that they meditated attempts at escape or suicide'.³⁹ There was no preface to these suicides. It was

Department mainly used for questions relating to the Indian princely states as well as (mainly in the third quarter of the nineteenth century) the supervision of the Non-Regulation Provinces (i.e. those provinces, such as Punjab, that were governed directly by the Government of India through a Commission). <https://discovery.nationalarchives.gov.uk/details/r/a60e9853-b7cc-486e-8a33-dd0692a505e5>, [accessed 8 June 2022] Interestingly, most (not all) of the administrative correspondence regarding the use of Bengal Regulation III in these hills is a part of the Secret Proceedings.

³⁷ Sitze, *Impossible Machine*, p. 13.

³⁸ 'I regret to be under the very painful necessity of returning, for transmission to the Government of India, the warrants for the detentions of the Lushai Chief, Liengpunga and Khalkam, they having succeeded yesterday in committing suicide in the Hazaribagh Jail.' Letter from Faulder to the Chief Secretary to the GoB, 12th September 1891. 'I am to request that you will intimate to the relatives of the deceased that the Government of India regret to have learned that these two Chiefs have committed suicide while under detention at Hazaribagh.' Letter from A. Tucker Under Secretary to the GoI, Foreign Department to the Chief Commissioner of Assam, 8th October 1891, Foreign Secret E Pros. October 1891, Nos. 223–232, NAI.

³⁹ Letter from John Edgar Chief Secretary to the GoB, Political Department to the Secretary to the GoI, Foreign Department, 24th September 1891, Foreign Secret E Pros. October 1891, Nos. 223–232, NAI.

impossible to be aware of such intentions without any external signals of discontent. The prison doctor, Wilson, had spoken to the chiefs the day before their deaths. Faulder himself had visited two days prior to the incident ‘and found them apparently as contented as usual’.⁴⁰

Moreover, everyone had done their utmost to keep the prisoners satisfied. Among other things, the inspector of jails had made arrangements ‘that these chiefs (be) allowed a special scale of diet including tobacco and alcohol, and it had been the aim of the local authorities to make their imprisonment as little irksome to as possible’.⁴¹ The lieutenant governor of Bengal agreed. It was an unfortunate occurrence but one not ‘due to want of supervision or any fault of the jail authorities’.⁴²

But what indeed did happen? Faulder’s report provides some detail. His ‘Notes of enquiry into the Suicide of two Lushai chiefs’ begins like this:

Saw the bodies where they were found lying in the latrine in the western corner yard. They had been cut down by the Jailor when he first saw their position in the hope that life might not be extinct. They had hung themselves by ropes made out of pieces of cloth torn from their *dhoties* and twisted up. They had fixed one of these ropes round the brick work ventilation openings in the side of the latrine wall at a height of 5 feet 4 inches from the ground; they had no drop but must have throttled themselves by throwing themselves down. The ropes were simple but at the same time very neatly twisted and strong; there were more than 5 feet of rope in each.⁴³

How did Liengpunga and Khalkam get hold of ropes for their suicides? This was a pivotal question Faulder tried to answer in his report. The prison had a regular system of watch. There were three special wardens appointed in the ‘Lushai ward’ where the two chiefs were kept. They had alternating four-hour shifts. The inspector-general of prisons had vetted this arrangement.

Additionally, at night ‘a watchman always slept in the dormitory with them’.⁴⁴ At the same time, ‘two warders of the regular jail staff were deputed to relieve the special warders so that the night was divided into five short watches’.⁴⁵ Given this surveillance network, how and when did the prisoners get hold of the cloth used in the suicides? Deliberating on this, Faulder speculated, ‘they must have taken some time to make and have consumed a good deal of cloth, and they cannot have been made without gross carelessness on the part of one or the other warders who have been on guard during the last few days...it may have been done bit by bit from day to day during their visit to the privy’.⁴⁶ If this had

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² Memo, 29th September 1891, Foreign Secret E Pros. October 1891, Nos. 223–232, NAI.

⁴³ ‘Notes of enquiry into the suicide of two Lushai chiefs’, C. J. S. Faulder Officiating Deputy Commissioner, Hazaribagh, Foreign Secret E Pros. October 1891, Nos. 223–232, NAI.

⁴⁴ *Ibid*

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

indeed transpired, if the two prisoners had meticulously planned their suicides 'bit by bit from day to day', how had the entire prison establishment been unaware of it? Faulder recognized this vulnerability in his report. Addressing this concern, he was quick to underline the difficulty of perfect surveillance. To do so, he claimed, two procedures would have to be undertaken: a constant watch of prisoners, including the time they spent in the latrine and a regular combing of their clothes. Faulder elaborated on the unsustainability of both these practices.

The former precaution could not have been taken as one warder could not have kept his eye on all three at once unless he insisted upon all three going together to the latrine which they would have resented and which was a closer form of supervision than we were instructed to keep...the precaution of searching their clothes daily could not have been insisted without constant friction and exposing them to great annoyance and loss of temper which seemed undesirable; they always objected to having their clothes searched or touched, or to being made to take them off at all.⁴⁷

Thus, while the groundwork might have been carried out for days, there were good reasons for the prison wardens not to be aware of such a plan. The prisoners could hide their intentions conveniently and effectively.⁴⁸ Moreover, their dispositions aided their ruse. 'They were ill-tempered, unmanageable people', Faulder added, perhaps a little ruefully.⁴⁹ So while the wardens might have been negligent, there was reason to assume they had been so from the beginning. Faulder's succinct explanation was that 'It is quite possible that Saiphu Singh (the warden on duty) went to sleep and that the rope making was made straight off behind his back; but it would be quite unfair to assume that this was so, as it is perfectly possible that they had been making their arrangements beforehand for many days, keeping the ropes as made in among other clothes.'⁵⁰

While the needle of suspicion seemingly rested on Saiphu Singh, the guard who first found the prisoners in the privy, in reality it pointed to no one in particular. If anything, the burden of these deaths, as the category 'suicide' implied, rested on the prisoners themselves. In the final analysis, those to blame, the report seemed to suggest, were the individuals who designed and executed the act. The lack of outward expression of any discontent, the difficulty in interpreting the comportment of these 'difficult, unmanageable men', the stubborn silence they seem to carry around with them, made it almost

⁴⁷ Ibid.

⁴⁸ 'Whilst they (the ropes) were being made it must have been perfectly easy to keep them concealed among their very much voluminous clothing which they never took off, and any proposal to search which they always resented.' Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

impossible to predict their future actions.⁵¹ This inscrutable silence they maintained until the end of their lives. The aforementioned Saiphu Singh recounted:

The three Lushais were inside the dormitory. After some time, the two deceased said they wanted to go to the privy to ease themselves; I told them to go and they went, the third (Thangula) remaining in the dormitory. I stood outside on the path. As they were some time I at last went down and called to ask why they were so long. *They did not answer*; I went in and saw them both suspended to the window. Khalkam was quite dead. Liengpunga was still struggling; I lifted him up, but he expired. I cut down Khalkam. Then I went out and met the Jailor coming up (emphasis mine).⁵²

From the beginning, the enquiry and report accepted the deaths as suicides.⁵³ Possibilities of custodial violence were thus cancelled. This ensured that the government did not have to deal with any (possible) unpleasant questions regarding violence meted out to Lushai (and Chin) insurgents during an expedition. But perhaps one cannot rule out custodial deaths completely. These two chiefs were the two most important and powerful figures in the Western Lushai uprising. They had been involved in the murder of (at least) one white British officer and numerous British subjects. And British frontier governance was never averse to ‘an eye for eye’ kind of ‘exemplary’ justice. Officers in the neighbouring Chin Hills, drawing on the experience of military commissions set up to punish Miri Balich tribes of the northwestern frontier, would often advocate summary executions driven by ‘natural law founded upon the warrant of public safety’. In 1892 the Government of India virtually rubber-stamped the order of B. S Carey, an officer of the Northern Chin Hills, to shoot armed Chins on sight.⁵⁴ Yet the exceptionality of military commissions in the northwestern frontiers or shoot-on-sight orders of armed Chins

⁵¹ When Faulder interrogated the interpreter Lal Singh (a Gurkha), Singh confirmed that he had never heard or overheard the chiefs having any discussion about ropes. *Ibid.*

⁵² *Ibid.*

⁵³ Here I am trying to question the normativity of the archive (how the event is filed in the colonial archive) following Ranajit Guha’s pioneering essay ‘Chandra’s death’. Ranajit Guha, ‘Chandra’s Death’, in *Subaltern Studies V: Writings on South Asian History and Society*, (ed.) Ranajit Guha (Delhi: Oxford University Press, 1987), pp. 135–165. For another fascinating history of normativity upon which ‘Chandra’s Death’ draws, see Michel Foucault (ed.) and Frank Jellinek (trans.), *I Pierre Rivière, having slaughtered my mother, my sister and my brother: A case of parricide in the 19th Century* (Lincoln and London: University of Nebraska Press, 1975).

⁵⁴ E. S. Symes, chief secretary to the chief commissioner of Burma, wondered if some law akin to section 23 of the Punjab Frontier Crimes Regulation IV of 1887 would be useful to constitute for the Chin Hills. Letter from E. M. Symes to Secretary to the Gol, Foreign Department, 20th May 1893, Foreign External A Pros. July 1895, Nos. 122–145, NAI.

⁵⁵ ‘I have arranged with the Officer Commanding that if at any time, or any place, any officer, or sepoy considers that it is desirable to shoot armed men, he should do so, and if he is right or wrong, I shall uphold him.’ Letter from B. S. Carey to Chief Commissioner of Burma dated 14th July 1892, Foreign External A Pros. October 1892, Nos. 161–169, NAI.

were different from the exceptionality of the Bengal Regulation III of 1818. In these hills, on the contrary, the Regulation mediated between the need for direct violence during the expeditions and the requirement for post-expeditionary stability of governance, which was carried out, in many cases, through the very chiefs who were targets of this violence.⁵⁶ There were several Lushai and Chin individuals arrested under the Bengal Regulation III during these expeditions.⁵⁷ Many of them were released depending on the state of affairs in the hills after a few years.⁵⁸ For instance, Lalthuama, a Lushai chief, pre-emptively arrested with his mother Ropui Lieni in 1893 under Bengal Regulation III on suspicion of planning an attack on Lungleh, was set free in 1896.⁵⁹ In his endorsement, Shakespear wrote ‘the utter collapse of Kairuma-Jaduna group has such a good effect on the rest of the inhabitants of the Hills that all thoughts of resisting our authority have been abandoned and I, therefore, recommend that Lalthuama be released under certain conditions’.⁶⁰ Dara Khan, another Chin chief, was released after payment of a fine comprising 50 guns.⁶¹ If the potency of resistance or political presence of the insurgents could be reduced to a minimum, prisoners held under this Regulation could be allowed to return to their worlds under specific conditions. Thangula, the third individual arrested with Khalkam and Liengpunga, was discharged in March 1895.⁶² There is thus not enough material in this colonial archive to make a strong case for custodial deaths of Lushai and Chins arrested under Bengal Regulation III. However, the consequences of

⁵⁶ The policy was to rule through the chiefs to optimize the costs of frontier administration; this is an example of what is called indirect rule in the historiography. Letter from D. R. Lyall Commissioner of Chittagong to GoB 12th January 1890, Foreign External A Pros. August 1890, Nos. 221–227, NAI: ‘for present I think we should...govern through chiefs *recognizing a chief for each village* and not recognizing any one chief as paramount over any tract’; ‘The policy of the Political Officer and his Assistants should be to abstain from avoidable interference with the existing Lushai traditions and customs, but while maintaining the patriarchal powers exercised by the hereditary chiefs to insist at the same time on implicit compliance with their own orders in respect of really important matters. The maintenance of the supremacy of British rule, in such a manner as to admit no misunderstanding among the Lushais affected by it, is quite consistent with the policy of working through the chiefs, and not independently of them.’ From E. A. Gait Sec. to the Chief Commissioner of Assam to the Political Officer, North Lushai Hills, 28th July 1897, Foreign External A Pros. February 1898, Nos. 104–142, NAI.

⁵⁷ Foreign Secret E Pros. June 1894, Nos. 36–40; Foreign Secret E Pros. July 1894, Nos. 167–172; Foreign Secret E Pros. July 1895, Nos. 317–330; Foreign Secret E Pros. September 1894, Nos. 65–67, all NAI.

⁵⁸ ‘Release of Woomki, who was detained under Regulation III of 1818’, Foreign Secret E Pros. April 1897, Nos. 4–6, NAI.

⁵⁹ Foreign External A Pros. October 1894, Nos. 219–225, NAI. One of the conditions of his release was ‘that he shall have no claim to any of his village sites which were formerly his, but which have since arrest been given to others’. John Shakespear, Superintendent of South Lushai Hills, Foreign Political Pros., 27th April 1896, No. 1539, NAI. Ropui Lieni died of ‘old age’ in the prison.

⁶⁰ Foreign Major J. Shakespear to the Commissioner of Chittagong, 23rd March 1896, Foreign External A Pros. May 1896, No. 1539, NAI.

⁶¹ ‘Release of Dara Khan, a Chin Chief detained under Warrant’, Foreign Secret E Pros. May 1895, Nos. 79–82, NAI.

⁶² Foreign Secret E Pros. August 1895, Nos. 261–264, NAI.

deportation under Bengal Regulation III and the potentially deleterious effects of dislocation and isolation on the prisoners was, as we witnessed in the earlier correspondence regarding deportation to Andaman, not unknown.⁶³ In another instance, we find B. S. Carey, an officer in the Chin Hills, commenting on the desolation of Chin captives kept in isolation, 'Chins, like wild dogs, pine in captivity and therefore as much as much freedom and companionship as possible should be arranged for; otherwise, sickness or suicide will soon end the captive's term' (emphasis mine).⁶⁴ Before Thangula's release in 1895, four years after Khalkam and Liengpunga had died in the Hazaribagh prison, these concerns resurfaced. The two suicides had made the government wary. The superintendent of the Hazaribagh Jail, A. H. Nott, sent an anxious missive to his superiors. In a letter, dated a year before Thangula's eventual release, to the inspector-general of jails, D. W. D. Comins, Nott wrote,

...the Lushai Chief Thangula has of late become silent, morose and generally melancholic, and his state has given rise to considerable anxiety both as to his own safety, Suicide being much to be apprehended, and also as to the safety of his warders. This man and the other Lushai chief Dokola has become hopeless at their imprisonment and removal from their families, and I feel certain that sooner or later one or the other will attempt his own life...Thangula of late has refused food except under great pressure.⁶⁵

Nott was not the only one concerned. Colonel Garbett, a deputy commissioner, on one of his visits to the prison, observed, 'The Lushai prisoners seem to need a change as both of them appear to have lost all interest in everything'.⁶⁶ The commissioner of Assam was worried that Thangula, if not released soon, would commit suicide. He urged that 'every effort be made to prevent him from committing suicide as the other two chiefs, Khalkam and Liengpunga who were deported with him, have already done'.⁶⁷ But this concern was not unanimous. Henry Cotton, the chief secretary to the Government of Bengal, responding to

⁶³ A Chin prisoner, Hnaw Sein, died trying escape arrest under Bengal Regulation III. 'The prisoner escaped from police custody...and is reported to have died from exhaustion near the Maw river while attempting to return to the Chin Hills.' From Sec. to the Chief Commissioner of Burma to the Secretary to the Government of India, Foreign Department, 30th October 1894, Foreign Secret E Pros. November 1894, Nos. 256–257, NAI.

⁶⁴ Letter from B. S. Carey, Political Officer of the Chin Hills to E. Symes, Chief Commissioner of Burma, 1st May 1893, Foreign External A Pros. July 1895, Nos. 122–145, NAI. Similarly, Lalthuama who was imprisoned in Chittagong was reported to have 'lost his previously cheerful demeanour and (was) losing weight'. Memo by the Commissioner, Chittagong division dated 18th March 1895, Foreign Secret E Pros. August 1895, Nos. 261–264, NAI.

⁶⁵ From the Superintendent of the Hazaribagh Jail to the Inspector General of Jails, 9th August 1894, Foreign Secret E Pros. March 1895, Nos. 127–133, NAI.

⁶⁶ *Ibid.*

⁶⁷ Letter from Secretary to the Chief Commissioner of Assam P. G. Melitus to the Sec. to the GoI, 21st December 1894, Foreign Secret E Pros. March 1895, Nos. 127–133, NAI.

the chief commissioner of Assam's disquiet, wanted the priorities to be set straight: 'He (Thangula)', wrote Cotton, 'is a dangerous and desperate man and is not to be trusted.'⁶⁸ Any concern regarding the safety of the Lushai prisoner and possible subsequent steps addressing them was conditional: was the prisoner docile enough? Would his presence disrupt the emerging system of governance in these hills?

A. W. Davis, the political officer of North Lushai, assuaged Cotton's concern, 'From a political point of view, his (Thangula's) return to the Hills would not be attended with any danger, as Thangula's village has practically been broken up since the death of his wife in March 1894' (emphasis mine).⁶⁹ Similarly, B. S. Carey's worry that Chin prisoners' 'pining like dogs' would end up killing themselves was qualified by the potential threat the Chin resistance posed. For Carey, much like Cunningham earlier, if certain Chins could be identified as 'condemned criminals' or murderers of British subjects, procedures of arrest through the invocation of Bengal Regulation III could be jettisoned. And he was not alone in thinking like this. A. E. Miller, a senior official in the Foreign Department, discussing the possible replications of military commissions used in Miri-Baluch in Chin Hills, was quick to point out the efficacy of execution as a practice of punishment during an expedition. To this effect, he suggested insurgents 'should be executed at once (that is, as soon as we can seize them and the Commanding Officer is personally satisfied of their identity) red-handed, or not at all...if once you delay till the war is over, you have turned him into a prisoner and waived your right to treat him as a "wasp"' (emphasis mine).⁷⁰ This tussle between the immediate disposability of insurgent lives as 'wasps' and the future utility (and problem) of 'pining dogs' in economies of indirect rule was a central feature of colonial governance in this frontier.⁷¹ Bengal Regulation III played a crucial regulatory role in the dynamic. Once arrested under the Regulation, as long the collective threat

⁶⁸ 'He might commit murder just as Nikwe, a Lushai prisoner of this province in Alipur Jail, did.' From H. J. S. Cotton to the Sec to the Chief Commissioner of Assam, 23rd August 1894, Foreign Secret E Pros. March 1895, Nos. 127–133, NAI.

⁶⁹ Letter from Secretary to the Chief Commissioner of Assam P. G. Melitus to the Sec. to the GoI, 21st December 1894, Foreign Secret E Pros. March 1895, Nos. 127–133, NAI.

⁷⁰ Memo prepared by A. E. Miller, 16th September 1893, Foreign External A Pros. July 1895, Nos. 122–145, NAI. These animal metaphors need to be explored more in relation to the design of such exceptional laws. The concept of pain, and future action predicated on pain (suicide, for instance), were key to distinguishing the human and the animal throughout the late nineteenth- and first half of twentieth-century metropolitan scientific thought. Edmund Ramsden and Duncan Wilson 'The Suicidal Animal: Science and the Nature of Self Destruction', *Past and Present*, No. 224, August 2014, pp. 201–242.

⁷¹ Some Chin prisoners were kept as hostages by the British to leverage Chin populations to give themselves or their captives up. 'The essence of a hostage is the guarantee that he is secure and that his friends are afraid on his account to misbehave.' B. S. Carey, Political Officer, Chin Hills to the Chief Secretary to the Commissioner of Burma, 1st May 1893, Foreign External A Pros. July 1895, Nos. 122–145, NAI. Moreover, recovering captives taken away during raids by Lushai and Chin warring groups played a significant role in the justificatory mechanism of the colonial expeditions. Thus the punishment inflicted or negotiations on the ground often depended on the transaction in captives. For an example, see Diary of D. Ross, Political Officer, Chin Lushai Expeditionary

represented by the individual chiefs was neutralized, there was little need to eliminate them physically. Therefore, prisoners' death of political autonomy did not need to coincide with a physiological death. In most cases, it did not.

How then are we to make sense of Khalkam and Liengpunga's suicides? As far as the military ethnography on Lushai is concerned, the archive is not very generous. John Shakespear, an intelligence officer in these expeditions, who in the early twentieth century (1912) wrote a monograph titled *The Lushei-Kuki Clans*, was considered an authority on the Lushai. He observed some instances of suicide in Lushai communities: 'Suicide is (also) rather common, poison being the usual means chosen. The cause is generally some painful and incurable disease, but very old persons with no one to support them sometimes prefer the unknown future to the miserable present.'⁷² Thomas Herbert Lewin, another civil officer who participated in these expeditions, in his text *Hill Tracts of Chittagong and Dwellers Therein*, briefly referenced the Lushai suicides.⁷³ 'In 1861, they (Lushai) made a raid into British territory and took back cholera with them. This disease excited the greatest terror, so much so, that number of the tribe put an end to their existence by Suicide, blowing out their brains with their own guns on the first symptoms declaring themselves. They called it "the foreign sickness".'⁷⁴ Many of the other documentations on suicide in the official military archives come from testimonies of 'captives' who escaped from raids conducted by the Lushais.⁷⁵ Many of the captives (who were nominally British subjects, not insurgent Lushais), the survivors would allege, killed themselves on the journey. Finally, in their diaries some British officers noted instances where Lushais and Chins would take recourse to 'suicidal strategies', burning their villages to escape an expeditionary force.⁷⁶ Thangula, when confronted by McCabe's unit, had, in fact, resorted to this.⁷⁷

Force, Burma Column, 29th March to 3rd April 1890, Foreign External A Pros. June 1890, Nos. 10–72, NAI.

⁷² John Shakespear, *The Lushei Kuki Clan* (London: MacMillan 1912), p. 2.

⁷³ Thomas Herbert Lewin, *The Hill Tracts of Chittagong and the Dwellers therein: with comparative vocabularies of Hill dialects* (Calcutta: Bengal Print and Company, 1869).

⁷⁴ *Ibid.*, p. 125. Brief as it is, this reference does bring together a triad of germs, guns, and raiding practices. This in turn allows us to open up the social world of the Lushai people as it was violently refigured through colonial intervention. It shows that the act of suicide can be disaggregated to understand the different ways in which colonialism reconfigured these societies.

⁷⁵ Captives were an important currency in any exchange between the British and Lushais. The expeditions were often launched on the pretext of recovering captives taken away in Lushai raids.

⁷⁶ 'It is hard for me to explain the unexpected and insane conduct of the Chins today...not only did the chins burn their own village when we were still a mile off, but they returned and burned the remaining houses which I had spared. To deal with such insane, hopeless, mad men is too difficult to describe. They burn a village some 70 years old to spite us without contemplating the damage they do to themselves; they promise to surrender one week and next week make a most unprovoked attack on us.' Diary of B. S. Carey, Political Officer, Northern Chin Hills, 26th February to 5th March 1890, Foreign External A Pros. June 1890, Nos. 10–72, NAI.

⁷⁷ 'Thangula set fire to his old village in the afternoon, with the idea probably of deterring us from searching the jungle adjacent to it, where he has no doubt concealed considerable property.' Letter from R. B. McCabe, Political Officer, Lushai Hills, to J. W. Quinton Chief Commissioner of Assam, 23rd November 1890, Foreign External January 1891, Nos. 121–134, NAI.

However, it is difficult to build a sociology of Lushai suicides from this disparate material.⁷⁸ Yet at a fundamental level, notwithstanding the opacity of these acts—for there remains an element in them that escapes the operations of historical contextualization—the suicides can be read as specific responses to the transformation wrought in the hills through these British expeditions.⁷⁹ The desolate, depressed, melancholic Chin or Lushai prisoner arrested under Bengal Regulation III, struggling with conditions of imprisonment, did not, as we have seen, go unnoticed in the frontier bureaucracy. But panaceas to such melancholia were always measured against the political benefits of deportation and imprisonment. At the level of bureaucratic reportage, the matter of the suicides was closed after the Government of India vetted Faulder's report. The 'unfortunate' incident flickered for a moment and then faded once it was established that there had been no managerial failure of the prison system. The warrants in the name of these two chiefs then 'ceased to be operative' and were returned to the Government of India. Dead men, it appeared, did not need paper indictments.⁸⁰ But some things somehow persist.

Life

In this section, I will trace the immediate events leading up to the arrest of Khalkam and Liengpunga. We will explore the system of punishment and adjudication that travelled with these British expeditions—the system employed to

⁷⁸ The history of suicide, rather the history of sociology around suicide such as in Emile Durkheim's *Le Suicide* (1897), if one follows a Foucauldian paradigm, is deeply associated with the emergence of the modern individual subject. What happens to this history of modernity if it is transferred to a colonial frontier where populations are primarily defined as 'primitive'? Though outside the purview of the article, this question remains at the heart of my interest in the suicides of Khalkam and Liengpunga. For a Foucauldian reading of Durkheim's work, see Thomas F. Tierney, 'The Governmentality of Suicide: Peuchet, Marx, Durkheim, and Foucault', *Journal of Classical Sociology*, Vol. 10, No. 357, 2010, pp. 357–389. For an analysis of the problem of suicide and modern subjectivity in the post 9/11 world, see Talal Asad, *On Suicide Bombing* (New York: Columbia University Press 2007).

⁷⁹ Older ethnographies which undertook this sort of a project, like Verrier Elwin's *Maria Murder and Suicide*, place a stress on 'internal' causes. Isolating 'internal' causes ignores the deep transformation that colonialism brings about in such societies. Olefunk Abedayo's article on colonial Ibadan does better in accounting for the effects of colonialism, yet his highlighting of the notions of honour within the community as the central cause in explaining a spurt of suicides by certain chiefs of colonial Ibadan does not connect practices of colonialism to changing notions of honour. Jonathan Parry's essay on suicides of workers in Bhilai mines, on the other hand, though in a very different time and context, brings in a repurposed Durkheimian lens to link structural changes in economy and polity to rates of suicide. Verrier Elwin, *Maria Murder and Suicide* (Bombay: Oxford University Press, 1950); Olefunk Abedayo, "Iku Ya J'esin": Politically Motivated Suicide, Social Honor, and Chieftaincy Politics in Early Colonial Ibadan', *Canadian Journal of African Studies/Revue Canadienne des Études Africaines*, Vol. 41, No. 2, 2007, pp. 189–225; Jonathan Parry, 'Suicide in a Central Indian Steel Town', *Contributions to Indian Sociology*, Vol. 46, No. 1–2, 2012, pp. 145–180.

⁸⁰ The paper indictments were important. First, these warrants were issued under the Bengal Regulation III of 1818, the full implication of which we will discuss in the following section. Second, the warrants were in some ways based on testimonies of the indicted. Their death released them of their depositions.

detain, depose, and deport Khalkam, Liengpunga, and Thangula. As we read in the previous section, the provision under which all of this was carried out was Bengal Regulation III of 1818. The details of the enactment and the specific history of its enforcement in the Lushai and Chin Hills I will discuss in the final section. Here my focus will be on the actual practices of adjudication at work, techniques that were later incorporated within the broad purview of this law; in other words, the procedures the British expeditionary forces deployed to deal with insurgent figures. What kind of punishments were imposed on insurgent villages and individuals? What did these punishments seek to enforce and obtain? What notion of accountability from the insurgent chiefs did these punishments demand? These are some of the questions I will address.

As the reader will remember, a particularly severe raid had been carried out in the British district of Chittagong Hill Tracts in 1889. Hundreds of British subjects had been killed and many taken as captives. The raid was one of the immediate causes behind the launch of the British Chin-Lushai expeditions. Liengpunga and Jarak (another Lushai chief) were thought to be the chief instigators behind these raids.⁸¹ There was a suspicion that Khalkam, being the undisputed leader of the 'Western Lushais', was involved as well. However, a preliminary investigation carried out by Hari Charan Sharma in 1889, a Brahman aide of the expeditionary force, who had been awarded the title 'Rai Bahadur' for his services during the expeditions, exonerated Khalkam.⁸² Initially, the British expeditions wanted to detain Liengpunga and punish him for inciting the Chengri Valley raid. Henry R. Browne, the newly appointed political officer of North Lushai Hills, had been explicitly 'instructed to take up and fully enquire into the question of the complicity of Liengpunga in the Chengri Valley raids, and to submit a report on the subject containing any recommendations fitting as to Liengpunga's punishment' (emphasis mine).⁸³ Browne's first job was thus to design a specific punishment that would approximate and account for Liengpunga's actions. The expeditions had a range to choose from: burning (*jhum*) fields of paddy, stored grain, villages, imposition of fines of guns and cattle, extraction of revenue and punitive labour for construction work, along with deposing and deporting guilty chiefs. There was at least one exemplary case where the British political officer on duty had demanded sexual labour from an occupied village.⁸⁴ It had caused a scandal in the upper echelons of the frontier government, forcing senior bureaucrats like Alexander Mackenzie to remind frontier officers of their 'moral' duty as

⁸¹ Khalkam was Sukpilal's son. Sukpilal was one of Lushai chiefs who had been friendly to the British administration from the time of the 1872 expeditions. Khalkam moved away from his father's example and was one of the most important leaders of this rebellion. A lot of the later chiefs professed loyalist British positions, thus there were different strains within the institution of chieftdom. See Zhou, 'Vai Phobia to Raj Nostalgia', pp. 119–142. For Khalkam's genealogy, see Foreign External A Pros. August 1890, Nos. 221–277, NAI.

⁸² 'Translation of a Vernacular Report by Rai Hari Charan Sharma Bahadur', 28th January 1889, Foreign External A Pros. March 1889, Nos. 407–431, NAI.

⁸³ From Secretary to the Chief Commissioner of Assam to Secretary to the GoI, 28th July 1890, Foreign External A Pros. October 1890, Nos. 126–144, NAI.

⁸⁴ Foreign External A Pros. July 1896, Nos. 71–115, NAI.

representatives of the British empire. What I wish to draw attention to here are the multiple techniques at the disposal of expeditionary troops to inflict punishment on insurgent individuals and populations.

The regime of punishment underlined the three stated pillars of governance in these hills: tribute, labour, and disarmament. The annual reports reiterated the centrality of these categories ad nauseam.⁸⁵ Given this context and that Chengri Valley was a particularly egregious raid, the punishment meted out had to measure up to the gravity of the transgression. It was not long before a British expeditionary force led by an officer, W. W. Daly, cornered Liengpunga's village. Once overwhelmed, it was 'burnt and broken by the northern column of the Chin-Lushai force'.⁸⁶ According to British estimates, the loss included 50 *metnas* (Indian bisons), 100 pigs, and 2,000 *maunds* of rice that cumulatively amounted to almost Rs 11,000 worth of property.⁸⁷ Browne, who took over proceedings from Daly, suggested 'Liengpunga and Jarak (should) be deposed from their chieftainships for a term of four years and fined 15 guns'.⁸⁸ This appeared to be a relatively satisfactory resolution. But the Government of Bengal (GoB) was not happy. Acting as the aggrieved party (CHT, though a non-regulation district by this time, was under the authority of the GoB), they had pressed for 'extreme' punishment for the perpetrators of the Chengri Valley raid (indefinite deportation). They found Browne's four-year deposition and 15 guns fine mild compared to the destruction caused by the raid. The Assam government, however, considered the complete destitution of Liengpunga impolitic. Quinton, in his report to the GoI, claimed jurisdiction,

The Bengal Government originally pressed for severe charges on account of his complicity in the Chengri Valley raid, and I endeavoured to meet their wishes to the extent already reported, that is, so far as I felt, warranted by administrative considerations, but at the same time, I felt that as the responsibility for the administration of North Lushai land where Lengpunga lived and had great influence, rested with me and not with them, I was not bound by their suggestions so far as to throw serious obstacles in the way of our obtaining the influence of the Chiefs

⁸⁵ Foreign External A Pros. October 1893, Nos. 1–7, NAI; Foreign External A Pros. October 1894, Nos. 219–225, NAI; Foreign External A Pros. September 1895, Nos. 76–79, NAI; Foreign External A Pros. October 1896, Nos. 28–35, NAI; Foreign External A Pros. November 1897, Nos. 1–3, NAI.

⁸⁶ From J. W. Quinton Commissioner of Assam to W. J. Cunningham Chief Secretary of GoB, 25th August 1890, Foreign External A Pros. October 1890, Nos. 126–144, NAI.

⁸⁷ From Captain H. Browne, Political Officer, North Lushai Hills, to the Secretary to the Chief Commissioner of Assam, 14th June 1890, Foreign External A Pros. October 1890, Nos. 126–144, NAI.

⁸⁸ Roger McCabe, political officer of the North Lushai Hills after H. R. Browne, underlined the importance of fines paid in guns, 'It represents so much wealth accumulated by labour, is utilized in increasing that wealth, and can always be converted into food...the disarmament of the people in my opinion can only be effected gradually by adopting a plan which proved successful in the Naga Hills, i.e. issuing a certain number of licenses to each village and punishing severely all persons found in the possession of unlicensed arms.' Report to the expedition to the Eastern Lushai Hills, Foreign External A Pros. January 1892, Nos. 51–61, NAI.

necessary for the speedy introduction of control and I think the question we have to now deal with should be decided on this principle.⁸⁹

Control of the hills demanded a modification of punishment. Extreme force pushing Liengpunga into desperation would, according to Quinton, undermine all the gradual work that Browne had been doing to elicit revenue and labour from the chiefs. Khalkam and Liengpunga were prominent figures who commanded the obedience of a substantial Lushai population.⁹⁰ If the GoB's plan of action were to be followed, all possible assistance rendered in revenue and labour would be blocked.⁹¹ Moreover, Browne suggested that, unlike the Nagas, the Lushais had demonstrated an ability to act in concert. This, in turn, could make their resistance to British forces formidable.⁹²

Browne summarized the situation when he wrote, 'I think the whole matter resolves itself into the simple question, whether, in view of the extreme heinousness of his offence, the punishment of Liengpunga is of more importance than the settling of the country.'⁹³ And his opinion carried weight as officers like him were given extensive discretionary power in dealing with the frontier tribes.⁹⁴ But in this particular case, the Bengal government was not too pleased. They wanted 'absolute destruction'.⁹⁵ A new development aggravated their discontent. As Browne explored the site of Liengpunga's old village, he found two new villages, each consisting of 200–300 houses. This discovery complicated things. Had Liengpunga built two new villages *after* the terms of the punishment had been pronounced and set? That would be a direct breach of the terms of punishment. When Browne questioned Liengpunga's

⁸⁹ From J. W. Quinton Commissioner of Assam to W. J. Cunningham Chief Secretary of GoB, 25th August 1890, Foreign External A Pros. October 1890, Nos. 126–144, NAI.

⁹⁰ *Ibid.*

⁹¹ This was already happening according to Browne. 'An example of the way which they do combine is even now before us; they have decided that we are not to get any labour, and the result is that at present we cannot get a single man for any kind of work.' Letter from Captain H. R. Browne to the Secretary to the Chief Commissioner of Assam, 4th August 1890, Foreign External A Pros. October 1890, Nos. 126–144, NAI.

⁹² This, as we have observed earlier, was a threat from the Chin side as well. Foreign Secret E Pros. June 1888, Nos. 165–187, NAI; Foreign Secret E Pros. July 1888, Nos. 162–167, NAI; Reid, *Chin Lushai Land*, p. 235.

⁹³ Letter to Quinton from Browne, 4th August 1890, Foreign External A Pros. October 1890, Nos. 126–144, NAI.

⁹⁴ 'The Lieutenant Governor...would insist very strongly on the inadvisability of any attempt to bind down the Political Officer by too definite instructions. A large discretion must always be left to such officers in carrying out a general policy indicated to them by their superiors, and instructions which are too closely defined are more likely to hamper than to assist them in dealing with emergencies as they rise. In pursuance of these views, His Honour is strongly opposed to the prescription of any definite punishment for offenders and would much prefer to leave the officers on the spot to deal with such cases of disobedience as may occur in the way that seems to them the best in accordance with the general policy of the government.' From Edgar to Commissioner of Chittagong, 19th April 1890, Foreign External A Pros. August 1890, Nos. 221–277, NAI.

⁹⁵ I borrow the phrase 'absolute destruction' from the title of Isabell Hull's book. Isabell V. Hull, *Absolute Destruction: Military Culture and the Practices of War in Imperial Germany* (Ithaca and London: Cornell University Press, 2005).

representative *mantri* about the new sites, he replied, ‘when you passed the sentence, he (Liengpunga) thought his case was settled and accordingly rebuilt his villages’.⁹⁶ For Browne, no such ‘misunderstanding’ of the terms of punishment was possible. In his letter to Quinton, he iterated that his instructions were ‘repeatedly explained and simple in nature’. Any new village built within four years of the pronouncement of the punishment would be burnt to the ground. In his report to the chief commissioner, he wrote, ‘It now appears that they (the Lushais) only promised (to understand and abide by the punishment) in order stave off further punishment at the time and that they probably saw no third course between promising and getting Lengpunga’s new villages at once destroyed.’⁹⁷

We can begin to glimpse here a gap between the proclamation of punishment (by British officers) and the comprehension of the terms it entailed (by the Lushai groups). These were nagging concerns for frontier governance: did the Lushais and Chins (mis)understand the meaning of punishment?⁹⁸ Or were they feigning incomprehension to manipulate the frontier governance? How far could these (mis)understandings be tolerated and negotiated? How much should be invested in this uncertain pedagogy of punishment?

To give readers a context, British political officers during and after expeditions often used mass gatherings with chiefs—*durbars*—as sites of negotiations and new proclamations. This practice was given credence by the success Thomas Herbert Lewin, the deputy commissioner of Chittagong Hill Tracts, had ostensibly achieved in dealing with the tribes of CHT in the late 1860s. During and after the 1872 Lushai expedition, these *durbars* became the definitive site of encounters between British officers and Lushai chiefs where oaths of ‘friendship’, terms of peace, proclamations of punishment, and conditions of trade were undertaken.⁹⁹ These sites became points of contact and rudimentary contracts between the Lushai tribes and the frontier administration. Nevertheless, they were unstable spaces susceptible to the vicissitudes of communication. For instance, when D. Ross, assistant commissioner with the

⁹⁶ From Captain H. R. Browne to Sec. Chief Commissioner of Assam, 4th August 1890, Foreign External A Pros. October 1890, Nos. 126–144, NAI.

⁹⁷ *Ibid.*

⁹⁸ Apprehensions around comprehension can be traced back to the 1872 expedition and earlier. The officers often lamented the fact that the Lushais did not have any understanding of the ‘political’. John Ware Edgar, an officer of the Cachar establishment in 1872, wrote in one of his reports that the Lushais did not comprehend that the power in Cachar and the power in Chittagong were the same.

⁹⁹ The encounters during the expeditions were different from the peacetime *durbars*. There are numerous instances in the different records that show that negotiations during these expeditions were tense. These were sites where information was acquired, terms and fines imposed, gifts exchanged, etc. Gifts had an important role in these negotiations. Foreign External B. Pros. April 1896, Nos. 3–5, NAI; Satadru Sen calls these ‘zone(s) of imprecise translation, unpredictable exchanges and a continuous attempt to compensate for imprecision and unpredictability’. Satadru Sen, *Savagery and Colonialism in the Indian Ocean: Power, Pleasure and the Andaman Islanders* (New York, London: Routledge 2010), p. 10. For the foundational conceptualization of such sites of encounter, see Richard White, *The Middle Ground: Indians, Empires and Republics in the Great Lakes Region 1650–1815* (Cambridge: Cambridge University Press, 1991), pp. 50–93.

southern column of the Chin-Lushai expeditionary force, tried to make the besieged Yokwa Chins accept the terms of peace, he was frustrated by a lack of response. When, finally, some Yokwa Chin representatives did come up to his camp, they claimed, 'that they did not get any our proclamations, moreover, there is no one in Yokwa who can read Burmese'.¹⁰⁰ For the assailed chiefs, the promise of contact/friendship and contract could often be subverted by expeditionary forces. There were instances where chiefs would be seized during meetings.¹⁰¹ W. W. Daly, the officer who captured Liengpunga's village, and H. R. Browne, who was responsible for the subsequent negotiations, had to deal with Liengpunga's pronounced reluctance to come and participate in these sites of proclamation. At the early stages of negotiations, Browne insisted that Liengpunga's punishment would not be announced if he did not present himself in one of these *durbars*. In response, Liengpunga's representatives urged Browne to complete the ceremony of oath-taking. Browne was not keen, 'I do not at all approve of the ceremony of taking the oath; I shall tell them they *must learn to take my word*' (emphasis mine).¹⁰² How was Browne's authority and presence different from Daly's, the *mantri* asked in reply. Political officers of the Chin Hills side shared Browne's discomfort. D. Ross, describing an oath-taking ceremony with Haka chiefs, wrote, 'It maybe said that the swearing friendship with the Chins is hardly compatible with our position in their country, and that instead of mutual swearing, we should dictate, and they should promise'.¹⁰³

Meanwhile, Liengpunga hedged and stalled, and remained reluctant to make himself available for a meeting. He had good reasons to. In *durbars*, the voice of

¹⁰⁰ 'Of course it is not certain that the Yokwas have anyone who can read this notice but there is a chance that amongst their captives such a person may be found.' Diary of D. Ross, 4th January to 7th January 1890, Foreign External A Pros. March 1890, Nos. 106–171, NAI. The translators or *dubhasis* were key brokers in these transactions and could use their position to gain benefits from the colonial state. Yet for this very reason they were targets of insurgent groups. For instance, 'Loncheva and Pavunga who had murdered an interpreter named Shotingkara in March 1892 was tried by Captain Shakespear and convicted and sentenced to transportation for life.' From H. J. S. Cotton, Chief Secretary GoB to Sec. to the GoI, Foreign External A Pros. 10th August 1894, NAI; 'The criminality of Lonchova if proved is far greater than that of Dokola.' From Commissioner of Chittagong to Chief Secretary of Bengal, 18th September 1893, Foreign External A Pros. July 1895, Nos. 122–145, NAI. For a fascinating history of a Lushai translator manoeuvring the promises and perils of this moment, see 'Autobiography: The Story of Dara, Chief of Pukpui', OIOC, MSS Eur E, 361/4,f.2, British Library.

¹⁰¹ For instance, V. W. Treager, Leader of the Chittagong Column, arrested Vantura when he came down to negotiate in his camp. Diary of V. W. Treager, dated 10th February 1890, Foreign External B Pros. March 1890, Nos. 128–131, NAI.

¹⁰² From Captain H. R. Browne to Sec. Chief Commissioner of Assam, 4th August 1890, Foreign External A Pros. October 1890, Nos. 126–144, NAI.

¹⁰³ The description of the ceremony provides a fascinating glimpse into possible material histories of such contracts/contacts; the terms of condition set by the British forces were written down on a piece of paper. The Haka Chins burnt this piece of paper and put the ash into a mixture of rum with 'Chin liquor' and drank it. Diary of the Political Officer, Chin Lushai Expeditionary Force, Burma Column, 2nd to 6th March, Foreign External A Pros. June 1890, Nos. 10–72, NAI. Interestingly, alcohol complicated the desired sobriety the colonial officers were looking for in these interactions.

the British officer appeared to be the loudest. Even when not directly apprehended, the chiefs often found themselves at the end of a particular expeditionary procedure in these interactions: depositions/confessions. For instance, when Liengpunga had earlier arrived at a camp on 9 February 1890, a statement or deposition was recorded by W. W. Daly, the inspector-general of police (this was later repeated to Browne). This statement then served as ‘confession to his “complicity”’ in the recent raids. He was caught between two meanings of the word ‘depose’: first, he was forced to provide a statement of confession, which would then be used as evidence of his collusion in the raids. Second, based on this statement, he would be removed from a position of authority and deported from the hills. On the one hand, the act of providing a ‘deposition’ or a statement of ‘confession’ codified Liengpunga as the guilty party, while on the other, this very act enabled his deportation from the hills.¹⁰⁴ Yet when one comes across Liengpunga’s deposition, it does not read like a confession at all. ‘I was not aware that the village was in British territory, but I thought it was in Hill Tipperah...when the Chengri valley people settled there, about the year of the great earthquake (1869), we told them not to remain, as it was our hunting ground, and that if they persisted, we would attack them.’¹⁰⁵ The question of (mis)understanding—in this case, the territoriality of colonial governance—frames his statement. He then moved onto other concerns relating to a time *after* the Chengri valley raid; he was unhappy with his dealings with an agent of the neighbouring princely state of Tripura. This agent had come down to negotiate the release of some of the captives and borrowed money from him and his subjects, promising to pay interest on the loans.¹⁰⁶ This money was not paid. He felt cheated.¹⁰⁷ In other words,

¹⁰⁴ ‘Lengpunga’s deposal will not only be a severe punishment to the man himself, but will effectually dispel any suspicion among the people that our action in not persisting in his surrender is due to weakness.’ Captain H. R. Browne, Political Officer, Lushai Hills, to the Secretary Chief Commissioner of Assam, 14th June 1890, Foreign External A Pros. October 1890, Nos. 126–144, NAI.

¹⁰⁵ Statement made by Lengpunga at Camp No. 12, outside Lenpunga’s punji on the 9th February 1890, *ibid.*

¹⁰⁶ Captive exchange played an important justificatory role in the British expeditions. Most negotiations with the tribes insisted that captives taken away during a raid be returned. It was framed as the problem of slavery in these societies but often on-the-ground experience complicated clear categories of captives. For instance, some of the captives did not seem too eager to return with British forces. D. Ross, the political officer with the Burma column, writes of one such instance where, ‘the Tantin headmen have brought in the other three Burmese captives, Nga Mè Gyin, Nga Kan, and Ma Le of Kôkko in Kale. The two men were taken away when they were very young and do not know anything about their history. They are both married and comfortable in Tantin and they do not wish to return to Burma. The woman was also raided from Kôkko when a child and she does not remember any Burmese. She has a Chin husband, by whom she has had five children and does not wish to get back to Burma.’ Diary of D. Ross, Political Officer, Chin Lushai Expeditionary Force, Burma Column, 4th March 1890, Foreign External A Pros. June 1890, Nos. 10–72, NAI. The complexity of the problem of slavery in Lushai societies manifested later in the institution of *bawi*. Indrani Chatterjee, ‘Slavery, Semantics and the Sound of Silence’, in *Slavery and South Asian History*, (eds) Indrani Chatterjee and Richard M. Eaton (Bloomington and Indiana: Indiana University Press, 2006), pp. 287–315.

¹⁰⁷ Some details of this can be found in a letter penned by the deputy commissioner of Cahcar. The calculation and negotiations can be clearly gauged from the quote ‘Lengpunga’s own account

Liengpunga's statement, in addition to the question of (mis)understanding British territoriality, evoked other transactions that took place around raiding economies in which the frontier government and the neighbouring princely states were participants.¹⁰⁸

of the Chengri Valley raid appears to be as follows: While Zarok ruled a separate village, he laid claim to the land of the Chengri Valley people, and informed them that, inasmuch as they were not tributary either to the British Government, or to the Maharajah of Tipperah, he intended to assert his rights to their lands as an elephant-hunting ground. Shortly, after this, some of the Chengri Valley Kukis hovered about Zarok's jhum cultivation and scared his women and children. Zarok took counsel with his brother, Lengpunga, who (he candidly admits) advised him that it was his bounden duty to subjugate the Kukis, and for that purpose lent him some of his young men. Lengpunga admits that eight souls, seven women and a boy were released two months ago, being ransomed by a "jemadar from chittagong". He says this person paid Rs. 185 in cash and promised to pay Rs. 515 subsequently; the latter sum to be treated as a loan from Lengpunga to him at the rate of 10 per cent. Per mensem. He (Lengpunga) has received no money subsequently and says that, if more money be not forthcoming in two months' time he will raid again. At least such is the report of my informant, who seems to have been much impressed by the Chief's truculent demeanour. Our messengers were allowed free access to the captives who gave them a full account of how they were captured and carried off. They as well as their captors are suffering considerably from scarcity of food—they more than the Lushais, however inasmuch as they are not accustomed to Lushai messes of jungle leaves etc. In other respects they appear to be treated fairly well. They give a deplorable account of the journey to Lengpunga's village after they were taken captives. The babies of nursing women (who could not carry other loads than their children) were taken from them and butchered before their eyes. When they got to Lengpunga's village, seven of them were sacrificed in the presence of the rest, and then (repeating the action) 'we put our hands to our eye lest we should see any more'. So their words are reported to me. Lengpunga sturdily refused to let any captives go. The Deputy Commissioner of Cachar was "his father" and so forth but the Chengri Valley affair had cost him Rs. 3,300, and if that sum were not paid, he was not going to let his victims go. These, according to his own account are 55 in number, but the Kukis themselves say that they know of 70 still surviving and think there may be more in confinement of whom they know nothing.' Letter from J. D. Anderson, Deputy Commissioner of Cachar to Secretary to Chief Commissioner of Assam, 13th July 1889, cited in Reid, *History of the Frontier Areas Bordering Assam*, p. 9.

¹⁰⁸ This was true for Khalkam as well. Three markets had been set up after the 1871–72 expedition and Khalkam took responsibility for the protection of trade that went on in it, in return for an amount of money. This was variously known as *siddha* or *posa*. In 1884, a decade later, we can trace discussions around the feasibility of such a system. 'The system of subsidizing frontier tribes has certain advantages. It ought to secure some communication being kept between us and them, and some information being procured as to their feelings and intentions, and it does to a certain degree work in this direction in the case of the Bhutias, the Akas, the Daflas, the Miris and the Abors. But it did not procure for us any warning of the sudden and unexpected Aka raid which occurred last November, and it has undoubtedly tended in the case of Akas and the Abors to create a feeling of pride and self-importance which does not tend towards peace. The subsidy or *posa* system does not exist in case of Mishmis, Khamptis, Singhpos, or many of the Nagas, and it cannot be said that our relations with them are more strained or our information more defective than in case of tribes along the northern frontier. For these reasons Mr. Elliot, does not propose to abolish the *posa* system where it exists, but rather to utilize and improve it, he would not willingly extend it where it does not as yet exist.' Letter from the Chief Commissioner of Assam to the Sec. to the GOI, 28th July 1884, Foreign External A Pros. October 1884, Nos. 376–382, NAI. Note that *posa* has a complicated history in the northeastern frontier. This version of *posa* referenced in the above quote is akin to the payments the British were giving the Abors in the 1860s in return for maintaining a line of control. For the multiple tracks of *posa*, see Bodhisattva Kar, 'Framing Assam: Plantation Capital,

The deposition thus carried within it the imprints of unequal, unstable, but still possible negotiations the *durbars* offered. However, for sections of the frontier bureaucracy and officers on the ground, these declarations increasingly allowed them to hold chiefs like Liengpunga and Khalkam singularly accountable for acts of violence. So D. R. Lyall, commissioner of Chittagong, could write, ‘at present human life, except that of a chief, is of the very smallest value, and one of the most necessary lessons is to teach these men that it has a value. This can be best done by taking the only life that at present has any value...the first raiding chief must be executed in the most public way possible.’¹⁰⁹

Removed from the political and economic context of shifting contracts and contacts, and transformed into chapters of object lessons in the ‘value of life’, these documents thus generated new (mis)understandings.¹¹⁰ This is what I call the uncertain pedagogy of punishment: did the chiefs understand the consequences of their confession? Did they comprehend the calculus of accountability the depositions represented? The difficulty in answering these questions with any certainty is profoundly evident in Khalkam’s statement. In the recorded deposition given to Roger McCabe, Khalkam tried to make sense of raiding violence as a response to the extractive economies of frontier governance:

I took the oath of fealty with Browne Saheb, and he told us that we would have to pay revenue. We did not like this and subsequently when Leipung, a mantri of Lenkhunga told me (Khalkam’s deputation accused Changkunga chaprasi of giving the wrong information that excited the rising) that he had heard the Saheb was going to collect revenue from the Western Lushai first, and then from the Eastern Lushais and that we would not even be allowed liberty to hunt in the jungles. I lost my head and resolved to fight. We came definitely to the resolution about the 1st September (Khama says one month prior to the outbreak.) A meeting was held in my *Jolbuk* (guest house) at which representatives from Thangula, Thanruma, Lenkhunga, Lalrihma, Minthang and Rankupa were present.¹¹¹

Metropolitan Knowledge and a Regime of Identities’, PhD thesis, Jawaharlal Nehru University, 2008, pp. 111–125.

¹⁰⁹ Foreign External A Pros. August 1890, Nos. 221–277, NAI. The figure of the chief had been utilized as a measure of value earlier as well. In the early 1880s, after a severe famine in the Lushai Hills, the British had provided some relief to the Lushais. The administration made Khalkam stand as surety for the amount of debt owed to the government. Foreign External A Pros. October 1884, Nos. 376–382, NAI.

¹¹⁰ Did the Lushais (and Chins) understand value at all? The frontier administration was often troubled by this question. For example, during the boom in the rubber trade in the hills in around 1870s, John Edgar, the deputy commissioner of Cachar, was constantly worried that the Lushais did not understand the costs of producing rubber and were being short-changed by the merchants at Silchar and Calcutta. This discussion I have tracked elsewhere: Anandaroop Sen, ‘Elastic Exchanges: Rubber Trade in the Lushai Hills in the Late Nineteenth Century’, Full Day Symposium Submission ‘Land Questions: Agrarian and Material South Asia’, 47th Annual Conference on South Asia, University of Wisconsin-Madison, 2018.

¹¹¹ Statement of Khalkam Raja made before R. B. McCabe, Political Officer, North Lushai Hills, 23rd November 1890, Foreign External A Pros. January 1891, Nos. 121–134, NAI.

Yet when Khalkam confessed or, as McCabe put it, ‘made a clean breast’ of all his ‘crimes’, he did not seem to comprehend the function of his confession. In a curious, almost poignant, conclusion, McCabe wrote in his report, ‘after having made a clean breast of his misdeeds Khalkam mildly suggested that he intended to return to his wife and family and seemed somewhat surprised when I told him that he would have to accompany me to Aijal’.¹¹² One can imagine how this might have seemed to be an entirely reasonable assumption for Khalkam to make. As I mentioned earlier in this section, an initial investigation in the Chengri Valley raid conducted by Hari Charan Sharma, the trusted Brahman aide of many British officers in these hills, had absolved Khalkam of any guilt. Could Khalkam have thought of McCabe’s trial as one of the many ongoing (unequal) dialogues he had been having with the frontier government for more than two decades?¹¹³

However, the political landscape had shifted again. The ‘moderation’ that the Assam government had been arguing for had been tossed aside with Browne’s death. McCabe could now pronounce with confidence

annexation is the only policy that can be adopted with the Lushais, Suktis, Paithe Kukis, Kamhows and Naga tribe that for years acted as an irritating ulcer between Assam and Burma. The only way to impress these tribes with a notion of our strength and the utter futility of resistance is to camp in their villages, collect concealed property from adjacent jungle, destroy their crops and hunt them down with small detached parties until they see that time is no object to us and that full submission is the one resource left to them.¹¹⁴

The Scheduled District Act under which the Lushai and Chin districts were eventually incorporated into the British empire reiterated some of the paternalistic assumptions of Inner Line (Bengal Eastern Frontier Regulation of 1873) politics: protect the tribal groups from the rapacity of the valleys and plains.¹¹⁵ Yet, the punitive strategy that McCabe’s quote represents was always available as a technique of governance.¹¹⁶ The ostensible paternalism of Scheduled

¹¹² Foreign Department 1890, Foreign External A. Pros. October 1890, Nos. 126–144, NAI.

¹¹³ Khalkam had been in conversation with British officers in different capacities since at least 1871. Letter from J. W. Edgar, Deputy Commissioner of Cachar to the Commissioner of Dacca Division, 6th March 1871, Proceedings Military Department Lushai Expedition 1872, NAI.

¹¹⁴ From R. B. McCabe, Political Officer to the Secretary of the Chief Commissioner of Assam, 11th June 1891, No. 89, Foreign External A Pros. January 1892, Nos. 51–61, NAI.

¹¹⁵ The Bengal Eastern Frontier Regulation of 1873, commonly known as the Inner Line, was an effort by the British state to ‘originally fence off the tea plantations, which were frequently attacked by “tribesman” protesting their dispossession’. Baruah, *In the Name of the Nation*, p. 119. On the flexibility of this line, see Bodhisattva Kar, ‘When was the Postcolonial? A History of Policing Impossible Lines’, in *Beyond Counter-Insurgency: Breaking the Impasse in Northeast India*, (ed.) Sanjib Baruah (New Delhi: Oxford University Press 2009), pp. 49–77.

¹¹⁶ A regulation called the Chin Hills Regulation of 1896 was designed for the Chin Hills. Sections 14, 15 and 16 of this Regulation retained much of the power Bengal Regulation III of 1818 had granted the administration during the expeditions. For instance, a recalcitrant Chin could be deported without trial if the Superintendent deemed so, for Lushai Hill district, Bengal

Districts carried within it the methods of exemplary violence which, if need be, could be activated. The legal form of this was Bengal Regulation III, the focus of our final section.

Afterlife

In this section, we will look at the life of Bengal Regulation III in some detail. Khalkam and Liengpunga's case, I will argue, featured in, and shaped the debates around, the implementation of Regulation III in Lushai and Chin Hills centrally. In this sense, I invoke the category of afterlife as it helps me track the future circulation of these cases in the frontier administration. The life of the law and the lives (and deaths) of individuals moulded by this law thus come together. Let me begin then with the actual Regulation.

Whereas reasons of state, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in territories of native princes entitled to its protection and security of the British dominions from foreign hostility and internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper (emphasis mine).¹¹⁷

A. W. B. Simpson, in his study of 'administrative detentions without trial', singles out Regulation III of 1818 as one of the earliest examples of preventive detention provisions used in the British empire. Ujjwal Kumar Singh, mapping a genealogy of exceptional laws in India, gives us a short history of the Regulation:

Originating in the first quarter of the nineteenth century the Bengal Regulation III of 1818, the Madras State Prisoners Regulation II of 1818 and the Bombay State Prisoners Regulations XXV of 1827 were designed to meet the needs of the expanding Company rule. These regulations were enacted against the background of British expansion during the early 19th century, particularly the Anglo-Nepalese war of 1814 and the Anglo-Maratha War of 1818.¹¹⁸

Regulation III was retained as one of the Acts to be in force for the hills, something we will see in the next section. For an interesting account of the politics of commodity extraction that was the objective of the Inner line, see Aparajita Majumdar, 'The Colonial State and Resource Frontiers: Tracing the Politics of Appropriating Rubber in the North Eastern Frontier of British India', *Indian Historical Review*, Vol. 43, No. 1, 2016, pp. 1–17.

¹¹⁷ See Ujjwal Kumar Singh, 'Penal Strategies and Political Resistance in Colonial and Independent India', in *Challenging the Rule(s) of Law: Colonialism, Criminology and Human Rights*, (eds) Kalpana Kannabiran and Ranbir Singh (New Delhi: Sage, 2008), p. 236; Regulation III, 7 April 1818, India Office Records, V/8/19, British Library.

¹¹⁸ See Ujjwal Kr. Singh, 'Penal Strategies and Political Resistance in Colonial and Independent India', in *Challenging the Rule(s) of Law: Colonialism, Criminology and Human Rights*, (eds) Kalpana Kannabiran and Ranbir Singh (New Delhi: Sage, 2008) p. 236.

The Regulation was not repealed at the end of the Company rule. Throughout the late nineteenth and well into the twentieth centuries, it was extended to different parts of British India.¹¹⁹ Furthermore, it functioned as a template for emergency regulations in other parts of the empire. For instance, in the 'second half of the nineteenth century, the Bengal Regulation was temporarily transferred to Ireland, supplanting earlier techniques, such as martial law and the suspension of habeas corpus'.¹²⁰ Throughout the 1890s it was extensively used in the Lushai and Chin Hills during military expeditions to arrest insurgent individuals like Liengpunga and Khalkam. It was redeployed to arrest rebels during the Anglo-Kuki war in 1917–19.¹²¹ In this sense, Liengpunga, Khalkam, and Thangula's stories are a part of a broader history of Bengal Regulation III's wide travel and deployment across the empire, both within and without South Asia.¹²² It speaks to the chequered history of the rule of law in the colonies, the nature of which, as Nasser Hussain puts it, was 'a combination of contrary impulses' between 'political exigencies and legal rule'.¹²³ While this connects Khalkam and Liengpunga's stories to broader historiographies, in this section, we will recount a specific history of the Regulation in this frontier. How did these cases shape the discussions around the use of Regulation III in the Lushai and Chin Hills?

To begin to understand this, we must follow the story of another Lushai chief, Dokola. Readers might remember him from the first section. In 1894 he was still imprisoned at Hazaribagh jail with Thangula, showing what A. H. Nott, the superintendent of the Hazaribagh Jail, in a letter to his immediate superiors, called 'hopelessness'. Thangula and Dokola's desolation 'at their imprisonment and removal from families', Nott worried, would soon lead them to suicide. Two years before this, in 1892, a year after Khalkam and Liengpunga's deaths, Dokola, a chief of the South Lushai Hills, was accused of killing two members from the neighbouring Klangshai clan. Dokola was the brother of Vantura, a Lushai chief living close to the Fort Treager, a British base in South

¹¹⁹ In the 1920s it was extensively applied in Bengal to counter-revolutionary activities. See A. W. B. Simpson, 'Round up the Usual Suspects: The Legacy of British Colonialism and the European Convention of Human Rights', *Loyola Law Review*, Vol. 41, 1996, p. 635.

¹²⁰ Ibid.

¹²¹ Questions similar to the one we discuss here re-emerged during the 1917–19 Anglo-Kuki War: Should the Kuki insurgent leaders be dealt with as murderers and subject to capital punishment or life deportation, or should they be treated as political prisoners? The chief commissioner of Assam suggested the Kukis were 'enemies in arms' rather than murderers. Bengal Regulation III was suggested as the solution to this conundrum. See Jangkhamong Guite, "Fighting the White Man till the Last Bullet": The General Course of the Anglo-Kuki War', in *The Anglo-Kuki War, 1917–1919: A Frontier Uprising Against Imperialism during the First World War*, (eds) Jangkhamong Guite and Thongkhola Haakip (New Delhi: Routledge India, 2020), pp. 60–61.

¹²² Benjamin Hopkins tracks a similar movement of the Frontier Crimes Regulation of 1872 used in the North Western Frontier. Benjamin D. Hopkins, 'The Frontier Crimes and Regulation and Frontier Governmentality', *The Journal of Asian Studies*, Vol. 74, No. 2, May 2015, pp. 369–389; B. D. Hopkins, *Ruling the Savage Periphery: Frontier Governance and the Making of the Modern State* (Cambridge, MA: Harvard University Press, 2020).

¹²³ Hussain, *The Jurisprudence of Emergency*, p. 7.

Lushai Hills. Vantura had been attacked by people from the neighbouring Klangshai clan and died from the injuries he sustained.

The reason behind this eruption of violence, Robert Hutchison, the officer on the ground, surmised, was interclan feuding. Vantura had raided the Klangshai clan on multiple occasions and had often tried to 'levy blackmail'. This led the Klangshai clan to attack Vantura. Vantura's death, in turn, made Dokola retaliate. He killed two people from that clan and put their heads on Vantura's tomb. This series of events fell in line with the expectations of colonial officers in the region who would continually stress the irrationality of Lushai (and Chin) violence. These murders, seen through such a lens, were nothing more than examples of indexical crimes of a savage people. A people who, as far as frontier governance was concerned, were quintessentially defined through the violence of raiding. If anything set this incident apart, it was the timing of Dokola's violence. According to Hutchison, Dokola had been given adequate warning to cease engaging in any hostilities. To 'prevent disturbances', Hutchison had stationed himself at Vantura's village, but Dokola had gone missing. Despite being prohibited from undertaking any act of retributory violence on account of Vantura's death, Dokola had gone ahead and done so.

As we witnessed in Liengpunga's case in the earlier section, committing an act of violence *after* British officers had intervened in the situation in some way generated a set of anxieties in the frontier governance. It deepened the act of violence, while creating concerns around the translatability of colonial proclamations. Following established practices of punishment, Shakespear, the superintendent of South Lushai Hills, asked Hutchison to impose a heavy fine in grain and cattle on the occupied village. Additionally, he was to hold the village until the fine was paid in full. On the morning of 18 February, Hutchison marched to the village and apprehended Dokola. In a court held by Shakespear in front of an assembly of chiefs, Dokola seemingly confessed to the murders. Following this, W. B. Oldham, the commissioner of Chittagong, wanted Dokola to be hanged 'before an assemblage of the Klangshai, Tlang and Molienpui'.¹²⁴ But familiar doubts that plagued the regimes of punishment resurfaced. Dokola (in his statement to Shakespear) claimed he was ignorant of Hutchison's prohibition against reprisals. 'I did not know why the Saheb fined my village and Vantura's, nor did I hear anything about my not raiding again or avenging my brother.'¹²⁵ Based on this 'evidence', Shakespear requested Oldham to reconsider the initial order of execution.

Oldham relented. Instead, Shakespear was to send Dokola to Chittagong. He was to announce to the assembly that Dokola was being deported for life. However, even after Dokola was transferred to a jail in Chittagong, an arrest warrant was still pending. Moreover, it was not altogether clear on what legal grounds Shakespear had conducted the trial. This was a persistent glitch

¹²⁴ Letter from W. B. Oldham, Commissioner of Chittagong to the Chief Secretary to the GoB, 26th April 1892, Foreign External A Pros. July 1895, Nos. 122–145, NAI.

¹²⁵ No. 125 Proceedings of a Court held by Captain J. Shakespear, Superintendent, Foreign External A Pros. July 1895, Nos. 122–145, NAI.

in the system of legal accounting during these expeditions. When a political officer travelling with an expeditionary force on the ground conducted a trial and sentenced a Lushai or Chin chief, what legal authority was he exercising? We will come back to this question later in this section. The Government of Bengal, very much aware of the informality of the proceedings that had brought Dokola to the Chittagong prison, wanted to redress the anomaly by releasing a formal warrant under Regulation III of 1818. The Government of India responded to this request with a certain amount of circumspection. And here we can begin to trace the specific problems of using Bengal Regulation III in the Lushai and Chin Hills. Sir Mortimer Durand, foreign secretary of India, in a worried letter to H. Cotton, secretary to the Government of Bengal, wrote: 'I am desired to ask if no other way is open for disposing of this case. The Regulation has been attacked in the House of Commons, and apart from the *prima facie* objection to using it in any way which could be represented as straining the powers which it gives, there is at this time a particular reason for not setting it in force, except when the use is clearly unavoidable and easily defended.'¹²⁶ The pressure from the House of Commons reflected the wider travel and deployment of this Regulation across the empire.¹²⁷ In the more immediate and local context, the indiscriminate use of Bengal Regulation III exposed a fault line in the legal bureaucracy of the frontier administration—what Cotton, in his reply to Durand, termed the 'inconvenient' questions of law in the Lushai Hills Tracts.¹²⁸ If Bengal Regulation III was continuously used to arrest individuals in these hills, it implied an absence of any statute body of law to regulate the actions of the expeditionary forces. In other words, the reality of conquest violence the expeditions embodied at this juncture—incorporation of these hills into the formal frontier administration—threatened to reveal itself in the continuous use of an exceptional law.¹²⁹

¹²⁶ Letter from Sir Mortimer Durand to H. J. S Cotton, 6th June 1892, Foreign External A Pros. July 1895, Nos. 122–145, NAI. From the direct quote it appears there was some discomfort in using the exceptional law so indiscriminately in the frontier. This anxiety could be (and I am speculating as I do not have any direct archival source here), a post-Morant Bay rebellion (1861) reaction. The huge scandal the use of martial law in Jamaica created in London in the 1860s made the British government wary of the wholesale use of such laws in the colonies. Bengal Regulation III of 1818 was technically not a martial law but hovered close to one in its use during expeditions.

¹²⁷ In 1920s the debates in the House of Commons around the suitability of using Bengal Regulation III extensively echoed Durand's late nineteenth-century concern. 'Member, Sir William Vincent, unanimously recommended to the Government of India that the Bengal Regulation III of 1818 should be limited to its original purpose, and that except on the inflammable frontier it should not be put into operation against British subjects' (emphasis mine). <https://hansard.parliament.uk/commons/1924-03-10/debates/4988f8e5-637a-46b2-ac71-c3c890f63353/BengalRegulationIIIOf1818>, [accessed 10 June 2022].

¹²⁸ 'The legal powers of Government in the Lushai Hill Tracts, I am to say... the question is full of difficulty.' From H. J. S. Cotton to Sir Mortimer Durand, 17th June 1892, Foreign External A Pros. July 1895, Nos. 122–145, NAI.

¹²⁹ All the British expeditions, big or small, were called punitive forces; the word 'conquest' rarely, if ever, occurs. Foreign External A Pros. August 1893, Nos. 175–181 whereas 'waging war' was the phrase used for Chin resistance. Foreign Secret E Pros. June 1894, Nos. 36–40, NAI.

This vulnerability became more pronounced around the question of a subject interpellated through Bengal Regulation III. The state regulation required a robust definition of a political act. The necessity of implementing the preventive detention regulation had to be anchored in an adequate threat to the colonial establishment. In other words, the actions of the individuals arrested under it had to be commensurate to a rationality that could be adequately counted as political resistance. Dokola's murders were 'headhunting', 'a savage sport', part of the indexical practices that iterated his provenance as a primitive. The violent actions he was guilty of were thus a part of the 'primitive' methods that defined the Lushais. These practices were 'criminal', but did they require the exceptionality of Bengal Regulation III? Were they political acts at all? This is what Durand was saying when he wrote, 'But he (Dokola) is a *common assassin*, not a killer of men rising against our authority, but the hunter of heads among the people of the country; and the question of Chittagong Commissioner's power to act under Act XXII of 1860 might perhaps be further examined before it is decided that the only way to proceed against Dokola [is] under the regulation for political prisoners'¹³⁰ (emphasis mine).

Dokola's actions, murdering two 'savages', Durand thought, were 'non-political'. His crime appeared quotidian. 'Savage' yes, 'primitive' yes, but it did not acquire a density of a 'political' action 'of men rising against our authority'. Would not using Regulation III of 1818 to deport Dokola for this kind of non-political crime give rise to uncomfortable logical and legal consequences, Durand wondered. For instance 'if a person of less importance than Dokola assassinated men of a neighbouring clan contrary to the orders of the British officer on the spot he should undoubtedly be punished and yet the political reasons for his deportation under Regulation III of 1818 would be wanting although the legal aspect of the case would be apparently the same as Dokolas'.¹³¹ In short, this would imply that there was no law in the Lushai Hills through which 'ordinary non-political offenders' could be approached; moreover, it would indicate an absence of any legal basis for the adjudicating practices exercised by the political officers during an expedition.¹³² In trying to resolve this conundrum, Khalkam and Liengpunga's case became a crucial referent. For the administration, these cases allowed the culling of a definition of political action that could legitimize the use of state regulation. So, in their internal correspondence, Gol insisted on the distinctiveness of Khalkam and Liengpunga's crimes. In a memo, T. G. Baldwin from the Foreign Department wrote, 'The case of Dokola is somewhat different from the case of Khalkam and the two other Chiefs of the North Lushai country quoted in paragraph two of Bengal Governments letter. Khalkam and his companions

¹³⁰ Letter from Sir Mortimer Durand to H. J. S Cotton, 6th June 1892, Foreign External A Pros. July 1895, Nos. 122–145, NAI.

¹³¹ Ibid.

¹³² These officers walked a blurred line between civilian police and military roles. The expedition structure claimed to possess a separate civil and military component where civil authority was subservient to the military command. However, on the ground and in practice these distinctions could become muddy. Foreign Political A Pros. September 1870, Nos. 137–164, NAI.

murdered a European officer (Captain Browne) and several Native British subjects. In contrast, Dokola, to avenge his brother's death, murdered two Shendus of the Klangshai clan' (emphasis mine).¹³³

The nature of Khalkam and Liengpunga's violence warranted the implementation of the State Regulation Act. Directed against a white British officer and British subjects, it acquired the necessary heft of a political act. If the GoB wanted to use the Bengal Regulation to keep Dokola in Chittagong, a similar account of the political had to be conjured. The GoB arrived at a creative solution. The Bengal government argued that Dokola's presence in the hill was political even if his current crimes were not.¹³⁴ There resided a potential for political action coiled in his presence. His ordinary acts of violence could quickly turn political and resemble the acts of Khalkam and Liengpunga. If not now, then in the near future, his presence could subsequently become a political problem. And to bring future stability in a troubled frontier, the *ad interim* usage of Bengal Regulation III was thus necessary.

Khalkam and Liengpunga's case would function in very similar ways in the Chin Hills. For instance, when Woom-ki, a chief convicted of the murder of a certain Myook Maung Tun and his party, the familiar problem around the application of Bengal Regulation III to non-political crimes resurfaced. After Woom-Ki was arrested, Bertram Carey, the political officer of Chin Hills, sentenced him to five years of rigorous punishment. Yet, it was not clear on what legal basis officers like Carey were executing their sentences. E. S. Symes, chief secretary to the commissioner of Burma, underlined the problem when he wrote: 'As the Chin Hills are not a part of British India and Woom-Ki is not a British subject, the Political Officer had no legal authority to try and sentence him. At the same time, it appears undesirable that Woom-Ki should for the present be set at liberty, I am to solicit the issue of a warrant under Regulation III authorizing the detention of Woom-Ki in the Kindat jail till further orders.'¹³⁵

Both Symes and Woom Ki, in different capacities, were caught in between two places. The hills had not yet been formally declared as a part of British India; thus, the full 'force of law' could not reign. At the same time, 'heinous' crimes had to be dealt with. And the only way it could be done was by applying Bengal Regulation III of 1818 as an interim measure. But the use of state regulation, in turn, consistently showed up the lack of a working statute body of law relevant to these hills. It also brought forth the uncomfortable question: what legal authority were political officers on the ground exercising when carrying out their ad hoc trials during expeditions? Woom-ki was not an isolated case. In August 1893, 'the officiating Chief Commissioner of Burma again applied for warrants under the above Regulation for the detention of eleven Chins in

¹³³ Memo from T. G. Baldwin, 18th May 1892, Foreign External A Pros. July 1895, Nos. 122–145, NAI.

¹³⁴ 'His deportation has had a powerful effect in keeping the whole of the southern and midland part of Captain Shakespear's charge quiet during the present disturbances.' Memo, 19th May 1892, Foreign External A Pros. July 1895, Nos. 122–145, NAI.

¹³⁵ Foreign External A Pros. July 1895, Nos. 122–145, NAI.

1892–93'.¹³⁶ In 1894 two warrants were issued for two 'Baungshe Chin Prisoners Hnaw Sein and Dara Khan'. Interestingly, they were accused of, among other things, 'waging war as their villagers fired on the troops'.¹³⁷ The same year 'a Tashon Chin named Tang Kup' was incriminated for 'the murder of three villagers' in an 'old standing blood feud'.¹³⁸ A similar conundrum as in Dokola's case emerged. Should the state regulation be used to interfere in Chin customs? The answer was a reluctant yes.¹³⁹ The GoI insisted on practising discretion in using the state regulation but allowed the warrants to be issued as long as a workable definition of 'political' could be patched together.

The administrations in Bengal, Assam, and Burma thus collaborated to build a body of similar case files. When Woom-Ki's case was being dealt with, Dokola's trial provided an 'exact' type. Khalkam and Liengpunga's case helped to define this class of cases and generated a working definition of 'political' on which Bengal Regulation III could be invoked. In the absence of a statute body of law, the British expeditions could refer to these cases as working precedents. Other forms of violence generated within and around the expeditions could then be approached legally through these cases. Thus a set of conventions, legal phonemes, were put in place. In 1895 when the discussions about converting the Lushai and Chin Hills into Scheduled District Regulations were ongoing, all these fragments came together to define the 'legal position of the GoI' in these hills.

Interestingly, the design of the Scheduled District Act, which was to bring the Lushai (and Chin) Hills in alignment with the broader frame of administration in the frontier, envisaged a particular arrangement of adjective and substantive laws. The consensus was that adjective or procedural laws (the rules through which any substantive or statute body of law is enforced), like the Indian Evidence Act, Indian Criminal Procedure Code X of 1882, etc., should

¹³⁶ Letter to the Government of India, Foreign Department, H. H. Fowler, Her Majesty's Secretary of State of India from Elgin, G. S. White, A. E. Miller, H. Brackenbury, J. Westland, A. Mackenzie, A. C. Trevor, 25th June 1895, Foreign External A Pros. July 1895, Nos. 122–145, NAI. The letter continued, 'There are frequent objections to frequent recourse to the Regulation in question (Regulation III), which is intended for use in very special cases only, but under the circumstances we had no opinion but to grant the warrants applied for. 'Issue of warrants for detention of eleven Chins', Foreign Secret E Pros. July 1895, Nos. 317–330, NAI.

¹³⁷ Letter from Political Officer, Chin Hills to the Chief Secretary of the Chief Commissioner of Burma, 2nd April 1894, Foreign Secret E Pros. June 1894, Nos. 36–40, NAI. Interestingly, the Haka Rebellion of 1917–18 in the Chin Hills 'led to punishment under section 121 of IPC for 62 men'. Section 121 of the IPC is the section that deals with attempts at waging war against the state. Moreover, along with section 121 of IPC, the Chin Hills Regulation of 1896, a regulation borne out of the expeditionary violence, was enforced as well. I am grateful to the first anonymous reviewer of this article for pointing out this detail.

¹³⁸ Letter from Officiating Chief Secretary to the Chief Commissioner of Burma to the Secretary to the GoI, Foreign Department, 1st August 1894, Foreign Secret E Pros. September 1894, Nos. 65–67, NAI.

¹³⁹ 'This action is in accordance with Chin custom, but the crime was committed in direct disobedience of the orders of the Political Officer, Chin Hills, forbidding the prosecution of blood feuds...Tang Kup bears a bad reputation' (emphasis mine). *Ibid.*

be barred from the new Scheduled District of Lushai Hills.¹⁴⁰ The substantive body of the Indian Penal Code would be followed more in 'spirit' rather than through actual procedures.¹⁴¹ The fewer the actual number of laws, the better; a supple and straightforward body of law which would approximate the 'very backward' condition of Lushai existence was the aim; procedures would only complicate matters. This was the abiding consensus in governance circles.

But what was retained in the scheduling regulation, the cornerstone of 'indirect rule' in these frontiers, was Bengal Regulation III.¹⁴² Among the proposed acts included in the new Scheduled District of Lushai Hills was Bengal Regulation III of 1818. This discretion was built into the Scheduled District Act of 1874. The local authorities could decide which enactments from British India would be enforceable and which would not.¹⁴³ Thus, even after the hills were incorporated within the British legal administration, the exceptional law extensively used to bulldoze most resistance to it remained a part of the streamlined 'protectionist' body of law.¹⁴⁴

¹⁴⁰ The Indian Evidence Act is a set of rules passed in 1872 regarding the admissibility of evidence in courts; the Indian Criminal Procedure Code is the body of regulations or the procedures through which the Indian Penal Court is enacted.

¹⁴¹ A colonial officer (a superintendent) would oversee administration while everyday governance would be devolved to the surviving chiefs. There would be a deputy commissioner appointed for the whole district. He could exercise a wide variety of discretionary powers, including death sentences. There would be no appellate structure and no lawyers of *mooktars* would be allowed. None of this was unique to these hills but parts of the larger Scheduled District design. The Lushai and Chin Hills were a relatively late entrant in this legal patchwork for it was only after the 1890s expeditions in these hills that the last substantial resistance to British occupation came to a close. Foreign External A Pros. February 1898, Nos. 104–142, NAI.

¹⁴² From E. A. Gait, Officiating Secretary to the Chief Commissioner of Assam, to the Chief Secretary to the GoB, Political Department, Foreign External A Pros. April 1897, Nos. 220–228, NAI.

¹⁴³ The Chin Hills Regulation was introduced in 1897. Sections 14, 15, and 16 retained much of powers of the Bengal Regulation III of 1818 and that were granted to the government during the expeditions. For instance, sections 14 and 16 of the Chin Hills Regulation read: '14. Subject to the control of the Local Government, the Superintendent may take hostages from, or impose fines in money or goods on, any clan or village or any part thereof...; 16. In the event of any clan or village acting in a manner hostile or unfriendly to the Government, detain all or any member of such clan or village, deport them from the Chin Hills for life or for any other shorter term, detain or confiscate their property, debar them from access into territory outside the Chin Hills and prohibit all or any other persons from entering the area occupied by such helm of village'. For the full Chin Hills Regulation, see https://sg.inflibnet.ac.in/bitstream/10603/103878/13/13_appendix.pdf, [last accessed 11 October 2020]. Interestingly, on the eve of the transfer of power on 14 August 1947, Leonard Peters, the superintendent of the Lushai Hills, convened a meeting which some 50 accredited leaders of the Mizo political parties attended. 'There they accepted the fait accompli of the inclusion of their Hills into India, with a demand that they should be allowed to opt out of the Union within a period of 10 years and the *Chin Hill Regulations* and the Bengal Eastern Frontier Regulation should continue to operate for them.' Syiemleih (ed.), *On the Edge of Empire*, p. 28. The legal frame, with its overlap of the punitive and paternal, by this time was absorbed by the indigenous people as a way of affirming their incipient rights in a churning post-colonial world.

¹⁴⁴ See footnote 121.

Conclusion

In an essay titled ‘My Father’s Brain’, Jonathan Franzen reflects on his father’s drawn-out struggle with and death from Alzheimer’s.¹⁴⁵ Contemplating the residues of self in patients suffering from dementia, Franzen draws on David Shenk’s description of Alzheimer’s as a process of ‘slowing down death’. Shenk, Franzen writes, ‘likens the disease to a prism that refracts death into a spectrum of its otherwise tightly conjoined parts—death of autonomy, death of memory, death of self-consciousness, death of personality, death of body’.¹⁴⁶ This prismatic work Alzheimer’s does in Franzen’s essay—refracting death into a spectrum—helped me approach Liengpunga and Khalkam’s suicides conceptually. Confronted by the seeming opacity of the suicides, the metaphor of prismatic refraction encouraged me to imagine a historical structure in which these deaths could make sense. I could then disassemble the ‘conjoined parts’ of this event, categorized as suicide in the archive, into different segments (death, life, and afterlife) and, through these segments, attempt to write a history of legal governance of these frontiers. This manœuvre allowed the biographies of Liengpunga, Khalkam, and Thangula to come together with the story of Bengal Regulation III; the micro- and macro-historical scales could thus be addressed in one analytical plane. Of course, the combination of the micro and macro is a common historical practice and not an exclusive novelty drawn from Franzen.

Nevertheless, the metaphor made me think about possible multiple histories of autonomy or agency, something I believe to be central to studies of indigeneity or Adivasi Studies. Each section in the article gives us occasion to think about the problematic of autonomy in precise and connected ways. For instance, in the first section, the silent planning of Khalkam and Liengpunga demonstrates an autonomy of action in escaping the grasp of the law under which they were arrested. This autonomy represents control over an immediate future horizon that Khalkam and Liengpunga exercised, an ability often thought to be absent in Lushai and Chin populations.¹⁴⁷ This agency, conversely and paradoxically, could only be negated (as far as the frontier administration was concerned) by making Khalkam and Liengpunga solely accountable for their actions. Subsequently, the frontier administration could absolve themselves of any responsibility for their deaths and obscure the structural violence of the expeditions, which created the conditions of possibilities (dislocation, deportation) for these suicides.

¹⁴⁵ Jonathan Franzen, *My Father’s Brain* (London: Harper, Perennial, 2004; ebook), available at http://frederickwm.weebly.com/uploads/1/1/6/8/11687708/my_fathers_brainwhat_alzheimers_takes_awa.pdf, [accessed 15 July 2022].

¹⁴⁶ Ibid., p. 9.

¹⁴⁷ In 1871, just before the first Lushai expedition, John Edgar Ware, the deputy commissioner of Cachar, commenting on the burgeoning rubber trade in the hills, worried about what he thought to be the Lushai inability to understand the process of exchange. This seeming incomprehension, Edgar speculated, was a product of the Lushai’s failure to think about the future in any sustainable manner. Sen, ‘Elastic Exchanges’.

In the following section, ‘misunderstandings’ or incomprehension which characterized the regimes of adjudication in these frontiers, particularly during ongoing expeditions, brings forth a different quality of autonomy. Were the Lushai or Chin insurgents wilfully feigning incomprehension or were they genuinely misinterpreting the proclamations of the colonial state? This ambiguity often led the administration to conclude that Lushai and Chin individuals did not understand the consequences of their actions in any meaningful way. To address this, the repertoire of administrative practices carried within it a pedagogic strain. However, at every step this pedagogic impulse was countered by a suspicion that the insurgents were manipulating the officers on the ground. The doubt, in turn, pushed the continuous use of a range of violent punitive techniques. This interplay between the penal and the pedagogic determined the autonomy of the Lushai and Chin individuals.

Finally, the incorporation of Khalkam and Liengpunga’s cases into the incipient legal system of the frontier administered through Bengal Regulation III signalled another form of agency. A working definition of ‘political’, required for the legitimate use of Bengal Regulation III, was drawn out from Khalkam and Liengpunga’s acts of insurgency. This category of ‘political’ became a measure through which other acts of violence in the hills could be approached and accessed using the same Regulation. The distillation of a political form from Khalkam and Liengpunga’s actions thus shaped the legal techniques of anti-insurgency in expeditionary governance. This was borne out by the continued circulation of Bengal Regulation III in the Scheduled District norms. Practices of governance tried and tested during expeditions thus persisted into formal structures of rule.

There are different intensities in these episodes: a surfeit of words in the *durbars* and an economy of sullen silences in the prisons, the compliance of confessions and the estrangement of depositions, the vitality of insurgent lives and enervation of legal afterlives; tribal agency here thus can be imagined as an assemblage dialectically constructed out of the practices of military expeditions (which themselves were assemblies of another kind, built up of labour, instruments, military strategies, weapons, and words). Writing reflexive histories of indigeneity means recognizing these without dissolving them into a monochrome.

There is also an element of unknowability to Khalkam and Liengpunga’s suicides that softens some of the foundational binaries of Indigenous Studies and allows one to foreground a historical ambivalence.¹⁴⁸ This uncertainty need not lead to any analytic anxiety. Rather, it underlines the unfinished quality of any historical reconstruction. In keeping with the concerns of this special issue, such ambivalence performs a critical function. It does not let ahistorical

¹⁴⁸ For instance, modern versus primitive, silence versus voice, resistance versus despair; more precisely, everyday resistance versus the spectacular stand, etc. Also, to be clear, I am not reinventing the wheel in any way. Such nuanced positions exist in the historiography of Adivasi Studies. See Sangeeta Dasgupta, ‘Reordering a World: The Tana Bhagat Movement, 1914–1919’, *Studies in History*, Vol. 15, No. 1, 1999, pp. 1–41; S. Dasgupta, ‘Adivasi Studies: From a Historian’s Perspective’, *History Compass*, Vol. 16, No. 10, October 2018, pp. 1–11; Prathama Banerjee, ‘Writing the Adivasis: Some Historiographical Notes’, *The Indian Economic and Social History Review*, Vol. 53, No. 1, 2016, pp. 1–23.

notions of tribality or indigeneity harden;¹⁴⁹ instead, it unpacks the structure of exception within which tribal agency made sense in this frontier.¹⁵⁰ Let me end with a proclamation made in a *durbar* by John Shakespear, an officer who undertook several ad hoc trials during these expeditions. It in many ways captures the mimetic logic of expeditionary adjudication carried out by these men-on-the-spot.¹⁵¹

Oh! Chiefs of Thangur, Fanei Chinjha, Lakher and Poi tribes, I have called you all for the purpose that you may all know each other, and ever after live together like brothers without attacking each other. I have not much to say to you. I hear that you are always saying among yourselves, 'Soon the foreigners will leave the country and return to their own.' That is fools talk and the word of a liar. We shall never leave these hills. Listen once and for all to my words. When Klong Dong here below runs back to its source again then we shall leave your country; not before. For a hundred years you have been raiding our villages. Twenty years ago, Tangliena (Thomas Lewin) came to this very spot to punish you and release the captives, but you again raided our villages. Then our Great Queen grew angry and said to her sepoys 'who are these people who raid my villages; go up to their country;' therefore from all sides sepoys entered your country. I burnt Howsata's village and took my brother's gun from Howsata's grave. I fined Howsata's brother Vantura. The Saheb from Aijal burnt Lienpunga's village. I went to the east and met the Saheb from Burma and brought back all the loot that the Tlang-Tlangs took from my brother, and I recovered the heads of my brothers. You know this is true; some of you were there with me. Our

¹⁴⁹ For the political ramifications of such ahistorical notions of indigeneity, see Selma K. Sonntag, 'Self Government, Indigeneity and Cultural Authenticity: A Comparative Study of India and the United States', in *Indigeneity in India*, (eds) Bengt G. Karlsson and T. B. Subba (London, New York, Bahrain: Kegan Paul, 2006), pp. 187–208.

¹⁵⁰ The structure of exception I trace in this article can also be read as a short preface to a more contemporary and pressing problem. The proliferation of the registers of exception within the modern constitutional structure of independent India, a legacy of the kind of colonial dynamic in the Lushai and Chin Hills I have outlined, has created strange reverberations. For years liberal constitutional thought highlighted the affirmative principle of such constitutional exceptions and not its retributive side. Thus, the Sixth Schedule, as a form of property law protecting tribal areas, sat uncomfortably with the brutality of AFSPA. In addition to the multiple human rights abuses this form of legal rule unleashed, it also remained susceptible to chauvinistic demands of an undifferentiated legal territorial unit of India. The Bharatiya Janata Party (BJP) brought out the full force of the latter in 2019 when it repealed Article 370 in Kashmir. How this politics of anti-exception plays out in the Northeast region remains to be seen. For an insightful analysis of the BJP's (and its cultural wing, the Rashtriya Swayamsevak Sangh's (RSS)) modus operandi in the Northeast, see Arkotong Longkumer, *The Greater Indian Experiment: Hindutva and the North East* (Stanford, CA: Stanford University Press, 2021).

¹⁵¹ For an elaboration on the mimetic logic, see Ricardo Roque, *Headhunting and Colonialism: Anthropology and Circulation of Human Skulls in the Portuguese Empire, 1870–1930* (Basingstoke: Palgrave Macmillan, 2010); Thomas Simpson, *The Frontier in British India: Space, Science and Power in the Nineteenth Century* (Cambridge: Cambridge University Press, 2021), pp. 183–222.

Great Queen has many Sahebs and thousands of sepoys. See Khalkam and Liengpunga killed one sahib and at one 10 Sahebs replaced him. Jacopa and Lalloya killed some of our sepoys, and more came in their places. Liengpunga and Khalkam were made prisoners. Lalloya and Jacopa cannot be chiefs, for they will not be allowed to build a village. Do not let me hear anything more of this gossip, this fool's talk, about the sepoys going away. See my sepoys have brought up their wives and families, and I intend soon to take a wife and bring her to live and be your queen. There is one more word to be said. We did not come here for pleasure: we did not want your land: but you have obliged us to leave our country, which is far better than yours, by your folly in continuing to raid our villages and now you have got to pay us tribute of a basket of rice per house, and to give coolies when we want them. But do not fear; we are not like you; had we been so, we should have carried your wives and children and burnt your villages; but that is not our custom, and we only ask you to obey us and pay us tribute. You know I am your friend, and that I am always ready to hear all you have to say, and that as long as you obey me you will not be hurt.¹⁵²

Competing interests. None.

¹⁵² 'Diaries of Captain Shakespear', Foreign External B Pros. March 1892, No. 201–204, NAI.