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'Convict Colonization' of Andamans: The Imperial Context

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‘Convict Colonization’ of Andamans: The Imperial Context*

Abstract

Deploying a global-historical approach, the paper situates Andamans within the imperial network of politics and trade in the Indian Ocean with the arrival of the Europeans in the sixteenth century. It is argued that the process of ‘convict colonization’ of Andamans was ‘overdetermined’ by the English East India Company’s effort to consolidate maritime jurisdiction in the Bay of Bengal (a segment of the commercial network of the Indian Ocean) as ‘British seas’ and to simultaneously address the administrative problem of a burgeoning criminal population that was concomitant with territorial acquisitions and extension of jurisdiction over ‘natives’ in Asian territories. It is demonstrated that the imperial naval strategy in the Indian Ocean and the colonial policy of convict transportation were closely coordinated in the process of Empire-building. It is suggested that the imperial ‘Right to possession’ to a territory as ‘Property’ was reinforced through convict settlement to exercise ‘Occupation’ against rival claimants. The denouement in the event of the Revolt of 1857 in which the ‘origins’ of Andamans as a penal colony has been otherwise sought is unravelled by such a genealogical account.

Keywords: Empire, Indian Ocean, international law, criminals, transportation, piracy.

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> '…the Gentoos of Pegu and Tenasserim like the Gentoos of Bengal are possibly so attached to their continent and deified rivers, that they neglect Islands… Thirty years or less will make a great change in the Bay of Bengal.'
>
> Thomas Forrest, Letter to Warren Hastings, 1785.[1]

Anticipating a sea-change in the Bay of Bengal within the next thirty years or so in the late eighteenth century, Senior Naval Captain of the Bengal Marine, Thomas Forrest, wrote a detailed letter to Warren Hastings, the Governor General of India, informing him about his recently conducted survey of the islands near the Mergui archipelago. Drawing Hastings' attention to their strategic significance in imperial configuration, Forrest observed that the islands—stretching from Chittagong to Penang—were crucial for the ascendant English East India Company which had by then consolidated its position in Bengal. He found to his surprise (one may say advantage), that unlike the significance attributed to islands by the maritime Europeans powers, these territories were not given equal importance by the rulers of the East Indies. He asserted that any European power which settled in that quarter would not only be provided with harbours at these various islands which were situated near Arakan but would also possess the envious position to invade Bengal through the numerous water channels at the mouth of the river Ganges providing smooth navigation. The Dutch were his source of worry as competitors as, by the late 18th century they were doing large scale spice trade in the Malay-Indonesian archipelago and also the French who were threatening the British power both on land and the seas, with India as the prized target for Empire-building.

'Settling' in the islands, Forrest had emphasized, would enable to 'keep others out'. This would provide the main imperial motive behind 'settlement'.[2] Settlement, it must be emphasized, was a colonizing strategy which was intended to consolidate sovereign claim to a territory amidst inter-imperial rivalries. Settlement needs to be also read as symbolic of Occupation which bolstered the Right to Possession to a territory as Property is understood and analogically, in terms of international law, bestowed the title to sovereignty.[3] Moreover, islands (other than coastal tracts and deltas) were important strategic assets in the Indian Ocean where, unlike other oceans, there were a few straits. Also, closely tied to the imperial motive behind settling in the islands, was the articulation of maritime jurisdiction in the Indian Ocean which was reinforced with the arrival of the North Atlantic Europeans. We shall come to this point later.

Forrest's survey, it needs to be reminded, was borne out of an 'accidental' leeward journey when he set out from Calcutta to survey the Andamans in 1783.[4] It is his account on the Andaman Islands to which we would like to draw more attention.[5] Drawing upon previous accounts and hearsay which attested to several attempts by earlier colonial administrators to stake a claim on the islands, he pointed out that one of their main aims was to provide a harbour point for ships on the coast of Coromandel at the shifting of monsoons or in distress. However, he surmised that these attempts had failed largely because of fear from the hostile islanders, the dangerous navigation around the coast of Pegu and Bay of Martaban, as well as the likely interference by the 'petty governments' of Tavoy and Mergui which were subordinate to Pegu.[6] His detailed observations indicate Forrest's intimate knowledge of South East Asian region. Other than being a colonial administrator stationed at Fort Marlborough in Bencoolen, Forrest had actively participated in the politics of the region in his dual capacity of a 'country trader' and as an agent of the English East India Company. His observations must be placed within the context of the interests of the British country traders in the maritime region of South East Asia which extended from Pegu and Tenasserim-Mergui through a few Malay ports and Aceh in Sumatra to Ayuthya in Siam (present day Thailand) and Tongking in Cochin China (present day Vietnam). This region has been described by a historian as 'free-trade zone', i.e. outside Dutch control or its pretensions and also, one in which, with the exception of Perak after 1745, indigenous monarchies retained much independence from European supervision till the nineteenth century.[7] Some of the British country traders such as Thomas Bowrey from 1680s to Francis Light and James Scott in the 1770s would make their fortunes sailing into this region.

However, settlement in Andamans was not an easy proposition. The hostility of the islanders imagined often as 'cannibals' towards 'outsiders', remained an obstacle to imperial ambitions.[8] Forrest offered suggestions for subduing the 'savage' Islanders through the 'wonderful effects of Powder' so as to impress upon them 'Ideas of our great Superiority.' [9] Though entertaining some doubt about the islands belonging to the King of Pegu, Forrest suggested that a settlement in the Andamans could compel Pegu to bestow the title of sovereignty to the British.

Forrest's accounts and correspondences offer several cues to understand the politics and trade in the Indian Ocean in the late eighteenth century. In his account, Forrest wove together several threads of the fabric of the British Empire through commodities such as China's tea, West Indies' sugar, Burma's teak and the humble ubiquitous coconut that was abundant in

Nicobars [10] Islands, and thus, became intertwined in this dense and intricate imperial network.[11] The paper delineates this nexus so as to understand what drew British attention to Andaman islands, leading to its settlement and consequent abandonment or as later put, 'desertion' in 1796.[12] Its resettlement in 1858 as a penal colony is contextualized by looking at the longer trajectory of British imperial growth in the intervening decades in which maritime control in the Indian Ocean and territorial acquisitions in the Indian subcontinent became pivotal in superseding other imperial powers. Also, it will be demonstrated that imperial growth was accompanied by parallel processes of criminalization of subject population and deployment of the policy of transportation of convicted criminals to settlements in the East Indies which enabled to reinforce territorial claims. It will be contended that convicts reinforced the Right to territory as settlers in an era of inter-imperial rivalries.[13]It is through such a genealogical account that the significance of the establishment of Andaman penal colony for the British Empire will be asserted.

The paper is divided into three sections. Section 1 traces the maritime commercial network and politics in the Indian Ocean and the changes brought in the seascape with the arrival of north Atlantic Europeans in the sixteenth century. The strategic significance of Andamans and its brief period of settlement is placed within the context of Anglo-French rivalries in the late eighteenth century during which control over the islands became crucial for consolidating maritime jurisdiction in the Bay of Bengal. Section 2 looks into the British imperial growth during and after the Napoleonic wars till the acquisition of Pegu post-second Anglo-Burmese war and the refocussing of the attention of the colonial administrators towards Andamans in mid-nineteenth century, especially through the episodic incidents of shipwrecks and murders by the 'savage' islanders. Section 3 looks into the discourse of criminality in its several variants such as thuggee and piracy to understand the process of subjugation of 'native' population and the deployment of the penal policy of convict transportation for Empire-building. The 1857 Revolt and the resettlement of Andamans are subsequently discussed as a culmination of this long process of forging an Empire via the English East India Company.

I

There is a near-consensus among historians of the Indian Ocean—with differences only over the nature of its degree—that the Portuguese in the sixteenth century had introduced violence in its waters through the mechanism of *cartaz-cafila-armada* system,[14] and it is not that there

was complete calm in the Indian Ocean before the arrival of the North Atlantic Europeans. However, as pointed out by Ranabir Chakravarti 'the perception and claim of sovereignty over a given maritime space' was a political notion that was rooted in the Mediterranean and quite alien as a *concept* in the Indian Ocean in the pre-1500 period.[15] The violent act of naval blockade to secure control over commerce was deployed time and again by the Portuguese governors whose primary strategy lay in militarily controlling the sea-lanes of its commercial routes by seizing several outposts and territories that dotted the coasts and the straits in the Indian Ocean. However, the Portuguese failed to gain complete control primarily due to Asian competition and later resorted largely to intra-Asian trade. They were outcompeted by the Dutch who had gained ascendancy in the seventeenth century through a multi-patterned trading network which entailed the establishment of several 'factories' in the Malay-Indonesian archipelago for securing their spice-trade and also through their exclusive trade with Japan. Their monopsony rights to spices were brutally acquired and enforced through political intrigues and expulsion of competing traders.[16] Interestingly, alongside this naked violence in the Indian Ocean, the Dutch East India Company, in their competition against the Portuguese, was articulating their right to trade and navigation in the East Indies in terms of international law through a competent jurist, Grotius. The arguments had far-reaching implication for the inter-imperial audience with regard to the notion of sovereignty at sea as well as for its explicit recognition of the sovereignty of the East Indian rulers. Ironically, the freedom of the seas which was proclaimed only as a medium of commerce would lead to the implicit recognition of jurisdiction (as distinct from sovereignty) over maritime space by Grotius[17] and the consequent denigration of the sovereignty of the East Indian rulers.[18] War could be waged, thus, as justice for maintaining the very freedom of the seas against the scourge of piracy which was recognized 'crime against humanity' and for maintenance of the right to trade and navigation in the East Indies.

The short-circuiting of Mare Liberum (freedom of the seas) to Mare Clausum (closed seas)—the latter doctrine espoused by the English jurist, John Selden—was evidenced in the period of increasing competition of the English East India Company with the Dutch. Grotius was compelled to manoeuvre and argue against some of his very own assertions for the sake of the Dutch East India Company.[19] The trade in spices for Indian textiles was vied by the English as a source of immense profit which was jealously guarded by the Dutch. However, the Dutch monopolization of the spice trade in the Malay-Indonesian archipelago did not prove beneficial in the long-run. With the diversion of resources to India by the English East

India Company and also its attention, the very composition of trade to Europe changed in the latter half of the seventeenth century with profits accruing more from Indian cotton textiles and China's tea through the intermediate catalyst in this trading chain, opium. The English, in spite of the Dutch aggression, retained their foothold in Bencoolen on the western coast of Sumatra and built a fortified factory (Fort Marlborough) for pepper collection with access to other smaller outposts.[20] As acknowledged later by one British colonial administrator, Bencoolen provided a 'firm footing' in the Eastern seas and it is important to note that Forrest, whose accounts act as our guide to trail the Empire's web, was also stationed there. [21]

Bencoolen was one of the nodal points of the British Empire in which India was to emerge as the linchpin by the eighteenth century. The foundation of the Empire was built through a network in which commodities, chiefly, cotton, tea and opium were transacted through criss-crossed routes over land and seas that connected India with China through South East Asia. Several parts of South East Asia were not only important for China for their produce but they also provided a market for Indian opium.[22]

At the beginning of the eighteenth century, the English East India Company merchants consolidated their position as 'rulers' in several parts of the Indian subcontinent through a protracted process which was embroiled both in politics in Britain as well as through treaties with several East Indian rulers: such changes being foreshadowed by military expeditions against both Asian and European rivals. The first three decades of the eighteenth century witnessed several developments as the trade by Europeans was being firmly established in Canton. British trade with Asia steadily progressed along with country trade in the Eastern seas and the French East India Company eclipsed the Dutch East India Company, the latter losing its country-trading position. Several other European companies such as the Danish and the Ostend provided fresh competition and thrived with the aid of both British capital and piracy.[23]

By the middle of the eighteenth century, the French had developed a considerable centre at Pondicherry, and lesser ones at the west and the east coast of India such as Mahe, Calicut, Surat, Masulipatam, and Chandernagore. One of the important gains of the French East India Company during this period that was to have a lasting consequence in their strategic interest as a naval power was the colonization of Mauritius, renamed as Isle de France, which was to serve as an excellent harbour and port of refitment. The Danish Company also staked their

claim over the Nicobar group of islands which remained a bone of contention for assertion of British sovereignty as late as 1868.

The necessity of harbours and ports of refitment was partly propelled by certain shortcomings in naval technology.[24] Islands were therefore, in more ways than one, crucial. If the Dutch had the enviable Cape of Good Hope other than Negapatam, Trincomalee and Malacca as ports, and the French had Mauritius, Britain had only St. Helena. Calcutta and Madras, despite having extensive hinterland, did not have adequate shelter for big ships during the north-east monsoon and had poor dockyard facilities. It is in such a context that Forrest's thrust on improving naval technology and the significance of the islands in the Mergui Archipelago for the British may be understood.[25]

As also acknowledged by Grotius, maritime commerce led to increasing competition among the European imperial powers and therefore, did not occur in a political vacuum in the East Indies. The eighteenth century witnessed the decline of the Mughal power in the Indian subcontinent as well as destabilization of powers in the Malay-Indonesian archipelago which was partly an effect of European intrusion and their insistence on extracting trading privileges to the disadvantage of the East Indian rulers. Treaty-alliances with discriminatory clauses, favouring one nation over another, especially for their military prowess, led to territorial concessions, extra-territorial immunity and exemption from custom duties and port dues.[26] Resistance to commerce, the latter read as freedom and natural right in European discourse, was only answered through military expeditions. Dupleix and Clive were to perfect this art of politics. Also, wars in Europe between France and Britain were transplanted on the Indian terrain that was suspended only temporarily through treaties for the elusive balance-in-power. Many a times, the superior military skill and competition among rival powers were put to use by the East Indian rulers in their internal feuds for political power or against the stranglehold of another European power, often leading to their disadvantage and decay.

In such a context in the first half of the eighteenth century, we see that the British Royal Navy and the Bombay Marine of the English East India Company strengthened each other to outstrip both Asian and European competitors. The 'Angrians', Malwans, 'Coolies' and the 'Joasmees' were condemned as pirates and the British, through an increasing assertion of its maritime power, regulated the trade and shipping routes in the Eastern seas.[27] The Asian merchants adjusted to this changed scenario by seeking convoy protection from the Company to conduct their trade in the Indian Ocean and sustain their businesses.[28] The event and

consequences of the Battle of Plassey in 1757, in which the Royal Navy played a very important role, do not require to be recalled here. Suffice it to say that the grant of Diwani in Bengal which bestowed on the English East India Company the territorial revenues of Bengal, Bihar and Orissa changed its fortunes by tying it more closely to the future growth of British politics and Empire. Following the conquest of Bengal, various schemes were tried to improve trading prospects in Sumatra and to secure markets in the region of South East Asia.[29] Meanwhile, Britain's maritime strength was boosted further with the publicity gained by Cook's voyages and his charting of the western coast of New Holland (Australia), the calculation of longitude with near accuracy and, watches being carried on board by naval commanders.[30]

At this conjuncture, the loss of American colonies in 1776 decisively turned the direction of the British Empire to the East. The War also brought to an end the policy of convict transportation to the American colonies, across the Atlantic, from Britain. A new destination for transportation of criminals was sought who were, otherwise, temporarily accommodated in hulks and were engaged in public works. This search for new destination of convicted criminals, whose population witnessed a rise in the rapidly industrializing and urbanizing eighteenth-century Britain, was very much conceived by the British administration, in coordination with the naval strategy to be adopted for securing India, which became the battle ground for the British to offset its loss of power in the Atlantic, and for the French to renew its imperial strength.[31] It is noteworthy that as several destinations from South America to Africa were suggested which could potentially serve as a naval base as well as a destination for transported convicts, an Eastern strategy was also proposed by Edward Thompson, a member of the Royal Navy with experience of voyages in the European, Mediterranean and Eastern Seas. He suggested to the British Ministry that in addition to the destination of De Voltas in South Africa, there should also be an investigation of the Andaman Islands, 'as a protection for our fleets to secure and defend Coromandel and Bengal.'[32]

Andamans was, thus, thrust in the imperial jockeying for power between the British and French by the latter half of the eighteenth century. A brief outline of its geographical location and its proximity to trade and shipping routes may elucidate how it was brought within the Empire's grid. S. Arasaratnam described the trading pattern in the Bay of Bengal as it looked from the Coromandel Coast in the late seventeenth and early eighteenth century.[33] Trade lines ran horizontally from west to east which connected the Coromandel ports such as the Masulipatnam port with Pegu, Mergui and Tenasserim on the eastern side of the Bay.

Similarly, the ports of southern Coromandel had direct trade across the bay with ports of Western Malaya right up to isthmus of Kra towards north and with Malacca and Johore in the south. Ships sailing along this route and those which plied between Madras and Rangoon, often touched or stopped at the Nicobar Islands, for cargoes of coconut. On longitudinal basis, cutting across the horizontal lines were the north-south trading lines which stretched out from Bengal. Running diagonally across the Bay of Bengal from south-east to north-west, there was a sailing route from Malacca to Masulipatnam which crossed the Andamans through the Duncan Pass.[34]

Apart from shipping across the Bay, there was also coastal shipping between ports by indigenous merchants sailing smaller boats. The Chulias and the Klings of the Coromandel Coast would thrive through their commercial links with Pegu and the Malays—their presence mentioned in several accounts and correspondences of Forrest.[35] It is important to note that the Bay of Bengal trade was only a part or segment of the larger trading network of the Indian Ocean maritime-commercial network. Nicobars, and lesser so, Andamans, appeared only fleetingly in the sailing tracks and did not feature as crucial nodal points in this network, not until the resurgence of the Bay of Bengal as the battle-ground of the British and the French East India Companies by late eighteenth century. The Bay of Bengal region was also crucial for maintaining the momentum of the 'commercial revolution' which was underwritten by the finance of the agency houses through a close nexus of the country traders and Company servants who had staked their interest in the expansion of trade in South East Asia for the profitable China trade.[36] As the British Empire's interest was tied to these commercial activities, and so did the fate of the English East India Company (attested by the Pitt's India Act and the Tea Commutation Act of 1784), the fast developing maritime activity in the East emerged to counter both—the French and the Dutch. It is also in the same year, 1784, that the Transportation Act was passed by the British Parliament which provided for the revival of the punishment of convict transportation which vested power in the Crown for determining the place of transportation.

New South Wales (Australia) was founded as a colony in 1786 with convicts transported from Britain who were, also, envisaged as its first settlers. This was a marked departure from the earlier policy of transporting convicts to the already established American 'plantations'. Such an endeavour coincided roughly with the transportation of convicts from India to Prince of Wales Island, situated in the Straits of Malacca, acquired through active negotiation with Malay political contender. Soon after, convicts were being transported to Bencoolen and

Malacca.[37] Various harbour points in South East Asia were also actively sought after by Forrest, acting on behalf of the English East India Company, through negotiations with Malay Sultans.[38]

The Company's maritime service itself diversified with the transportation of sepoys and convicts to several settlements in the East Indies and New South Wales.[39] Under Cornwallis, another survey of the Andaman Islands was conducted by Captain Alexander Kyd and Colonel Colebrooke, the Surveyor General of India, and it was the favourable report of Captain Blair, a hydrographer in the service of the Bombay Marine, that led to the decision of convict settlement in the Andaman Islands.[40]

Envisaged as a naval arsenal and a war port for fleets, the North East harbour of the Andaman islands was chosen as the site for settlement. A port of refitment was considered necessary for English fleets during distress which otherwise had to take a long voyage to Bombay for repair and which meant considerable wastage of time for naval operations. In the opinion of Alexander Kyd, later appointed as the Superintendent of Port Blair in 1792, 'it was an object which administration justly considered of the utmost *national consequence* ultimately lending in a material degree to the safety and permanency of the British Dominions in this country.'[41]

Viewed optimistically in the initial stages as crucial to the Empire, settlers and marine stores were sent to the Andamans soon after staking a claim to the islands. Convicts and provisions were later transported on tendered ships to the islands.[42] However, economising the costs to the administration weighed often against the political and strategic interests. The islands' commercial value was time and again assessed leading to many disappointments.[43] The scarcity of grain supplies to Andamans as well as its damp climate led to an increasing mortality of convicts (envisaged as *both* settlers and labourers) by scorbutic diseases.[44] Another impediment was the hostility of the islanders, described in the official correspondences, as 'lamentable inconvenience.'[45]

The decision to 'abandon' the 'infant' settlement in Andamans was reached by the colonial administration only after a careful comparison of several variables with Penang.[46] The Marine Board was instructed to take measures for removal of the surviving convicts to Penang and to bring back stores and settlers to Bengal.[47] It is important to observe that the Marine Board discussed the probability of any foreign power taking possession of the Island before carrying out these instructions.[48] Instead of keeping a vessel stationed in the Island which could invite attention of a foreign power, it was suggested that the claim of possessing

the Right could be maintained 'by setting up a pillar and by burying a plate of metal, with inscriptions suited to the intentions.'[49]

Between Andamans and Prince of Wales, the former fell behind on strategic and commercial consideration. In the ensuing years, the British Royal Navy captured several other Dutch and French bases in the Indian Ocean. Tipu Sultan, who was once a French ally and one of the formidable threats to the English East India Company, was defeated at the Battle of Seringapatnam at turn of the nineteenth century. The 'little kings' or the Poligar chiefs, irritants to the Company for their frequent feuds and rebellions, were transported to Penang.[50] In 1803, with the war in Europe reaching an impasse leading to an uneasy peace settlement, Delhi, the seat of Mughal power, was forcibly taken by the Company administration after defeating the Sindhia troops at the battle of Patparganj. It is important to note that the Sindhia troops were commandeered by the French. The British Empire had reached its peak. The nineteenth century, thereafter, was to mark the 'Great Divergence' between Asia and Europe.[51]

II

Writing from Lincoln's Inn, in the year 1802, before the Napoleonic Wars were to intensify and its ripples felt again in the waters of the Indian Ocean under the control of the British Navy, Bentham wrote two lengthy letters to Lord Pelham of the Home Office to compare the project of Penal Colonization of New South Wales with that of the Panopticon–Penitentiary. [52] The preference of the metropolitan government for 'convict colonization' of New South Wales as opposed to building penitentiaries at home led Bentham, who had a personal stake in the Panopticon-project, to compare the two penal policies and engage with the Colonial question.

The penal policy of convict transportation by considering only the physical distance was critiqued by Bentham for being too simplistic a penal device which could only be matched in its crudeness to the classic example of Oriental Despotism—the Calcutta Black-Hole and the other symbol of the Revolutionary Terror in France—the noyades and fussilades.[53]

As a legal positivist and tracing the historical 'origins' and trajectory of the penal policy of convict transportation, he emphasized that unlike transportation of convicted criminals and assignment of services to settlers in the erstwhile American colonies across the Atlantic, transportation to New South Wales was exceptional because it laid the foundation of a penal

colony, with convicts doubling as colonists. In addressing the Pitt administration's assessment of New South Wales as an 'improved colony' and by adding the objective of 'economy' to the ends of penal justice, Bentham also investigated the Colonial Question. Bentham considered colonies to be uneconomical: a drain of resources to the mother country for the expenses of military protection and for being oppressive to the settlers, which finds its fullest expression in his, 'A Plea for the Constitution'.[54] His approach to the colonial question was, however, more nuanced and his appeal for de-colonisation was not based on any natural right of self-determination but on considerations of utility. His criticism of New South Wales as a colony, in consonance with the laissez-faire ideology of nineteenth-century Britain, was that it yielded no import-worthy produce and its importance was evaluated, significantly, in relation to the East Indies.

Bentham was quick to point out that, 'when the vessels that have carried out goods and passengers to New South Wales, have brought anything home, it has been (if I am not mistaken) either from China or the East Indies'.[55] Bentham contended against the assertion of Judge Advocate Collins that New South Wales was a valuable nursery of soldiers and seamen who could be mobilized to come to the aid of the English East India Company. Observing that the Mysore War had already vanquished Tipu, one of the main obstacles against the rising British power, Bentham noted that such a contention held even less significance.[56]

It is this priority to utility and economy as well as Bentham's emphasis 'Of Time and Place in matters of Legislation' for deviating from liberal-constitutional standards that justified many imperial excesses. Bentham was also not off the mark or mistaken when he attributed greater importance to China or the East Indies for the Empire.

The Napoleonic wars resumed after temporary suspension in 1803 and the British Royal Navy captured Dutch and French bases such as Cape of Good Hope, Java, Seychelles, Mauritius and Bourbon. The wars ended with Napoleon being exiled to the island of St. Helena and the signing of the peace treaty in Paris in 1815. The balance-of-power that was attained in Europe thereafter dictated British policy in the East Indies which entailed careful negotiation with the Dutch power as a buffer state, in order to prevent a recurrence of French expansionism.

Also, the China trade became much more important in 1800 because of several other developments. Industrialization in Britain contributed significantly to the growing profitability of Chinese imports into Britain and, opium proved to be most popular in the

Chinese market. Opium exports increased significantly in both volume and value between 1797 and 1815, substantially inflating the revenues of the English East India Company which enjoyed a monopoly of the procurement and sale of the drug in Bengal. The Straits Settlements, Prince of Wales Island, Malacca and Singapore became crucial for the British Empire as bases in the Indian Ocean-South China Sea region. Other than the archipelagic South East Asia, the peninsular South East Asia, especially the maritime frontier of Burma, became crucial in the Empire-building process in the Bay of Bengal region. Quite significantly, the tactical sea-borne invasion of Lower Burma and occupation of Rangoon, was through Andamans where the Company's troops had briefly assembled.[57]

The Company's interests too were actively engaged further east of the Bay of Bengal reaching up to China, where armed conflict had broken out in 1839-42 over the British trade in Indian opium. The Nanjing Treaty (1842) conceded Hong Kong to the British along with war indemnities and re-opening of the Canton trade. Also, the textile industrialism of Britain which had ushered British prosperity was jolted by the 1840s which again looked for revival in the East. The 1840s also witnessed the failure of Wakefieldian scheme of 'systematic colonization'. The East India Company directors in London were persuaded that their territorial reach in India should be extended to better consolidate and expand British interests in the region foregoing its earlier restraint. The colonial economy of India was by then taking its characteristic shape under conditions of rapid industrial expansion. It was under Dalhousie, the Governor General of India from 1848 to 1856, known more for his Doctrine of Lapse in Indian history for 'annexations' of several 'Native States', that the railways, telegraphs and the post-office were first established.

An outline of the imperialist expansion of Britain in the first half of the nineteenth century demonstrates how the Empire was built through both territorial acquisitions and consolidation of maritime jurisdiction by gaining control over ports and outposts along its commercial routes. Also, a distinct pattern can be discerned in these acquired and ceded territories—Hong Kong, the Straits Settlements—Malacca, Penang and Singapore, the erstwhile Burmese territories—Arakan, Tenasserim and Pegu—arising from convicts being transported to and from each of these settlements.[58] A clamour was raised by colonial officials to bring Andamans within the imperial network.

In a letter written by Captain Henry Hopkinson, Commissioner of Arakan to the Secretary to the Government of Bengal, dated 8th February 1856, attention was drawn to the importance

of the 'occupation' of the Andaman Islands.[59] Hopkinson justified occupation of Andamans by asserting the vulnerability of 'British subjects' which apparently did not befit the power of an imperialist nation—, i.e., in the name of protection of cast away 'British subjects' in the islands, of reclaiming the islands from their inhabitants who were conceived by the civilizing imperialist force as 'savages' and also in the utilitarian hope of prospects—of providing a harbour and coaling station, important for coal-powered Company steamers that were teak-built, many in Moulmein—bearing names such as Tenasserim and Malacca—and for the eventual 'progressive' transformation of the islands to produce timber and remunerative fisheries.

Another question that precipitated a debate among the Council members of the Governor-General of India was on the mode of colonization. Hopkinson had suggested the establishment of a penal colony as an initial 'nucleus' in Andamans. It was suggested that convicts be transported from British Burma as a source of cheap labour who would be managed on the model of English penal colonies.

The question then turned to the significance of occupation of Andamans with a larger reference to commerce in the Bay of Bengal. However, there were many dilemmas. With the end of Crimean war in 1856, when again the Island was discussed and with the start of the second Opium War in China, caution and pragmatism was urged by the Governor-General of India, Canning.

Though most of the members in the Council concurred with the Governor-General in his disapproval of the measures, J. P. Grant put across his opinion in favour of occupation of the Islands. He asserted that the proposition of a penal settlement in Andamans was not altogether an inconsiderable point, especially on the prospect of an increase in convict population 'by reason of our late immense accessions of territory.' He further claimed that 'the conquest of Pegu had made the Bay of Bengal a British seas' and drew further attention to the importance of Nicobars for the claim to be consolidated.

Nicobars, as earlier noted, was also important to the country traders for coconut cargos as freight for British vessels on their way to Rangoon, Moulmein and Mergui.[60] M.F. Crisp, a country trader with vested interests for improvement in marine architecture repeatedly reminded the colonial administration of British India about the threat of other foreign powers.[61] He reported about his friendliness with the chiefs of the people Car Nicobar Islands and their willingness to become subjects of the British Government.[62] Their indifference

towards the Court of Directors was shaken up by several reports of piracy around the Nicobar islands as the colonial officials feared that the 'Southern provinces' were in some degree 'the market for the plunder.'[63]

The Andamans was also brought within the colonial gaze by the same M.F. Crisp in his proposition of moving the jail establishment at Amherst to the Interview Island on the west side of the Great Andamans to serve as the 'great jail of India.'[64] Transportation of convicts, according to him would upend the likely possibility of the French government of transporting convicts from Pondicherry to the Car Nicobar Island.[65] His proposition of a convict settlement in Andamans would find resonance many years later in Hopkinson's scheme.

The islands had also gained notoriety for shipwrecks. Troopships that sailed from Sydney en route to Calcutta, the Runnymede and the Briton, wrecked on one of the Andaman Islands in 1844, and became a subject-matter of imperial interest.[66]

The 'savagery' of the Andaman Islanders, unlike crime which demanded evidence to be put on trial, was attested by the very absence of survivors who were allegedly wrecked on the islands. At times, the depositions of Chinese sea-men and Coringhees who had survived after being lost in their sailing tracks from Penang to Nicobars near Andaman Islands, attested to some of the crew being murdered by the islanders without any provocation.[67] There was also the incident of the loss of 'Rob Roy' which had set sail from Burma en route to China and wrecked on the Andamans. Its cargo of more than 350 chests of opium was salvaged with much effort through the despatch of the 'Nemesis'.[68]

Such incidents, as the Commissioner of Tenasserim, Hopkinson, suggested, could be avoided by colonizing Andamans and establishing a harbour. His justifications for re-occupation of Andamans through a convict settlement were both 'security of traffic' and 'humanity'—the emptied subject of commerce and civilizing mission of the Empire.

III

Transportation of criminals to islands by the European Empires served the dual purpose of meting out punishment through isolation as well as for forming a colony.[69] The colonial official, J.P. Grant's suggestion of a penal settlement being necessary for addressing the burgeoning criminal population in the Empire demands outlining its context. Transportation as a penal policy was defended by the Prison Discipline Committee of 1838 against the

critique offered by Bentham.[70] The defence was construed by bracketing the criminality of offenders in the Indian subcontinent unlike that of the metropole. Also, it was argued that the standards in the metropole did not apply to India as it was not in the same stage of civilization as that of Britain. As noted by Alexandrowicz, the civilizational paradigm was deployed in the nineteenth century to strip the East Indian polities from the ambit of international law and to extend it further, the 'difference', as argued by Partha Chatterjee, was deployed to deviate from liberal-constitutional standards in matters of colonial governance.[71]

One yardstick of assessing the civilization of a nation by the European Empires was the measure of the East Indian rulers' capacity to control crime. Their regimes and administration were often characterized as arbitrary despotisms. As suggested by Partha Chatterjee, the mythical history of the Empire begins with the 'Black Hole'.[72] The 'Black Hole' symbolizes the multiple narratives, starting with Holwell, of hapless British in Calcutta incarcerated in a small prison to be near-suffocated to death by the despotic ruler of Bengal, Siraj-ud-Dawluh. The episode was retrospectively narrativized in imperial history to legitimate the Battle of Plassey. The 'Black Holes' of Empire, however, have been many to justify imperial aggression. The Chinese Commissioners' confiscation of British factories and cutting off supplies of food to the traders in Canton to stop opium supply was construed as another 'Black Hole' to justify the first Opium War.[73] Quite significantly, the Court of Ava's aggression against the Arakanese known as Mags and the Burmese state's law were represented by the Company administration, a yet another instance of despotism.[74]

The British sought to distinguish their rule as distinctive from such arbitrary despotism through their rhetoric of 'Rule of Law'. The purported superiority of penal administration under the English East India Company in the Indian subcontinent was advocated by critiquing the venality of judicial offices, discretionary punishment, which drew comparisons for the possibility of 'reformed' and 'modern' penal practice to ensure 'better' governance under the rule of East India Company.[75]

Also, it was not just barbarity but even laxity in criminal justice administration in 'Native States'—regional polities which emerged in the latter half of the eighteenth century with the decline of centralized Mughal power. The Company extended 'paramountcy' over such polities through the rhetoric of authoritarian criminal reform and instrumentality of certain Acts such as Act XXX of 1836 and Act XXIV of 1843 that were applicable to offences of thuggee and dacoity. The Acts were innovative in the extension of jurisdiction of the

Company courts outside Company's dominions.[76] The 'thugs' were proclaimed as 'Citizens of India'— their criminal activity not being subject to any particular jurisdiction of a 'Native State.'[77] Quite significantly, we find Colonel Sleeman who headed the Thugee and Dacoity campaigns in the Sagar and Nerbudda territories (Sagar and Narmada) of the Central Provinces (present day Madhya Pradesh) corresponding with C.M. Wade, Resident at Indore, about the efficacy of commuting sentences of imprisonment to transportation beyond seas, given the 'hereditary and unreclaimable character' of these criminals as well as for the arbitrariness of the Native Rulers in releasing 'all kinds of marauders as a *khyrat* or Thanksgiving on recovery from sickness, or other fortunate event.'[78] Many of the criminals transported from the Indian subcontinent in the 1830s-40s were, notably, dacoits and 'thugs' who were often tattooed as 'Mushoor thug' and sent to the Straits and Burmese settlements by the Company Courts. [79]

To build an image of a strong public authority, building of prisons was deemed essential and to construct them demanded expenditure. There was instead a preference and thrust for continuing the policy of transportation of convicted criminals to Straits Settlements and other territories despite logical inconsistencies in the Committee's defence of the punishment. The typical district jail remained an overcrowded, ramshackle construction, with little space for indoor labour and was maintained with crudest classification of prisoners.

It is in such a context that term-transportation was advocated against the recommendations of the Prison Discipline Committee of 1838 which had otherwise strongly argued for transportation as a life-sentence only.[80] As a remedy to the overcrowded jails, it was recommended that prisoners be transported to the settlements and provinces Eastward and conveyed to their destination in a month or six weeks.'[81] Though Bentham's recommendation went unheeded, the boast was also testimony to the maritime strength of Britain with improved steam-shipping as well as to its acquired territories in the Eastern colonies of the Indian Ocean claimed by the English East India Company through a steady consolidation of maritime jurisdiction. Transportation of criminals to 'British' settlements in Asia and transfer from one settlement to another was administered under several Company Regulations which invested the power of commutation and transfer in the executive Governor-in-Council as often as 'deemed requisite.'[82] Convicts from Hong Kong were transported to the Straits Settlements after rejection of several proposals to transfer them to other destinations.[83] Also, many convicted criminals in Burma were transported to the Straits Settlements or were sought to be transported to Alipore Jail with colonial officials advocating the punishment of

transportation to distant places as a deterrent.[84] Henry Hopkinson, the Commissioner of Tenasserim and Martaban provinces, whom we encountered earlier in noting his proposition of establishing a penal colony in Andamans, had suggested that Andamans could also be modelled on Norfolk Island for the arrival of criminals not only from India and Burma but also for the 'ruffian pirates of the China coast.'[85]

It would be worthwhile to unpack the discourse of piracy in the Eastern seas to understand how maritime jurisdiction was consolidated by the British Empire through the Royal Navy and the Company marines, both teak-built and steam-powered, in the first half of the nineteenth century. As one colonial official had observed, piracy was intimately connected to trade.[86] However, the question of maritime jurisdiction in the high seas remained a source of anxiety to the administration. The Councillor-Resident at Singapore, in noting Chinese piracies around its 'free' port, in the China Seas and the Gulf of Siam, lamented that, as per the tenets of international law, robbery on the high seas by an alien on board a foreign vessel could not be brought within the jurisdiction of the Admiralty.[87] Business interests such as the Singapore Chamber of Commerce often pleaded to the administrative officials for stringent legislations which could circumvent these restrictions.[88] However, this required a careful negotiation by the Governor General in Council which was often determined by the colonial state's political relations with the East Indian rulers. While the 'buccaneering' attempts by the Malay 'rajas' were sought to be countered through Royal Navy vessels and Company war-steamers, the Siamese authorities' concern of their exclusive jurisdiction over their territorial waters was addressed carefully in the chequered game of the Empire where Siam acted as a buffer-state against Burmese expansionism.[89]

Lest we fall victim to the colonial rhetoric of 'piracy' in the Indian Ocean, historians such as Carl Trocki and James Warren have argued persuasively that maritime raiding was a part of the archipelagic South East Asian state-formation which was only later interpreted as 'piracy' by the British colonial officials leading to the loss of livelihood of the sea-peoples such as the Orang Lauts as well as the collapse of many such polities.[90] Also, maritime raiding was inextricably linked with slave-trading in several zones of the Indian Ocean. The Indian Ocean itself provided the interlinkage of the South east Asian commodities (produced through slave labour) with the China tea trade of the eighteenth century.[91] With the abolition of slavery in the British Empire, the campaign against slave raiding and trading and the suppression of 'piracy' in the Indian Ocean enabled the British to consolidate their power under the garb of 'civilizing mission.'[92]

More specific to the context of Andaman Islands and quite significantly, several reports on piracy around Nicobars acquired a feverish pitch in mid-nineteenth century. There were allusions to Malay pirates infesting the islands by the colonial administrators other than the suspicion of the islanders themselves being pirates.[93] Several reports on the murder of shipwrecked or lost crew by the Andaman Islanders, at times, faded into this continuum of Malay-Iranun-Chinese piratical discourse that was invoked by the British imperial power.[94] We find that while Hopkinson's suggestion of colonization of Andamans was being considered by the higher officials, a survey was conducted by a team comprising of the influential Frederick J. Mouat, distinguished in his career both as inspector of Jails in Bengal and as Professor of medicine in Calcutta Medical College, under the instruction of Company Directors. By the time the Andaman Committee reported, it was decided that a penal settlement was to be formed in the Old Harbour which was rechristened as Port Blair.

This decision resulted from the Revolt of 1857 ushering in a 'penal crisis' of a scale that was contained, among many other measures, through transportation of several *mutineers and rebels* to Andamans under Special Commissions.[95] Though several proposals from different corners of the British Empire were made, it was decided that only Andamans would receive the mutineers and rebels.[96] This was also largely precipitated by the refusal of the paranoid European community in several plantation (sugar) and settler colonies to receive this special class of criminals from the Indian subcontinent who were represented as 'fanatic' and 'full of hatred and revenge' against their White rulers.[97] The Revolt of 1857, thus, acted only as a catalyst in colonizing Andamans.

An official correspondence observed that 'although it is certain that formal possession of these islands was taken by the British Government in 1789, and that their sovereignty is legally vested in the East India Company in trust for the British Crown', yet as they were 'deserted' in 1796 and had only been nominally in possession of the Government ever since, it was argued that it was desirable as a measure of precaution and to avoid the possibility of future attack by other Future attack, that the Right should be again asserted and recorded.'[98]

This was a careful choice of words in assertion of Sovereignty over the Islands. Soon after the transportation of the 'mutineers and rebels', the colonial government instructed that no native vessels should sail to the Andaman Islands 'for any purpose whatever', thereby, testifying to its exclusive jurisdiction in the Bay of Bengal.[99] It was also initially intended by the colonial administration that the Port Blair penal settlement was to receive only 'political

offenders.'[100] However, this vision of the penal settlement was to change in the years to come.

Conclusion

The Revolt of 1857 as an 'event' had the retroactive effect of locating the 'origins' of Andaman penal colony as its consequence. This paper contextualizes the global dimension of the long-drawn Empire-building process by the English East India Company which leads to the establishment of Andamans as a penal colony in 1858. Several processes such as the politics and trade in the Indian Ocean with its thrust on maritime jurisdiction along with the process of subjugation through criminalization of 'native' populations by the English East India Company are outlined to understand the significance of the penal policy of convict transportation that was coordinated with naval strategy. Andamans is placed within the coordinates of Empire-building to understand its embeddedness in a network instead of seeing it in/as isolation. On reflecting upon the imperial processes which led to the establishment of the penal colony of Andamans, the strategy of British Empire is laid bare which can also be witnessed, as had been described by Amy Kaplan, through an inter-weaving of legal and imperial history, in the peculiar status of Guantánamo of the American Empire.[101]

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[1] Home, Public, O.C., 24 August, 1785, no.52, National Archives of India, New Delhi (hereafter, NAI).
[2] Ibid.
[3] See Lauren Benton and Benjamin Straumann, "Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice", *Law and History Review* 28, no.1 (February 2010): 1-38. They argue that European imperial agents deployed settlement and other markers as signs of possession and occupation to legitimize and better their claims to a territory.
[4] Thomas Forrest, *A Voyage from Calcutta to the Mergui Archipelago, Lying on the East side of the Bay of Bengal* (London: J. Robson and L.Owen, 1791).
[5] Home, Public, O.C., 28 April, 1783, no.44, NAI.
[6] Ibid.
[7] D. K. Bassett, "British 'Country' Trade and Local Trade Networks in the Thai and Malay States, 1680-1770", *Modern Asian Studies* 28, no.4 (1989), 625.
[8] See Satadru Sen, *Savagery and Colonialism in the Indian Ocean: Power, Pleasure and the Andaman Islanders* (Oxon: Routledge, 2010), 13-17 for an analytical and historical dissection of the colonial discourse of cannibalism of the Islanders.
[9] Home, Public, O.C., 28 April, 1783, no.44, NAI.
[10] Forrest, *Voyage from Calcutta*, op. cit., Introduction.
[11] In contrast to the Arabian Sea, islands in the Bay of Bengal are numerous. See an excellent account of the Bay of Bengal 'system' in Rila Mukherjee, "Introduction: Bengal and the Northern Bay of Bengal" in *Pelagic Passageways: The Northern Bay of Bengal before Colonialism*, Rila Mukherjee ed. (Delhi: Primus, 2011), 1-262.

[12] Abandonment was a loaded term in international law which could be interpreted as invalidating the right to possession. That there was such an imperial anxiety can be diagnosed by the super-imposition of the word' desertion' in place of 'abandonment' in later colonial correspondences in relation to Andamans. See below.
[13] Rila Mukherjee observes the difference in colonial architecture in the tropical islands with the establishment of 'penal and quarantine settlements' across the Indian Ocean from the previous architecture of early colonial rule 'symbolized by constructing imposing forts at the mouths of harbours.' The author, here, hopes to offer an explanation to this observation. See Rila Mukherjee, *Pelagic Passageways*, op. cit., 161-162.
[14] The burgeoning historiography on the Indian Ocean, both pre-colonial and colonial, is so vast that it would be impossible to cite the many works on the subject. For an overview of some 'defining features' with the coming of the Europeans, see Om Prakash, ed. *The Trading World of the Indian Ocean 1500-1800* in D.P. Chattopadhaya ed., History of Science, Philosophy and Culture in Indian Civilization, Volume III, Part VII (Delhi: Pearson, 2012).
[15] See Ranabir Chakravarti, "A Subcontinent in Enduring Ties with an Enclosed Ocean (c.1000-1500 C.E): South Asia's Maritime Profile 'Before European Hegemony'", *Journal of Medieval Worlds* 1, no.2 (June 2019): 27-56.
[16] This brief outline provides only a cursory view of the maritime world of the Indian Ocean with the coming of the Portuguese whose complexities have been dealt in several monographs and has engaged many more historians than can ever be mentioned exhaustively. For a classic work on the subject see Ashin Das Gupta and M.N. Pearson ed. India and the Indian Ocean, 1500-1800 (Oxford: Oxford University Press, 1987).
[17] See the emphasis on this distinction in Lauren Benton, *A Search for Sovereignty : Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2010) : 104-161.
[18] Alexandrowicz, op.cit.
[19] Ram Prasad Anand, *Origins and Development of the Law of the Sea* (The Hague: Martinus Nijhoff, 1983).
[20] See the classic Holden Furber, *Rival Empires of Trade in the Orient, 1600-1800* (Oxford : Oxford University Press, 1976).
[21] J.F. A McNair, *Prisoners their own Warders: A Record of the Convict Prison at Singapore in the Straits Settlements established 1825, Discontinued 1873, together with a cursory history of the convict establishments at Bencoolen, Penang and Malacca from the year 1797* (Westminster: Archibald and Co, 1899), 2-3.
[22] Anthony Webster, *Gentlemen Capitalists: British Imperialism in South East Asia, 1770-1890* (London: Tauris, 1998).
[23] Holden Furber, *John Company at Work: A Study of European Expansion in the late Eighteenth Century* (Cambridge: Harvard University Press, 1948).
[24] Alan Frost, *Convicts and Empire : A Naval Question,1776-1811* (New York, Oxford University Press, 1980).
[25] Forrest, *Voyage from Calcutta*, op.cit.
[26] Alexandrowicz, *Law of Nations*, op.cit.
[27] See Jean Sutton, *Lords of the East: East India Company and its Ship*s (New York :Conway Maritime Press Limited, 1981).
[28] See Lakshmi Subramanian,*The Sovereign and the Pirate: Ordering Maritime Subjects in India's Western Littoral* (New Delhi: Oxford University Press, 2016).
[29] Webster, *Gentlemen Capitalists*, op.cit.
[30] Jean Sutton, *The East India Company's Maritime Service, 1746-1834: Masters of the Eastern Seas* (Woodbridge: Boydell Press, 2010).
[31] Frost, *Convicts and Empire*, op.cit., 34.
[32] Ibid.
[33] S. Arasaratnam, *Merchants, Companies and Commerce on the Coromandel Coast, 1650-1740* (Oxford: Oxford University Press, 1986).
[34] Arun Das Gupta, *"*The Andaman-Nicobar Islands in the Trade and Navigation of the Bay of Bengal (1500-1850*)"* in *Andaman and Nicobar Islands: Challenges and Development*, V Suryanarayan and V. Sudersen eds. (Delhi: Konark Publishers, 1994), 37-50.
[35] Home Public, O.C, 24 August, 1785, no.52 , NAI; Forrest, *Voyage from Calcutta*, op. cit. For studies on Chulias, see Barbara Watson Andaya, "A People that range into all the Kingdoms of Asia : The Chulia Trading Network in the Malay World in the Seventeenth and the Eighteenth Centuries" in *The Trading World of the Indian Ocean, 1500-1800*, ed. Om Prakash,op.cit. Also, Bhaswati Bhattacharya, The Chulia Merchants of Southern Coromandel in the Eighteenth Century: A Case for Continuity in *Commerce and Culture in the Bay of Bengal, 1500-1800,* Om Prakash and Denys Lombard eds. (Delhi: Manohar, 1999)
[36] Webster, *Gentlemen Capitalists*, op.cit.
[37] Mc Nair, *Prisoners their own Warders*, op. cit. Transportation of dacoits to Bencoolen had been recommended by Hastings as early as 1773. It was actually introduced in 1784.The penal settlement existed

until 1824 when it was ceded to the Dutch. Jorg Fisch, *Cheap Lives and Dear Limbs: The British Transformation of the Bengal Criminal Law* (Wiesbaden: Franz Steiner Verblag, 1983), 43.
[38] Home, Public, O.C., 3 Jan 1787, no.32, P.P. 91-94, NAI.
[39] Sutton, *The East India Company's Maritime Service*, op. cit.,
[40] Home, Public, O.C., 23 March 1795, P.P, 601-658., no.1, NAI.
[41] Ibid.
[42] Home, Public, P.P. 4838-39, O.C., 19 December 1794, no.5, NAI.
[43] Home, Public, O.C. 30 April, 1790, no.8, NAI.
[44] Satadru Sen, "On the Beach in the Andaman Islands: Post Mortem of a Failed Colony ", *Economic and Political Weekly* 46, no.26-27 (June 25- July 28, 2011):177-186.
[45] Home, Public, O.C., 23 March 1795, P.P, 601-658., no.1, NAI.
[46] Ibid.
[47] Home, Public, O.C., 8 Feb, 1796, no.5, NAI.
[48] Home, Public, O.C., 15 February 1796, no.8, NAI.
[49] Ibid.
[50] Anand Yang," Bandits and Kings: Moral Authority and Resistance in Early Colonial India ", *The Journal of Asian Studies* 66, no.4 (November 2007):881-896. Also, Bhavani Raman," Law in Times of Counter-insurgency" in *Iterations of Law: Legal Histories of India*, Aparna Balachandran et.al eds. (Delhi: Oxford University Press, 2018), 120-146.
[51] Prasannan Parthasarathi, Why Europe Grew Rich and Asia Did Not: Global Economic Divergence, 1600-1850 (Cambridge: Cambridge University Press, 2011).
[52] Jeremy Bentham, *Panopticon versus New Southwales: Or, The Panopticon Penitentiary System, and the Penal Colonization System Compared*, In a letter addressed to Right Hon'ble Lord Pelham, The Works of Jeremy Bentham, Vol. IV (London: John Bowring, 1838) , https://oll.libertyfund.org/titles/bentham-the-works-of-jeremy-bentham-vol-4. Accessed on 30 November 2019.
[53] Bentham, *Panopticon versus New South Wales*, 186. The description that follows is observed in Bentham's afore-mentioned letter unless cited.
[54] Jeremy Bentham, A Plea for the Constitution Shewing the Enormities committed to the Oppression of British Subjects, Innocent as well as Guilty, In Breach of The Magna Charta, The Petition of Right, The Habeas Corpus Act, and the Bill of Rights, as Likewise of the Several Transportation Acts In and By, the Design, Foundation and Government of the Penal Colony of New South Wales Including an Enquiry into the Right of the Crown to Legislate without Parliament in Trinidad and other British Colonies (London: Wilkes and Taylor, 1803),
[55] Bentham, Panopticon versus New South Wales, 209.
[56] Ibid.
[57] D.G. E. Hall, History of South East Asia. 1955 (Reprint, London: Macmillan & Co., 1961).
[58] Clare Anderson, Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790-1920 (Cambridge: Cambridge University Press, 2012).
[59] Foreign, F.C., 4th April, 1856, no.13-15, NAI. The discussion that follows this correspondence is cited from the afore-mentioned source unless mentioned.
[60] See Forrest, Voyage from Calcutta, op.cit.
[61] Home, Public, 7 Dec, 1836, O.C., no.20, NAI.; Foreign, P.C., 15 August, 1836, 46, NAI.
[62] Foreign, India Political Despatch from Court of Directors, no.23 of 1849, NAI.
[63] Foreign, F.C., 13 April, 1844, no.129-133, NAI.
[64] Home, Public, 13 July, 1836, no.16, NAI.
[65] Ibid.
[66] Joseph Darvall, *Wreck on the Andamans* (London: Pelham Richardson, 23, Cornhill, 1845).
[67] Foreign, F.C.,29 may 1857 no.131-134, NAI.
[68] Foreign, Political, Letter to the Court of Directors, 22 September, 1854, no.105-107, NAI. That the question of salvage and compensation became a matter or lengthy correspondences and dispute over claims also hint at the question of marine insurance that was tied to imperial interests.
[69] See an overview in Lauren Benton, *Search for Sovereignty*, op.cit., 162-221.
[70] Report of the Committee on Prison Discipline, 1838. (Calcutta: Baptist Mission Press, 1838), 73-101.
[71] Alexandrowicz, *Law of Nations*, op.cit.; Partha Chatterjee, *The Black Hole of Empire: History of a Global Practice of Power* (Ranikhet: Permanent Black, 2012).
[72] Chatterjee, Black Hole, op.cit.
[73] Julia Lovell, *The Opium War: Drugs, Dreams and the Making of China*, (Basingstoke: Picador, 2011) .
[74] Political Letter to Court, 18 August, 1795, Foreign William-India House Correspondence, Vol. XVII: 1792-1795, ed. Y.J. Taraporewala (Delhi: NAI, 1955).

[75] See Scott Alan Kugle, "Framed, Blamed and Renamed: The Recasting of Islamic jurisprudence*", Modern Asian studies*, 35, no. 2 (2001): 257-313; Radhika Singha, *A Despotism of Law, Crime and Justice in Early Colonial India* (Delhi: Oxford University Press, 1998); Jorg Fisch, Cheap Lives, op.cit.
[76] Radhika Singha, Providential Circumstances: The Thuggee Campaign of the 1830s and Legal Innovation, *Modern Asian Studies* 27, no.1 (February 1993): 83-146.
[77] Ibid. 89.
[78] Foreign, P.C., 26 July, 1841, no.43-46, NAI.
[79] Foreign, P.C., 4 June 1832, 78-85, NAI. Also, see the study of penal tattoo in Clare Anderson, Legible Bodies: Race, Criminality and Colonialism in South Asia (New York: Berg, 2004),15-42.
[80] This may be be surmised as 'management' by the Committee of some of Bentham's critique on the illegalities entailing the punishment of term-transportees in his Plea to the Constitution.
[81] Home, Legislative, 8th April 1844, no.19, NAI.
[82] Home, Legislative, 6th April 1844, no.12-19, NAI.
[83] Foreign, F.C.,19 September 1856, no.175, NAI.
[84] Foreign, S.C., 26 August 1853, 23-24, NAI.
[85] Foreign, Despatch to Secret Committee, 45, 1852, NAI.
[86] Foreign, F.C., 28 April, 1854, no.180-187, NAI.
[87] Ibid.
[88] Foreign, Political, 28 Feb 1856, nos.107-10 & K.W.
[89] Foreign, F.C., 7 October 1853, no.142, NAI.
[90] Carl A. Trocki, The Prince of Pirates: The Temmengongs and the Development of Johor and Singapore, 1784-1885. 1979 (Reprint Singapore: NUS Press, 2013); James Warren , "A Tale of Two Centuries: The Globalisation of Maritime Raiding in Southeast Asia at the end of eighteenth and twentieth centuries", ARI Working Paper, no.2, June 2003, www.nri.nus.sg/pub/wps.htm.
[91] Warren, A Tale, ibid.
[92] Michael Mulligan, Piracy and Empire: The Campaign against Piracy, the Development of International Law and the British Imperial Mission, Journal of the History of International Law 19 (2017): 1-23.
[93] Foreign, F.C., 20 July, 1844, no.120-122, NAI.
[94] Foreign, FC, 29 May, 1857, no.131-134, NAI.
[95] Clare Anderson, *The Indian Uprising of 1857-58: Prisons, Prisoners and Rebellion* (London: Anthem Press, 2007). For the detailing of numerous incidents of jail-breaks and official narratives of consequent 'disorder', see especially, 58-82.
[96] Marina Carter and Crispin Bates, "Empire and Locality: A Global Dimension to the 1857 Indian Uprising", *Journal of Global History*, 5, no.1 (March, 2010): 51-73; Home, Public, January 22, 1858, Nos. 63-65, NAI.
[97] Rajesh Rai, "The 1857 Panic and the Fabrication of an Indian 'menace' in Singapore*", Modern Asian Studies*, 47, no.2 (March 2013): 365-405.
[98] Home, Judicial, 15 January, 1858, 14-27, NAI.
[99] Foreign, F.C., July 16, 1858, no. 29-30, NAI.
[100] Home, Judicial, October 15, 1858, nos. 1-2, NAI.
[101] Amy Kaplan, "Where is Guantanamo?" *American Quarterly*, 57, no. 3, Legal Borderlands: Law and the Construction of American Borders (September 2005): 831-858.