

‘Thuggee’ and the Margins of the State in Early Nineteenth-Century Colonial India.

Tom Lloyd

University of Edinburgh

In their attempts to constitute a particular kind of authority over bandits in early colonial India, British administrators of the East India Company were moved to legislate against what they perceived as certain extraordinary criminal groups, defined by the alleged secrecy of their operations and the fundamental irrationality of their cause, which was figured as merciless depredation. The attempt to constitute this authority is most brilliantly illuminated by the campaign to suppress ‘thuggee’ (hereafter, the Anti-Thug Campaign or ATC), which ran for over a decade, *circa* 1829-41.¹ Officials defined ‘thuggee’ as a specific, ritualistic form of highway robbery and murder by strangulation, and the suppression of their ‘extraordinary association’² was accomplished by similarly extra-ordinary police and judicial procedures, defended as a temporary departure from normal legal values. This departure was justified, repeatedly, as an act of salvation for the supposedly innocent, ignorant, mainstream population of northern India, while British-led efforts against ‘thuggee’ were heralded as indicative of the kind of good government that only colonial rule could bring to the subcontinent.³ By the end of the 1830s, the General Superintendent of the Thuggee Department specially constituted to coordinate the ATC, claimed that the ‘system’ of ‘thuggee’ had been eradicated in India.⁴ 3,026 indigenes had been found guilty of the new crime and subjected to various forms of condign punishment: imprisonment, transportation, and strangulation on the Company’s gallows.⁵ The Thuggee Department now turned its attention to the suppression of *dacoity*, understood as ‘plain’ banditry.

The contention of this essay is that early colonial efforts to suppress banditry in India—and particularly the ATC—relied upon the creation of a zone of sovereign power that was justified as a means to ends that conventional, judicial power allegedly could not reach. This functioned as an excess of conventional, judicial power, through procedural and punitive innovations such as indefinite detention without trial, the use of denunciations from proven criminals, and the criminalization of a subject-position (Thug), rather than the establishment of individual guilt for particular acts. Beginning with the late eighteenth-century operations against

banditry in the Bengal Presidency, the attempt here is to explain the processes by which certain British colonial officials abrogated for themselves the right to produce specific definitions of criminality that located the accused in a realm beyond what was defined as ordinary legal procedure—a ‘state of exception’⁶—in which multifarious forms of violence against them were deemed acceptable. By understanding this process, we can explore how operations against banditry were both informed by, and, crucially, informed, wider efforts to constitute and enable a particular type of sovereignty in the northern and central subcontinent. I have called this power ‘colonial sovereignty’, and this essay explores the meaning and significance of this term for understanding the nature and consequences of colonial rule in early nineteenth-century India. I suggest that the elaboration of colonial sovereignty was incipient in the prosecution of, and fully established through, the ATC: this campaign marked a decisive extension of the domain of the Company’s ‘state’ authority in the Indian subcontinent; a point of no return in the history of the British presence in India. Henceforth, the Company’s administrators justified their state’s colonial rule of the subcontinent as not only beneficial, but necessary.

It was the marginalization of ‘thugs’ as a special category of criminal, posing a unique threat to colonial authority, which undergirded the extra-judicial innovations introduced during the ATC. On the peripheries of the expanding colonial polity of the early nineteenth-century, officials re-worked existing anti-banditry legislation in order to suppress what they presented as a systematic, lurking menace that had until now escaped ‘justice’ by exploiting the margins of civil and state authority in the decentred topography of north-western and central India. The Company state’s claims to jurisdiction over ‘thugs’, believed to inhabit the margins of, and prey upon, settled society were elaborated through forms of violence and authority that can be understood as both beyond ‘the law’ and outside ‘the state’; exceptional. It is through an exploration of these particular preoccupations with certain forms of ‘collective’ crime that we can gain historical insight into the priorities of the Company’s state in this period. Therefore, this essay attempts to locate the margins of ‘the state’ itself, in the sense in which it was imagined by the colonial administrators and officials encountered below, by outlining the peculiar limits of its concerns in relation to acts of collective criminality, by indicating where the boundary between ‘civil’ and ‘state’ authority lay, and by demonstrating how this boundary shifted over time as the Company re-negotiated and re-constituted its forms of authority and juridical prerogatives.

In the context of a reconsideration of the 1857 uprising, this essay will provide a background of the changes to both the Company’s administrative power and preoccupations in the first half of the nineteenth century, as well as indicating certain characteristics of colonial responses to perceived challenges to its authority. Moreover, it is suggested that the apparently

dramatic alteration of the nature of British rule in India that followed the quashing of the ‘mutiny’—the dissolution of the Company and the administration of the subcontinent by a Government of India orchestrated from London—was not the foundational moment of colonial sovereignty in India taken for granted by many historians; rather, this occurred in the late-eighteenth century, which is where my essay begins.

Anti-Dacoity Legislation and the Colonial State of Exception of 1772⁷

Captain William Sleeman would later sell the ATC to governor general Bentinck’s administration as an essential, indeed glorious, policing initiative waged against a subcontinental underground network of extraordinary, hitherto in-detectable foes. ‘Thuggee’ was an unprecedented threat to colonial security, he argued; it was the ‘duty’ of the ‘supreme Government’ to undertake an equally unprecedented suppression campaign for the good of the hapless Indian population.⁸ However, for all the novelty that attended the ATC, British operations against banditry in India in fact extended back well into the eighteenth century. In 1772, the Company’s first governor general, Hastings, passed a series of judicial reforms that can be seen as an administrative knee-jerk to the devastation caused by the so-called great famine of 1770, one short-term consequence of which had been a sharp rise in the incidence of dacoity in the Bengal Presidency.⁹ Article 35 of the 1772 regulations laid down that bandits would be executed for their actions, while their families would become ‘slaves of the state’.¹⁰ This legislation, and the debates arising from it, established several of the most significant principles, and justifications of them, to be re-elaborated through the anti-‘thuggee’ laws of the 1830s. The opening section of this essay examines its significance for the ATC.

Hastings quickly found himself frustrated by the reluctance of Islamic legal officers who then oversaw the Company’s criminal courts to implement article 35, complaining about their inability to distinguish between desperate peasants temporarily driven to crime by famine, and dacoits, whom he figured as professional robbers.¹¹ His elected criterion of difference was the latter’s public notoriety. Rather than proof of responsibility for an individual act of robbery and murder, notorious suspects (especially *sirdars*, or leaders) should, if necessary, be convicted of dacoity without the use of circumstantial evidence, while their families were guilty by association. This argument was advanced through both a teleological juxtaposition of the Mughal past and the colonial present, and a progressive forecast for the colonial future. Hastings attacked

the Mughal judicial system for its alleged venality and laxity, stereotypical features of an administration then characterized by British officials as an ‘Oriental despotism’.¹² However, in this specific critique of the Mughal *juridical* order, ‘despotism’ was not revealed (as in other defamatory colonial accounts) by arbitrary brutality towards the ruled, but by an inability to make felt the state’s presumed power to punish.¹³ Hastings’ therefore articulated a certain conception of ‘state power’, and criticized the Mughals for their apparent failure to reach a particular level of it. Far from being dispensed, he argued, justice simply leached away under the Mughal system, while, the pockets of corrupt landowners, revenue agents and court officials were lined with unauthorized fees and fines.¹⁴ Mughal squeamishness, first indicated to Hastings by laws ‘founded on the most lenient principles and an abhorrence of bloodshed’, and now confirmed by the reluctance of Islamic legal officers to use article 35¹⁵, would thus be temporarily overcome through regulations that included arbitrary prosecutorial powers such as notoriety and guilt by association until, as his leading judges put it, Bengal reached ‘the same perfection’¹⁶ as England: the Company’s reform of juridical procedure was therefore seen as a justification for British colonial rule itself.

The Company state’s assumption of the power to punish dacoits rested upon its self-confident ability to define, detect and capture such individuals, not only in the physical sense, but in the epistemological one too, for it was these historically-constituted forms of, and ambitions for, colonial knowledge that attached signification to the arbitrary category of ‘notoriety’, that filled an empty term with meaning.¹⁷ This self-confidence was demonstrated by the Committee of Circuit, which supported Hastings’ claim that dacoits marked the difference between occasional and professional criminals. The dacoits of Bengal, it argued,

are not, like robbers in England, individuals driven to such desperate courses by sudden want: they are robbers by profession, and even by birth; they are formed into regular communities, and their families subsist by the spoils which they bring home to them. ... [Dacoits] are all, therefore, alike, criminal wretches, who have placed themselves in a state of declared war with our Government, and are therefore wholly excluded from every benefit of its laws.¹⁸

Thus homogenized and criminalized, dacoits were defined as those individuals who could only be included in the Presidency’s regulations by their exclusion from them, in the sense that they were not to be protected by these laws. The figure of the dacoit thus marked the point at which the law’s reach ended and the grip of sovereign power took hold, where ‘sovereign’ names the figure or the power that can declare a ‘state of exception’, that can name those who may be included in society (or its juridical order) solely by their exclusion from it, and which therefore invokes

against these individuals judicial measures that cannot in fact be understood in legal terms.¹⁹ This ‘state of exception’ is therefore not a particular kind of law; rather, insofar as the prosecution of dacoits’ particular activity was deemed contingent upon a suspension of the juridical order itself, it defines the limit of and departure from the law. These ‘criminal wretches’ were so heinous, the Committee argued, that the state’s prerogative lay not in the establishment of their guilt (let alone innocence) in respect to individual charges of robbery and murder, but in their punishment.

By making apparent both the division and the qualitative difference between judicial and sovereign power, and the process by which the latter serves to constitute itself through the delineation of certain individuals to be excepted from the juridical order it guarantees, we gain a significant and novel insight into the functioning of colonial rule in late eighteenth- and early nineteenth-century India. The dacoit was not simply set *outside* the law, but rather *abandoned* by it.²⁰ It is this relation of dacoits to state power—the *abandoning* of the dacoit to an exception—that alerts us to the possibility that Hastings’ particular attempt to suppress banditry in the late eighteenth century was a foundational event in the constitution of colonial sovereignty in India. Although captured in the Company’s juridical order (in the sense that article 35 of the 1772 regulations announced the punishments for dacoity and because dacoity cases passed through its criminal courts), the power that defined dacoits, that detected dacoity (or ‘notoriety’) in the character of some suspects but not others, and that captured these suspects in its remit was not judicial, but sovereign. The criminality of dacoits was ultimately imputed to them by colonial administrators, not proved by its courts, and, since they were excepted from its sphere of application, the prosecution of dacoits was neither an execution of the law, nor a transgression of it, but a demarcation of sovereignty over their lives. Moreover, this was a specific variety of sovereignty, historically-constituted and open to historical analysis, and furthermore indicative of the appearance of what may be termed a modern, British colonial state in India during the late-eighteenth and early-nineteenth centuries, as the Company’s presence changed from that of a trading company to a civil administration, radically enlarging its claim to authority over the indigenous population. It is to this relationship—between the attempts of the Company’s nascent colonial state to suppress banditry and the articulation of its characteristic sovereign authority—that the essay now turns.

Banditry, Sovereignty and Authority in the Colonial State, *circa* 1793-1815

Despite the severity of Hastings' 1770s legislation, the Company continued to experience significant problems with dacoity in Bengal during the last two decades of the eighteenth century and at the beginning of the nineteenth.²¹ A particular surge was noted in the aftermath of governor general Cornwallis' infamous permanent settlement of the land-revenue demand with Bengal's *zamindars*²² (large landholders) in 1793, but the administrative response was articulated not through reform of the settlement, but through a reorganization of policing. This reorganization attempted to address the perceived failures of Cornwallis' police reform of 1793; itself an adjunct to the permanent settlement, since it had further weakened the rural patron-client relationships on which zamindari power was founded and was partly expressed, by their social duty and authority to protect and police the inhabitants of their own estates. This reform had separated zamindars' economic responsibilities from their judicial and punitive responsibilities, with the latter concentrated in colonial hands, mediated through the newly-instituted office of the *darogah* (police-inspector).²³ Nevertheless, police reform could not disguise the clear correlation between the deeper permeation of the terms of the permanent settlement and its accompanying reforms throughout economy and society, and the higher prevalence of dacoity. During the peak years of 1803-7, Company officials in Bengal reported an average of 1,481 incidences of dacoity a year, and were well aware of the connection between the higher revenue assessment, the increased rigor with which payments were collected, and the upsurge in banditry—even alleging that zamindars were to some degree complicit in it, having been driven to create alternative forms of rural patronage with new dependents, or now finding themselves in thrall to the threat of resurgent bandit groups that, until recently, they had carried the social, economic and moral authority to minimise.²⁴ The argument here is not that Company was blindsided by dacoity: officials debated its causes, with some clearly implicating the Company in rural mismanagement, and others more comfortable with displacing it to the perceived feckless- or recklessness of Bengal's peasant society. Rather, it is noted that, once the debates were concluded, the Company's gaze remained squarely fixed on the affront to colonial authority presented by dacoity, and of the state's 'need' to suppress banditry if it was to uphold its emergent claims to sovereignty. Thus, from the beginning of the nineteenth century, networks of spies and informers (*goindas*) were developed, and large financial rewards offered for captives or information about 'notorious' individuals.²⁵ In early 1810, Hastings' old frustrations with the anti-dacoity regulations of 1772 were addressed with new legislation permitting Court of Circuit judges to dispense with the *fatwa* (legal ruling) of Islamic legal officers in certain cases, which would then pass to the Nizamat Adalat (the Presidency's superior criminal court).²⁶ Moreover, under Regulation XXII, section X, 1793, a person arrested on the suspicion that they were a 'notorious

robber', a 'vagrant', or a 'disorderly and ill-disposed person', could be detained until he could provide security for his good behaviour. Where guilt of the commission of a specific act could not be proved, a suspect could still be detained. A rash of amendments to this regulation (in 1795, 1803 (two), and 1807), soon ensured that if the prisoner was not local, too poor to attract a guarantor, or deemed too 'notorious', they could be potentially subjected to indefinite detention without trial—an anomaly of which colonial magistrates and judges were well aware, and increasingly took advantage to counteract dacoity, such that it had largely subsided in Bengal by about 1815.²⁷

The historians Singha and Freitag agree that the separation of zamindars' power and the colonial state's appropriation of judicial and punitive authority was intrinsic to the late eighteenth-century process by which Company administrators articulated a conception of colonial state authority in India as unitary, centralized and exclusive.²⁸ It is also evident that these officials considered the 'state' as an abstracted form of authority. As state-builders, they embodied sovereignty independently of the population and were therefore authorized to maintain certain sections of the population as marginal through their administrative practices; indeed, their asymmetry to the 'subject' population meant that they could perceive the true substance behind what others merely tolerated or were victims of. Dacoits were 'criminal wretches', 'at war' with the government, who had forfeited any right to the 'benefit of its laws'. Yet, the historiography of Singha and Freitag can be further refined: what was specific about this colonial conception of authority was not simply an ideological predilection for unitary, centralized, exclusive, and abstracted power, channelled downward from Calcutta throughout the Bengal Presidency. It was also its capacity to enlarge its own domain, and in doing so, to justify the presence of an alien state. The application of the word 'domain' is critical here: colonial sovereignty does not accord solely to an amount of territory possessed or ruled-over, but also to a practice through which individuals were reconstituted according to the particular political priorities of the Company's expanding authority in the subcontinent.

Between 1808-1809, more than sixty mutilated corpses were discovered in wells and ditches scattered along the busy highways of the 'turbulent'²⁹ frontier district of Etawah in the Ceded and Conquered Provinces of north-western India.³⁰ In 1810, Thomas Perry, the district's new magistrate, offered a one thousand-rupee reward for information about the bodies, and, following a lead from an informant, eight men were arrested on suspicion of murder. One of them, a sixteen-year old agricultural labourer named Ghulam Hussain, made a 'confession' to a certain Imaum Cooly Beg, one of Perry's darogahs. Several of Ghulam's associates subsequently admitted to murdering travellers over many years as members of a 'thug' gang, describing their

methods in lurid detail. For Perry, this was confirmation of the existence of ‘thuggee’, a form of brigandage native to India, whereby unsuspecting travellers were inveigled from the roads by duplicitous highwaymen before being garrotted, robbed and buried. After several weeks of interrogations, it emerged that 1,500 ‘thugs’ were living under the protection of the zamindars of their home villages in Etawah, venturing out in small gangs and travelling as far as Bundelkhand, Jaipur and Lucknow to commit murder.³¹ Following a detailed report on the ‘thuggee’ problem produced by the acting magistrate at Farruckabad in March 1810, a Superintendent of Police was appointed for the administrative divisions lying within the Ceded and Conquered Provinces. His ‘primary object’ was ‘the apprehension of Dacoits, Cozauks, Thugs, Buddecks, and other descriptions of public robbers, guilty of the commission of robberies and other crimes by open violence’.³² The specific assignation of the superintendent to the investigation of the activities of these groups—all of whom were here figured as different types of bandit, defined by their method of attack, who carried out pre-planned and co-ordinated raids and highway assaults—indicates the administration’s concern about collective acts of public, violent (rather than petty) crime, and indeed its desire to stamp a particular kind of authority over the countryside. This of course supports the aforementioned historiographical impressions of the contours of colonial sovereignty in late eighteenth- and early nineteenth-century India, impressions derived from synoptic perspectives of both colonial authority (Freitag) and jurisprudence (Singha).³³ Crime that was perceived as collective, violent, and public, in which an alternative locus of authority—such as a landowner or dacoit sirdar—had persuaded his dependants to engage in activity inimical to colonial norms, was an affront to colonial sovereignty, for it indicated that unitary, central, exclusive, abstract, state authority had not been properly established in rural locales. However, a consideration of the first attempts to prosecute ‘thuggee’ in the Ceded and Conquered Provinces generates insights into the *mechanisms* of this sovereignty; how it was worked-out on the lives of Indians through policing initiatives, rather than how it was framed in abstracted terms. As such, we see how colonial sovereignty came to life, albeit with a perspective framed by the parameters of historiographical discourse.

In a letter of May 1810, sent to the secretary to the judicial department, the magistrate of Etawah, Thomas Perry wrote, ‘it is improbable that a person whether Hindoo or Musulman can be justly denominated a Thug without being a notorious murderer’.³⁴ For Perry in 1810, just as for Hastings in the 1770s, the figure of the Thug (read dacoit) marked a point of departure: the point at which conventional judicial process (the burden of proof) could no longer apply and so ended, and the inscription of sovereign power began, dependent upon an officer’s conviction (‘it is improbable’) that any individual thus ‘denominated’ was indistinct from a ‘notorious

murderer'.³⁵ The act of denominating an individual a Thug has been the subject of lengthy, if inconclusive historical investigation, for, it has been argued, if the term existed prior to or independently of the arrival of the British colonial presence in the subcontinent, then officials like Perry were simply applying a vernacular noun to a relevant case in point.³⁶ Yet this would be to completely disregard the power-relations at play in the colonial investigation of 'thuggee' (and indeed in the constitution of meaning generally). In this context, Thuggee derived its meaning from its ascription to a particular kind of individual deemed to have transgressed colonial authority in a significant way, and understanding of the 'practice' was derived from the interrogations of suspects facing execution if they did not accede to the accusation that they were a Thug and agree to volunteer further information about it. The modicum of indeterminacy contained in Perry's assertion—that 'it was improbable', not impossible—was an indication of the problems presented by a reliance on the 'confessions' that he had obtained from 'thugs', which, he warned, were 'so extraordinary that the whole [discovery of 'thuggee'] might be considered fabulous'.³⁷ Moreover, to Perry's wonder and frustration, the methods allegedly used by 'thugs'—strangulation to kill quickly and quietly; mutilation and dismembering to expedite burial and decomposition; and the deliberate targeting of travellers far from home who could not be identified in the locality in which they were attacked—made it difficult to produce evidence adequate to prove each man's culpability for a specific attack. 'In no[t] one of the cases which has been reported to the office has any individual been directly implicated', he wrote.³⁸ Without witnesses to the attacks, or even formal complaints from relatives of the victims, the sole proof of the prisoners' guilt were the potentially fabulous 'confessions' from other gang-members.

The first colonial trial of suspected 'thugs' (four men named Udjbah, Dundhar, Ramzannee, and Dhoondie) was heard at the second session of the Bareilly Division Court of Circuit, at Mainpuri, in November 1810. It collapsed into farce after the prosecution's sole witness, Ghulam Hussain, admitted to conspiring with the arresting darogah to win Perry's reward and lying about the number of 'thug' attacks he had witnessed.³⁹ The government now attempted to prosecute Ghulam himself, on the basis of his dubious confessions, but the Nizamat Adalat rejected the case, unwilling to use such unreliable testimonies as the sole proof of his guilt.⁴⁰ Writing six years later, the Superintendent of Police for the Western Provinces admitted that while sixty-eight murders had been attributed to 'thugs' in his jurisdiction in 1815 alone (and seventy-four in 1814), 'Much scepticism still prevails [here] regarding the existence of any distinct class of people, who are designated Thugs'. Consequently, he admitted, there had still be no successful convictions for 'thuggee' under British auspices.⁴¹ Yet the Superintendent went on to commend the 'exertions' of Perry, and, significantly, noted that the 'thugs' of Etawah, Aligarh

and Farruckabad had been dispersed because the zamindars of these districts had been ‘intimidated from affording further protection to these villains’—not least by the razing and ploughing of a settlement in neighbouring Maratha territory, an alleged haven for them, by an army detachment in November 1812.⁴² Therefore, while the burden of proof still prevailed over discretionary magisterial authority within the confines of the Nizamat Adalat, on the north-western frontier of British-administered territory, judicial scepticism had been overcome by brute force.

The subordination of due legal process to the preservation of a certain form of state authority explains why, in the course of operations against banditry in the Ceded and Conquered Provinces, *circa* 1810-15, landowners themselves became an increasing target of new legislation passed to aid its suppression. This required landowners to register all horsemen with Company officials, made them amenable to prosecution and punishments (fines, prison sentences, even the forfeiture of their estates to the government) if they were found to be withholding information about, or in any other way assisting, ‘public robbers’.⁴³ It gave legal form to the growing conviction among administrators that landlords were not fit to be petty sovereigns of their estates, either because they actively patronized gangs of ‘public robbers’, or because the latter terrorized their lands, and that responsibility for civil order must pass directly and totally into colonial control. Therefore, the whittling of landowners’ authority was paralleled by legislation that widened the sphere of the ‘exception’—the legal form of that which cannot have legal form—by which certain suspects could already be held in indefinite detention (under Regulation XXII of 1793 and its various amendments). Regulations VIII of 1808, VIII of 1818, and III of 1819 enlarged the zone of sovereign discretion so that it now applied to ‘notorious robbers of whatever denomination’, acquitted of specific charges but thought to be of ‘desperate or dangerous character, whom it would be unsafe to set at liberty without substantial security for their future good behaviour’.⁴⁴ ‘Although I despair of being able to convict a thug’, Perry wrote in July 1812, ‘still it is better that they should remain in jail than be allowed unmolested to carry on their system of murder & depredation’.⁴⁵ Neither able to find guarantors for their bail, nor guilty of murder, hundreds of suspected ‘thugs’ were simply left to rot in district jails across northern and central India throughout the 1820s. Those held at Sagar jail would go on to provide Sleeman with much of the information used to present the government with the picture of ‘thuggee’ as a secret, organized ‘system’ of robbery and murder, at the beginning of the 1830s.⁴⁶

As noted above, Singha argues that the cumulative effect of the aforementioned reforms of the anti-dacoity laws was the creation of two separate spheres of colonial authority over civil order: one that would remain in the hands of co-operative zamindars, albeit mediated through colonial norms of civil administration and property law, and another construed in relation to

criminal justice. In the latter sphere, 'Rule of law had to communicate [not only] a promise of rights, but also one of subjection', and 'order' was inflected with a radically-different notion of Indian agency to that imagined for co-operative zamindars—'as a routine state of pacification in which the state alone had the right to a legitimate exercise of violence'.⁴⁷ This image of two discrete spheres of civil order can be sharpened by further consideration of the 'state of exception' created during the late eighteenth and early nineteenth centuries. What for Singha was a 're-constitution' of 'criminal justice' was in fact a suspension of it in certain cases deemed to be exceptional, such that it now passed over into, and indeed articulated colonial sovereignty. The historical significance of these reforms then, was not their *separation* of powers, but their institution of a new and compelling form of power with implications for the entire population subject to British colonial administration. The exception by which dacoits were included in the colonial judicial order solely by their exclusion from it, did not as such confirm the rule, that is, the normality of the Bengal Regulations and the universal legal subject whom they supposedly protected. Rather, the rule was only created by the colonial state's sovereign power to except certain people from its application. The sovereign exception defined the very space in which the normal juridical order had validity.⁴⁸ The justifications given for this suspension of the juridical order—critiques of both the previous juridical order as unable to conduct a successful suppression of dacoity, and of indigenous society itself, which at times appeared as an integrated netherworld of criminality—were therefore also justifications for an extension of the domain of the colonial state, of its own necessity as the pre-eminent political formation in the northern subcontinent, as the only one prepared to undertake responsibility for the policing of banditry. As such, this sovereignty had a totalizing quality, drawing into its sphere not only those defined by their exclusion from the juridical order it suspended—dacoits—but also those who would be offered the protection of these laws: co-operative zamindars and those dependants whose peacefulness, or loyalty to the state, they could enforce without intervention from Company officials. This form of power was given its fullest elaboration in the early colonial period in India during the ATC of the 1830s, and is to this that I now turn.

'A theatre for the experiments of incipient legislation': the ATC in the non-regulation territories, *circa* 1829-39⁴⁹

On 23 October 1829, George Swinton, chief secretary to the recently-arrived governor general, Bentinck, wrote to the British Resident at the Court of Indore to advise on how to proceed with

the prosecution of a gang of seventy-four ‘thugs’ arrested in the Malwa region of western central India. The gang had been betrayed by six of their members, who described their numerous, fatal attacks on travellers throughout western-central India to their captor, one Captain Borthwick, the Company’s political agent at Mahidpur. ‘These murders having been perpetrated in territories belonging to various Native Chiefs,’ wrote Swinton,

and the perpetrators being inhabitants of various Districts belonging to different authorities, there is no Chief, in particular, to whom we could deliver them up for punishment, as their Sovereign or as the Prince of the Territory in which the crime had been committed. ... The hand of these inhuman monsters being against every one and there being no country within the range of their annual excursions, from Bundelcund [Bundelkhand] to Guzerat [Gujerat], in which they have not committed murder ... they may be considered like Pirates, to be placed without the pale of social law, and be subjected to condign punishment by whatever authority they may be seized and convicted.⁵⁰

The government therefore argued that ‘thug’ gangs transgressed the operative political boundaries—significantly redrawn in north-western and central India following the Anglo-Maratha wars of the early nineteenth century (*circa* 1802-18)—in two ways. First, they committed their alleged crimes beyond the confines of their native districts, falling under the rule of different authorities. Second, the enormity of ‘thug’ attacks was such that their perpetrators entered a zone of judicial indeterminacy, in the sense that conventional measures could not apply to them: they were ‘inhuman monsters...against every one’ who would be ‘placed without the pale of social law’. Forty leaders of the gang arrested by Borthwick were executed shortly after this letter was written, and the principles laid down in it were immediately adopted by Francis Curven Smith, agent to the governor general in the Sagar and Narmada Territories, as he initiated the trials of seventy-two ‘thugs’ who had been detained without trial at Sagar for the last seven years.⁵¹ Twenty-six more ‘thugs’ were presently hanged.⁵² In October 1830, Sleeman, Smith’s principal assistant, was given special responsibility for the extermination (to paraphrase Swinton) of ‘the abominable race of Thugs’.⁵³ The ATC—a sustained, centrally-directed, British-led campaign to suppress ‘thuggee’ in India—was thus founded on the principle that the ordinary colonial juridical order, whether understood in abstraction, as the Liberal and Utilitarian concept of the rule of law, or in the pragmatic application of the Bengal Regulations used in Indian territories administered under direct rule, would only apply to ‘thugs’ in not applying to them.

Drawing from what was by now a deep well of prejudice that cast Indian rulers as indolent, unfeeling, and backward⁵⁴, and insisting that ‘thugs’ were ‘generally Hereditary’⁵⁵ and therefore

presented a threat to authority that would persist irrespective of specific political, social or economic contexts, Smith outlined his plans for the suppression of ‘thuggee’ in a letter sent to the government in November 1830. Since ‘thugs’ perpetrated attacks in both Company territory and the so-called Princely (or Native) States, the ATC would have to take on subcontinental dimensions. Moreover, the extraterritoriality of ‘thug’ attacks meant that responsibility for operations against ‘thuggee’ was the concern of the Company’s Political, rather than its Judicial, Department, because the latter could only claim jurisdiction in territories administered according to the Bengal Regulations.⁵⁶ This was also a means to bypass the review of the Nizamat Adalat, as sentences passed by Smith, in his capacity as Commissioner in the Sagar and Narmada Territories, were forwarded directly to the government. During the early 1830s, Smith presided over the trials of ‘thugs’ not only captured in British-administered territories in western, central and northern India, but also extracted from neighbouring Indian states. By 1836, well over half of the total ‘thuggee’ trials held under British auspices *circa* 1826-41 had been completed, with a conviction rate of 98.9 per cent.⁵⁷ The rapid accumulation of guilty verdicts convinced senior administrators of the significance of Sleeman’s and Smith’s work. In 1835, the Thuggee Department (hereafter, TD) was convened and its expenses recognized as a ‘General charge being incurred for the welfare of the whole of India’, with Sleeman appointed to the new post of General Superintendent of the ACT.⁵⁸ The general superintendent’s assistants soon expanded operations into the Deccan, the Doab, Rajputana, Malwa and Delhi.⁵⁹ A permanent staff of seven assistants, commanding more than three hundred *nujeebs* (mounted soldiers), was assisted by a further seventeen British officers: residents at the courts of Indian rulers based in Indore, Hyderabad and Lucknow, and Agents based in territories under British control. Just as in the trials heard by Smith, those held by residents were only submitted to the Political Department’s secretary, H. T. Prinsep, for review, while Agents tried ‘thugs’ at tribunals specially convened by the TD to evade interference from the Judicial Department.⁶⁰ In the introduction to his *Ramaseena* (1836)⁶¹, Sleeman was unequivocal about the need for subcontinental—or ‘supranational’⁶²—sovereignty presented by the threat of ‘thuggee’:

It is a principle of the law of nations, recognized I believe by every civilized people, that assassins by profession shall find in no country a sanctuary, but shall every where be delivered up to the Sovereign who reclaims them and in whose dominions they have perpetrated their crimes; and as the crimes of these assassins are never confined to the country in which they reside, and as every country in India must now be considered as under the protection of the Supreme Government in some relation or other, that Government very

properly undertook the duty which seemed imposed upon it by the laws of humanity and of nations, and determined to reclaim them from every State in which they might seek shelter.⁶³

The ATC therefore ran to an expansionist logic, both because the representation of the nature of ‘thuggee’ accepted by the government insisted that the practice was systematic, widespread, and could only be stopped by the arrest of all ‘thugs’, and because the procedural licence granted to the architects of the campaign allowed for the pursuit of ‘thugs’ believed to be sheltering beyond the boundaries of the Company’s jurisdiction.

The specific anti-‘thuggee’ legislation promulgated in 1836 was therefore, as Singha observes, partly a means to cloak with legitimacy the freewheeling, idiosyncratic operations led by Sleeman and Smith in the first half of the decade, and partly a means to assuage concerns voiced in various sections of the colonial establishment about the police powers entrusted to ‘thug’-hunting detachments now ranging over the Regulation territories.⁶⁴ The first paragraph of Act XXX of 1836 read as follows:

whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of Thugs, either within or without the Territories of the East India Company, shall be punished with imprisonment for life, with hard labour.⁶⁵

The legislation sanctioned the Company’s courts to punish anyone who could be proved to be or to have been associated with ‘any gang of Thugs’, captured ‘within or without’ British territory. Clearly, guilt by association was far easier to prove than culpability for a specific murder or robbery, not least when the TD relied heavily on information from convicted ‘thugs’ who had turned ‘approver’ (in the legal parlance of the time) in return for testimonies alleging the guilt of former associates.⁶⁶ To resolve the ambiguity of using confessions from guilty ‘thugs’ as evidence in the trials of their gang-members, Act XIX was passed in 1837, enshrining the principle that

no person shall, by reason of any conviction for any offence whatever, be incompetent to be a witness in any stage of any cause, Civil or Criminal, before any Court, in the Territories of the East India Company.⁶⁷

The extra-ordinary procedural innovations rejected in the course of the late eighteenth-century attempt to suppress dacoity, and critiqued by opponents of the ATC as liable to abuse by representatives of the TD, were therefore now formally incorporated into the juridical order of the

Company's state. For Singha, this was a political manoeuvre intended to avoid legal dualism with the Company's domains (one rule for the Regulation territories, another for the rest).⁶⁸ For Freitag, it marked the appearance of a 'covert' legal structure especially targeting forms of 'collective crime'.⁶⁹ However, this legislation gave legal form to that which cannot have legal form—a Schmittian 'state of exception'; a form of *sovereign* authority precisely defined by the ability to decide whether or not 'the law' applied to certain individuals. Neither 'thug' nor 'thuggee' was defined in the laws passed 1836-7; this remained a question of executive discretion. And, although Sleeman announced victory over 'thuggee' in 1839 (although statistics for 'thug' trials run on until 1841), this did not lead to a retreat or a shrinking of the sovereign power that vitalized the ATC. To understand why this did not happen is to gain a final, crucial historiographical insight into the realization of colonial sovereignty in British India.

The Politicization of Bare Life

Invested with discretionary powers providing for the definition of suspects, as well as their arrest and detention, TD officers defined several new categories of 'thug' in the late 1830s, using the legislation against various itinerant groups, such as child-traffickers ('Megapunniastic Thugs'), gamblers ('Tushma-Baz Thugs'), and wandering mendicants (classified, variously, as 'Dathura Poisoners', *Tin Naimi*, *Gosain*, *Bairagi*, *Jogi*, *Kan Phuttie*, *Thorie* and *Panda Brahmin* 'thugs').⁷⁰ J. R. Lumley's harassment of Yogis provides an instructive example of the way in which the vagueness of the anti-'thug' legislation provided sustenance to the ATC. In December 1837, Lumley, one of Sleeman's deputies in the TD, wrote to the magistrate at Ahmednuggur to inform him that he had 'the very strongest ground of suspicion for believing all the twelve tribes of Jogeas to be in truth Thugs but ostensibly Beggars and Peddlars who traffic in small wares'.⁷¹ 'The Headquarters of the Jogeas is [a temple] at Sonaree', Lumley continued, where there are 'some fifteen or twenty Goroos and three or four Muctiyar Jogee families I wish to seize'. He subsequently arrested '50 or 60' Yogis, 'among whom more than a dozen confessed or recorded Thuggee against their accomplices'. Despite admitting that he did not think the 'Goroos' had 'any connection with Thuggee', he went on to say that he had interned 'a few of them' to try to improve knowledge of 'arcana Jogeeana'.⁷² Although Lumley obviously had reservations about the applicability of the noun 'Thuggee' to the activities that he had encountered, only a few months later, Sleeman informed the chief secretary that the TD had 'always had reason to believe

that a great part of the Byragees, Gosains and other religious mendicants that infest all parts of India were assassins by profession'.⁷³ A year later, Sleeman argued that,

There is one great evil which afflicts and has afflicted the country, and which no government but a very strong one could attempt to eradicate. This is a mass [around two million people, by Sleeman's estimate] of religious mendicants who infest every part of India, and subsist upon the fruits of all manner of crime.... [They] rob and steal, and a very great portion of them murder their victims before they rob them...[using] dutoora [*Datura alba*, also spelled 'dathura' in colonial accounts], or some other deleterious drug.⁷⁴

Yogis were now re-figured into a representative portion of a wider section of indigenous society defined, by Sleeman, by its criminality: 'There are not anywhere worse characters than these Jogies, or greater pests to society, save the regular Thugs', he concluded.⁷⁵ The dramatic ascription of criminality to religious mendicants attests to the reach and robustness of the discretionary power at the TD's disposal. Relocated outside the colonial juridical order as a certain variety of 'thug', these individuals were now trapped in a relation to the power that attempted to prosecute them, an ontological position fully-loaded by the politics of their criminalization. We thus return to the concept of abandonment introduced at the beginning of the essay. As Giorgio Agamben has observed,

The life...of the bandit, ... is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land. And yet he is in a continuous relationship with the power that banished him precisely insofar as he is at every instant exposed to an unconditioned threat of death.⁷⁶

Therefore, while the bandit exists in a state of 'bare life' in relation to the sovereign power that banished him—a life marked by the absence of political choice in the sense that its politics are discredited by his pursuers—his 'continuous relationship' with that power is such that this bare life is immediately and totally, 'at every instant', inscribed-upon by and with the politics of the sovereign-pursuers. The bandit cannot stray in or out of the particular politics that concerns itself with his actions; he is, by definition, trapped in a permanent relationship to it by the power that designates him such and so out-laws him.⁷⁷ In the example of the ATC, the 'particular politics' were those of certain colonial officials and administrators who defined 'thuggee' in specific ways.

Sleeman's suggestion, in his report of 1839, that there were 'regular Thugs' was strikingly at odds with the diversity of people arrested on suspicion of 'thuggee' throughout the ATC, and the mass of heterogeneous information about their experiences of life on India's roads found in their testimonies and so-called conversations with officials involved in it. In fact, the lack of 'regular Thugs' was a vital source of legitimization for the ATC. The difficulty of rationalizing and categorizing 'thuggee' in the first place—what Company officials perceived as its extraordinary qualities—had necessitated that 'thuggee' be considered an exception, and produced legislation wide enough to permit the discretionary powers deemed necessary to bring in for interrogation people with fluid, multiple and diverging identities. The consistent justification given for these powers, was that for various reasons, 'thugs' lay outwith the bounds of humanity itself, as defined by the colonial administration: 'abhorrent to human nature, they are the sworn and irreconcilable enemies of mankind,' Smith wrote in November 1830, adding, 'they deserve no mercy; mercy to such wretches would be cruelty to mankind'.⁷⁸ The paradox of this parochial use of a term—'mankind'—invoked for its quality as a universal signifier as the fundamental justification for the suppression of 'thuggee' (in that this would protect 'mankind') shows how, by figuring the 'thug' as an 'inhuman wretch', the colonial administration elaborated a claim for sovereign power over the lives of Indians.⁷⁹ By locating 'thugs' beyond the bounds of humanity it of course simultaneously advanced a definition of what constituted a 'human'. 'Thugs' were the exception that proved the rule, and indeed served to authenticate colonial sovereignty, to the degree that the colonial state could enforce its definitions of 'thuggee' and 'humanity'. It was crucial for the colonial administration *not* to fully rationalize 'thuggee', for this would have conceded a modicum of empathy, of identification with what its politics declared 'monstrous', 'wretched', and 'inhuman'. The ATC could never be about erasing 'thuggee', so much as policing it, subordinating it: construing an element of the colonized population as 'inhuman' and sustaining that construction, or re-constructing it elsewhere. Colonial sovereignty provided the means by which British officials were able to do this, to inscribe and re-inscribe their politics upon the depersonalized body of the 'thug'.

The premise for the ATC had been that 'thuggee' presented an extra-ordinary threat to the indigenous population and to colonial authority, and that similarly extra-ordinary measures were temporarily required to suppress it. However, following the announcement that 'thuggee'—as an 'organized system'—had been defeated, neither the legislation enacted, nor the police agency especially convened to counteract the perceived threat were withdrawn. Indeed, the TD now focused its efforts on dacoity, and various forms of 'organized' crime believed to be prevalent in central and northern India (aforementioned). During the 1840s, the anti-'thuggee' laws of the

1830s were widened, expanding the TD's remit to the pursuit of increasingly ill-specified groups of 'criminals', culminating in Act XI of 1848, which laid down that

Whosoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of wandering persons, associated for the purposes of theft or robbery, not being a gang of Thugs or Dacoits, shall be punished with imprisonment, with hard labour, for any term not exceeding seven years.⁸⁰

With this legislation, the colonial administration gave judicial force to the topos of the road as a place of danger, where 'wanderers' could escape surveillance, harass travellers, practice unregulated commerce, and—worst of all—develop what were perceived to be wild and savage cults, inimical to the envisioned society of civilized, taxable cultivators.⁸¹ Moreover, the vagaries of such legislation indicate the expansionist dynamic at work within the establishment of the type of power here called 'colonial sovereignty', as the Company state became ever more interventionist from the 1830s. Interest in 'marginal' groups of the population—*adivasis*, forest-fringe cultivators, itinerant traders, entertainers, and holy men—was matched by legislation, police-powers, and procedural flexibility that served to expand the state's own margins in the form of the exception.⁸² In this Hobbesian conception of the state, as an abstracted, exclusive, centralized and unitary locus of authority, Company administrators now claimed that a British colonial government would dominate and defend the 'Indian' community, order and nurture its civil life, and embody sovereignty. As Asad puts it, 'the state's *abstract* character is precisely what enables it to define and sustain the margin as a margin through a range of administrative practices'⁸³; although the Company's pursuit of dacoits, 'thugs', and various 'wandering' groups brims with legislative innovation and the appearance of due process, the authority of these laws came from beyond written rules: it rested with officials who believed themselves to be the appropriate arbiters of what was 'notorious' or 'extraordinary' about certain sections of the indigenous population. The risings of 1857-8 would subject this abstracted 'state' authority to a cataclysmic interrogation.

Conclusions

The extra-ordinary, British-led operations to suppress banditry in the late eighteenth and early nineteenth centuries, particularly the ATC, yield new insights into the realization and functioning

of colonial sovereignty in the Indian subcontinent. The historiographic claim made here is that ‘colonial sovereignty’ names a type of power that British administrators demanded, and instituted, for the control of certain individuals whose actions transgressed the threshold of their modes of comprehension and categorization. ‘Thug’ was the name given to a figure located beyond the pale of ‘civil’ society, and held to be a member of a community of ‘irreclaimable’ predators upon it, who could not be socialized into ‘conventional’ law. From this, it followed that their prosecution necessitated the creation of a novel sphere of authority, defined by the suspension of the existing juridical order. In this state of exception officials dealt with crimes that, it was claimed, only they could police—in all senses of the word. Through this policing, this defining and controlling, they characterized (and indeed caricatured) not only those individuals who would henceforth be considered non-subjects to which the ordinary procedures of British administration could not apply—dacoits and ‘thugs’—but also those who would be afforded protection of its laws, the supposed benefits of the rule imagined and enforced by this exception.

Acknowledgements

My thanks go to Crispin Bates and Markus Daechsel for their insightful, challenging, and thorough comments on an earlier draft of this essay. I wish to acknowledge the outstandingly detailed, provocative, and illuminating research into ‘thuggee’ and dacoity by Radhika Singha, Kim A. Wagner, and John R. McLane: I have made extensive use of their references in preparing this paper.

Notes

¹ The words ‘thug’ and ‘thuggee’ appear without a capital letter and in inverted commas throughout this essay to indicate my contestation of the colonial usage of the noun Thug, and the verb Thuggee (which appear in their original form only in quotations or to indicate the colonial usage). ‘Thug’ and ‘thuggee’ can be read as shorthand for ‘suspect(s) accused of being a Thug/Thuggee’. Current Indian place-names have been used where possible, although the colonial versions are retained in references to primary sources for ease of use.

² Extract from W. Wright, Magistrate of Chitoor, to the Register of the Foujdari Adalat, Dec. 1809, in E. M. Thornton, *Illustration of the History and Practices of the Thugs* (1851 edn.; repr. New Delhi: Asian Educational Services, 2000), pp. 271, 274.

³ For self-justifying colonialist accounts of ‘thuggee’ and derivative, celebratory secondary literature, see, in particular, W. H. Sleeman, *Ramaseena* (Calcutta: Military Orphan Press, 1836); Philip Meadows Taylor, *Confessions of a Thug* (1839; repr. Oxford: Oxford University Press, 1998); J. M. Kaye, *Administration of the East India Company; A History of Indian Progress* (London: Richard Bentley, 1853); Francis Taker, *The Yellow Scarf: The Story of the Life of Thuggee Sleeman* (London: J. M. Dent & Sons, 1961); George Bruce, *The Stranglers: The Cult of Thuggee and its Overthrow in British India* (London: Longmans, 1968). For revisionist historiography, see, in particular, Stewart N. Gordon, ‘Scarf and Sword: Thugs, Marauders, and State Formation in Eighteenth-Century Malwa’, *Indian Economic and Social History Review*, vol. 6, no. 4 (1969); Radhika Singha, ‘“Providential” Circumstances: The Thuggee Campaign of the 1830s and Legal Innovation’, *Modern Asian Studies*, vol. 27, no. 1 (1993); Martine Van Woerkens, *The Strangled Traveler, Colonial Imaginings and the Thugs of India*, trans. Catherine Tihanyi (Chicago: University of Chicago Press, 1995; repr. 2002); C. A. Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870* (Cambridge: Cambridge University Press, 1996); Amal Chatterjee, *Representations of India, 1740—1840* (Basingstoke: Macmillan, 1998);

Parama Roy, 'Discovering India, Imagining *Thuggee*', in Parama Roy, *Indian Traffic: Identities in Question in Colonial and Postcolonial India* (Berkeley: University of California Press, 1998); John Marriott, *The Other Empire: Metropolis, India and Progress in the Colonial Imagination* (Manchester: Manchester University Press, 2003); Kim A. Wagner, *Thuggee and the 'construction' of crime in early nineteenth century India* (unpublished doctoral thesis; University of Cambridge, 2003); Máire Ní Flathuín, 'The Campaign Against Thugs in the Bengal Press in the 1830s', *Victorian Periodicals Review*, vol. 37, no. 2 (2004); Kim A. Wagner, 'The Deconstructed Stranglers: A Reassessment of Thuggee', *Modern Asian Studies*, vol. 38, no. 4 (2004).

⁴ W. H. Sleeman, 'Introduction' to *Report on the Depredations committed by the Thug Gangs of Upper and Central India, from the Cold Season of 1836-37, down to their gradual suppression, under the operation of the measures adopted against them by the supreme government in the year 1839* (Calcutta, Bengal Military Orphan Press, 1840), p. xix.

⁵ See 'Tabular Statement of the Results of Thug trials held in India, 1826-41', in Philip Meadows Taylor, 'State of Thuggee in India', *British and Foreign Review*, vol. xv, no. 29 (1843), p. 293.

⁶ See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. with and introduction by George Schwab (1922; repr. Chicago and London: University of Chicago Press, 2005).

⁷ See Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (Oxford: Oxford University Press, 1998), esp. pp. 26-32.

⁸ See W. H. Sleeman, anonymous letter, in *The Calcutta Literary Gazette, Journal of Belles Lettres, Sciences and the Arts*, vol. 40, 3 Oct. 1830, in 'Note by the Secretary [G. Swinton]', 4 Oct. 1830, Board's Collections [hereafter, BC,] F/4/1251/50480(2), fos. 669-90, Oriental and India Office Collections, British Library [hereafter, OIOC].

⁹ According to official estimates of the time, six out of every sixteen Bengalis perished in the famine. Revised estimates put this closer to one in three. See W. W. Hunter, *The Annals of Rural Bengal* (repr. of 6th edn; Calcutta, 1965), p. 26; cf. Atis Dasgupta, 'Early Trends of Anti-Colonial Peasant Resistance in Bengal', *Social Scientist*, vol. 14, no. 4 (1986), p. 22.

¹⁰ Article 35, Bengal Regulations, 1772, quoted in Singha, *A Despotism of Law*, p. 29.

¹¹ Extract from proceedings of Governor and Council, 19 Apr. 1774, in J. E. Colebrooke, *Supplement to A digest of the regulations and laws*, vol. 1 (1807), p. 122.

¹² For example, see 'Seventh report', 6 May 1773, in *Reports from Committees of the House of Commons*, vol. IV, 1772-3, esp. p. 324, cited in Singha, *A Despotism of Law*, p. 3, n.10.

¹³ Letter from Warren Hastings, 10 July 1773, recorded on the proceedings of Council, 3 Aug. 1773, in Colebrooke, *Supplement*, pp. 114-19.

¹⁴ This argument conformed to a wider, progressive Orientalist meta-narrative and critique of the Mughals' 'despotism' as a political and fiscal formation that had already reached its capacity and was now being 'naturally' superseded by a more dynamic system, spearheaded by colonial enterprise, more capable of maintaining both political power and revenue streams—a critique soon articulated through Governor General Cornwallis' attempt to limit zamindari power through the permanent settlement of the revenue demand.

¹⁵ Letter from Warren Hastings, 10 July 1773, in Colebrooke, *Supplement*, pp. 114-9.

¹⁶ Committee of Circuit to President and Council, 15 Aug. 1772, in *ibid.*, p. 13.

¹⁷ The historical constitution of these forms of knowledge, of the processes by which dacoits and 'thugs' were defined, detected and captured in a colonial episteme, forms the principal subject of the later parts of this essay.

¹⁸ Committee of Circuit to Council at Fort William, 15 Aug. 1772, in Colebrooke, *Supplement*, p. 13. Cf. Hastings' circular on Sannyasis and Fakirs (two groups discussed below) of January 21, 1772, in which he describes them as 'enemies of the Government', which is quoted in Dasgupta, 'Anti-Colonial Peasant Resistance in Bengal', p. 30.

¹⁹ My understanding of the 'state of exception' here, and throughout the essay, draws on the definition of Carl Schmitt, but follows rather more closely the model elaborated by Agamben, wherein it may be seen to generate a form of power that allows for the reconstitution of certain individuals deemed amenable to the practice of extra-judicial 'sovereign' power. See Schmitt, *Political Theology*, esp. pp. 5-15; Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), esp. pp. 64-5; and Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago and London: University of Chicago Press, 2005), esp. pp. 1, 4.

²⁰ For the concept of ‘abandonment’ in the context of the ‘state of exception’, see Agamben, *Homo Sacer*, pp. 28-9, 71, 82, 85-6.

²¹ The dacoit ‘outrages’ of the Chuars (*adivasi* inhabitants of Bengal’s northern and western borders) peaked between 1770-1783 and 1798-1799. The Sannyasi and Fakir uprisings of *circa* 1760-1800 were also understood as outbreaks of dacoity. Other notable peasant, artisanal and ‘tribal’ uprisings in this period, likewise construed as dacoity, occurred at Tripura (1761-1763), near Calcutta (1765-1766), in Swandip (1769), in the Chittagong hills (1776-1787), at Rangpur (1783), in Santipur, Jessore and Khulna (1784-1796), and at Birbhum (1786-1793). See Atis Dasgupta, ‘The Fakir and Sannyasi Rebellion’, *Social Scientist*, vol. 10, no. 1 (1982), pp. 44-55, and John R. McLane, ‘Bengali Bandits, Police and Landlords After the Permanent Settlement’, in Anand A. Yang (ed.), *Crime and Criminality in British India* (Tucson, Ari.: University of Arizona Press, 1985), pp. 35-6.

²² Zamindar means ‘landowner’, though it is important to note that the scale of their possessions, and influence over dependants, varied greatly. In Bengal, about fifteen zamindars controlled sixty per cent of the land *circa* 1775-1800. In the Doab region of northern-central India (part of the Ceded and Conquered Provinces, added to British administration between 1801 and 1803), there were few large landowners, thus less economic stratification, and more coparcenary (joint-heirship) communities. See Thomas R. Metcalf, *Land, Landlords, and the British Raj: Northern India in the Nineteenth Century* (Berkeley: University of California Press, 1979), pp. 11-13, 47-8, and 52-3. See also Ranajit Guha, *A Rule of Property for Bengal: An Essay on the Idea of Permanent Settlement* (Durham, N.C.: Duke University Press, 1996).

²³ Indeed, this may be seen as a direct continuation of the processes inaugurated by the enactment of the 1772 regulations, which likewise sought to capture judicial and punitive authority for the emergent colonial state, as the prerogative of sovereignty, by clearly separating them from fiscal claims, which was diffused and distributed (or ‘farmed out’, as in ‘rent farmers’) down through the network of social authority through which revenue was collected. See Singha, *A Despotism of Law*, p. 2.

²⁴ See for example, para. I, Regulation II, 23 Jan. 1810, V/8/18, 336-7, OIOC. See also *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company, 1812*, pp. 39-40, 65-6, and 71; and C. R. Blunt, Magistrate, Birbhum, to Judicial Dept, 1 July 1802, and Magistrates of the Twenty-Four Parganas to Judicial Dept, 1 July 1802, appendix 10 to *ibid.*, both cited in McLane, ‘Bengali Bandits’, pp. 30, 35-8.

²⁵ From late 1808, judges of the Nizam Adalat could offer up to five-hundred rupees for the capture of a proclaimed dacoit leader (sirdar), and one-hundred rupees for an associate. (Darogahs’ monthly salaries were about twenty-five rupees.) In a significant forerunner of the ATC, W. C. Blacquiere, justice of the peace for Calcutta, combined the use of spies, informers and rewards to suppress gang robbery in Nadia and the 24-Parganas between 1808-10. See Regulation IX, 4 Nov. 1808, and Regulation X, 28 Nov. 1808, V/8/18, 293-9, OIOC. See also Wagner, *Thuggee*, pp. 66-9.

²⁶ Regulation I, 12 Jan. 1810, V/8/18, 335, OIOC. It is also worth noting that British judges of the Courts of Circuit replaced Indian officials as the administrators of criminal courts in 1790.

²⁷ Regulation XXII, section X, 1793, cited in Singha, *A Despotism of Law*, pp. 31-2, n.133-5; see also Singha, ‘“Providential” Circumstances’, p. 112, n. 118.

²⁸ As in the 1770s, this was loaded with an Orientalist critique of the displaced juridical order’s laxity, and indeed the barrenness of ‘Mughal’ state authority, caused, in turn, by seepage from the many rivulets of authority streaming up to the emperor Conversely, both Singha and Freitag argue, rather than perceiving dacoity as a threat to the state—an indication of the impotence and inefficiency of its juridical order—Mughal practice tended to simply hold local administrators responsible for banditry in their particular jurisdiction. See, Singha, *A Despotism of Law*, esp. pp. 1-7; and Sandria B. Freitag, ‘Collective Crime and Authority in North India’, in Yang (ed.), *Crime and Criminality*, pp. 141-2.

²⁹ Etawah straddled several established and significant routes taken by indigenous merchants and pilgrims, but suffered from unstable agricultural conditions, and, located adjacent to lands controlled by the Marathas, had a reputation for lawlessness among colonial writers. See W. Hamilton, *The East-India Gazetteer*, 2nd edn, (1815; repr. London: Parbury, Allen & Co., 1828), vol. I, p. 544.

³⁰ The Ceded and Conquered Provinces comprised adjacent territories in northern-central India, ceded to the Company by the Nawab Vizier of Awadh in 1801, conquered from the Maratha chieftain Daulat Rao Sindia in 1803, and ceded by the Maratha Peshwa of Poona the same year. Metcalf, *Land, Landlords, and the British Raj*, pp. 47-8 (this includes a map). For the discovery of the bodies, See T. Perry, Magt. Etawah,

to G. Dowdeswell, Secy. Judicial Department [hereafter, JD, 19 Mar. 1810, T. Perry, Private Papers, Add. Mss. 5375, Cambridge University Library [hereafter, CUL].

³¹ Extracts from Perry's interrogations of Ghulam Hussain and his associates can be found in T. Perry, Magt. Etawah, to G. Dowdeswell, Secy. JD, 19 Mar., 11 Apr., 24 Apr., and 17 May 1810, Perry Papers, Add. Mss. 5375, CUL; Dowdeswell to Perry, Bengal Criminal and Judicial Consultations [hereafter, BCJC], P/130/14, 30 Mar. 1810 (no. 38), OIOC; and 'Trial of four thugs', Bareilly Court of Circuit, 2nd session of 1810, 9-11 and 16-17 Nov. 1810, enclosed in T. Brooke, Judge of Bareilly Court of Circuit, to Dowdeswell, 21 Dec. 1810, BCJC, P/130/27, 18 Jan. 1811 (no. 46), OIOC [hereafter, 'Trial of Four Thugs (1810)']. For the first British encounter with 'thuggee', see Wagner, *Thuggee*, pp. 36-66.

³² For Wright's report, see W. Wright, Asst. Magt. Farrukhabad, to J. Miller, Magt. Farrukhabad, 12 Mar. 1810, BCJC, P/130/14, 30 Mar. 1810 (no. 6), OIOC. For the appointment of the superintendent, see Regulation VIII of 1810, 16 Mar. 1810, V/8/18, 348-349, OIOC.

³³ See Sandria B. Freitag, 'Crime in the Social Order of Colonial North India', *Modern Asian Studies*, vol. 25, no. 2 (1991), 237, 252; Freitag, 'Collective Crime', 141-2, and 159-162; Singha, *A Despotism of Law*, esp. chs. 1-4.

³⁴ T. Perry, Magt. Etawah, to G. Dowdeswell, Secy. JD, 17 May 1810, T. Perry Papers, Add. Mss. 5375, CUL.

³⁵ See also T. Perry, Magt. Etawah, to J. Shakespeare, Regr. of the Nizamat Adalat, 22 Apr. 1811, BCJC, P/130/132, 14 May 1811 (no. 93), OIOC, in which Perry further pressed the case for magisterial 'discretion, with respect to the release, and detention of persons of 'bad character'.

³⁶ For historical and etymological debates on the word 'thug', see Gordon, 'Scarf and Sword', pp. 408-9; Wilhelm Halbfass, 'Vedic Apologetics, Ritual Killing, and the Foundations of Ethics', in *Tradition and Reflection: Explorations in Indian Thought* (Delhi: Sri Satguru Publications, 1992); Paul Dundas, 'Some Jain References to the Thugs in the Sainsaramocaka', *Journal of the American Oriental Society*, vol. 115, no. 2 (1995), esp. pp. 281-4; Singha, "'Providential" Circumstances', p. 104; Van Woerkens, *The Strangled Traveler*, pp. 116-7, 299.

³⁷ T. Perry, Magt. Etawah, to G. Dowdeswell, Secy. JD, 11 Apr. 1810, quoted in Mike Dash, *Thug: The True Story of India's Murderous Cult* (London: Granta, 2005), pp. 30-31.

³⁸ T. Perry, Magt. Etawah, to G. Dowdeswell, Secy. JD, 1 Mar. 1812, quoted in *ibid.*, p. 34.

³⁹ Trial of Four Thugs (1810), BCJC, P/130/27, 18 Jan. 1811 (no. 46), OIOC.

⁴⁰ This was not, however, the last time the judges of the Nizamat Adalat were to come across Ghulam Hussain. Perry continued to detain him, presumably on account of his 'notoriety' and because he would be unable to find a guarantor for his bail on security of good behaviour, and used him to bring further trials, which ultimately found their way to the superior court. In a trial of three suspected 'thugs' in 1812, Ghulam's evidence was again dismissed as unreliable by the Nizamat Adalat, since he could not give specific details about single acts for which the accused would be culpable. (Perry's other witness was an eighty-four year old man, whom the Nizamat Adalat described as 'almost devoid of intellect' because of his 'exceeding age'.) W. H. Macnaghten, *Reports of Cases Determined in the Nizamat Adawlut: With Tables of the Names of the Cases and Principal Matters*, vol. I: 1805-19 (Calcutta: Baptist Mission Press, 1827-8), V/22/44/239-40, OIOC.

⁴¹ J. Shakespeare, Superintendent of Police for the Western Provinces, Annual Report (1816), para. 76, BCJC, P/132/44-5, 30 Aug. 1816, OIOC. This scepticism alerts us to the tension between the political or executive and the judicial departments of the administration, brilliantly explored by Radhika Singha in the context of the anti-'thuggee' operations of the 1830s in her article, "'Providential" Circumstances'.

⁴² Western Provinces Annual Police Report (1816), para. 89, BCJC, P/132/44-5, 30 Aug. 1816, OIOC. For the attack on the village of Madnai, see Capt. Popham, Commander of Regiment no. 23 of the Native Infantry at Sindouse, to Lieut. Col. G. H. Fagan, HQ Agra, 24 Dec. 1812, Military Department, 24 Dec. 1812 (nos. 10, respectively), National Archives of India (Delhi) [hereafter, NAI], cited in Wagner, *Thuggee*, p. 82.

⁴³ Regulation VI, 9 Feb. 1810, V/8/18, 345-7, OIOC.

⁴⁴ Regulation VIII, 19 Sept. 1808, V/8/18, 289-92, OIOC; Regulation VIII, 28 Aug. 1818, V/8/19, OIOC; Regulation III, 16 Apr. 1819, V/8/19, OIOC. The quotation is taken from Regulation III, 1819.

⁴⁵ T. Perry, Magt. Etawah, to G. D. Guthrie, Superintendent of Police for the Western Provinces, 27 July 1812, T. Perry Papers, Add. Mss. 5378, CUL, quoted in Wagner, *Thuggee*, p. 66.

⁴⁶ For statistics on ‘thugs’ in indefinite detention in the late 1810s and in the 1820s, see W. Ewer, Superintendent of Police for the Lower Provinces, to W. B. Bayley, Secy. JD, 6 Apr. 1819, BCJC, P/134/6, 16 Apr. 1819 (no. 6), OIOC; and F. C. Smith, Agent to the Governor General, Sagar and Narmada Territories [hereafter, AGG S&NT], to H. J. Prinsep, Secy. Political Department [hereafter, PD], 19 Nov. 1830, BC, F/4/1309/52131, OIOC. See also Singha, “‘Providential’ Circumstances’, p. 112. The first ‘thug’ trial that resulted in conviction and sentencing was in Sagar in 1826, which is why Meadows Taylor’s statistical table of the results of ‘thug’ trials runs 1826-41. See Sleeman, *Ramaseeana*, Appendix C, pp. 46-53; and ‘Tabular Statement’, in Meadows Taylor, ‘State of Thuggee in India’, p. 293.

⁴⁷ Singha, *A Despotism of Law*, p. 33.

⁴⁸ This, ultimately, returns us to the definition of the sovereign figure or sovereign power as that which does not need law to create law. See Schmitt, *Political Theology*; Agamben, *Homo Sacer*, esp. pp. 15-21, and 27.

⁴⁹ F. J. Shore, Offg. Commissioner S&NT, to Secy. Sadar Board of Revenue, Allahabad, 7 May 1836, Home Misc. vol. 790, India Office Library (London) [hereafter, IOL], p. 422, quoted in Singha,

“‘Providential’ Circumstances’, p. 90. The non-regulation tracts of the Bengal Presidency were Delhi (added in 1803), the Sagar and Narmada Territories (1818), and Assam, Arakan and Tenasserim (1824).

⁵⁰ G. W. Swinton, Chief Secy. GG, to Maj. J. Stewart, Offg. Res. Indore, 23 Oct. 1829, in N. K. Sinha (ed.), *Selected Records Collected From the Central Provinces and Berar Secretariat Relating to the Suppression of Thuggee 1829-1832* (Nagpur: Government Printing Central Provinces and Berar, 1939) [hereafter, *SRT*], pp. 12-13. For the ‘thug’-informers’ accounts of the attacks, and records of the recovered loot, see *ibid.*, pp. 15-40.

⁵¹ Capt. W. Borthwick, Political Agent, Mahidpur, to Maj. J. Stewart, Offg. Res. Indore, 7 Feb. 1830, Extract Bengal Political Consultations, 5 Mar. 1830 (enclosed in no. 46), BC, F/4/1251/50480(1), OIOC.

⁵² H. T. Prinsep, Secy. GG PD, to G. Swinton, Chief Secy. GG, 27 Dec. 1830, BC, F/4/1309/52131 (no. 1), OIOC, cited in Wagner, *Thuggee*, p. 132.

⁵³ G. W. Swinton, Chief Secy. GG, to F. C. Smith, AGG S&NT, 8 Oct. 1830, in *SRT*, p. 10.

⁵⁴ For example, see J. Malcolm, *A Memoir of Central India*, vol. I, (London: 1823), pp. 173-4. Cf. F. C. Smith, AGG S&NT, to G. Swinton, Chief Secy. GG, 5 July 1830, quoted in Bruce, *Stranglers*, p. 79.

⁵⁵ F. C. Smith, AGG S&NT, to H. T. Prinsep, Secy. GG PD, 19 Nov. 1830, in *SRT*, p. 53.

⁵⁶ Though it did not affect the ATC (owing to Smith’s intervention), in 1831, Bentinck transferred the Sagar and Narmada Territories’ administration to the newly formed North-Western Provinces and declared them subject to the Nizamat Adalat stationed at Allahabad in the criminal department. For Smith’s slander of native rulers and argument that prosecuting ‘thuggee’ was a matter for the political department, see F. C. Smith, AGG S&NT, to H. T. Prinsep, Secy. GG PD, 19 Nov. 1830, in *SRT*, pp. 45-55.

⁵⁷ ‘Well over half’: 1,892 out of 3,437, or 55 per cent, of ‘thug’ trials took place between 1826 and 1835 (inclusive). The acquittal rate is based on the following calculation: a total of 1,892 ‘thugs’ were arrested *circa* 1826-35. 134 escaped from jail or died before sentencing. Of the remaining 1,758 people, 21 were acquitted (1.1 per cent of the total tried), with the remainder receiving anything from the death penalty to conditional release pending the arrival of someone putting up security for them. All percentages are rounded to one decimal place. Calculated from ‘Tabular Statement’, in Meadows Taylor, ‘State of Thuggee in India’, p. 293.

⁵⁸ Quoted in Singha, “‘Providential’ Circumstances’, p. 122, n.159 and n.160. The TD’s expenses were accounted to the Sagar and Narmada Territories alone until 1835.

⁵⁹ ‘Doab’ refers to the land between the Ganges and Jamuna rivers. The ‘Deccan’ is a plains region in central India.

⁶⁰ See Singha, “‘Providential’ Circumstances’, p. 111; Sleeman, *Ramaseeana*, Introduction, p. 56-7; Dash, *Thug*, pp. 193-4. For a selection of the correspondence explaining the expansion of the ATC in the early 1830s, see F. C. Smith, AGG S&NT, to G. Swinton, Chief Secy. GG, 25 Mar. 1832; Smith to Macnaghten, Secy. GG, 24 Apr. and 29 May 1832; and Macnaghten to G. Swinton, 25 Jun. 1832, in *SRT*, pp. 73-5, 80-81, 90-91.

⁶¹ *Ramaseeana* was not only a retrospective justification and glorification of the work of Sleeman and Smith in the early 1830s, nor a pre-emptive attempt to deflect criticism that had come their way from Residents in Princely States who were alarmed at the impositions and offence caused by ‘thuggee’ arrests in these jurisdictions, but also a manual for the apprehension of ‘thugs’ circulated to all officers connected with the suppression campaign. See Máire Ní Flathuín, ‘The Travels of M. de Thévenot through the Thug archive’, *Journal of the Royal Asiatic Society*, vol. 11, no. 1 (2001), p. 34.

⁶² This is Van Woerkens phrase, and a useful one, for it draws attention to the patchwork-quilt of political dominions existent in the subcontinent (such that the terms ‘India’ and ‘Indian’ are problematic) in the early nineteenth-century, of which ‘British colonial’/‘Company Raj’ was only one, itself constituted in three semi-autonomous fragments. Van Woerkens, *Strangled Traveler*, p. 47. For more on the relationship between ‘thuggee’ and the elaboration of British paramountcy—as a ‘suprajustice’ to rule the newly-imagined ‘supranation’ of ‘India’, as van Woerkens has it—see W. H. Macnaghten, Secy. GG Pol. Dept., to R. Cavendish, Res. Gwalior, 24 June 1832, in *SRT*, p. 88.

⁶³ Sleeman, introduction to *Ramaseeana*, p. 49. Cf. ‘Bentinck’s minute on the defence of India’, in C. H. Phillips (ed.), *The Correspondence of ... Bentinck*, vol. II, pp. 846-7.

⁶⁴ In particular, the need for formal legislation was a means to extend the ATC into the Bengal Presidency to combat the newly-discovered problem of ‘river thuggee’—for which conventional proof of murder was even harder to find than for its terrestrial equivalent. Evidence to prove murder was harder to find because bodies were allegedly thrown overboard by ‘thugs’ operating aboard boats on the river Ganges. W. H. Sleeman, General Superintendent of Operations for the Suppression of Thuggee in India, to W. H. Macnaghten, Chief Secretary to the Governor General, 8 Sept. 1836, BC, F/4/1685/67998, OIOC. For contemporary concerns about the ATC raised by members of the colonial establishment, see Extract letter from Court of Directors, 298 Nov. 1832, no. 11, Home Dept, Thagi & Dakaiti, List 1, Cons B.2, Sl. No. 3, 1833, NAI; R. Cavendish, Res. Gwalior, to W. H. Macnaghten, Secy. GG, 17 May 1832; G. T. Lushington, Political Agent, Bharatpur, to F. C. Smith, AGG S&NT, 13 June 1832; A. Lockett, AGG Rajputana, to W. H. Macnaghten, Secy. GG, 23 June 1832, all in *SRT*, pp. 89-96.

⁶⁵ The third paragraph sanctioned Company courts to punish ‘thugs’ without the *fatwa* of an Islamic legal officer, thus enacting Hastings’ wishes of 1772. W. H. Sleeman, *Report on Budhuk alias Bagree Decoits* (Calcutta: Military Orphan Press, 1849), p. 353. All anti-‘thug’ and anti-dacoit legislation passed between 1836 and 1848 can be found in *ibid.*, p. 353-62.

⁶⁶ Failing this, the provisions of Regulation VIII of 1818 could be invoked. As Sleeman pointed out to one TD officer, just because there was insufficient evidence to commit a suspect on a charge of ‘thuggee’—be it association with a gang, robbery, or murder—it remained TD-officials’ ‘duty’ to detain them, so long as they were ‘morally’ satisfied of the suspect’s guilt. See Singha, “‘Providential’ Circumstances”, pp. 134-5, n. 214. For the mooted of punishments for different ‘thug’ offences, see G. Swinton, Chief Secretary to the Governor General, to Major J. Stewart, Officiating Resident, Indore, 23 Oct. 1829, in *SRT*, p. 13.

⁶⁷ *Ibid.*, p. 353. Sleeman had effectively advertised for Act XIX of 1837 in the introduction to *Ramaseeana*, pp. 51-4.

⁶⁸ Singha, “‘Providential’ Circumstances”, esp. pp. 134-7.

⁶⁹ Freitag, ‘Crime in the Social Order’, esp. p. 231.

⁷⁰ For example, see W. H. Sleeman, *A Report on the System of Megpunnaism* (Calcutta: The Serampore Press, 1839). For the reports of TD officials relating to religious mendicants suspected of ‘thuggee’, see Capt. Reynolds, Offg. General Superintendent [hereafter, GS], to T. H. Baber, Political Assistant Dharwar, 31 Dec. 1836, Home Dept, T&D, Dec. 1836-May 1837, NAI; W. H. Sleeman, GS Operations to Suppress Thuggee, to Lt. Birch, 27 Dec. 1837, and Sleeman to Lt. Burrows, Asst. GS Dharwar, 17 Dec. 1837, Home Dept, T&D, G.4, Sept. 1836-March 1838, NAI; Sleeman to Burrows, 27 March 1838, Home Dept, T&D, Cons G.5, Sept 1836-Feb. 1836, NAI; Capt. J. Vallancy to Sleeman, 14 Oct. 1839, and Sleeman to T. H. Maddock, Secy. PD, 26 Nov. 1839, Foreign Pol., 22 Jan. 1840, no. 78, NAI; Offg. Secy., Government of India, to Sleeman, 17 Jan. 1839, Home Dept, 1839, Thagi and Dakaiti, Cons B.2, no. 16, NAI, cited in Singha, “‘Providential’ Circumstances”, p. 139, n. 224-227, and p. 142, n. 242. See also van Woerkens, *Strangled Traveler*, pp. 101-4.

⁷¹ J. R. Lumley to Magt. Ahmednuggur, Dec. 1837, ‘Letters from the Assistant General Superintendent at Shorapur to the General Superintendent and others between October 1836 and December 1837’, II, fo. 261, NAI, quoted in Van Woerkens, *Strangled Traveler*, p. 102.

⁷² J. R. Lumley to Magt. Ahmednuggur, Dec. 1837, ‘Letters from the Assistant General Superintendent at Shorapur to the General Superintendent and others between October 1836 and December 1837’, II, fos 262-263, NAI, quoted in *ibid.*, 101-2.

⁷³ W. H. Sleeman, GS Operations to Suppress Thuggee, to W. H. Macnaghten, Secy. GG, 3 Feb. 1838, Thagi & Dakaiti, G5, fo. 107, NAI; Sleeman to Lieut. Reynolds, Hyderabad, 6 Apr. 1838, G5, fo. 112, NAI, quoted in *ibid.*, p. 102.

⁷⁴ Sleeman, *Report on the System of Megpunnaism*, p. 9. 'Datura poisoners', as they were widely called, had fallen under colonial suspicion since Perry's encounters with 'thuggee' circa 1808-15.

⁷⁵ *Ibid.*, p. 11.

⁷⁶ Agamben, *Homo Sacer*, pp. 183-4.

⁷⁷ Cf. *ibid.*, pp. 183-4.

⁷⁸ F. C. Smith, AGG S&NT, to H. T. Prinsep, Secy. GG Pol. Dept., 19 Nov. 1830, in *SRT*, p. 50.

⁷⁹ The figuring of 'thugs' as 'inhuman' was in fact one of many culturally-contingent representations of their Otherness, which elsewhere pinpointed their alleged religious subculture (as members of a Kali-cult who sacrificed travellers to the goddess), ascribed them as wanderers (who preyed on mainstream society), and alleged their 'caste-like' formation into a fraternity of hereditary criminals' whose 'trade' was robbery and murder as registers of their difference, and justifications for their suppression. For a more sustained exploration of these representations, see Tom Lloyd, 'Acting in the "Theatre of Anarchy": The Anti-Thug Campaign and Elaborations of Colonial Rule in Early Nineteenth-Century India', *Edinburgh Papers in South Asian Studies*, no. 19 (2006).

⁸⁰ Sleeman, *Report on Budhuk alias Bagree Decoits*, p. 357.

⁸¹ Cf. B. Neeladri, 'Predicaments of Mobility: Peddlers and Itinerants in Nineteenth-Century Northwestern India', in Claude Markovits, Jacques Pouchepadass, and Sanjay Subrahmanyam (eds.), *Society and Circulation: Mobile People and Itinerant Cultures in South Asia 1750-1950* (Delhi: Permanent Black, 2003), pp. 193, 195; and C. A. Bayly, *Rulers, Townsmen and Bazaars in North Indian Society in the Age of British Expansion 1770-1870* (Cambridge: Cambridge University Press, 1983), p. 219.

⁸² For further reflection on the growth of 'the exception', or at any rate the expansion of British legislative intervention to control 'marginal' and typically criminalized groups of the 'subject' population, I direct the reader to the following, excellent body of academic literature on the infamous Criminal Tribes legislation (beginning in 1871): Sanjay Nigam, 'Disciplining and policing the "criminals by birth", Part 1: The Making of a Colonial Stereotype – the Criminal Tribes and Castes of North India', *Indian Economic and Social History Review*, vol. 27, no. 2 (1990), pp. 131-64; Sanjay Nigam, 'Disciplining and policing the "criminals by birth", Part 2: The Development of a Disciplinary System, 1871-1900', *Indian Economic and Social History Review*, vol. 27, no. 3 (1990), pp. 257-287; Andrew J. Major, 'State and Criminal Tribes in Colonial Punjab: Surveillance, Control and Reclamation of the 'Dangerous Classes'', *Modern Asian Studies*, vol. 33, no. 3 (1999), pp. 657-88; Meena Radhakrishna, *Dishonoured by History: 'Criminal Tribes' and British Colonial Policy* (New Delhi: Orient Longman, 2001); and Shail Mayaram, *Against History, Against State: Counterperspectives from the Margins* (New York: Columbia University Press, 2003).

⁸³ [My italics.] Talal Asad, 'What Are the Margins of the State?', in Veena Das and Deborah Poole (eds.), *Anthropology in the Margins of the State* (Oxford: James Currey, 2004), p. 281-2.